

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, September 12, 2023 at 5:30 P.M. Hybrid Meeting

I. Commission Pre-Meeting (Agenda discussion(s))

Beginning: 5:00 p.m.

Location: (NDS Conference Room, 610 East Market Street, Charlottesville, VA 22902)

1. Closed Meeting

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: (Council Chambers, 605 E. Main Street, Charlottesville, VA 22902 and Electronic/Virtual)

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

- i. Report of the Nominating Committee
- ii. Officer Elections

D. DEPARTMENT OF NDS

E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

F. CONSENT AGENDA

(Items removed from the consent agenda will be considered at the end of the regular agenda)

1. Minutes – March 8, 2022 – Regular Meeting
2. Minutes – June 13, 2023 – Regular Meeting

G. Entrance Corridor Review

1. SUP Recommendation - 1709 Jefferson Park Avenue

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

- 1. SP23-00005 – 1709 Jefferson Park Avenue** – Mitchell Matthews and Associates, LTD (“Applicant”), on behalf of Neighborhood Investments, LLC, is requesting a Special Use Permit (SUP) pursuant to Section 34-420, Section 34-353(b)(3), and Section 34-162 of the Code of the City of Charlottesville (“Code”) for the following property (“Property”):

Parcel Number: 160010100

1709 Jefferson Park Avenue

Charlottesville, VA, 22903

The purpose of this SUP is for increased density, additional height, modifying yard requirements, and modifying onsite parking requirements. The applicant is proposing to redevelop the Property and replace the existing (8) unit multifamily apartment building with a (27) unit multifamily apartment building. As part of the redevelopment plan the applicant is requesting an increase in density from 21 dwelling units per acre (DUA) to 87 DUA per Section 34-420; increase the allowable height from 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park

Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district from 75 feet to 58 feet under Section 34-353(b)(4), per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along all of the Montebello Circle frontage to 17 feet of S-3 screening for 60% of the frontage along Montebello Circle under Section 34-353(b)(4), per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 22 spaces per Section 34-162. In addition to the SUP, the applicant is also requesting approval of a Critical Slope Waiver (application P23-0049).

The Property is approximately 0.32 acres with road frontage on Jefferson Parke Avenue and Montebello Circle. The Comprehensive Land Use Map designates this area in the Mixed Use Corridor. The Property is zoned Residential Multifamily (R-3) with an Entrance Corridor Overlay. This application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or a copy is on file in the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP request may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

IV. COMMISSION'S ACTION ITEMS

Continuing: until all action items are concluded.

2. Resolution – 0 East High Street “findings” with written reasons in accordance with Code of Virginia, § 15.2-2232(B)
3. Discussion - Zoning Ordinance Update

V. FUTURE MEETING SCHEDULE/ADJOURN

Thursday September 14, 2023 – 4:00PM		Zoning Ordinance Public Hearing
Tuesday October 10, 2023 – 5:00 PM	Pre-Meeting	
Tuesday October 10, 2023 – 5:30 PM	Regular Meeting	<u>Minutes</u> Zoning Ordinance Update <u>Rezoning, SUP, Critical Slope Waiver - 108 Lankford Avenue</u>

Anticipated Items on Future Agendas

Rezoning and SUP – 0 Carlton Road, 108 Lankford Avenue

Site Plan – Flint Hill PUD, 240 Stribling Ave, 1613 Grove Street Extended, MACAA – Park Street

Subdivision – Belmont Condominium

Rezoning/PUD – 2117 Ivy Road, VERVE (JPA/Stadium Road), 630 Cabell

Preliminary Site Plan – 0 East High Street

Critical Slopes Waiver – 108 Lankford Avenue

Preliminary Discussion – Dairy Central Phase 3

Future Entrance Corridor

- 1801 Hydraulic Road – revised Comp Sign Plan, (*Hillsdale Place*, Riverbend)
- Review of 2117 Ivy Road for compatibility with Entrance Corridor prior to Rezoning request.

CIP Work Session – November 28, 2023 and CIP Hearing – December 12, 2023

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

Planning Commission premeeting and regular meetings are held in person and by Zoom webinar. The webinar is broadcast on Comcast Channel 10 and on all the City's streaming platforms including: Facebook, Twitter, and www.charlottesville.gov/streaming. Public hearings and other matters from the public will be heard via the Zoom webinar which requires advanced registration here: www.charlottesville.gov/zoom. You may also participate via telephone and a number is provided with the Zoom registration or by contacting staff at 434-970-3182 to ask for the dial in number for each meeting.

March 8, 2022 and June 13, 2023 Planning Commission Minutes
are included as the last documents in this packet.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



**Entrance Corridor Review Board Review of Special Use Permit Request
within the Fontaine Avenue / Jefferson Park Avenue Entrance Corridor**
1709 Jefferson Park Avenue

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: September 12, 2023

Project Planner: Matt Alfele

Date of Hearing: August 8, 2023

Application Number: SP23-00005

Zoning: R-3 Residential with Entrance Corridor Overlay (Fontaine Ave/JPA; Sub-area C.)

FLUM designation: Urban Mixed Use Corridor

Tax Parcels: 16-101

Site Acreage: 0.3080 acres (13,416 sq ft)

ERB Staff report prepared by: Jeff Werner, AICP, Preservation and Design Planner

Relevant Code Section

Per City Code Section 34-157 (a)(7), when a property that is the subject of a request for a Special Use Permit (SUP) is within an Entrance Corridor, City Council shall refer the application to the Entrance Corridor Review Board (ERB) for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The ERB shall return a written report of its recommendations to the City Council.

Note: Regardless of the approval or denial of the requested SUP, per Section 34-309, any subsequent development of this site will require design review by the ERB [applying the City's Entrance Corridor Design Guidelines (design guidelines)] and approval of a Certificate of Appropriateness (CoA).

Background

1709 Jefferson Park Avenue (JPA) is a 0.31-acre parcel within Sub-area C (Maury Avenue to Emmet Street) of the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor (City Code Sec. Sec. 34-307(5)). The parcel fronts on JPA to the east and Montebello Circle to the west. Currently on the site is a four-story, brick apartment building, constructed in 1972 and of an unadorned, modernist design. The building is set back approximately 66-ft from JPA, above a brick retaining wall that faces a concrete, surface parking lot. (The existing structures will be razed for the proposed development.)

Available records indicate no buildings on this site prior to existing apartments and there is no historic designation—local, state, or federal—of the building or parcel. [Note: In the early 1800s, this was part of several-hundred acres owned by John Perry. In 1817, Perry sold a portion of his land, 196-acres, to the trustees of Central College, later renamed the University of Virginia. As part to the transaction, Perry was the contractor for several of the original academic buildings. In 1819, he built his residence, *Montebello*, which lies west of 1709 JPA, across Montebello Circle. Now owned by the University, the house and 1.4-acre parcel are listed on the Virginia Landmarks Register and the National Register of Historic Places.]

SUP request¹ to increase residential density from 21 DUA to 87 DUA. (87 DUA is the max allowed by SUP), which will require the following:

- Increase building height from 45-ft to 70-ft (101-ft is the max allowed by SUP).
- Reduce the front yard setback (JPA) from required approx. 40-ft* to 18-ft.
- Reduce the front yard setback (Montebello Cir.) from required approx. 40-ft* to 25-ft.
- Reduce the side yard setbacks from 17.5-ft to 5-ft. [at NE corner].
- Reduce off-street parking requirements from 38 spaces to 22.
- Reduce minimum distance to low density zoning from 75-ft to 58-ft.
- Reduce landscape buffer width at Montebello Cir. From 25-ft to 17-18 ft.

Note: Summary of the SUP request is on page 3 of the applicant's submittal.

* See Code Sec. 34-353(b)(1). Approximate dimensions per City GIS measuring tool. An official determination will be provided by the Zoning Administrator.

Discussion

SUP request, generally

Staff recommends a finding of no adverse impact to the Entrance Corridor.

The Planning Commission and, later, City Council, will determine if the changes proposed with this SUP are consistent with the City's vision for this corridor, as reflected in the Comprehensive Plan. That vision anticipates increased residential density realized by increased building heights and reduced setbacks. In brief, a vision that relies on transforming the built environment, not replicating the existing form.

In reviewing this SUP, the ERB's role is to make a recommendation to Council whether a 70-ft building here with reduced setbacks and other elements of the requested SUP will—with application of the EC design guidelines—have an adverse visual and aesthetic impact on the EC.

Adopted in 2011, the design guidelines include corridor-specific visions for this and other ECs, which were modified by the 2021 update of the Comprehensive Plan. However, for evaluating individual projects the design guidelines remain relevant and applicable. While only conceptual, the design presented for this SUP evaluation is generally consistent with the guidelines

¹ Mitchell Matthews SUP Application for 1709 Jefferson Park Avenue, Progress Draft, dated July 18, 2023: Cover, pages 2 through 36.

relative to streetscape, site design, building placement, landscaping, architecture, materiality, and etc. Relative to increased height—and the resulting massing and scale--the design reflects the trend of recently constructed/approved buildings on JPA to be taller than older structures (four to seven stories, vs two), have larger footprints (covering two-thirds of a lot, vs one-third), and have reduced front setbacks (26-ft, vs 44-ft). Side yard setbacks and spacing between buildings vary widely, providing neither a typical dimension, nor suggesting a recent trend. [Note: From a general comparison of 23 nearby buildings. 16 constructed between 1940 and 1999; seven built or approved since 2001]

Increase residential density:

Staff recommends a finding of no adverse impact to the Entrance Corridor.

The ERB does not review or evaluate the use of a property or structure, including proposed or permitted residential density. A building's density (the number of dwelling units within it) does not, in and of itself, visually impact an EC. (For ex., a five-story building might have 25 apartments, while a building of identical size and exterior design might have only 15 units.)

Increase height:

Staff recommends a finding of no adverse impact to the Entrance Corridor. The visual and aesthetic impact(s) of the building's height, massing, and scale can be addressed—and mitigated, if necessary--during design review process.

Current zoning allows here a by-right height of 45-ft and up to 101-feet by SUP. The requested SUP will allow a maximum height of 70-ft.

Perception of a building's height is a response to its massing and scale, primarily as experienced at the pedestrian level. *Massing* refers to a building's shape and size, its three-dimensional form. *Scale* refers to dimensional aspects of building in context to its setting. The perception of height is further affected—and can be enhanced or mitigated--by architectural elements, materials, color palette, setbacks, and even landscaping.

Facing JPA, the proposed building spans approximately 70-feet of the 90-ft wide parcel. While only conceptual, the design demonstrates how height, massing, and scale can be mitigated by variation in the materials and in the widths and spacing of doors and windows, an articulated facade, and street level landscaping, walls, and terraces. All of which will be addressed during the design review process.

Reduce front setback for JPA façade

Staff recommends a finding of no adverse impact to the Entrance Corridor.

Within this section of JPA, front setbacks vary widely, from 14-ft to 58-ft, so there is no typical dimension. The proposed 18-ft setback is consistent with the Comprehensive Plan goal of JPA becoming a more-intensively developed, mixed-use corridor. (The draft zoning ordinance recommends a maximum of 10-ft. Even the obsolete 2011 vision for this EC recommended a maximum of 15-ft.)

Reduce front setback for Montebello Circle elevation.

Staff recommends a finding of no adverse impact to the Entrance Corridor.

The west elevation is not visible from the JPA. Whether by-right or revised by SUP, this setback will not impact the EC.

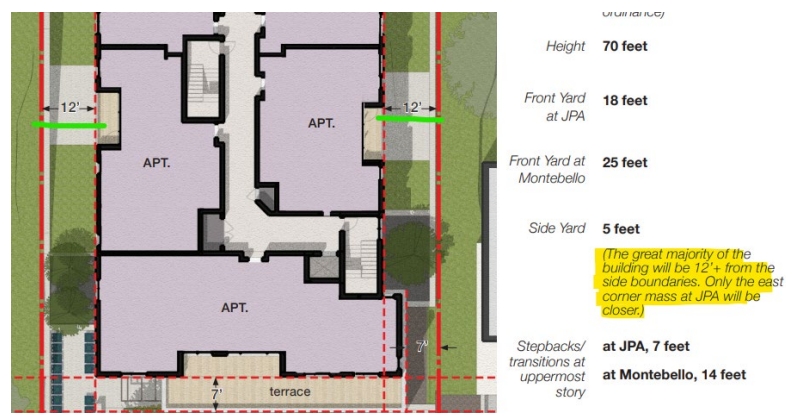
Reduce side setbacks

Staff recommends a finding of no adverse impact to the Entrance Corridor.

From front to back (east to west) the grade rises over 50-ft. Due to that steepness, a reduced setback will not eliminate space otherwise available for outdoor activities and amenities. How these areas are landscaped and/or hardscaped will be addressed during the design review.

Within this segment of JPA, the side setbacks vary widely for both new and old buildings, from minimal to over 50-ft, with no typical or reliable average. Smaller setbacks are consistent with the Comp Plan goal of a mixed-use corridor here. In 2015, an SUP was approved for 1725 JPA allowing 5-ft side setbacks. (The draft zoning ordinance recommends a 0-ft minimum and a 10-ft maximum.)

Per a note on page 16 of the applicant's submittal, see below: *The great majority of the building will be 12'+ from the side boundaries. Only the east corner mass at JPA will be closer.* While the SUP would allow reducing the 12-ft, the applicant expressed that was unlikely; however, it must be acknowledged that such flexibility might be necessary to realize the project.



Reduced On-site Parking

Staff recommends a finding of no adverse impact to the Entrance Corridor.

The design guidelines mitigate the visual impacts of proposed on-site parking—location, screening, etc. The ERB does not evaluate how many spaces are provided, nor do they consider the possible on-street parking associated with a project. As presented, the visible on-site parking is limited and relegated to the Montebello Circle elevation, which is not visible from the EC. The remaining on-site parking will be concealed within the building, a solution consistent with the design guidelines.

Reduce distance to area with low density zoning

Reduce width of landscape buffer

Both relate to the Montebello Circle elevation and staff recommends a finding of no adverse impact to the Entrance Corridor.

The adjacent area with lower density zoning is along the west side of Montebello Circle. Facing Montebello Circle, the new building presents as a four-story building. Buildings on the west side of Montebello Circle have deep setbacks and set on parcels that, due to the steep grade, sit 12-ft to 14-ft above the street. Regardless, this elevation is not visible from JPA. Whether by-right or revised by SUP, neither the distance nor the buffer width will impact the EC.

Recommendation

In evaluating an SUP request, the ERB reviews and offers comment on only the impacts that will be visible from the EC. The ERB is not evaluating this specific design, which is here presented conceptually. Staff suggests that because the design review process will address and mitigate, if necessary, the visible elements of this project, the SUP will not adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor. Staff does not recommend conditions; however, the ERB can comment on or propose conditions regarding the conceptual design, including what might be modified or what should be maintained when submitted for the required design review.

Public Comments Received

See the Special Use Permit request report.

Suggested Motion

Finding of no adverse impact: I move to find the visual and aesthetic impacts of the requested SUP can be addressed during the required design review and, therefore, will not adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor.

Alternate Motions

Finding of adverse impact, mitigation available: I move to find the visual and aesthetic impacts of the requested SUP will adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; however, these impacts can be mitigated during the required design review process[.]

[and, relative to mitigating those impacts, recommend the following conditions for the SUP: ...].

Finding of adverse impact, no mitigation available: I move to find the visual and aesthetic impacts of the requested SUP will adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor, and in a manner that cannot be mitigated during the required design review process.

Appendix

Charlottesville Entrance Corridor Design Guidelines Chapter V: Fontaine Avenue/Jefferson Park Avenue Entrance Corridor (pages 17-19)

V CORRIDORS

F. CORRIDOR 5: FONTAINE AVENUE/JEFFERSON PARK AVENUE FROM THE CORPORATE LIMITS TO EMMET STREET



Sub-Area A: Corporate limits to Lewis Street



Sub-Area B: Lewis Street to Maury Avenue



Sub-Area C: Maury Avenue to Emmet Street

OVERALL DESCRIPTION

Fontaine Avenue is known locally and historically as the Fry's Spring area of Charlottesville. Fontaine continues west as an extension of the road named Jefferson Park Avenue (JPA), while JPA turns south toward Fry's Spring Beach Club. The Fontaine section of the corridor is one of the gateways to the City and University, and its commercial sections serve as a neighborhood village center. The JPA section serves as a concentration of multi-unit apartment buildings for University students.

Positive Aspects

- Largely intact residential corridor serving as gateway
- Core of commercial uses to serve the area
- Mature street trees and planted median along much of corridor
- Well-defined and landscaped gateway at Fontaine research park entry
- Comprehensive transportation network with divided corridor, bus routes, bike paths, and sidewalks

Vision

This corridor transitions quickly from accommodating highway speed autos to more congested auto, transit, pedestrian and bicycle traffic. Foremost considerations are traffic calming, provisions for pedestrian safety, and pedestrian amenities such as sidewalks, landscaping and transit stops. The neighborhood center, Maury Avenue intersection, is currently a bustling, mixed use pedestrian activity area that newer developments strive to emulate. The pedestrian and mixed use characteristics of this neighborhood

intersection should not be lost as redevelopment occurs. New mixed use and apartment project design should reflect the character and importance of this major entrance to the City and the University. Historic assets to be protected include the JPA median that formerly accommodated a trolley line, the Fry Spring's Service Station, and the Oakhurst-Gildersleeve Neighborhood. This corridor is a potential location for public way-finding signage.

SUB-AREA A: CORPORATE LIMITS TO LEWIS STREET

Description

Streetscape: canopied effect, planted slopes, overhead utilities, cobra-head lights, intermittent sidewalks, some on-street parking.

Site: Wooded edges, pole-mounted signs, mature landscaping, large trees, low stone walls, chain link fences.

Buildings: Post-war, small-scale residences with deep setbacks - colonial revival, bungalows, English cottages, Cape Cod.

Recommended General Guidelines

- Retain tree canopy at gateway
- Maintain residential uses and character
- Add sidewalks on Fontaine Avenue per the Fontaine Avenue Plan
- Upgrade older retail parcels as opportunity arises

Guidelines Specific to the Zoning

B-2: The B-2 business district is established to provide for commercial uses of limited size, primarily serving neighborhood needs for convenience goods. The intent of the B-2 regulations is to encourage clustering of these neighborhood-serving commercial uses. The uses permitted

F. CORRIDOR 5: FONTAINE AVENUE/JEFFERSON PARK AVENUE FROM THE CORPORATE LIMITS TO EMMET STREET

within this district are those which will generate minimal traffic originating outside the neighborhood areas served and that will generate minimal noise, odors and fumes, smoke, fire or explosion hazards, lighting glare, heat or vibration.

- Height regulation:
Maximum height: 45 feet.
- Setback:
20 feet, minimum.

R-2U ("university"): Consisting of quiet, lowdensity residential areas in the vicinity of the University of Virginia campus, in which single family attached and two-family dwellings are encouraged.

- Height regulation:
Maximum height: 35 feet.
- Setback:
25 feet, minimum.

SUB-AREA B: LEWIS STREET TO MAURY AVENUE

Description

Streetscape: Mixed-use, auto-oriented on three corners, curb cuts, overhead utilities, cobra-head lights, road widens, no crosswalks, no streetscape amenities.

Site: Pole-mounted signs, front yards used for parking.

Buildings: 1-2 story houses converted to commercial uses, restaurants, 3-story new infill.

Recommended General Guidelines

- Develop commercial sites into higher density mixed-use projects
- Upgrade streetscape amenities with underground utilities, streetlights and plantings

Guidelines Specific to the Zoning

(NCC) Neighborhood Commercial Corridor district: The intent of

the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas, and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods.

- Height regulation:
Maximum height: 1 to 3 stories; however, up to 5 stories may be allowed by special permit, subject to streetwall regulations; recommend 2 to 4 stories.
- Stepback:
The maximum height of the street wall of any building or structure shall be 3 stories. After 3 stories, there shall be a minimum stepback of 15 feet along at least 50% of the length of the streetwall.
- Setback:
Primary street frontage: no minimum required; 10 feet, maximum.
Linking street frontage: none required.
Side and Rear, adjacent to low-density residential district: 10 feet, minimum.
Side and Rear, adjacent to any other zoning districts: none required.
- Buffer regulations: Adjacent to any low-density residential district, side and rear buffers (S-1 type) shall be required, 5 feet, minimum.

SUB-AREA C: MAURY AVENUE TO EMMET STREET

Description

Streetscape: Overhead utilities, cobra-head

lights, planted median, on-street parking, bike lanes, concrete sidewalks, canopy of trees.

Site: Large mature site trees, some front site parking, sloped, block and wood retaining walls, split rail and chain link fences.

Buildings: Student housing, residential large scale, multi-family, materials include wood, stone, brick and stucco, majority of structures are of traditional designs, some smaller dwellings remain among the large scale infill buildings. Recent Past/Historic: Fry Spring Service Station

Recommended General Guidelines

- Put utilities underground that are now located within median
- Ensure that off street parking areas are well defined and screened as needed
- Design new apartment buildings to break up their large scale and use traditional materials

Guidelines Specific to the Zoning

R-UHD ("university high density"): Consisting of areas in the vicinity of the University of Virginia campus, in which high-density residential developments, including multi-family uses, are encouraged.

- Height regulation:
Maximum height: 60 feet
- Setback:
15 feet, minimum.

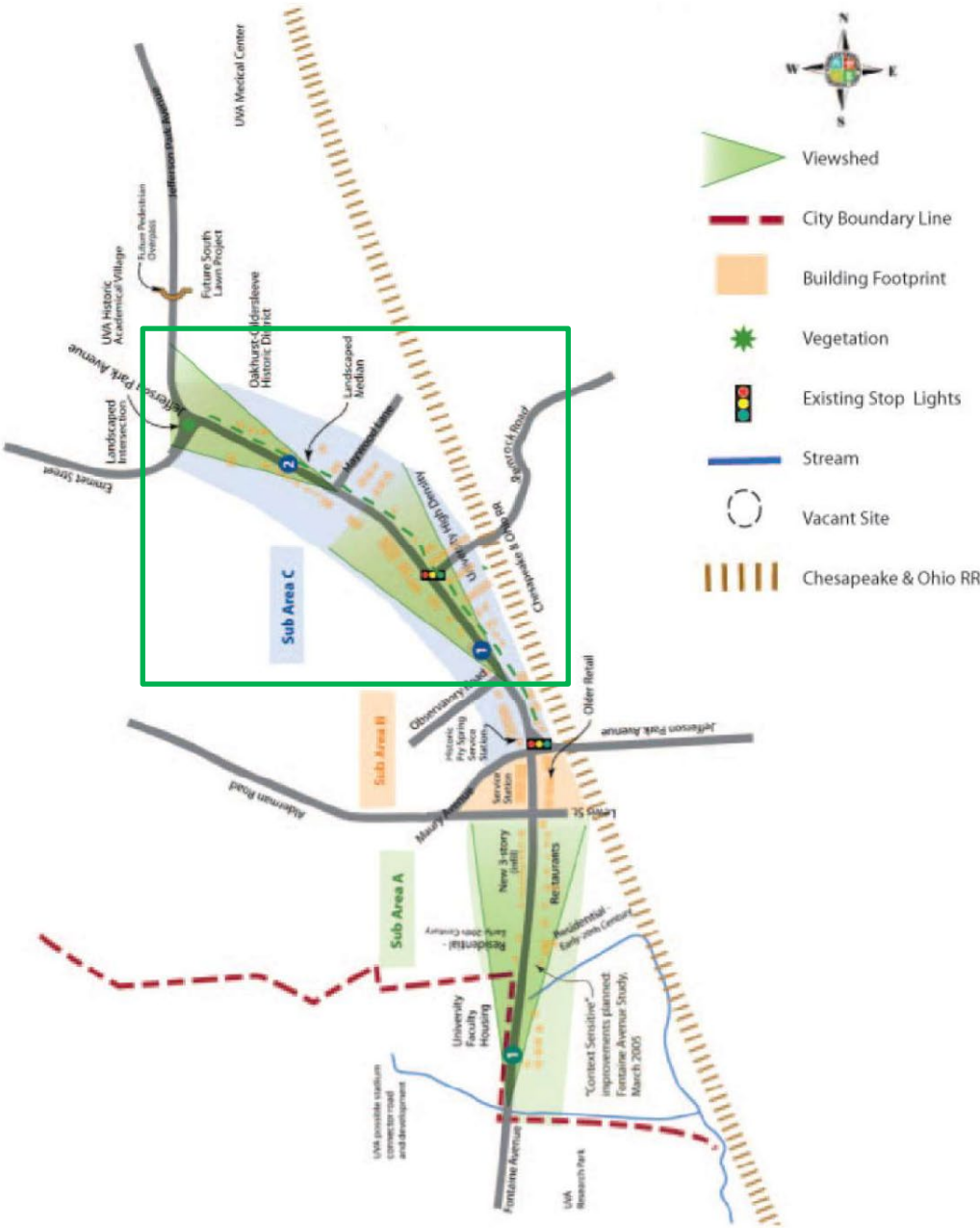
R-2U ("university"): Consisting of quiet, lowdensity residential areas in the vicinity of the University of Virginia campus, in which single family attached and two-family dwellings are encouraged.

- Height regulation:
Maximum height: 35 feet
- Setback:
25 feet, minimum.

18 CHARLOTTESVILLE ENTRANCE CORRIDOR DESIGN GUIDELINES

V CORRIDORS

F. CORRIDOR 5: FONTAINE AVENUE/JEFFERSON PARK AVENUE FROM THE CORPORATE LIMITS TO EMMET STREET



19 CHARLOTTESVILLE ENTRANCE CORRIDOR DESIGN GUIDELINES

Entrance Corridor Design Guidelines

- Chapter I: Introduction
 - http://weblink.charlottesville.org/public/0/edoc/793359/1_Introduction_ERB.pdf
- Chapter II: Streetscape
 - http://weblink.charlottesville.org/public/0/edoc/793360/2_Chapter%20II%20Streetscape_ERB.pdf
- Chapter III: Site
 - http://weblink.charlottesville.org/public/0/edoc/793361/3_Chapter%20III%20Site_ERB.pdf
- Chapter IV: Buildings
 - http://weblink.charlottesville.org/public/0/edoc/793362/4_Chapter%20IV%20Buildings_ERB.pdf
- Chapter V: Entrance Corridors
 - http://weblink.charlottesville.org/public/0/edoc/793363/5_Chapter%20V%20Maps%20of%20Corridors_ERB.pdf

Design Guidelines relevant to Density

n/a

Design Guidelines relevant to Height (including massing and scale)

Chapter I:

Maintain Human Scale in Buildings and Spaces: Consider the impact of building design, especially height, mass, complexity of form, and architectural details, and the impact of spaces created, on the people who will pass by, live, work, or shop there. The size, placement and number of doors, windows, portals and openings define human scale.

Chapter IV: Guidelines for Buildings

C. Building Mass, Scale & Height

1. Break up the front of a large building by dividing it into individual bays of 25 to 40 feet wide.
2. Use variation in materials, textures, patterns, colors and details to break down the mass and scale of the building.
 - a. Avoid an unmodulated mass
 - b. Use stepped-back height
 - c. Use varied wall surfaces
 - d. Use varied heights with regular width
3. Use building mass appropriate to the site. Place buildings of the greatest footprint, massing, and height in the core of commercial or office developments where the impact on adjacent uses is the least. Follow setback requirements for upper story according to zoning classification of the corridor.
4. When making transitions to lower density areas, modulate the mass of the building to relate to smaller buildings. Heights can be greater if the mass is modulated and other scale techniques are adopted. Reduce height near lower density uses.
5. Use massing reduction techniques of articulated base, watertables, string courses, cornices, material changes and patterns, and fenestration to reduce the apparent

height of a large building. Fake windows and similar details are not appropriate articulation. Floor-to-floor heights of a building can have an impact on the mass of a building. For instance, typical ceiling heights in a residence are 8-9 feet. First floors of office buildings or retail shops can range from 10-15 feet. Upper floors that include residential or office are generally 8-12 feet in height. When actual or implied floor-to-floor heights exceed 15-20 feet on the exterior, then a building may begin to read as more massive than human-scaled. When articulating large buildings, keep these dimensions in mind.

Design Guidelines relevant to Setbacks.

Chapter III: Guidelines for Sites, D. Building Placement

1. Orient the facade of new buildings to front on the corridor.
2. Limit setback of new buildings according to the zoning of the particular corridor.
3. Limit setbacks at major intersections so that the architecture can help define the area.
4. Use compact building arrangements to reduce the feeling of seas of parking, encourage pedestrian activity and define space.
5. Strive for contiguous building arrangement along the street face, and avoid large breaks between buildings in identified development sites.
6. Ensure that larger developments orient their design to any adjoining neighborhoods and to side streets.
7. Provide breaks in large developments and building masses to allow pedestrian connections between developments.
8. Orient service areas to limit their impact on the development and any neighboring areas.
9. Each side of a corner building that faces a street should be considered a facade of the building for design purposes.

Design Guidelines relevant to Parking.

Chapter I. Design Principles

Mask the Utilitarian: Provide screening from adjacent properties and public view of parking lots, outdoor storage and loading areas, refuse areas, mechanical and communication equipment, and other uses that have adverse impacts. Where feasible, relegate parking behind buildings.

Chapter III: Guidelines for Sites,

E. Parking

3. Reduce the visibility of residential garages by:
 - a. Not allowing a garage to become the primary architectural feature when a development is viewed from the street, especially for attached housing.
 - b. Placing garages behind the building setback, preferably facing to the side or rear of attached housing.
 - c. Placing garages and parking in the rear with alley access

Chapter IV: Guidelines for Buildings,

E. Facade Organization & Storefronts

3. Secondary entries may be created to allow convenient access from adjacent buildings, sidewalks, parking, bicycle paths and transit stops.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



JOINT CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING
APPLICATION FOR A SPECIAL USE PERMIT
APPLICATION NUMBER: SP23-00005
DATE OF HEARING: September 12, 2023

Project Planner: Matt Alfele, AICP

Date of Staff Report: August 9, 2023

Applicant: Mitchell Matthews and Associates, LTD

Applicant's Representative(s): Kevin Riddle (Mitchell Matthews and Associates, LTD)

Current Property Owner: Neighborhood Investments, LLC

Application Information

Property Street Address: 1709 Jefferson Park Avenue

Tax Map & Parcel/Tax Status: 160010100 (real estate taxes paid current - Sec. 34-10)

Total Square Footage/ Acreage Site: Approx. 0.311 acres (13,547 square feet)

Comprehensive Plan (Future Land Use Map): Urban Mixed Use Corridor

Current Zoning Classification: R-3 (Residential Multifamily)

Overlay District: Entrance Corridor

Applicant's Request (Summary)

The purpose of this SUP is for increased density, additional height, modifying yard requirements, and modifying onsite parking requirements. The applicant is proposing to redevelop the Property and replace the existing (8) unit multifamily apartment building with a (27) unit multifamily apartment building. As part of the redevelopment plan the applicant is requesting an increase in density from 21 dwelling units per acre (DUA) to 87 DUA per Section 34-420; increase in allowable height from 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district from 75 feet to 58 feet under Section 34-353(b)(4) per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along Montebello Circle to 17 feet S-3 screening for 60% of the frontage along

Montebello Circle under Section 34-353(b)(4) per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 22 spaces per Section 34-162. In addition to the SUP, the applicant is also requesting approval of a Critical Slope Waiver (application P23-0049).

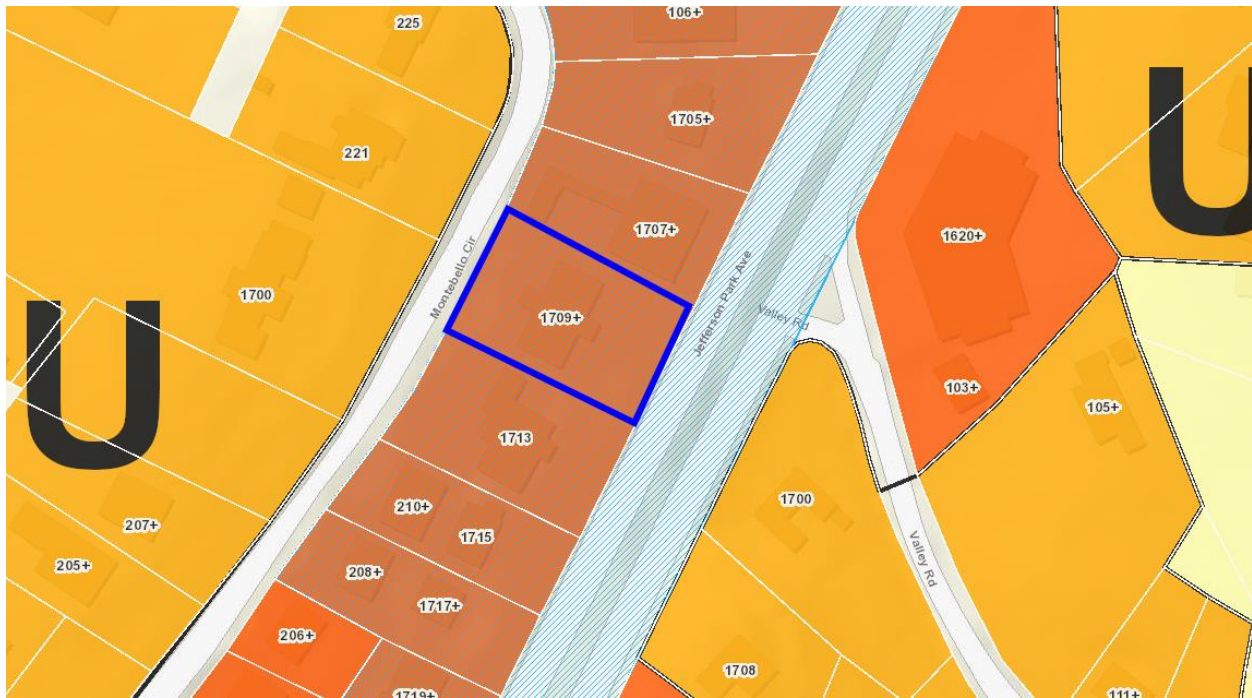
Vicinity Map



Context Map 1



Context Map 2- Zoning Classifications



KEY - Light Orange: R-2U, Orange: R-3, Yellow: R-1U, Hatch: Entrance Corridor

Context Map 3- Future Land Use Map, 2021 Comprehensive Plan



KEY – Brown: Higher-Intensity Residential, Purple: Urban Mixed Use Corridor, Light Brown: Medium Intensity Residential, Hatched: University of Virginia

Standard of Review

City Council may grant an applicant a special permit or special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the proposed use or development.

Section 34-157 of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Following below is staff's analysis of those factors, based on the information provided by the applicant.

For the applicant analysis of their application per Sec. 34-157, see **Attachment B**.

(1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.

The properties immediately surrounding the Subject properties are described as:

Direction	Use	Zoning
North	Multifamily Apartments	R-3 with Entrance Corridor overlay
South	Fraternity House	R-3 with Entrance Corridor overlay
East	Single Family Detached and Multi-Family Apartments	R-3, R-2U with Architectural Control overlay
West	Single Family Detached and UVA Property	R-2U

The Subject Property is consistent as to lot size and double frontage (JPA and Montebello) with most other parcels along this section of Jefferson Park Avenue. The other characteristic the Subject Property shares with the surrounding lots is the extreme grade change between the frontage on JPA (low point) and the frontage along Montebello Circle (high point). This grade change is around four stories or approximately 54 feet and is consistent with the lots to the north and south of the Subject Property. The properties surrounding the site include a mix of building types, but the use is almost exclusively residential. Directly to the east, across the seventy-foot plus (70+) right of way (ROW) of JPA, are located a few small single-family detached dwellings and a four story multi-family apartment building. Due to the grade change of JPA (the western travel lane is higher than the eastern lane) these dwellings sit well below the Subject Property. Directly to the west of the Subject Property across the narrow Montebello Circle (approximately 22 feet), are small one and two-story

single-family detached dwellings. This includes UVA's Montebello House which was the 1800s residence of John Perry. Due to the grade change continuing to rise across Montebello Circle, these dwellings are at a higher grade than the Subject Property. To the south of the Subject Property is the one and a half story Alpha Chi Sigma AXE house. Directly to the north is a five story multifamily apartment building with ten units.

The uses surrounding the Subject Properties consist of a few single-family units to the east and west (across JPA and Montebello) and multifamily residential as defined by Sec. 34-420 abutting to the north and south. In general, the prevailing land use directly around the Subject Property and surrounding vicinity is Residential with different levels of intensity from Low Density to High Density. Within the Residential use, the majority of units are rentals, but owner occupied units are prevalent along Montebello Circle and Valley Road (connecting road to JPA). Secondary land uses in the surrounding area are Educational and small-scale commercial.

Staff Analysis: The by-right density for the Subject Property would create a residential development with a maximum of six units. This is below the eight units that currently exist in the building today. The proposed SUP would increase the density to a maximum unit count of twenty-seven units. This would be an increase of twenty-one units over that of a by-right development and nineteen over what currently exists on site today. Under R-3 regulations, each unit within a residential development can have up to four unrelated persons living in the unit (Sec. 34-420). This would mean a by-right development could have as many as twenty-four bedrooms. Although the application materials do not indicate a final bedroom count, page three and sixteen of **Attachment B** indicates the required parking for the development would be thirty-eight spaces with a request to reduce that number to twenty-two. This indicates the total bedroom count would not be in the maximum allowable 108 bedrooms range under Sec. 34-420 and the SUP as the minimum parking requirement for this configuration would be fifty-four spaces. The most likely final outcome will be a mix of one-, two-, three-, and four-bedroom units. The bedroom count will need to be finalized during the final site plan review.

Based on the surrounding uses, staff believes the "use" of multifamily residential on the Subject Property is harmonious with the existing patterns of development. Staff also finds the grade change between JPA and Montebello Circle could create issues as it relates to scale and massing. Staff believes the density and massing may be appropriate on the Subject Property but recommends a better transition to the single-family detached dwelling units across Montebello Circle. This would include limiting vehicular access to the site to

only JPA, remove the three surface parking spaces off Montebello Circle, and increase the screening between the building facade and Montebello Circle.

(2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan.

Below are specific areas of the Comprehensive Plan for which the request could be in compliance:

a. Land Use, Urban Form, and Historic & Cultural Preservation

Goal 2: Future Land Use Vision.

Guide implementation of the Future Land Use vision contained in this Comprehensive Plan, including support for existing neighborhoods and preventing displacement.

Goal 7: Entrance Corridors.

Ensure that the quality of development in Charlottesville's designated Entrance Corridor Overlay Districts is compatible with the City's requirements and standards, and with the adjacent neighborhood's historic, architectural, and cultural resources, while allowing for reuse of structures and evolution of uses in these areas.

b. Housing

Goal 2: Diverse Housing Throughout the City.

Support a wide range of rental and homeownership housing choices that are integrated and balanced across the city, and that meet multiple City goals including community sustainability, walkability, bikeability, ADA accessibility, public transit use, increased support for families with children and low-income households, access to food, access to local jobs, thriving local businesses, and decreased vehicle use.

c. Transportation

Goal 1: Complete Streets

Create and maintain a connected network of safe, convenient, and pleasant accommodations for pedestrians, bicyclists, and transit riders, including people of all ages and abilities.

Goal 2: Coordination with Land Use & Community Design

Improve quality of life and promote active living by reducing automobile use and congestion and supporting multimodal options for safe and convenient travel in conjunction with implementation of the Future Land Use Vision.

Goal 4: Parking Supply and Management

Provide a balanced approach to parking that supports economic vitality, achieves urban form goals, minimizes environmental impacts, and accommodates pedestrians, bicycles, transit users, and disabled individuals.

d. Environment, Climate, and Food Equity

Goal 6: Tree Canopy

Contribute to the creation, protection, and expansion of robust urban forests.

Below are specific areas of the Comprehensive Plan for which the request may not be in compliance:

a. Land Use, Urban Form, and Historic & Cultural Preservation

Goal 3: Balance Conservation and Preservation with Change.

Protect and enhance the existing distinct identities of the city's neighborhoods and places while promoting and prioritizing infill development, housing options, a mix of uses, and sustainable reuse in our community.

Comprehensive Plan- Staff Analysis:

The Subject Property is zoned R-3 with Entrance Corridor overlay. R-3 consists of mainly medium density residential units with small and medium scale apartment buildings being the most common use. In this area of the City most development on R-3 lots are by-right or legally nonconforming and have a density of twenty-one (21) DUA. Some of the larger developments in the area, ones with DUA over 21, were granted SUPs or constructed prior to the current code. 1707 JPA has a SUP that was granted in 2007 for increased density to 38 DUA; 1620 JPA was also granted a SUP in 2007 for increased density to 23 DUA. The 2021 Comprehensive Future Land Use Map indicates the Subject Properties remain Urban Mixed Use Corridor. The land use section of the comprehensive plan states the following for Urban Mixed Use Corridor:

Description: Higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the City.

Form: Respond to existing residential, environmental, historic context. building heights according to context.

Height: 5 stories, up to 8 at key intersections, such as intersections of Streets That Work Downtown, Industrial, Mixed Use, or Neighborhood corridors.

Use and Affordability: Commercial, employment, residential. Include an inclusionary zoning mechanism to support housing affordability.

1709 JPA is a proposed 8-story/27-unit 13,547 square-foot student housing development that the applicant states will potentially address the current housing shortage among

students. Additionally, as purported by the applicant, 1709 JPA (the “Project”) could alleviate the demand for housing in neighboring areas, making it an essential addition to the housing inventory.

This Project does trigger the City’s Affordable Dwelling Units (“ADU”) ordinance, and ADU Ordinance Worksheet was submitted with the applicant’s SUP application. As the applicant’s ADU Ordinance Worksheet demonstrates, OCS staff also determined the required number of ADUs, as the Project’s gross floor area exceeds 1.0 FAR. Accordingly, after analyzing the applicant's information, OCS staff has determined that 3.23 ADUs, equivalent to 3 units, are necessary if the applicant wishes to develop ADUs to comply with 34-12. Alternatively, the worksheet also covers Cash-in-Lieu Payment amounts. As per the OCS staff analysis, the minimum cash-in-lieu amount for this residential development is \$122,838.75. Additionally, the worksheet should have included a calculation for the Minimum Term of affordability. Please refer to Sec. 34-12(c) and (d) of the Charlottesville, Virginia ordinances for further guidance.

Should the applicant elect to develop the ADUs instead of contributing to the City’s Affordable Housing Fund, it is important to note:

- "Affordable dwelling units" are units affordable to households with incomes not exceeding 80% of the area median income for up to 30 years, as indicated in Sec. 34-12(c).

Finally, to comply with 34-12, the applicant must determine whether the applicant/property owner will propose (3) ADUs or choose the cash-in-lieu option. The decision to construct the necessary ADUs or offer the cash-in-lieu payment lies with the applicant and should be indicated in the materials. This process ensures that the development adheres to the city's Affordable Dwelling Units ordinances (34-12) and undergoes a comprehensive review.

Staff finds the proposed development conforms to the Future Land Use Map as it relates to *Description* and *Use* and the general goals of the plan and map as it relates to increasing density but would not conform to *Form* and *Height* along JPA. The proposed development would conform to *Form and Height* along Montebello Circle. The development, as proposed, would be eight stories fronting JPA and four stories fronting Montebello Circle. It is stated in the Comprehensive Plan that buildings up to eight stories are appropriate at “key intersections” in this district. The Subject Property is not located at an intersection and restricting the height to five stories should be considered. Taking into consideration the grade change between JPA and Montebello Circle and the double frontage aspect of the lot,

a building that would conform to the *Form and Height* section of the Future Land Use Map would have five stories on each road frontage. In essence this would create a ten story building when viewed from JPA (with a stepback or multiple stepbacks after five stories on the JPA side). Although this would be more in keeping with the description in the Future Land Use Map, it would create a very large building as viewed from both JPA and Montebello Circle. Staff finds that although the building height along JPA is too tall per the Future Land Use Map, the tradeoff for lower height along Montebello Circle is more desirable. Under current zoning regulations a building could be built on the Subject Property with a height of 101 feet with a SUP. Staff also believes the increased height can be mitigated during the subsequent design review process and application of the Entrance Corridor Design Guidelines. In addition, staff cannot make a full determination on Affordability or Density as those aspects of the land use map are tied to a future zoning code.

Streets that Work Plan

The 2016 Streets that Work Plan labels Jefferson Park Avenue as *Mixed Use B* typology. *Mixed Use B* streets are characterized as able to support high levels of walking, bicycling, and transit as they connect important destinations within the City and surrounding county. The Streets that Work Plan recommends a minimum clear zone width of seven feet for sidewalks, which are noted along with a curbside buffer zone (the area between the curb and sidewalk) as the highest priority items in the *Mixed Use B* typology. The next level (high) priority items for Mixed Use B typology are five to seven foot bike lanes, turn boxes, ten foot shared use paths, and bicycle parking in curbside buffer zoned or on-street.

The existing conditions for JPA include a 4.5 to 5 foot wide sidewalks with no buffer, on street parking, a marked bike lane, and no streetscape trees. The applicant's development plan will improve the streetscape by providing trees, removing one of the two curb cuts entry points to the property, and create a more pedestrian scale connection between the building and the ROW.

The Streets that Work Plans labels Montebello Circle as "Local". Local streets are found throughout the city and provide immediate access to all types of land uses. Although local streets form the majority of the street network, there is no specific typology associated with them. This is due in part to the many variations in context and right-of-way width, as well as the community's expressed desire to replicate as nearly as possible the feel of older local streets that do not meet current engineering and fire code standards.

The existing conditions for Montebello Circle are similar to many of the Local streets in the City. Montebello Circle is a narrow one-way street (north to south) with a sidewalk running along the western edge. There is an incomplete sidewalk network along the majority of the eastern side of Montebello with no sidewalk abutting the Subject Property. Parking is permitted along the western side of the street and creates additional protections for pedestrians but make the street even more narrow for vehicular traffic. The Subject Property has unmarked pull in parking along Montebello that can accommodate approximately six to seven cars. The proposed development calls for adding sidewalk, streetscape trees and reconfiguring the parking to allow for three spaces that would need to be backed into (to prevent backing out onto a City street which is prohibited by code Sec. 34-975(f)).

Staff Analysis: Based on the application package, staff finds the proposed improvements to JPA would be consistent with the Streets that Work plan and would create a better pedestrian experience than what is currently provided. Staff also finds the improvements to Montebello Circle would be an upgrade from the current conditions but may not be appropriate as it relates to parking. Staff would like to see the three parking spaces removed so all vehicular parking/traffic is relegated to JPA. Pedestrian access to the building from Montebello Circle is appropriate along with additional plantings to screen and transition the multifamily building into the smaller scale portion of the neighborhood. Although a sidewalk abutting the Subject Property is proposed, staff would be in favor of using that space for additional plantings. The existing sidewalk network on the west side is adequate to serve the needs of pedestrian in this area. Staff is concerned that the grade issues on the east side of Montebello Circle will make it difficult, if not impossible, to ever have a fully connected sidewalk network on this side of the street.

Bike Ped Master Plan

The City's 2015 Bike Ped Master Plan indicates JPA to have "Bike Lanes or Buffered Bike Lanes". Bicycle lanes are one-way, on-road bike facilities that provide a dedicated space for people bicycling parallel to motor vehicle traffic. Bicycle lanes are often delineated with pavement marking stripes and, in some cases, may be fully colored for higher visibility, especially at intersections. Additional striping or hatching between a bicycle lane and vehicular travel lane is recommended to provide a buffer between the person bicycling and the person driving, where roadway widths allow. Bicycle lanes without a buffer require a minimum width of 5-6 feet and bicycle lanes with a buffer require 7-8 feet. JPA currently has bike lanes and nothing in the proposed plan alters this existing feature. No improvements are recommended for Montebello Circle within the Bike Ped Master Plan.

(3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations.

Based on the information contained within the application the proposed development would likely comply with applicable building code regulations, but final determination cannot be made until final site plan and building permit review.

(4) Potential adverse impacts, including, but not necessarily limited to:

a) Traffic or parking congestion

Traffic

The City Traffic Engineer has reviewed the application materials and determined no Traffic Impact Analysis was required. A residential development with this density at this location will not impact the City's street network.

Vehicular Access

The proposed project would have one vehicular access point off JPA for the majority of on-site parking. The project also calls for three parking spaces off Montebello Circle. These spaces would be angled in a way that would require vehicles to "back in".

Staff Analysis: Staff finds the vehicular access point off JPA will be an improvement to the current conditions of two curb cuts and surface parking. This single entry point to structured parking will limit the interaction of pedestrian and bicyclist with vehicular traffic. Staff is concerned with the three parking spaces on Montebello Circle. In addition to providing spaces in a manner that will require cars to back into them, staff believes the site can be fully accessed and served off JPA. This will reduce the vehicular impact to Montebello Circle, which is a narrow one-way street.

Parking

As part of the applicants request to increase density, the applicant is also requesting to reduce the onsite parking by 44% of the requirements under Sec. 34-984. Under Sec. 34-984 efficiency, one-bedroom and two-bedroom units need to provide a minimum of one space per unit. Three- and four-bedroom units need to provide two spaces per units. The application materials do not call out a final unit count for each type, but it is indicated studio, one-, two-, three- and four-bedroom units are being considered. If built out to a max of twenty-seven four-bedroom units, fifty-four on-site parking spaces would be required. The applicant has indicated that the development will only require thirty-eight spaces. This indicates the bedroom count will be below 108. A 44% reduction in parking will result in twenty-two on-site parking spaces for twenty-seven units. This is less than one space per unit. Under the current plan nineteen parking

spaces will be provided under the proposed development with one access point on JPA and three surface spaces will be provided off Montebello Circle. Due to current regulations, the proposed development would not be eligible to obtain on street parking permits in this zone (Zone 1). This means residents and guest of the proposed development would not be allowed to park on Montebello Circle within the restricted hours setout is Section 15-208: *Sunday, 12:01 a.m. to 7:00 a.m., Monday through Saturday, 12:01 a.m. to 7:00 p.m. restricted parking areas designated within zone 1 on or after May 20, 2002.* Non permit parking is allowed on JPA.

Additionally, the applicant has indicated (in their application, **Attachment A and B**) that Low Impact Development (LID) measures will be used as it relates shared parking. 30% of on-site parking that is required will be shared parking through a legally binding agreement. If City Council reduces the onsite parking requirement for the site from thirty-eight to twenty-two, this means a minimum of seven spaces must be legally binding shared spaces to meet this requirement. No additional information has been provided at this time as to how this requirement will be met.

Staff Analysis: Staff is concerned the reduction in parking is below the minimum unit count, but believes a condition related to a Master Parking Plan for the site could alleviate this issue. Staff would also be open to reducing the parking to nineteen spaces to ensure all spaces are located within the structured parking and the three spaces on Montebello Circle are removed and replaced with additional screening. Additional information will need to be provided during final site plan review to ensure the LID parking reductions are meet. Staff believes the LID requirement can be meet through the conditioned Master Parking Plan for the site.

Other Modes of Transportation

There are several transit stops located within a quarter (1/4) mile, including stops on JPA north of the Subject Property and a stop where Montebello intersects JPA that are serviced by both UTS and the CAT's free trolly. JPA has bike lanes in both directions that connect all the way to UVA and to West Main Street. The proposed development is also served by a complete (but mostly un-buffered) sidewalk network immediately adjacent to the Subject Properties along JPA and Montebello Circle (see the above Streets that Work and Bike Ped Master Plan sections). The Subject Properties could be served by a system of scooter and bicycle programs due to the proximity to UVA.

Staff Analysis: Based on the information provided in the application it appears an increase in density from twenty-one DUA to eight-four DUA would not have an adverse

impact related to traffic and transportation. The proposed development could have an adverse impact on the surrounding neighborhood as it relates to parking should the three surface parking spaces remain on Montebello Circle and adequate measures not be implemented through a Master Parking Plan for the site condition. Staff recommends conditioning the applicant work with the City Traffic Engineer to develop a detailed parking plan that is kept on file with the City. Staff also recommends all vehicular accesses and parking for the site be only accessible from Jefferson Park Avenue.

b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment

The proposed development will not result in any additional dust, odor, fumes, vibration, or other factors that could also be present with any by-right development. It should be noted that due to the height and density, noise and lighting could be more intense than would be present in a by-right development. Any site plan submitted would need to conform to Division 3 *Lighting* of the Zoning Ordinance.

The application materials (**Attachment A and B**) indicate the project will utilize enhanced stormwater treatment techniques. These include using either bioretention on site to treat in excess of 80% of stormwater above 5% of the impervious drainage area; or a provide a green roof that is in excess of 50% of the roof area. Engineering calculations will be provided and reviewed during final site plan review.

The application materials (**Attachment B**) indicate the proposed development will exceed the minimum tree canopy requirement by 1,000 square feet. Staff recommends conditioning this assurance as part of the SUP approval.

c) Displacement of existing residents or businesses

There is currently a four story apartment building with eight units on the site that was built in 1972. This building would be removed to accommodate the proposed development. The application materials indicate construction would not begin until existing leases expire. With the replacement of the existing units the net gain for the Subject Properties will be nineteen units.

d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base

No discouragement of economic development activities will be associated with the proposed development. The existing rental unit count will be increased by nineteen.

Prior to completion of the project, the Subject Properties would be vacant and not contributing at current levels.

e) Undue density of population or intensity of use in relation to the community facilities existing or available

The City's Comprehensive Plan identifies community facilities as fire protection, police enforcement, and emergency response services; public utilities and infrastructure; and public parks and recreation opportunities. Although final determination for capacity and code compliance will take place at Final Site Plan review, each of these departments have reviewed the SUP applicant and determined the development, as proposed, would not have an adverse impact on community facilities.

f) Reduction in the availability of affordable housing in the neighborhood

There will not be a reduction in the City's affordable housing stock due to this development. It should be noted that although the existing eight units are not affordable as defined by the City's Zoning code, they are older units that most likely rent out at a lower cost than what the new units will list for.

g) Impact on school population and facilities

Because housing is open to all, there is a possibility that families with children could take residence here. Therefore, some impact could be created on school population and facilities.

h) Destruction of or encroachment upon conservation or historic districts

The subject property is not within any of these design control districts.

i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant

Based on the information contained within the application, the proposed development would likely comply with applicable federal and state laws. As to local ordinances (zoning, water protection, etc.), it generally appears that this project, as detailed in the application, can be accommodated on this site in compliance with applicable local ordinances; however, final determinations cannot be made prior to having the details required for final site plan and building permit approvals. Specific Z.O. requirements reviewed preliminarily at this stage include massing and scale (building height, setbacks, stepbacks, etc.) and general planned uses.

j) Massing and scale of project

Although no numbers are provided, the building being proposed on the Subject Property will take up a majority of the 0.31 acres. The height of the building will be seventy feet as measured per Sec. 34-1100 and Sec. 34-1200 but could appear taller from JPA and shorter from Montebello Circle. The application materials indicate the building will be seven stories of apartment over one story of underground parking. This makes the building eight stories as viewed from JPA and four stories as viewed from Montebello Circle. In the application renderings, the apartments are in one building with balconies, entry features, and a small rooftop terrace. Final determination on design elements of the building will be determined during Entrance Corridor review. In addition to increased density, the applicant is also requesting changes to yard requirements. These changes included new front and side yard restrictions and a change to the landscape buffer along Montebello Circle. The new front yard requirements would be eighteen feet along JPA and twenty-five feet along Montebello Circle. The change to landscape buffering along Montebello Circle will be seventeen to eighteen feet of S-3 buffer along 60% of the property boundary.

The maximum height allowed in this zoning district is one-hundred and one (101) feet with a Special Use Permit and a DUA of forty-four (44) or above per Sec. 34-353(b)(3). Buildings in the R-3 zoning district are measured by feet and not stories. This conflicts with the 2021 Future Land Use Map as “Height” is measured in stories for this land use designation. Should the Subject Properties be developed by-right, the max height allowed would be forty-five (45) feet. Another characteristic of the R-3 zoning districts is side yard setbacks are calculated based on the height and density of the building.

Staff Analysis: This section reflects staff’s analysis as it relates to Massing and Scale for the SUP. For more detailed information on design and how the proposed development could impact the Entrance Corridor, see the ERB Staff Report. Also, it should be noted that the final design of the proposed development is subject to review by the Entrance Corridor Review Board and to date that application has not been submitted.

According to the City’s Future Land Use Map the JPA corridor is anticipated to go through a significant change in the coming years based off the stated goals of the plan. These goals include more “intense” mixed use developments within five (5) and eight (8) story buildings. Staff is not concerned with the massing and scale as it relates to JPA or the properties abutting the site. Staff is concerned with how the building transitions from the more intense residential aspect of JPA to the smaller scale characteristic of Montebello Circle. Staff believes the Entrance Corridor guidelines will help mitigate the

impact of the building but suggested removing the parking for the development off Montebello Circle and increasing the screening. Staff's suggestion would for eighteen feet of S-3 screening along 90% of the Montebello Circle frontage. This would allow for more screening but leave some room for pedestrian access to the building.

(5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

The Subject Properties are currently zoned R-3 with Entrance Corridor (EC) overlay.

The purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The basic permitted use is medium-density residential development; however, higher density residential development may be permitted where harmonious with surrounding areas. Certain additional uses may be permitted, in cases where the character of the district will not be altered by levels of traffic, parking, lighting, noise, or other impacts associated with such uses.

R-3 consists of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged.

The entrance corridor overlay district (EC) is intended to implement the comprehensive plan goal of protecting the city's historic, architectural, and cultural resources, by ensuring a quality of development compatible with those resources through design control measures. The purposes of this article are to stabilize and improve property values; to protect and enhance the city's attractiveness to tourists and other visitors; to sustain and enhance the economic benefits accruing to the city from tourism; to support and stimulate development complimentary to the prominence afforded properties and districts having historic, architectural or cultural significance; all of the foregoing being deemed to advance and promote the health, safety and welfare of the general public.

Staff Analysis: Staff finds that although the Zoning Ordinance does not define "medium-density, Sec. 34-420 indicates any density up to eighty-seven (87) DUA is appropriate in the R-3 districts. Nothing within the SUP application would conflict with the district regulations. Additional information on the EC is provided under the ERB Staff Report.

(6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and

Based on the information contained within the application, the proposed development would likely comply with applicable local ordinances. However, final determinations cannot

be made prior to having the details required for final site plan and building permit approvals.

(7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

The Subject Property is located within an Entrance Corridor Overlay, where the final design of the proposed development is subject to review by the Entrance Corridor Review Board (ERB).

Public Comments Received

Community Meetings Required by Sec. 34-41(c)(2)

The applicant held a community meeting on June 6, 2023, on site. The meeting was attended by seven members of the public (and one dog). The following points were raised:

- The proposed building is too tall and will block resident's view from Montebello Circle.
- Parking should not be allowed on Montebello Circle.
- More Screening is needed on the Montebello Circle side.
- There is a concern trash will not be handled adequately.
- No affordable units are being provided onsite.
- More thought needs to be given to climate change and how removing the existing building will impact the climate. The existing building should be renovated and not replaced.
- The project is too dense.
- There are a lot of new developments coming into the neighborhood and they do not give anything back and it impacts quality of life for longtime residents.
- The development needs more green space.
- Large student housing creates a lot of noise on weekends and nights.

Any comments received after the completion of this staff report will be directly sent to Planning Commission and City Council.

Staff Recommendation

Staff finds the application meets the general standards for a Special Use Permit and recommends approval with the below conditions:

Recommended Conditions

Should Planning Commission recommend approval to City Council, Staff recommends that following conditions be included:

1. Per Section 34-420: Permitted Residential density up to 87 Dwelling Units per Acre (DUA) on the Subject Property.
2. Per Section 34-353(b)(3): Allow building height of seventy (70) feet on the Subject Property.
3. Per Section 34-162: Alter the Jefferson Park Avenue yard setback requirement to eighteen (18) feet.
4. Per Section 34-162: Alter the Montebello Circle yard setback requirement to twenty-five (25) feet.
5. Per Section 34-162: Alter the side yard setbacks to five (5) feet.
6. Per Section 34-162: Alter the landscape buffer within the Montebello Circle yard to eighteen (18) feet wide along ninety (90) percent of the liner frontage. Landscape buffer shall be S-3 as defined in Zoning Section 34-871.
7. Per Section 34-162: Reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district to fifty-eight (58) feet.
8. Per Section 34-162: Alter the on-site minimum parking requirement to nineteen (19) vehicular parking spaces. In addition, the applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....
9. Per 34-157(b): On-site vehicular parking or loading shall not be permitted within the Montebello Circle yard(s) or right-of-way.
10. Per 34-157(b): The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in the application materials (sheet 14).
11. Per 34-157(b): The applicant shall implement measures indicated within their Low Impact Development (LID) worksheet (page 8 of the application and sheet 36 of the application materials. These include:
 - a. Shared parking (must have legally binding agreement (that eliminates >30% of on-site parking required. 5 points or 1 point for each 6% of parking surface eliminated.
 - b. Either;

- i. Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be >/- 5% of impervious drainage area. 8 points or 1point for each 10% of site treated.

Or

- ii. Green rooftop to treat >/- 50% of roof area. 8 points.

12. ...

13. ...

Suggested Motions

- 1. I move to recommend approval of this application for a Special Use Permit in the R-3 zone at 160010100 and an address of 1709 Jefferson Park Avenue to permit additional density with the following listed conditions.
 - a. The elven (11) conditions recommended by staff
 - b. [alternative conditions, or additional condition(s)....list here]

Or

- 2. I move to recommend denial of this application for a Special Use Permit in the R-3 zone at 160010100 and an address of 1709 Jefferson Park Avenue to permit additional density.

Attachments

- A. Special Use Permit Application.
- B. Special Use Permit Narrative and supporting documents.
- C. Public Comments and Community Meeting Information.



City of Charlottesville

Application for Special Use Permit

Project Name: 1709 JPA

Address of Property: 1709 Jefferson Park Avenue, Charlottesville Va

Tax Map and Parcel Number(s): 160010100

Current Zoning District Classification: R-3

Comprehensive Plan Land Use Designation: CX-5

Is this an amendment to an existing SUP? NO

If "yes", provide the SUP #: _____

Applicant: Kevin Riddle c/o MITCHELL-MATTHEWS ARCHITECTS & PLANNERS

Address: 300 Twin Sycamores Lane

Phone: 434-979-7550

Email: kr@mitchellmatthews.com

Applicant's Role in the Development (check one):

Owner

Owner's Agent

☒ Designer

Contract Purchaser

Owner of Record: Neighborhood Investments, LLC

Address: 810 Catalpa ^{COURT} Street, Charlottesville, VA 22903

Phone: 434 | 971 - 8000

Email: RICHARD@NEIGHBORHOODPROPS.COM

Reason for Special Use Permit:

☒ Additional height: 70 feet

☒ Additional residential density: 27 units, or 87 units per acre

☐ Authorize specific land use (identify) _____

☒ Other purpose(s) (specify City Code section): reduced parking; reduced landscape buffer

(1) Applicant's and (2) Owner's Signatures

(1) Signature KS Riddle Print Kevin Riddle Date 07-17-2023

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): architect

(2) Signature Richard T. Spurzen Print RICHARD T. SPURZEN Date 7/17/23

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____



City of Charlottesville

Pre-Application Meeting Verification

Project Name: 1709 JPA

Pre-Application Meeting Date: 05/03/2023

Applicant's Representative: Kevin Riddle, John Matthews, and Craig Kotarski

Planner: Matt Alfele

Other City Officials in Attendance:

Jeff Werner (ERB), Roy Nester (Utilities), Hunter Tyler (Utilities), Brenda Kelly (OCS Housing,
Antoine Williams (OCS Housing, Brennen Duncan (PWE Traffic)

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. Affordable Housing Worksheet (Contact Antoine Williams and Brenda Kelly for more information)
2. Massing and elevations (It looks like you have this information from the preliminary packet)
3. The City Traffic Engineer indicated you do not need a traffic impact study
4. _____
5. _____

Planner Signature: 



City of Charlottesville

Application Checklist

Project Name: _____

I certify that the following documentation is ATTACHED to this application:

- ☒ 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities))
- ☒ 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- ☒ 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- ☒ 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- ☒ 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- ☒ 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- ☒ 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- ☒ 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- ☒ 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- ☒ All items noted on the Pre-Application Meeting Verification.

Applicant

Signature KS Riddle Print Kevin Riddle Date 07-17-2023

By Its: _____

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



City of Charlottesville

Community Meeting

Project Name: 1709 JPA

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Kevin Riddle

By:

Signature KS Riddle Print Kevin Riddle Date 07-17-2023

Its: _____ (Officer, Member, Trustee, etc.)



City of Charlottesville

Owner's Authorizations

(Not Required)

Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: NEIGHBORHOOD INVESTMENTS, LLC Date 7/17/23

By (sign name): [Signature] Print Name: RICHARD T. SPURZEN

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: _____

Name of Corporate or other legal entity authorized to serve as agent: _____

Owner: _____ Date: _____

By (sign name): _____ Print Name: _____

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name RICHARD T. SPURZEN Address 810 CATALPA COURT, CHARLOTTESVILLE, VA 22903

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

OWNER: NEIGHBORHOOD INVESTMENTS, LLC

Applicant: _____

By:

Signature [Signature] Print RICHARD T. SPURZEN Date 7/17/23

Its: MANAGER (Officer, Member, Trustee, etc.)

Attachment A



City of Charlottesville

Fee Schedule

Project Name: 1709 JPA

Application Type	Quantity	Fee	Subtotal
Special Use Permit	1	\$1800	\$1,800
Special Use Permit (Family Day Home for 6-12 Children)		\$500	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
TOTAL			\$ 1,800

Office Use Only

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____



City of Charlottesville

LID Checklist

Project Name: _____

LID Measure	LID Checklist Points	Points
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	
Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be $>1,000 \text{ ft.}^2$ or $\geq 50\%$ of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	
Shared parking (must have legally binding agreement) that eliminates $>30\%$ of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	5
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	
Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be $\geq 5\%$ of impervious drainage area.	8 points or 1 point for each 10% of site treated.	4
Rain gardens. All lots, rain garden surface area for each lot $\geq 200 \text{ ft.}^2$.	8 points or 1 point for each 10% of lots treated.	
Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	
Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	
Green rooftop to treat $\geq 50\%$ of roof area	8 points	4
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points	
Off-site contribution to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	
Total Points		13

Applicant's Signature

Signature KS Riddle Print Kevin Riddle Date 07-17-2023

1709 JPA

SUP APPLICATION

MITCHELL MATTHEWS ARCHITECTS

Attachment B

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Attachment B

REQUEST FOR INFORMAL REVIEW OF SPECIAL USE PERMIT REQUESTS (LISTED BELOW) AND ENTRANCE CORRIDOR CERTIFICATE OF APPROPRIATENESS

INTRODUCTION: 1709 JPA is a proposed multi-family residential development on Jefferson Park Avenue in Charlottesville, Virginia. The proposal consists of residential units over parking. It would replace an existing apartment building and surface parking. It’s very close to UVA, less than a half mile from the Lawn.

LOCATION: The project is located within the *Fontaine Avenue/Jefferson Park Avenue Entrance Corridor*. It sits between JPA and Montebello Circle, with frontage on both streets.

ZONING: The property is currently zoned R-3 in the City of Charlottesville.

PROPOSED USE: Multi-Family Residential

SPECIAL USE PERMIT REQUEST: A Special Use Permit (SUP) is being requested for:

1) Additional Density:		
Allowable by right: Up to 21 DUA	Allowable by SUP: Up to 87 DUA.	PROPOSED: 84 - 87 DUA (26 - 27 total apartments)
2) Additional Height:		
Allowable by right: 45’ max	Allowable by SUP: Up to 101’ (44-87 DUA)	PROPOSED: 70’ from average grade plane
3) Front Yard Reduction:	Required: average of neighbors, 500’ either side	PROPOSED: 18’ at JPA, 25’ at Montebello Circ.
4) Side Yard Reduction	Required: 17’-6” (1/4 of building height)	PROPOSED: 5’
4) Parking Reduction:	Required: 38 spaces	PROPOSED: 22 spaces (44%+/- reduction)
5) Reduced distance to low density zone:	Required: 75 feet (@ 87 DUA)	PROPOSED: 58 feet
6) Reduced landscape buffer at Montebello Circle:	Required: 25 feet wide, type S-3	PROPOSED: 17 - 18 feet wide type S-3 buffer on 60%+ of Montebello frontage

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UNDER CURRENT ZONING

Because the project has a FAR greater than 1.0, the following calculations are stipulated in Charlottesville’s current ordinance (for any project requesting a rezoning or SUP):

Step 1: Total Floor Area Ratio (FAR) of Site

A.	Total size of development site:	<div><div>0.31</div>acres</div>			
B.	Total square footage of site:	<div><div>0.31</div><div>(# of acres)</div></div>	x	43,560.00	= <div><div>13,547.16</div>square feet (sf)</div>
C.	1.0 Floor Area Ratio (FAR):	<div>13,547.16</div>		<div>(total sf of site)</div>	
D.	Gross Floor Area (GFA) of <u>ALL</u> buildings/uses:	<div>45,750.00</div>		sf	
E.	Total site FAR:	<div><div>45,750.00</div><div>(total GFA of site)</div></div>	÷	<div><div>13,547.16</div><div>(1.0 FAR)</div></div>	= <div>3.38</div>
F.	Is E greater than or equal to 1.0 FAR?	NO: Your proposed development does not trigger the ADU ordinance.			
		YES: Proceed to Step 2 or Step 3.			

Step 2: GSF of ADUs Required

G.	GFA in excess of 1.0 FAR:	<div><div>45,750.00</div><div>(D: total site GFA)</div></div>	-	<div><div>13,547.16</div><div>(B: total SF of site)</div></div>	= <div>32,202.84</div>
H.	Total GFA of ADUs required:	<div><div>32,202.84</div><div>(G: GFA in excess of 1.0 FAR)</div></div>	x	0.05	= <div>1,610.14</div>

Step 3: Cash-in-Lieu Payment

J.	Cash-in-Lieu Amount Residential:	<div>45,750.00</div>	x	<div>\$2.716</div>	= <div>\$124,257.00</div>
K.	Cash-in-Lieu Amount Mixed-Use:	NA			
	Total GFA of development site:	<div>45,750.00</div>			
	GFA Occupied Commercial Space:	<div>0.00</div>			
	GFA Occupied Residential Space:	<div>45,750.00</div>			
	Total GFA Occupied Space:	<div>45,750.00</div>		% Residential:	<div>1.00</div>
	GFA Non-Occupied Space*:	<div>0.00</div>		Propotionate amount of non-occupied space GFA for residential use:	<div>0.00</div>
	Amount of Payment:	<div>45,750.00</div>	x	<div>\$2.716</div>	= <div>\$124,257.00</div>

Total Minimum Fee-In-Lieu\$ 124,257

Attachment B

1. **Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood:**

The proposed multi-family residential project follows use patterns consistent with this neighborhood. Jefferson Park Avenue near UVA is coincident with Census Tract 6.0, where over 90% of dwellings are currently renter-occupied and 79% are non-family household types. The proposed project is also consistent with the goals of the current zoning ordinance, and recently approved projects on Jefferson Park Avenue. This project promotes a sustainable community – making efficient use of the land and locating thoughtfully designed student housing in close proximity to UVA. We anticipate that the scale, material choices and detailing of this proposed residential building will strengthen the character of Jefferson Park Avenue and the whole JPA neighborhood.

2. **Whether the proposed use or development and associated public facilities will substantially conform to the city’s comprehensive plan:**

The redevelopment of 1709 JPA conforms to both the current and previous comprehensive plans in the following areas:

Chapter 4: Land Use:

This stretch of Jefferson Park Avenue is commonly considered a student housing corridor between UVA / UVA Hospital and the Fry’s Spring / Fontaine Ave Neighborhood Commercial area. It is predominately vehicular oriented and classified in the Streets that Work typology as Mixed Use B, the equivalent of West Main Street, Millmont Street, Cherry Avenue, and University Avenue. It is a multi-modal street that supports higher density development projects. The vitality of the street comes from its intensity of use for transportation – thus its designation as an Entrance Corridor. A wide range of residential densities and diverse architectural styles currently defines its character. JPA embodies the evolution of off-campus student housing around the University of Virginia. It is currently a corridor that is evolving, as expected. The ongoing comprehensive plan re-write currently envisions it as an urban mixed-use corridor, defined as higher-intensity mixed-use development linking employment, commercial and civic hubs. This project bridges between the current ordinance and the future vision of the corridor, by contributing to the establishment of a vibrant, engaged sense of place that can be replicated along Jefferson Park Avenue - one of a walkable, people-focused, urban project that aids the city in its supply of housing stock. The project allows for an amenity space at street level for potential

conversion to future commercial use – while still fitting the definition of an ancillary consumer service business, allowable within R-3 zoning. This will create a compatible condition that both meets current zoning, the 2013 comprehensive plan’s goal of a mix of uses within walking distance of residential that encourages small businesses, and the future vision outlined in the ongoing comprehensive plan work.

Goal #7: Entrance Corridors This proposed project will be a quality development along one of the city’s most frequented entrance corridors. Street trees and other landscape elements will enhance the streetscape and contribute to the urban design.

Chapter 5: Housing:

The proposed redevelopment of 1709 JPA will increase the neighborhood’s housing stock in a location that can both support increased density and that has been earmarked by the City for increased residential use. Specifically, it will increase purpose-built student housing, which will decrease the pressure on single-family residential neighborhoods that are increasingly being populated by student rentals, such as the nearby Fry’s Spring Neighborhood, or the growth and expansion experienced on other sides of the University, into the Lewis Mountain and the 10th and Page neighborhoods. Displacement within established neighborhoods and affordability issues across the city are directly related to the historical lack of student housing supply.

Of utmost importance is an increase in city housing stock alongside the equitable impact of such development. Placing increased height and reasonable residential density in a predominately student rental neighborhood, along a transit oriented corridor, supports the city’s goals and vision.

Not only will this residential project add to the city’s existing housing stock, it will also trigger the affordable housing ordinance, supporting affordable housing throughout the city.

This residential building expands the diversity of housing choices in this area of the city, thereby balancing offerings with other areas such as along the West Main Street corridor, or Millmont Street. Increased density in close proximity to UVA, where increased density is desirable, promotes a more sustainable city.

Chapter 6: Transportation:

The proposal will allow students to live in easy walking distance to both UVA and nearby commercial areas (the Corner and Fontaine)—as well as in close proximity to a bus stop - helping to minimize the use of private automobile transportation.

Goal #1: Complete Streets Montebello Circle will benefit from improved pedestrian infrastructure and street plantings as a result of this project. Jefferson Park Avenue is already a multi-modal through corridor with sufficient pedestrian, bicycle, and vehicular infrastructure to accommodate this project.

Goal #2: Coordination with Land Use & Community Design Most parking will be concealed from view under the building, helping to create a more pedestrian friendly environment. An accessible entry court and new plantings on JPA will create a significant improvement over the current condition: a very steep paved apron covering more than 70% of the front yard. Ample on-site bicycle storage facilities will be provided.

3. **Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations:** The structures and site will be designed to comply with all applicable building code regulations.

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Attachment B

4. **Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general;** and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:

- a. **Traffic or parking congestion;** The project is located near the University of Virginia’s central grounds; given this proximity, it is anticipated that residents will not commute daily by car, but will typically walk, scooter or bicycle. Considering site constraints, proximity to UVA and convenience to commercial services (The Corner + the Fontaine/Murray intersection) we believe a parking reduction of up to half the current ordinance requirement should be considered. This reduction matches what is currently allowed along much of West Main Street. The site is also located along the free trolley line, with an existing stop approximately a block away. JPA has significant bike infrastructure in place and the project will provide ample on-site bicycle storage facilities. The project is asking for a parking reduction to balance market demand with actual spaces provided. All of these conditions will limit the potential traffic and parking congestion.
- b. **Noise, lights, dust, odor, fumes, vibration, and other factors, which adversely affect the natural environment;** No activities are anticipated that will adversely affect the natural environment. All exterior lighting will comply with the city’s dark sky ordinance. The same functions currently on site will continue on site.
- c. **Displacement of existing residents or businesses;** This project proposes to replace 8 existing apartments with 27. No businesses or owner-occupied homes will be eliminated. Construction will not begin until all leases and occupancies for current tenants have terminated.
- d. **Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;** 1709 JPA will not discourage economic development, but rather will contribute to the vibrancy of a mixed use area along JPA, providing patrons to nearby commercial establishments. It will help spur the development and investment in this area by providing a residential population base in need of additional goods and services.

- e. **Undue density of population or intensity of use in relation to the community facilities existing or available;** The proposed population and intensity of use are consistent with those anticipated under the current zoning designation and under all previous and current versions of the Comprehensive Plan. No adverse effects to the existing or available community facilities are expected. The project could have a positive effect-- restoring detached single-family housing units within nearby neighborhoods like Fry’s Spring, to their intended occupancy as single-family households. The request of 87 DUA falls within the range stipulated with an SUP for this zoning district.
- f. **Reduction in the availability of affordable housing in the neighborhood;** The proposed development will comply with the affordable housing ordinance. The site does not currently accommodate affordable housing – existing apartments are market rate; therefore no committed affordable housing units will be lost.
- g. **Impact on school population and facilities;** Because of its proximity to UVA, we anticipate that students-- possibly young professionals and/ or employees at the medical school and hospital-- will primarily occupy the units. It is expected that the project will have minimal to no impact on the school population and facilities.
- h. **Destruction of or encroachment upon conservation or historic districts;** The proposed project is not within a conservation or historic district. No historic buildings exist on this site. The project is within an entrance corridor overlay district and ERB review will be required.
- i. **Conformity with federal, state and local laws, as demonstrated and certified by the applicant;** The proposed project will conform to all applicable federal, state, and local laws.
- j. **Massing and scale of project.** Facing Jefferson Park Avenue, the foremost building mass is two stories, containing an entry lobby, study space and an entry to the lower level parking. Above this, the building steps back for its remaining six stories. The building will be approximately 70’ above average grade. Because the site rises so steeply from JPA to Montebello Circle (54’ +/-), this makes the building taller relative to the street along its JPA frontage than it is along its Montebello frontage. We think this makes sense. JPA is a busy, bustling and very wide avenue. It can accommodate an 8-story building. On Montebello Circle, a smaller

street, the building emerges three stories above grade before stepping back 14’ to the street face of the top story. The proposed 70’ height is consistent with the range that can be considered with an SUP (up to 101’) in an R-3 zone. Nearby existing dwellings across the street from this project-- on both the JPA and Montebello frontages-- will be well over 100’ away from the front facades of the proposed building.

- 5. **Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed:** The proposed use will not change from its current use. The development is in harmony with the purposes of the zoning district, which calls for medium-density residential, including multi-family.
- 6. **Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations;** The proposed use is identical to the current use. This development is within the city’s allowable uses, density (with SUP), yards (with SUP) and height (with SUP) in this zoning district. The property is located within an entrance corridor overlay district and is subject to review by the Entrance Corridor Review Board. An application will be submitted to the ERB at a future date.

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Attachment B

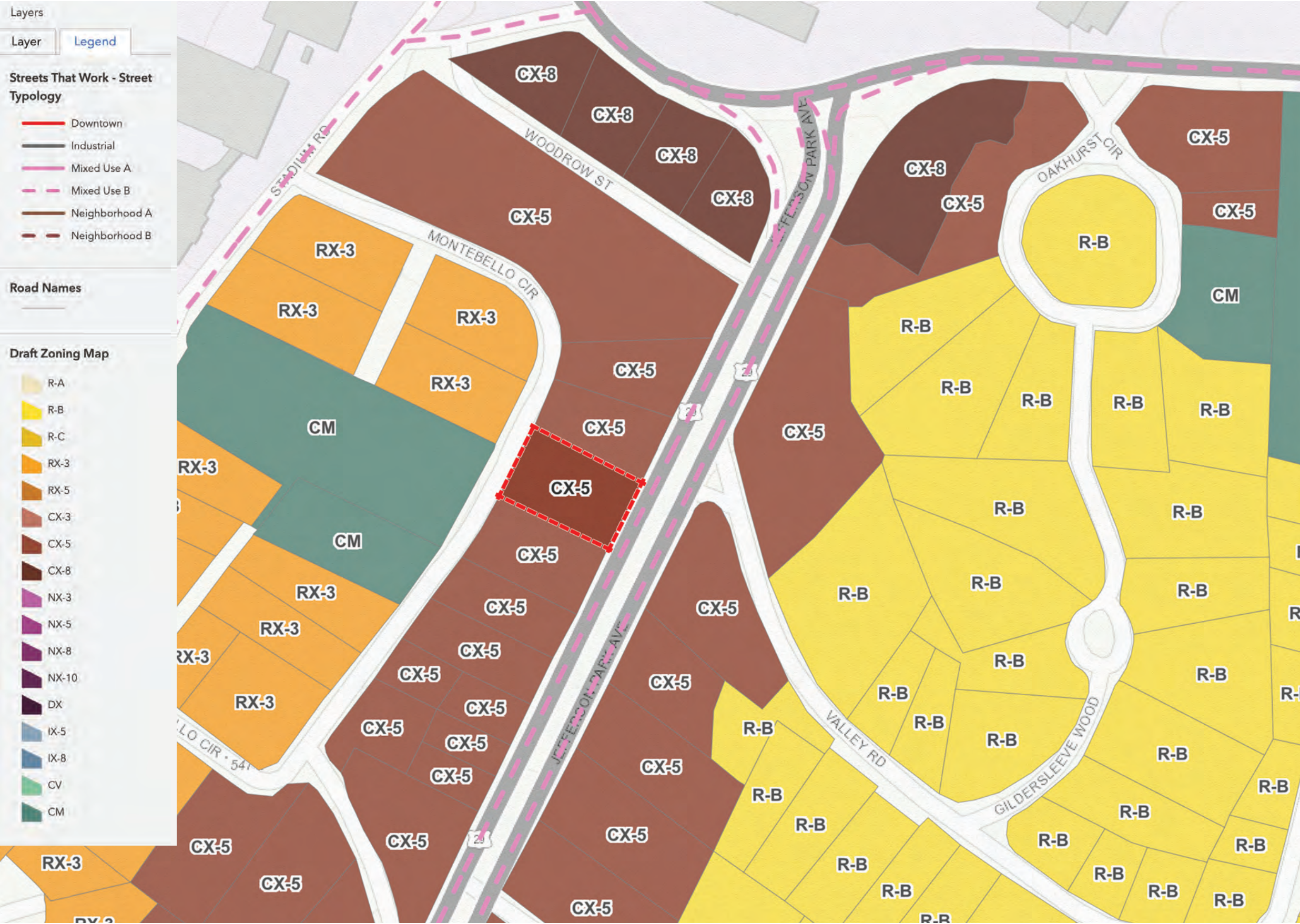


Location	1709 Jefferson Park Ave
Area	0.311 acres (13,547 SF)
Zone	R-3
Residential Use	21 DUA (by right) 22 - 87 DUA (by SUP)
Parking	1 space (two bedroom apartment or smaller) 2 spaces (three or four bedroom apartment)
Height	45 feet (by right) 80 feet (at 22-43 DUA by SUP) 101 feet (at 44-87 DUA by SUP)
Min. Yard (Front)	average of existing front yards within 500 feet on either side of parcel
Min. Yard (Side)	1/4 of building height
Overlays	Entrance Corridor

- R-3
- R-2
- R-1
- University Property

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Attachment B



Location **1709 Jefferson Park Ave**

Area **0.311 acres** (13,547 SF)

Zone **CX-5**

Residential Use **unlimited DUA**

Parking **1 space** (two bedroom apartment or smaller)
2 spaces (three or four bedroom apartment)

Height **72 feet / 5 stories** (by right)
100 feet / 7 stories (bonus level)

Min/Max Yard (Front) **0' / 10'**

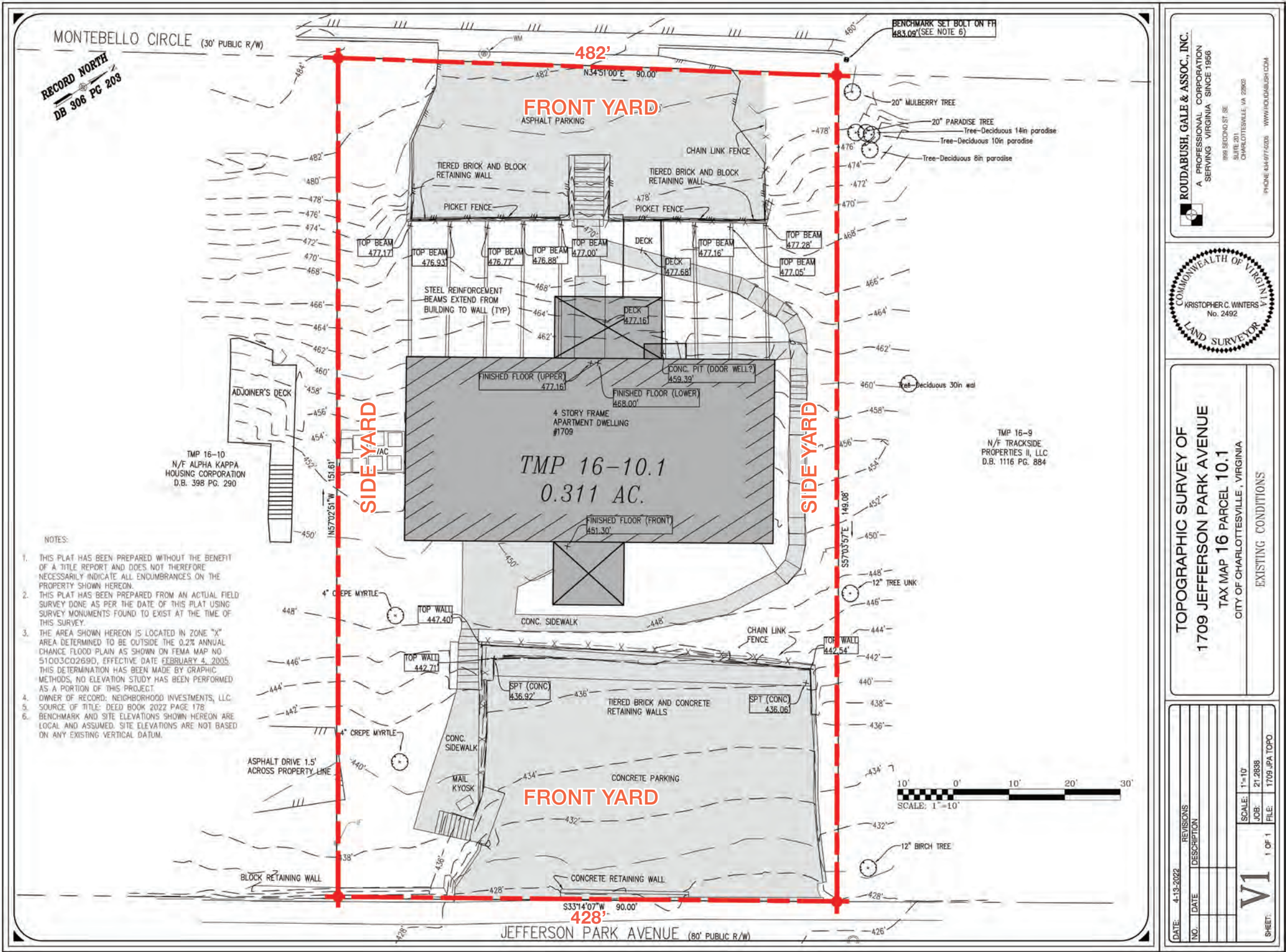
Min. Yard (Side) **0'**

Outdoor Amenity Space **10%**

Overlays **Entrance Corridor**

★ Requirements and classifications on this page **do not** reflect the zoning ordinance currently in effect. They are included to summarize forthcoming conditions outlined in the future zoning draft (module 1). While the draft may undergo further revisions before being adopted, we believe it reflects aspirations that align well with the city's Comprehensive Plan.

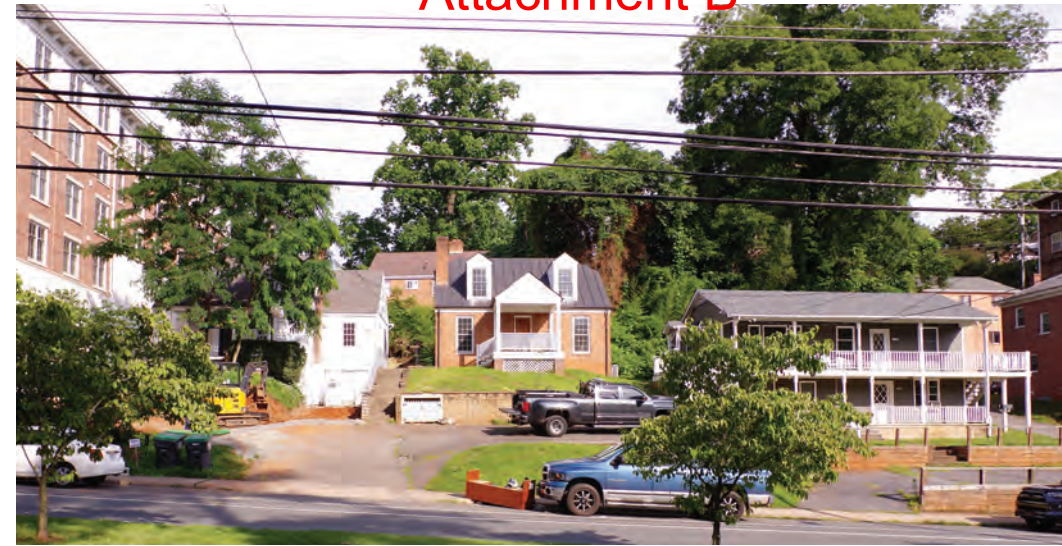
The yard at Montebello is considerably higher than the yard at JPA. Along a distance of 150 feet the grade descends **54 feet**.



Attachment B



1725 JPA



1723 JPA

1721 JPA

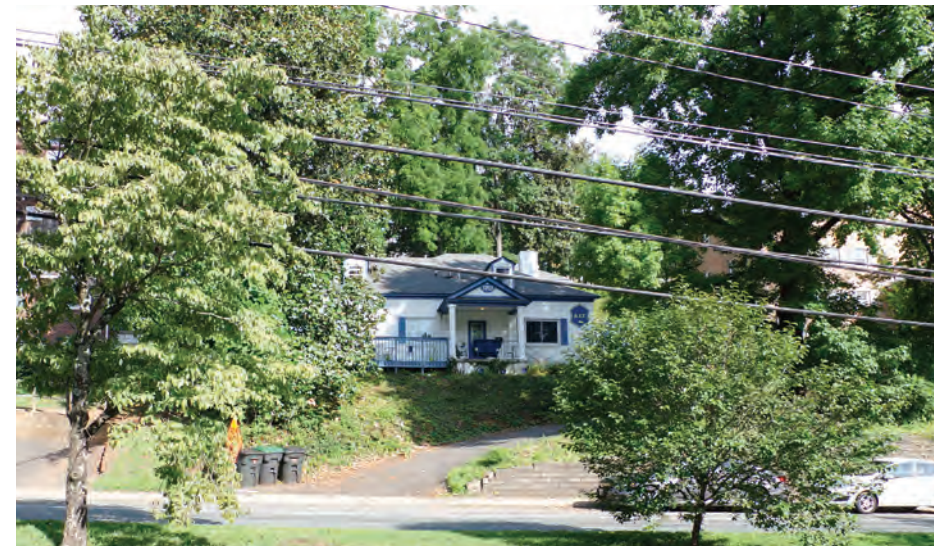
1719 JPA



1717 JPA



1715 JPA



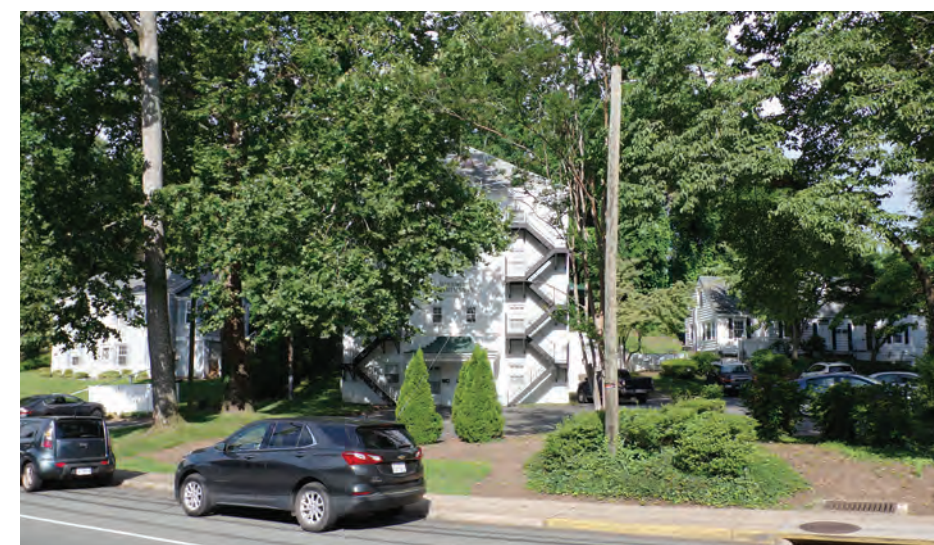
1713 JPA



1707 JPA



1705 JPA



106 Stadium Road

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1709 JPA
Charlottesville VA

07 . 18 . 2023

NEIGHBORHOOD CONTEXT *Jefferson Park Ave.*

All grades, counts and quantities are approximate and will change as design proceeds.

MITCHELL / MATTHEWS
ARCHITECTS & PLANNERS

434.979.7550

© 2023

Attachment B



1620 JPA



1700 JPA



1708 JPA



1712 JPA



1714 JPA



1718 JPA

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Attachment B



1707 JPA



1713 JPA



210 Montebello



208 Montebello



206 Montebello



204 Montebello



1725 JPA



300 Montebello



205 Montebello



1700 Stadium Road



221 Montebello



225 Montebello

Attachment B



- a** *Gymnocladus Dioicus espresso* (seedless Kentucky Coffeetree) - in bed of Appalachian Sedge
- b** *Amelanchier Laevis* (Allegheny Serviceberry) - in bed of creeping phlox *
- c** *Sassafras Albidum* (Common Sassafras)
- d** *Crataegus phaenopyrum* (Washington Hawthorn)
- e** *Nyssa Sylvatica* (Blackgum) *
- f** Green Roof (potential option to address stormwater quality/quantity)
- g** Linear Biofilter Area (potential option to address stormwater quality/quantity)

1,347 sf minimum required tree canopy (site area = 13,547 sf x 10%)

2,400+ sf estimated proposed tree canopy at 10 years

* before the ERB stage, plantings at Montebello Circle to be modified as necessary to meet city's type S-3 buffer standards

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Attachment B



Gymnocladus Dioicus espresso (seedless Kentucky Coffeetree)



Nyssa Sylvatica (Blackgum)



Amelanchier Laevis (Allegheny Serviceberry)



Sassafras Albidum (Common Sassafras)



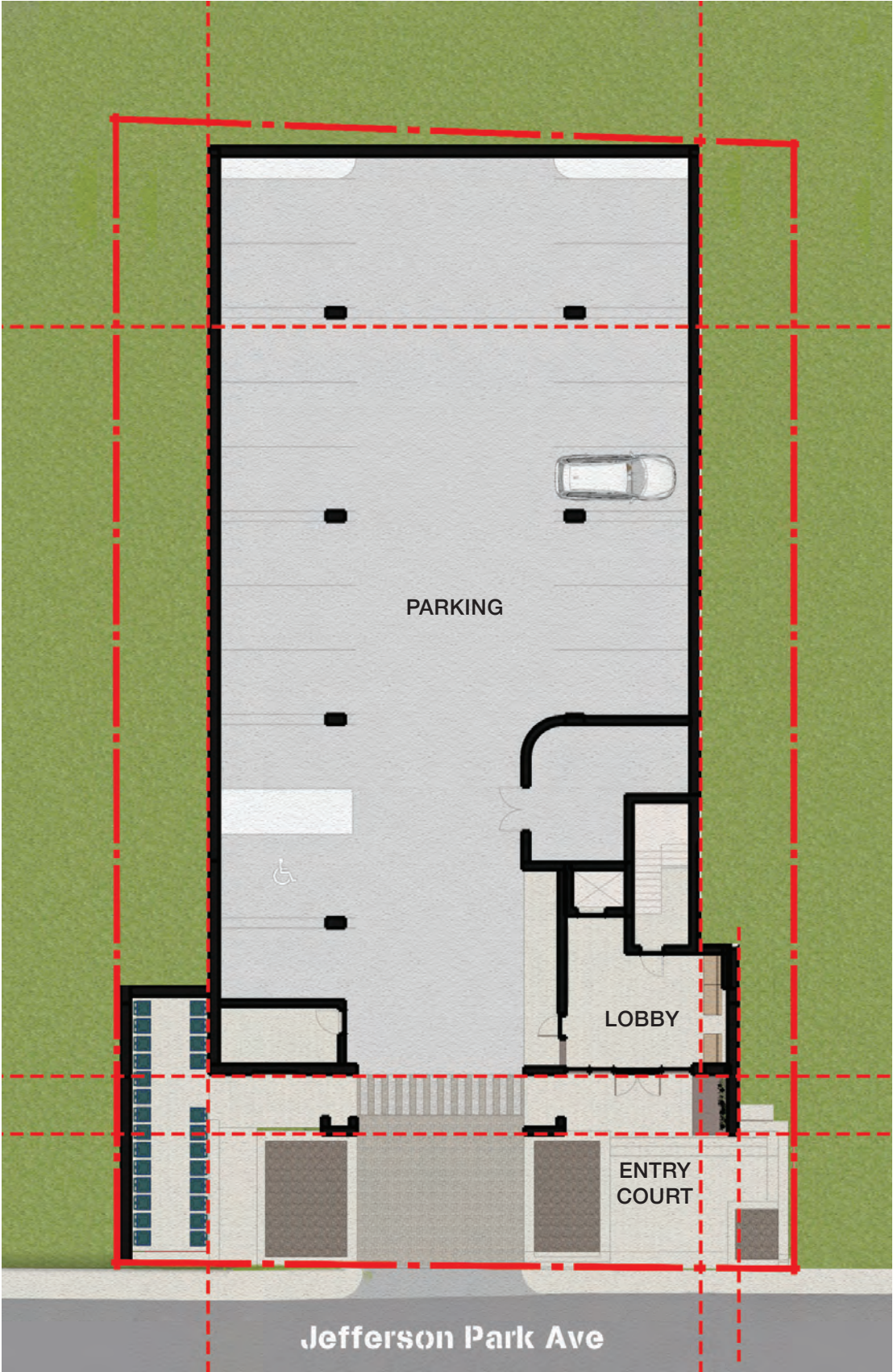
Creeping Phlox



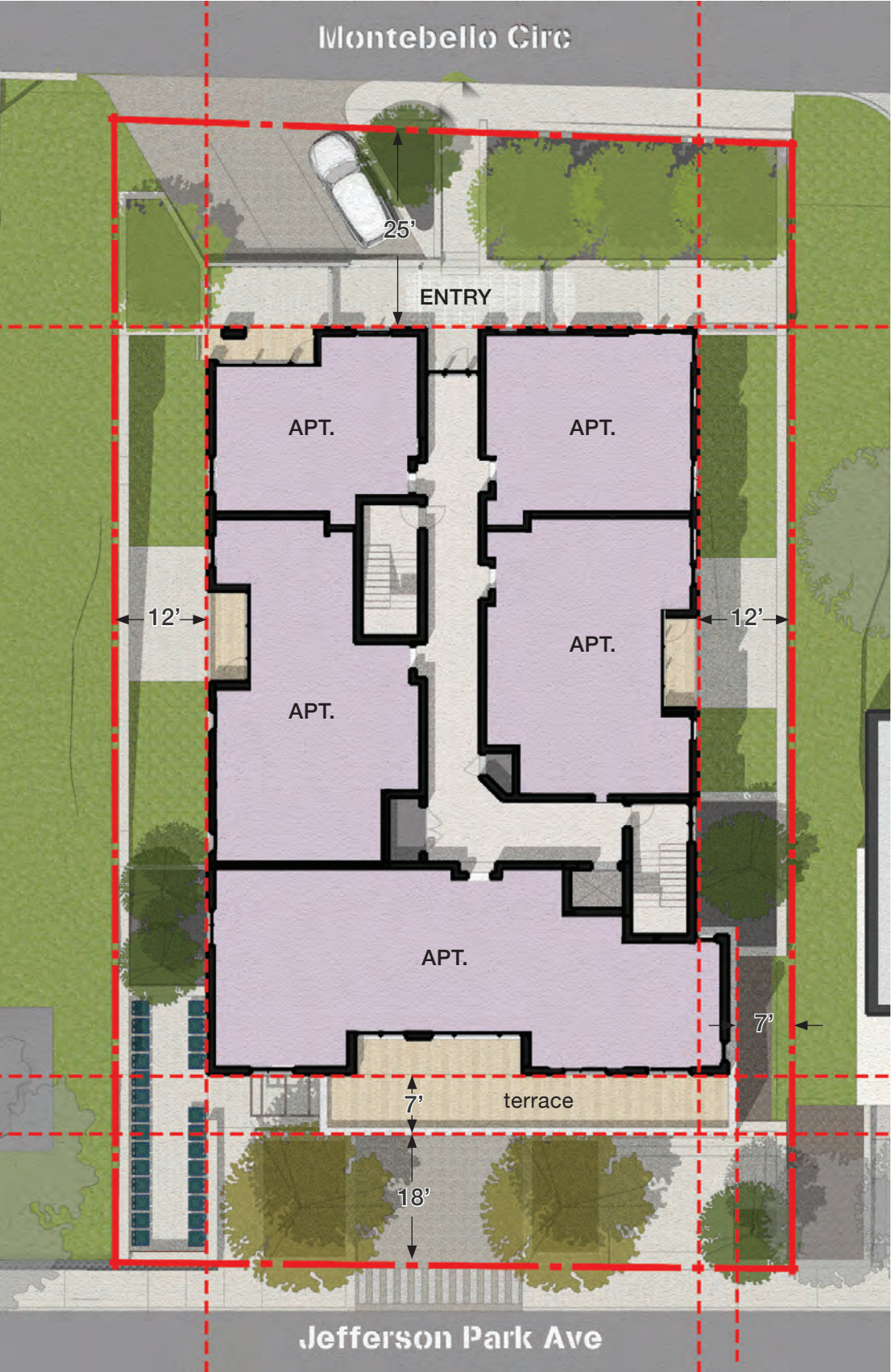
Appalachian Sedge

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Attachment B



STREET LEVEL at JPA

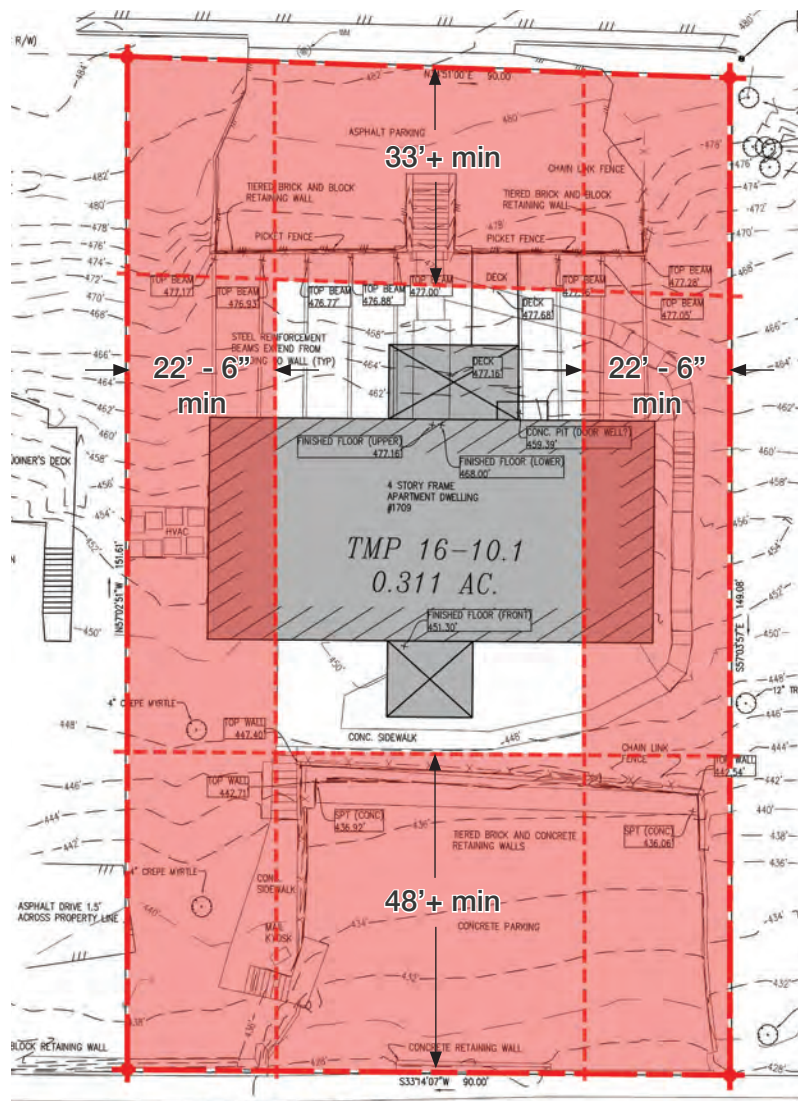


STREET LEVEL at Montebello

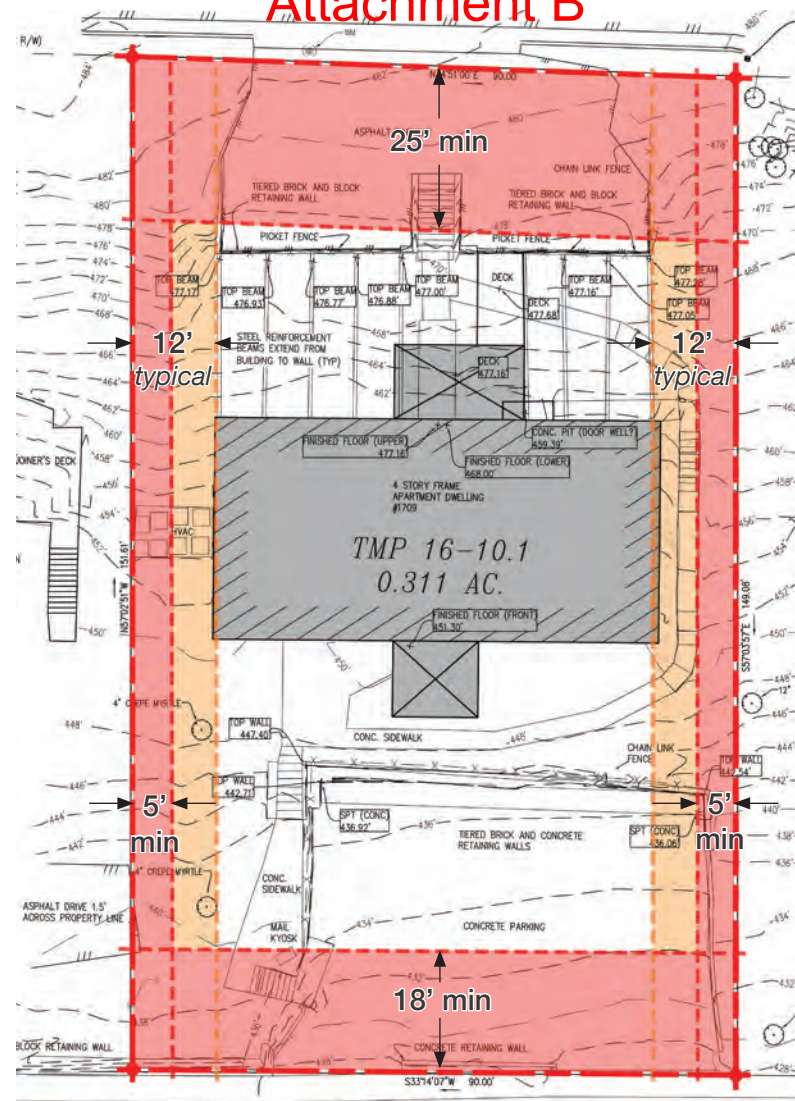
Location	1709 Jefferson Park Ave
Area	0.311 acres (13,547 SF)
Zone	R-3
Residential Use	26 - 27 apartments (84 - 87 DUA)
Parking	22 spaces on site (less than 50% reduction of the 38 spaces required by ordinance)
Height	70 feet
Front Yard at JPA	18 feet
Front Yard at Montebello	25 feet
Side Yard	5 feet (The great majority of the building will be 12'+ from the side boundaries. Only the east corner mass at JPA will be closer.)
Stepbacks/transitions at uppermost story	at JPA, 7 feet at Montebello, 14 feet
Overlays	Entrance Corridor

PROGRESS
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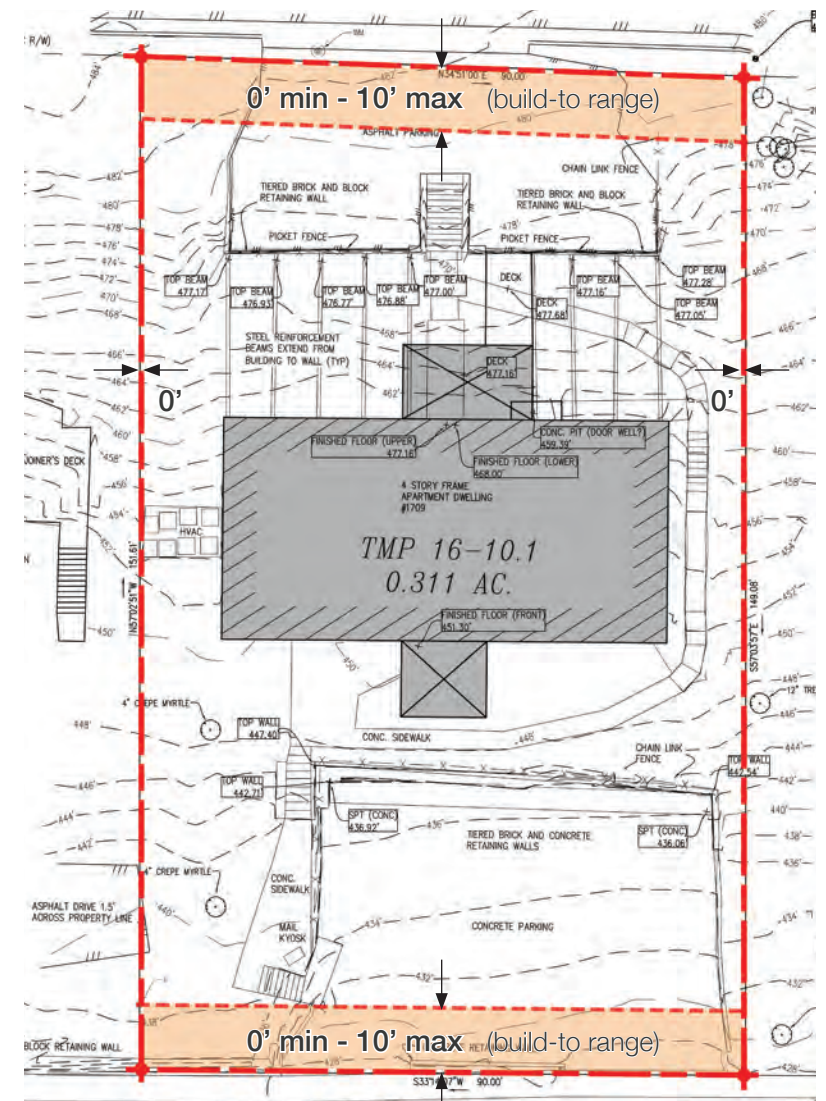
Attachment B



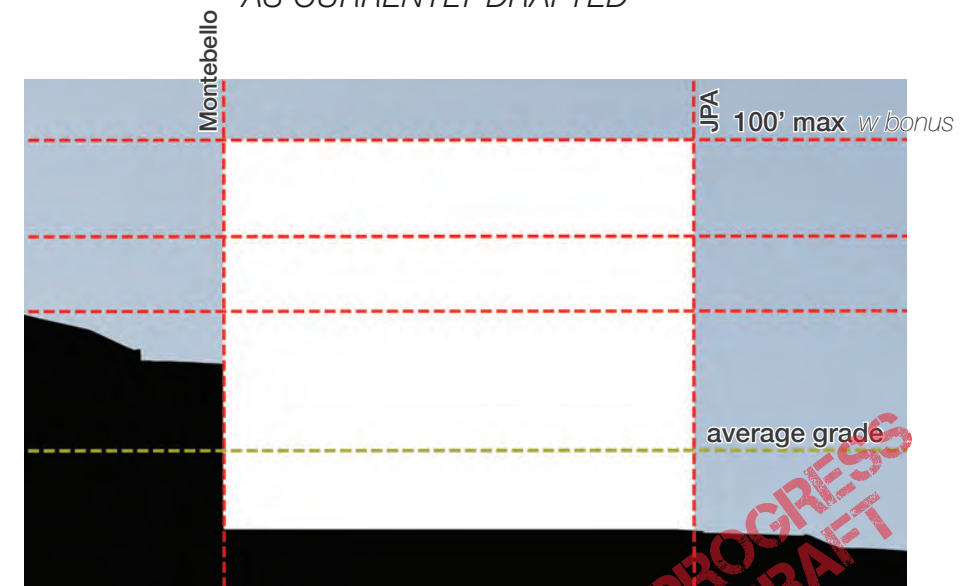
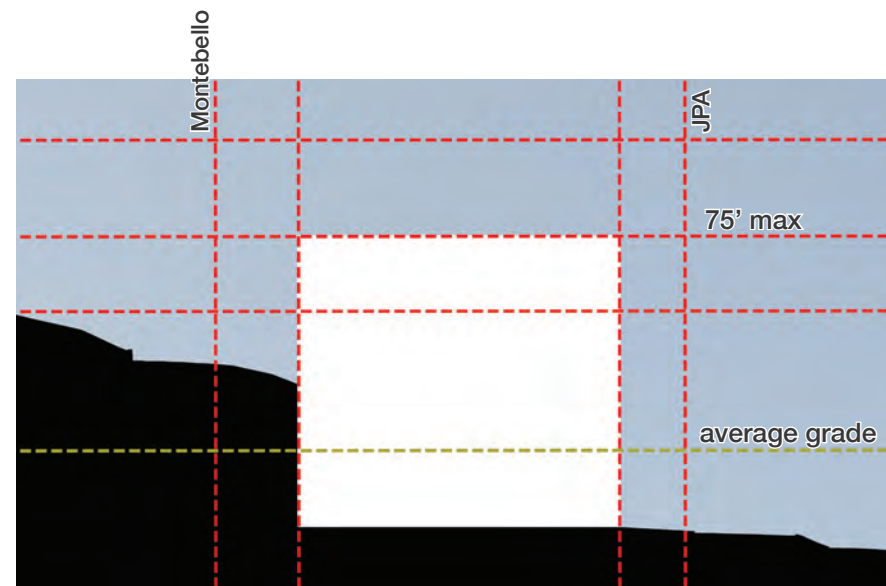
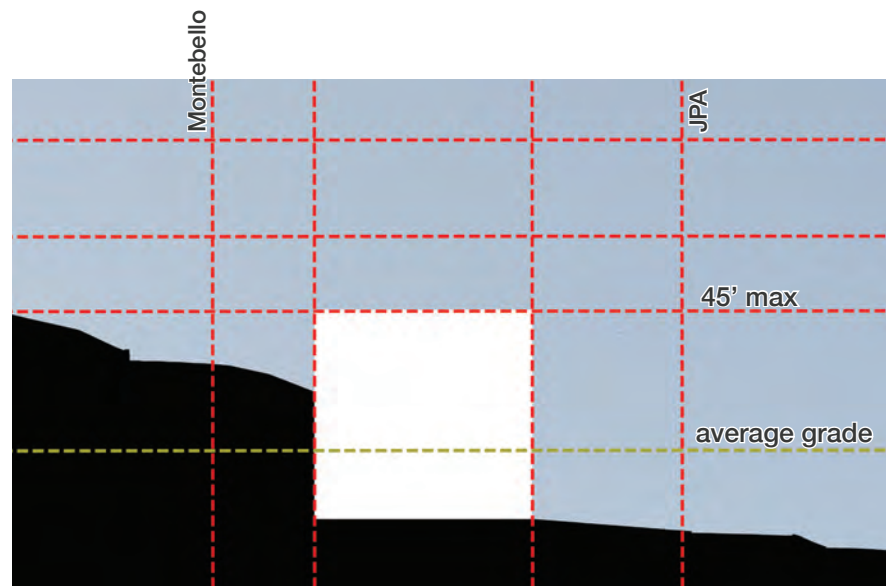
BY RIGHT



PROPOSED WITH SUP



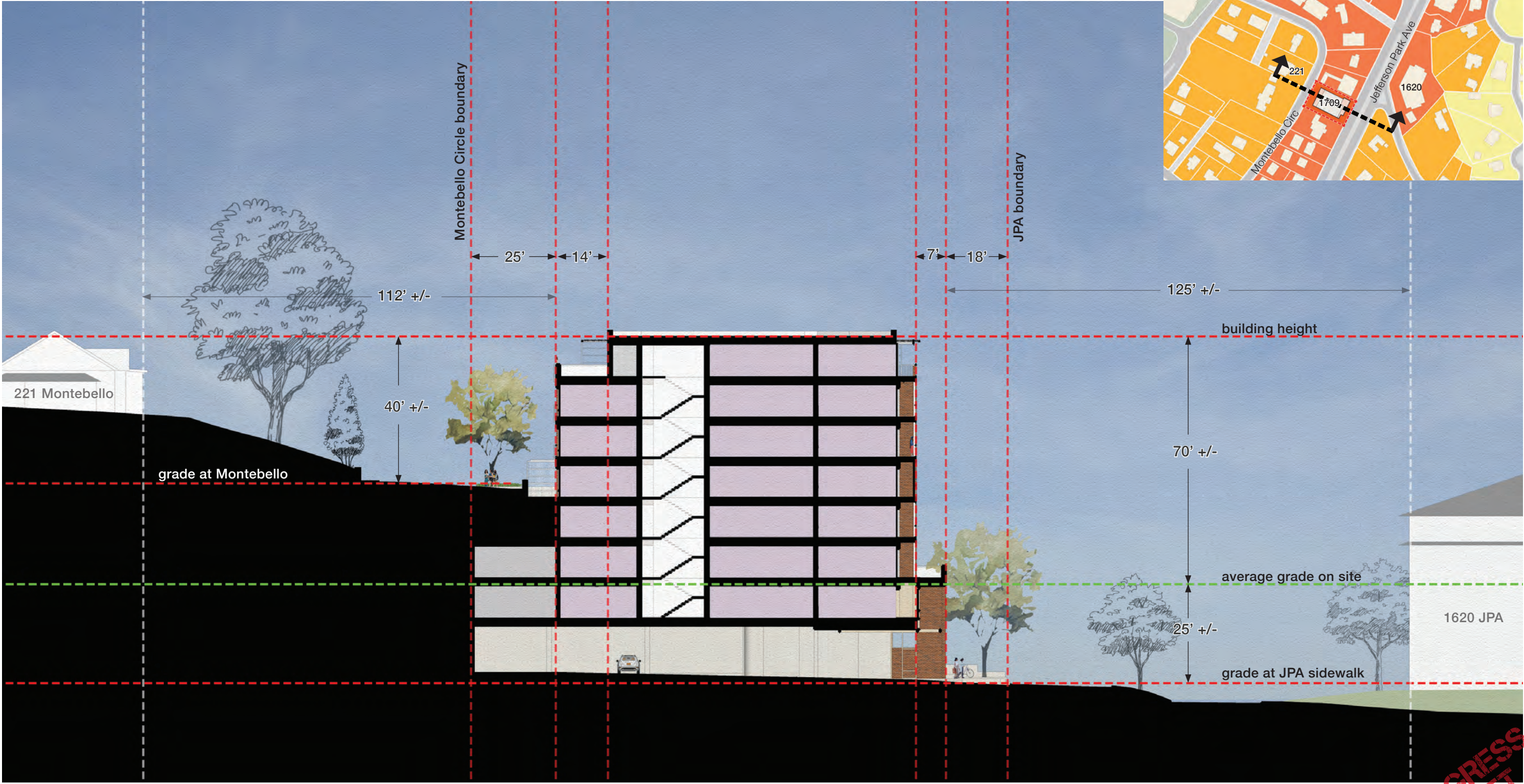
WITH REVISED ORDINANCE
AS CURRENTLY DRAFTED



White boxes represent maximum buildable extents, not actual buildings.

BUILDABLE AREAS COMPARISON

All grades, counts and quantities are approximate and will change as design proceeds.



PROGRESS
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Attachment B

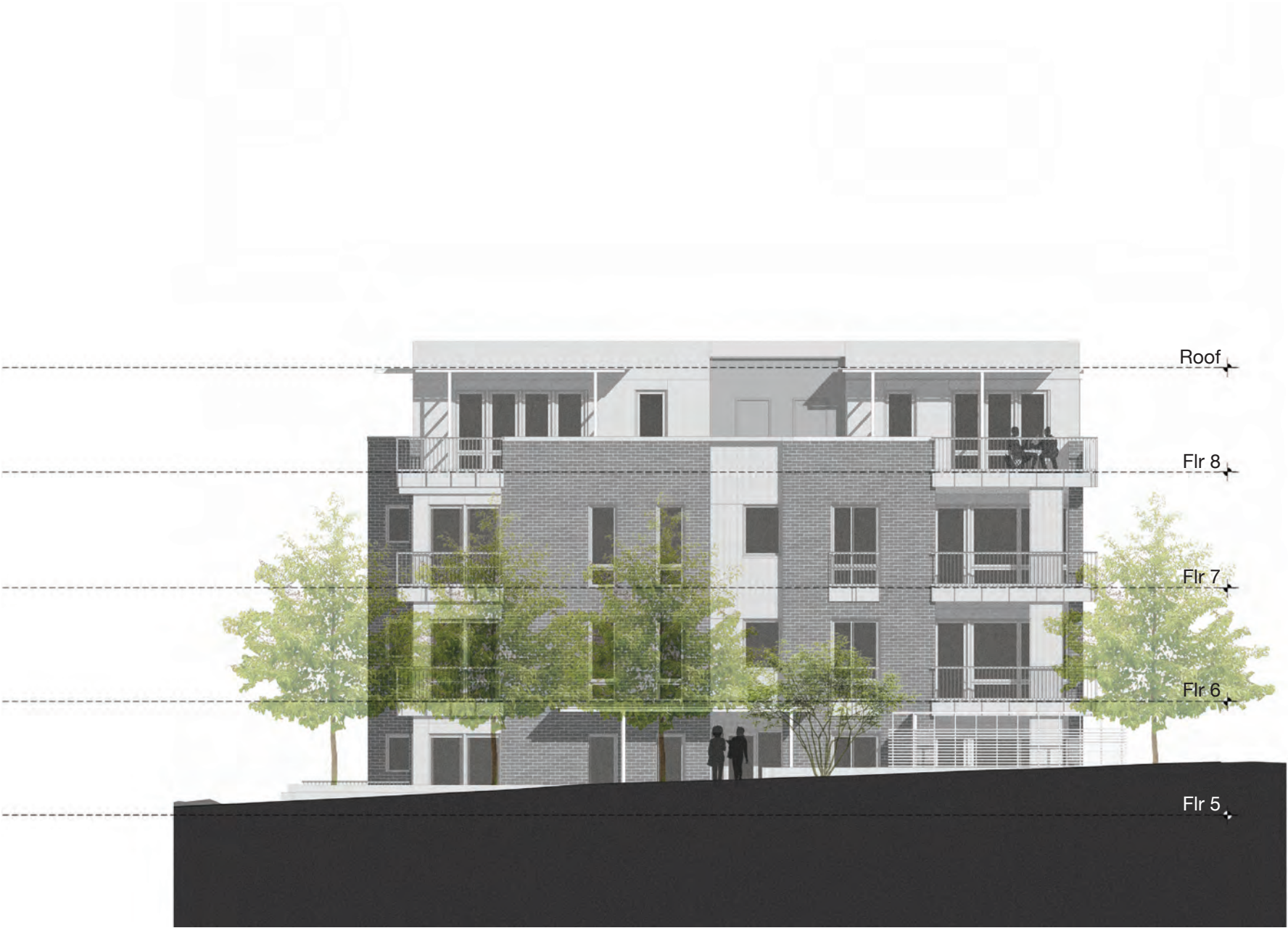


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Attachment B



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Attachment B



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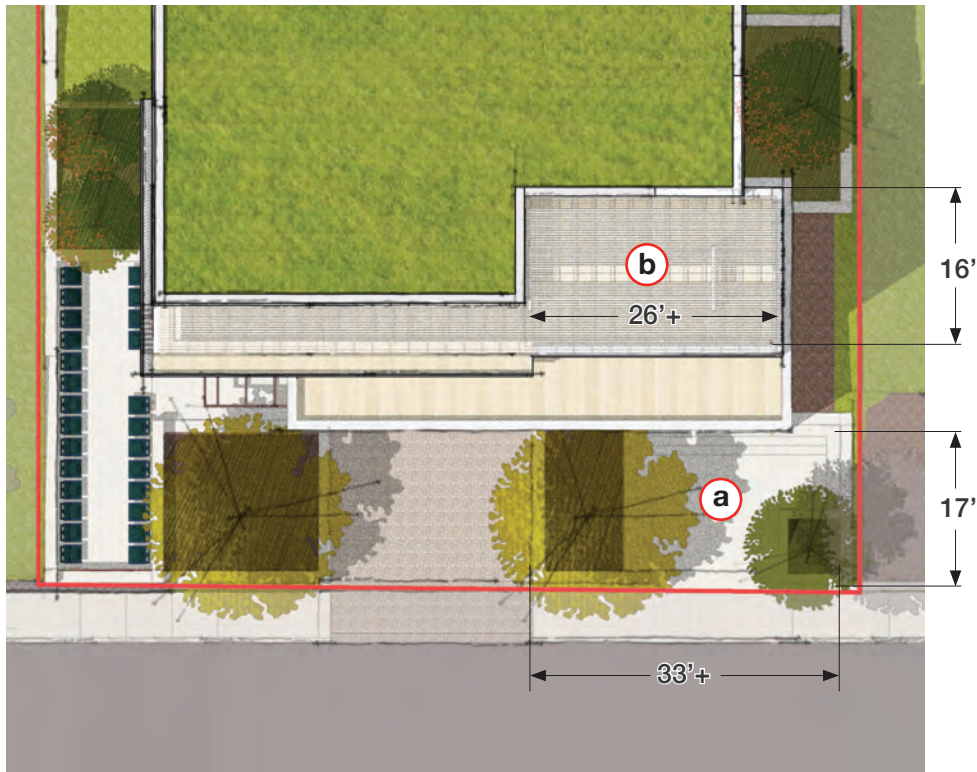


PROGRESS
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PROGRESS
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Attachment B



- a** JPA Entry Plaza
pedestrian outdoor amenity space
(561 sf x 2 = **1,122 sf** toward required outdoor amenity space)
- b** Roof Deck
common outdoor amenity space
(**416 sf** toward required outdoor amenity space)



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RULES FOR ZONING DISTRICT

1,347 sf minimum required outdoor amenity space (site area = 13,547 sf x 10%)

1,538 sf outdoor amenity space proposed

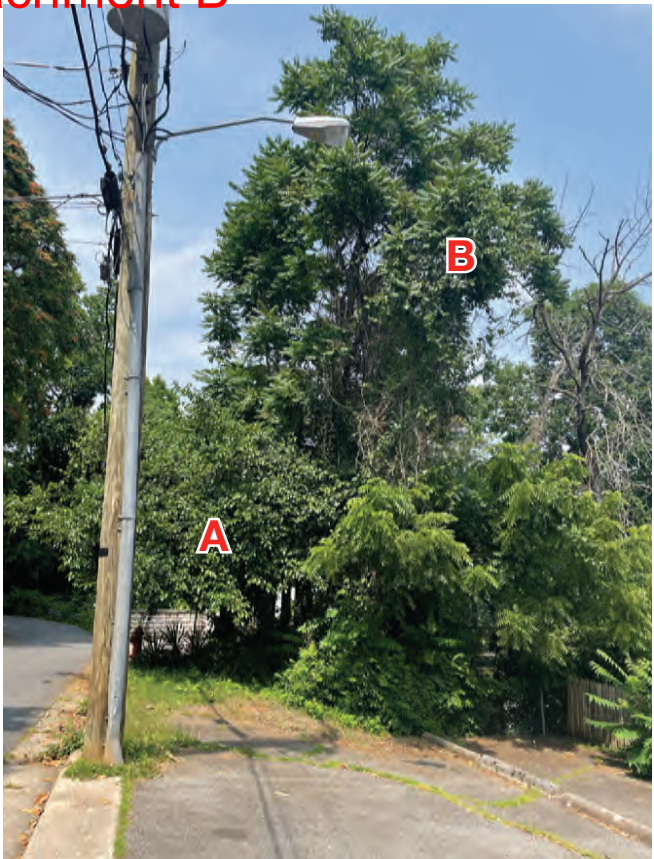
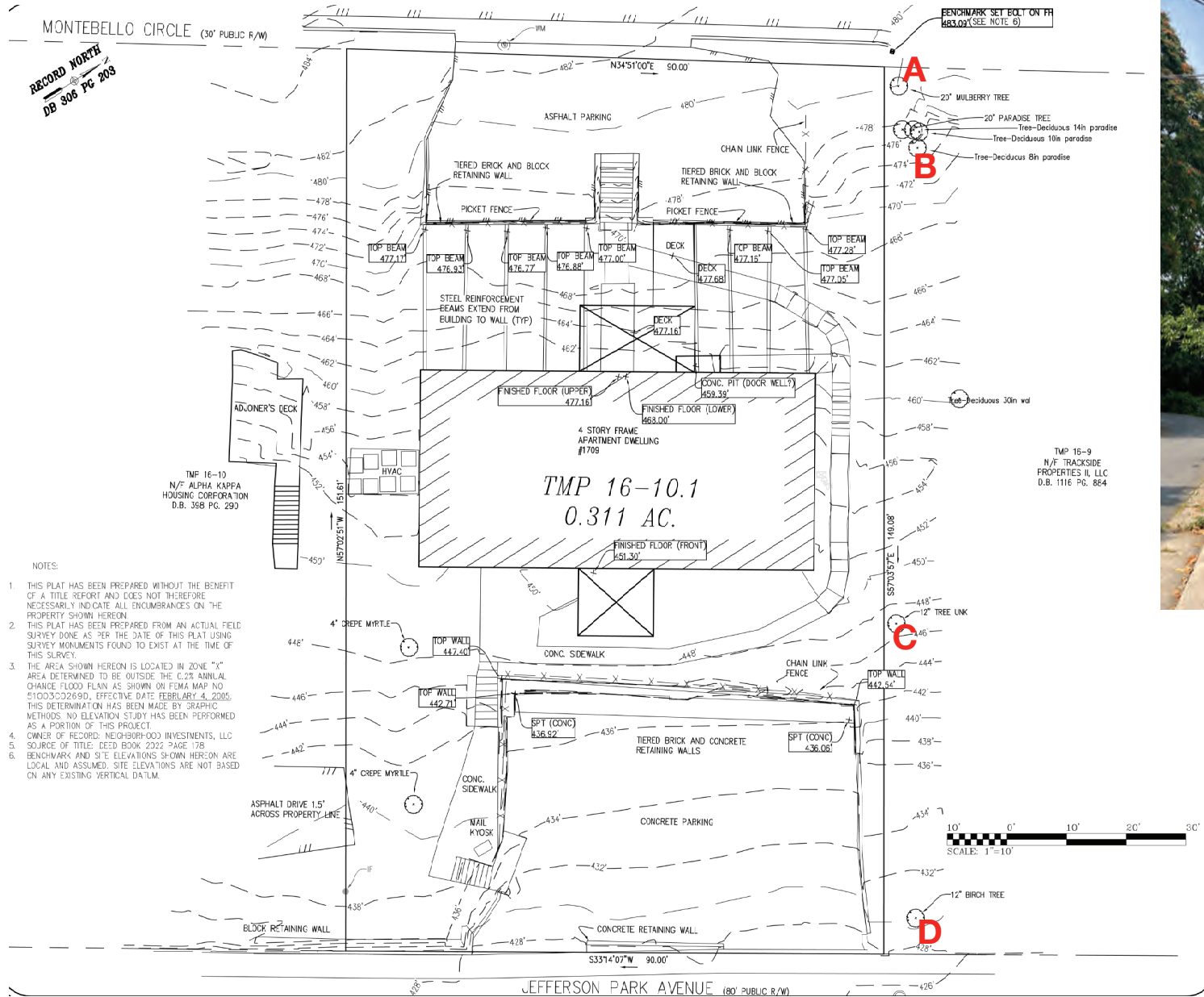
- ii. The required outdoor amenity space must meet the standards of either Sec. XX Common Outdoor Amenity Space or Sec. XX Pedestrian Outdoor Amenity Space.



- iii. Outdoor amenity space may not be surrounded by walls for more than 2/3 of its perimeter.
- iv. Each outdoor amenity space must have a minimum area of 400 square feet, and no horizontal dimension of less than 15 feet, measured perpendicular to any boundary of the space.

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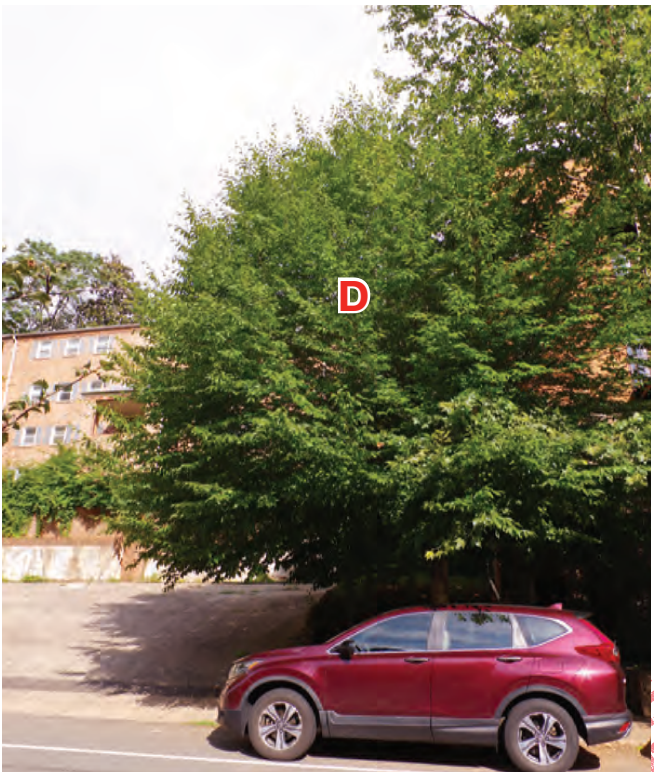
Attachment B



Mulberry tree + cluster of Paradise trees



Unidentified dead tree covered in vines



Birch tree

None of the trees depicted here is on the project property, but each is close to the boundary. The owner will take precautions to minimize disturbance to the birch tree near JPA. While we do not anticipate construction work will endanger other nearby trees identified on the survey, these are either already dead or are not regarded as valued specimens. Mulberry trees and paradise trees are not on the city's recommended trees list. Paradise trees, in fact, are considered invasive and detrimental.

On the project property, only a handful of small, relatively young ornamental trees will be removed to allow construction. None are street trees.

Code Summary

Attachment B

1709 JPA, CHARLOTTESVILLE, VIRGINIA

1. Project Summary

1709 JPA is a 7 story, 27 unit, apartment building with both structured and surface parking.

Project is not located in a Special Flood Hazard Area.

Risk Category III (VCC Section 1604.5)

NFPA 13 Sprinkler system installed throughout.

2. Applicable Codes

- 2018VUSBC
- 2018Virginia Construction Code (VCC)
- 2018Virginia Mechanical Code (VMC)
- 2018Virginia Plumbing Code (VPC)
- 2018Virginia Energy Conservation Code (VECC)
- 2017National Electric Code (NEC)
- 2009Accessible and Usable Buildings and Facilities (ICC A117.1-2009)

3. Code Summary

Code compliance is based on the following specific code provisions:

310.3 Residential Group R-2: Residential occupancies containing more than two dwelling units where the occupants are not primarily transient. 27 dwelling units proposed.

403 High Rise Buildings: Building meets definition of a high rise building:

HIGH-RISE BUILDING: A building with an occupied floor located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access.

403.2.1.1.2: In other than Group F-1, H-2, H-3, H-5, M and S-1 occupancies, the fire-resistance rating of the building elements in Type IB construction shall be permitted to be reduced to the fire-resistance ratings in Type IIA.

403.2.1.1.3: The building height and building area limitations of a building containing building elements with reduced fire-resistance ratings shall be permitted to be the same as the building without such reductions.

403.3 Automatic Sprinkler System: Buildings and structures shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 (NFPA 13 system) and a secondary water supply where required by Section 403.3.3 <TBD>.

403.4 Emergency Systems: The detection, alarm and emergency systems of high-rise buildings shall comply with Sections 403.4.1 through 403.4.8:

- 403.4.1 Smoke Detection
- 403.4.2 Fire Alarm System
- 403.4.3 Standpipe System
- 403.4.4 Emergency Voice/Alarm Communication System
- 403.4.6 Fire Command
- 403.4.7 Smoke Removal
- 403.4.8 Standby and Emergency Power

403.5.4 Smokeproof Enclosures: Every required interior exit stairway serving floors more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access shall be a smokeproof enclosure in accordance with Sections 909.20 and 1023.11.

406.4 Public Parking Garages: Proposed parking garage does not qualify as a private grage, therefore it is a public garage.

406.6 Enclosed Parking Garages: Garage does not qualify as an open parking garage, therefore a mechanical ventilation system and exhaust system must be provided in accordance with Chapters 4 and 5 of the International Mechanical Code. An enclosed parking garage must be equipped with an automatic sprinkler system in accordance with Section 903.2.10.

508.4 Separated Occupancies: The S-2 garage use is separated from the R-2 uses by a 1 hour fire-rated horizontal assembly.

508.2 Accessory Occupancies: For the purpose of determining building height and area, these accessory occupancies are considered accessory to the main R-2 occupancy. Accessory occupancies are not separated from the main R-2 occupancy.

509 Incidental Uses: No incidental uses.

Chapter 3 Use and Occupancy

R-2 - Apartments.

S-2 - Enclosed Public Garage

Chapter 4 Special Detailed Requirements Based on Use and Occupancy

Sleeping units separated by fire partitions (VCC Section 420.2) and horizontal assemblies (VCC Section 420.3)

Automatic Sprinkler System provided (NFPA 13) (VCC Section 403.3)

Fire alarms/smoke alarms provided (VCC Section 403.4)

Chapter 5 General Building Heights and Areas

Sprinkler: S/SM (NFPA 13) installed throughout

Heights & Areas are determined according to VCC Section 504.2 and 506.2.4

504 Building Height

- Proposed height above grade plane: <70> feet. Allowable height above grade plane: 180 feet (VCC Table 504.3) based on R and S uses for Type 1B construction. (Allowable height in feet is not modified by any VCC Section 510 provision)

Allowable Number of Stories Above Grade Plane (VCC Table 504.4)					
	Story	Construction Type	Occupancy	Building Height (Stories)	
				Allowable	Actual
Building	1 to 7	2B	R-2	12	7
		1-Hour Occupancy Separation (VCC Table 508.4)			
	B	2B	S-2	12	-1

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Project Name: 1709 Jefferson Park Avenue

LID Checklist Points	LID Measure	Total Points
5 points or 1 point for each 18% of the total acreage	Compensatory Plantings (see city buffer mitigation manual). 90% of restorable stream buffers restored.	
7 points or 1 point for each 7% of parking and driveway surface area	Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. ² or ≥ 50% of the total parking and driveway surface area.	
5 points or 1 point for each 6% of parking surface area eliminated.	Shared parking (must have legally binding agreement) that eliminates > 30% of on-site parking required.	5
8 points	Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff. (e.g. cisterns, dry wells, rain gardens).	
8 points or 1 point for each 10% of site treated.	Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 *
8 points or 1 point for each 10% of lots treated	Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. ² .	
8 points or 1 point for each 10% of site treated	Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10-year storm.	
8 points or 1 point for each 10% of site treated	Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	
8 points	Green rooftop to treat ≥ 50% of roof area.	8 *
TBD, not to exceed 8 points	Other LID practices as approved by NDS engineer.	
5 points	Off-site contribution to project in city's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires preapproval by NDS director.	
	TOTAL POINTS (must equal 10 or more)	

* Either bioretention in linear beds along either sideyard of the property **or** a green roof-- both identified on the site plan (page 14)-- will be sufficient to properly treat quality and quantity of stormwater. Either approach can achieve the full 8 points. The owner will determine which approach works within budget, and the choice between the two will be made during the site plan submission process.

Submitted by: Mitchell Matthews Architects + Timmons Design Group
(Name of applicant)
Approved by: _____ (date) _____
(City Engineer)

PROGRESS
DRAFT



Affidavit of Mailing

Reference: 1709 Jefferson Park Avenue - Community Meeting Letter

I, Kevin Riddle, being first duly sworn, do hereby certify that I mailed the attached letter by first class U.S. Mail to the attached mailing list on May 16, 2023. This mailing date is more than fourteen (14) days prior to the scheduled meeting for the project named **1709 Jefferson Park Avenue**.

Signed:

KS Riddle
Kevin Riddle, Architect

05/17/2023
Date & Time

For Notary Public's Use Only:

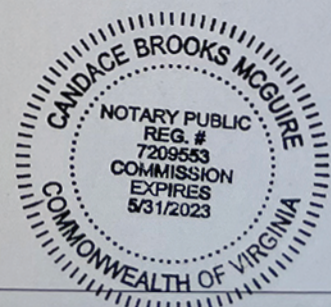
State of Virginia [☒ City [] County of Charlottesville

Acknowledged, subscribed and sworn before me this 17 day of May 2023

7209553
Notary Registration Number

Candace B. McGuire
Notary Public Candace B. McGuire

(My commission expires 5/31/2023)





May 12, 2023

Mitchell Matthews Architects and Planners
PO Box 5603
Charlottesville Va, 22905

Neighborhood Meeting

On Tuesday, June 6th we will hold a community meeting in reference to 1709 Jefferson Park Avenue. As someone who owns a property nearby, you are invited to attend.

The owner is requesting a Special Use Permit from the city for new construction on this parcel. The SUP is being pursued to increase density, reduce yard dimensions, reduce on-site parking, and reduce minimum distance to low-density zones. During the meeting we will present materials that describe the proposal and details of the SUP request. The agenda will include the following:

- a. Introductions
- b. Project Overview
- c. Questions & Answers

Weather permitting, on **June 6th at 6:00 pm** we will meet outside at the project site—**1709 JPA**. We will gather on the JPA side of the parcel. For those who can't make that time, we will repeat this meeting later that evening at **7:15 pm in the conference room of our office at 300 Twin Sycamores Lane**. In the case of bad weather, and we cannot meet on site, we will hold **only** the 7:15 meeting at our office.

If you cannot attend either time, you can ask questions or submit comments by emailing me, Kevin Riddle, at kr@mitchellmatthews.com or by contacting Matt Alfele, the city planner overseeing this project, at alfelem@charlottesville.gov, 434-970-3636.

We look forward to hearing from you.

Sincerely,

Kevin Riddle, architect

Attachment C



6pm Meeting Location: 1709 JPA (on the JPA side) on June 6th



7:15pm Meeting Location: 300 Twin Sycamores Lane on June 6th
(This will be the only meeting time and location in the case of rain.)

Attachment C



Aerial View with Proposed Building



Proposed Building from Montebello Circle

MITCHELL
ARCHITECTS

MATTHEWS
PLANNERS

1709 JPA
COMMUNITY MEETING
JUNE 6, 2023

[illegible]

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



PLANNING COMMISSION REGULAR MEETING
APPLICATION FOR A CRITICAL SLOPE WAIVER
APPLICATION NUMBER: P23-0049
DATE OF MEETING: September 12, 2023

Project Planner: Matt Alfele, AICP

Date of Staff Report: August 9, 2023

Applicant: Mitchell Matthews and Associates, LTD

Applicant's Representative(s): Kevin Riddle (Mitchell Matthews and Associates, LTD)

Current Property Owner: Neighborhood Investments, LLC

Application Information

Property Street Address: 1709 Jefferson Park Avenue

Tax Map & Parcel/Tax Status: 160010100 (real estate taxes paid current - Sec. 34-10)

Total Project Area (Limits of Disturbance): 0.311 acres

Total Area of Critical Slopes on Parcels: 0.218 acres | 70%

Area of Proposed Critical Slope Disturbance: 0.211 acres | 97% of total critical slopes area

Comprehensive Plan (General Land Use Plan): Urban Mixed Use Corridor

Current Zoning Classification: R-3 (Residential Multifamily)

Overlay District: Entrance Corridor

Applicant's Request (Summary)

Mitchell Matthews and Associates, LTD, representing the owner Neighborhood Investments, LLC, is requesting a waiver from Section 34-112(b) of the City's Critical Slope Ordinance as part of a plan to redevelop 1709 Jefferson Park Avenue (Subject Property). The proposed development would replace the existing eight unit multifamily apartment building with a new twenty-seven unit multifamily apartment building. The Subject Property is relatively small and the existing building and supporting infrastructure (parking, walkways retaining wall...) already impact a majority of the Critical Slopes on site. Most of the existing unimpacted Critical Slopes are on the sides of property. The proposed development would expand the footprint of the site and disturbance virtually 100% of the Critical Slopes. In conjunction with this application, the owner is also pursuing a Special Use Permit (SP23-00005).

Existing critical slopes areas located on this Property include 0.21 acres or 70 percent of the site. The applicable definition of “critical slope” is as follows:

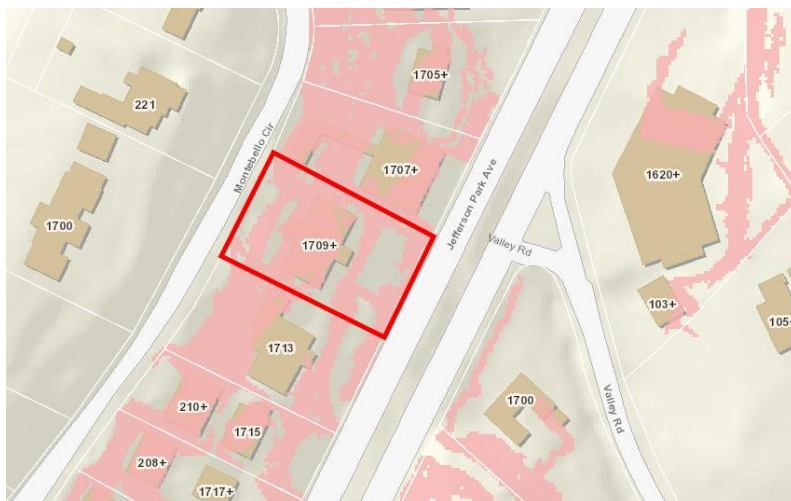
Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all the above-referenced components of the definition of “critical slope”.

Vicinity Map



Critical Slopes per the Zoning Ordinance



Standard of Review

Per Sec. 34-1120(6)(d): The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making a finding that:

- (i)The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
- (ii)Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

If the recommendation is for City Council to grant the requested waiver, the Planning Commission may also make recommendations as to the following: In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to:

- (i)Large stands of trees;
- (ii)Rock outcroppings;
- (iii)Slopes greater than 60%.

City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the negative impacts that they will mitigate.

Conditions may include, but are not limited to:

- (i)Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii)A limitation on retaining wall height, length, or use;
- (iii)Replacement of trees removed at up to three-to-one ratio;
- (iv)Habitat redevelopment;
- (v)An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi)Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;

- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

Project Review and Analysis

Each applicant for a critical slopes waiver is required to articulate a justification for the waiver, and to address how the land disturbance, as proposed, will satisfy the purpose and intent of the Critical Slopes Regulations, as found within City Code Sec. 34-1120(b)(1). The applicant has provided information in the attached critical slopes waiver narrative (**Attachment A**) for Application Finding #1 and Finding #2.

Staff Analysis 34-1120(b)(d)(i) Application Finding #1 and #2:

The City's Future Land Use Map of the Comprehensive Plan calls for the Subject Property to be Urban Mixed Use Corridor. The description for this land use category calls for higher intensity mixed use development arranged along corridors between employment, commercial, and civic hubs of the City. The form for Urban Mixed Use Corridor should respond to existing residential, environmental, historic context. building heights according to context with heights of 5 stories, or up to 8 at key intersections, such as intersections of Streets That Work Downtown, Industrial, Mixed Use, or Neighborhood corridors. Uses within the Urban Mixed Use Corridors should include commercial, employment, residential and include an inclusionary zoning mechanism to support housing affordability. Nothing in the application indicates the proposed development would not conform to the City's Future Land Use Map or the Land Use chapter of the Comprehensive Plan.

Finding #1 (The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes.)

Staff finds that nothing in the application materials suggest development of the site would not meet the minimum requirements for stormwater and erosion & sediment controls, but final determination cannot be made until a final site plan has been reviewed. It should be noted that regardless of any information submitted for a Critical Slope Waiver, all development plans over 6,000 square feet must meet VSMP minimum requirements and additionally, any project over an acre must obtain a Stormwater Pollution Prevention Plan (SWPPP). In addition, the applicant

has indicated they will be using Low Impact Development Standards (LID) during construction (see the application SP23-00005). This includes shared parking (must have legally binding agreement) that eliminates >30% of on-site parking required, 5 points or 1 point for each 6% of parking surface eliminated; and either bioretention on site that exceeds 80% or a Green Rooftop that treats/covers over 50% of the roof.

Finding#2 (Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.)

Staff finds that although there are Critical Slopes on site as defined by City code, these slopes are not in their original natural state and have already been impacted by development in the past. The existing building on site was constructed in 1972 and takes up (along with surface parking and retaining walls) a majority of the site. The only limited areas of Critical Slopes not impacted by the building or infrastructure are small sections to the south of the site. The only portion of Critical Slopes stabilized with trees (two small crape myrtles) are on the southwest side of the property. Staff supports Finding#2 under unusual physical conditions due to the past impacts to the site that predate the ordinance.

Staff Recommendation

Staff recommends the Planning Commission consider the following when making a recommendation to City Council:

Purpose and Intent of the Critical Slope Provisions

The purpose and intent of the critical slope provisions in Section 34-1120(b)(1) are to protect topographic features whose disturbance may cause negative impacts:

Staff believes the Critical Slopes on site, if disturbed would not have a negative impact on tree canopy, habitat, sediment discharge into waterways, or topographic features. Current minimum requirements for stormwater and erosion & sediment controls along with the applicant's LID measures will ensure a net positive environmental impact. In addition, the applicant has indicated (through their site plan) that they will provide tree canopy above the minimum requirement.

Recommended Conditions:

Staff recommends approval with the following conditions:

1. The applicant shall implement measures indicated within their Low Impact Development (LID) worksheet (page 8 of application SP23-00005 and sheet 36 of the application materials. These include:
 - a. Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be >/- 5% of impervious drainage area. 8 points or 1point for each 10% of site treated.
or
 - b. Green rooftop to treat >/- 50% of roof area. 8 points.
2. The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in their application.

Suggested Motions

1. "I move to recommend approval of the critical slope waiver for Tax Map and Parcels 160010100 as requested, with no reservations or conditions, based on a finding that **[reference at least one finding]:**
 - Finding #1: The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
 - Finding #2: Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)
2. "I move to recommend approval of the critical slope waiver for Tax Map and Parcels 160010100 as requested, with conditions, based on a finding that **[reference at least one finding]:**
 - Finding #1: The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i)
 - Finding #2: Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii)

Recommended Conditions:

1. The applicant shall implement measures indicated within their Low Impact Development (LID) worksheet (page 8 of application SP23-00005 and sheet 36 of the application materials. These include:
 - a. Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be >/- 5% of impervious drainage area. 8 points or 1point for each 10% of site treated.
or
 - b. Green rooftop to treat >/- 50% of roof area. 8 points.

2. The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in their application.
 3. ...
 4. ...
3. "I move to recommend denial of the critical slope waiver for Tax Map and Parcels 160010100.

Attachments

- A. Application, Narrative, and Critical Slope Exhibit



Application for a Critical Slope Waiver

Department of Neighborhood Development Services

P. O. Box 911, City Hall

Charlottesville, VA 22902

Telephone: (434) 970-3182

Tax Map and Parcel Number(s) 160010100

Address(es) 1709 Jefferson Park Avenue, Charlottesville Va

Applicant Contact Information

Name Kevin Riddle, architect

Company Mitchell Matthews Architects and Planners

Phone 434-797-7500

Email kr@mitchellmatthews.com

Owner Contact Information

Name Richard Spurzem, Neighborhood Investments Properties LLC

Address 810 Catalpa Court, Charlottesville Va 22903

Phone 434-971-8000

Email richard@neighborhoodprops.com

Owner's Signature:

Richard Spurzem, Manager
Owner

4/17/23
Date

Required application materials and fee:

- All materials requested during the preapplication meeting with the City Planner.
- Correct application fee. Checks payable to "City of Charlottesville".

Note: Incomplete applications will not be processed.

Date Received: _____	Received by: _____
Fee: _____	Cash/Check # _____



Application for a Critical Slope Waiver

Department of Neighborhood Development Services

P. O. Box 911, City Hall

Charlottesville, VA 22902

Telephone: (434) 970-3182

Critical Slopes Wavier and Modification Supplement Requirements

Please review City Zoning Ordinance Section 34-1120(b) and submit a completed Application using this form, Supplement, and *Critical Slope Exhibit.

**Critical Slope Exhibit: Survey indicating location and area of critical slopes and what portion of critical slopes are proposed to be disturbed. Survey shall be prepared, sealed, signed, and dated by a professional engineer or land surveyor licensed to practice within the Commonwealth of Virginia.*

Project Narrative and Description of Proposed Development:

The owner seeks to demolish an existing apartment building, and replace it with a new apartment building.

Existing Conditions:

A four-story building constructed in the early 1970's currently occupies roughly the middle of the parcel. Its footprint is roughly 2,300 sf. In addition to this, another 6,200 sf + of the site has been paved for parking cars. A total of roughly 8,500 sf of the parcel is currently developed with building or hardscape.

Total Site Area: Acres 0.311 Square Feet 13,547

Current Zoning R-3 Proposed Zoning (if applicable) _____

Any SUP or other Waivers being requested:

An SUP is being requested to allow additional building height (70'), greater density (87 DUA), a reduction to yard sizes and a reduction in parking (by 40%+).

Note: Incomplete applications will not be processed.

Date Received: _____ Received by: _____



Application for a Critical Slope Waiver

Department of Neighborhood Development Services

P. O. Box 911, City Hall

Charlottesville, VA 22902

Telephone: (434) 970-3182

Percentage of Area that is made up of Critical Slopes– meets criteria set forth in Section 34-1120(b)(2) **Definition of Critical Slope:** greater than or equal to 25% slopes and (a) portion of the slope has a horizontal run of greater than twenty (20) feet and its area is six thousand (6,000) square feet or greater; and (b) a portion of the slope is within two hundred (200) feet of any waterway:

Total Critical Slope Area:

Critical Slopes make up 0.218 acres of the site's 0.311 acres, or 70+ % of the site area.

**If critical slopes extend beyond property line, quantify total critical slope area as well as provide area of critical slope that falls within site area.*

The critical slopes on the parcel extend in either direction onto neighboring properties (also currently developed). They are not at all isolated to this property.

Critical Slope Area Disturbed:

0.211 acres of the total critical slope area identified above will be disturbed, or 97 % of the total critical slope area. Proposed critical slope area to be disturbed is 68 % of the site area.

This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120(b)(6) "Modification or waiver." The applicant is expected to address finding #1 and/or finding #2 and justify the finding by utilizing the "Critical Slope Provisions" as a guide. Completing this application will help staff make their recommendation to the Planning Commission and City Council.

City Council may grant a modification or waiver, upon making one or more of the following findings:

Note: Incomplete applications will not be processed.

Date Received: _____ Received by: _____



Application for a Critical Slope Waiver

Department of Neighborhood Development Services

P. O. Box 911, City Hall

Charlottesville, VA 22902

Telephone: (434) 970-3182

Finding #1:

The public benefits of allowing disturbance of Critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)

All necessary stormwater and erosion control measures will be taken to maintain the stability/integrity of the site. Necessary efforts will be taken during construction and after to avoid harm to nearby waterways. Some of the current paved areas will be converted to planting beds, resulting in roughly 1,030 sf less impervious surfaces. Should the proposed building be approved for its SUP, the parcel will provide more than three times the housing capacity it currently has. The proposed tree canopy will significantly improve what is currently on site, exceeding the city's 10% requirement.

Finding #2:

Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these Critical Slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property of would result in significant degradation of the site or adjacent properties.

Because critical slopes cover almost 3/4 of the site-- and they lace through it at almost every location-- there is practically no room to locate a habitable building without critical slope relief. The majority of parcels located between JPA and Montebello Circle are characterized by critical slopes. All of these parcels have at some point been developed nonetheless, and in several cases, construction was allowed within the last 15 years. In this case, the owner seeks the same consideration and flexibility to build here.

Note: Incomplete applications will not be processed.

Date Received: _____	Received by: _____
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Application for a Critical Slope Waiver

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Charlottesville, VA 22902

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Please address how Finding #1 and/or Finding #2 will be met utilizing the “Critical Slope Provisions” noted in 1—6

1. Erosion affecting the structural integrity of those features:

During construction, erosion and sediment control (ESC) measures will be utilized to protect slopes and downstream properties. Measures may include silt fence, inlet protection, diversions, surface roughening, blanket matting, and other approved measures to limit erosion. Following construction, the area of critical slopes on the site will be greatly reduced. Where critical slopes remain around the perimeter, plantings will be selected with inhibiting erosion in mind. Given the reduction and replanting of the slopes, the slopes remaining in the post developed condition will be less susceptible to erosion than the existing condition.

2. Stormwater and erosion-related impacts on adjacent properties:

- The critical slopes on the property face JPA, sloping down from Montebello. Adjacent properties have similar facing critical slopes. The critical slopes disturbed by the replacement of the existing building with a similar but larger building will not impact the adjacent parcels. During construction, ESC measures will be installed to protect adjacent and downstream properties. On-site stormwater treatment measures will be designed and installed to minimize the impact to the downstream roadways and storm sewer systems following construction.

3. Stormwater and erosion-related impacts to environmentally sensitive areas such as stream and wetlands:

- There are no streams or wetlands on-site and the project does not propose any disturbance to these areas. On-site ESC and stormwater management measures will be designed to protect downstream waterways.

Note: Incomplete applications will not be processed.

Date Received: _____ Received by: _____



Application for a Critical Slope Waiver

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Charlottesville, VA 22902

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4. Increased stormwater velocity due to loss of vegetation:

- The small parcel has limited vegetation around the existing building. All slopes on the property were previously disturbed with the construction of the existing building.
- We anticipate the stormwater flows over critical slopes will be reduced in the post developed condition due to the elimination of slopes. New hardscapes will be treated by on-site stormwater management facilities designed to limit the concentrated flow velocities and flow rates in accordance with City and State standards.

5. Decreased groundwater recharge due to changes in site hydrology:

- Given the size of the parcel, the existing hardscapes, and surrounding steep slopes, there is likely little to no existing infiltration on the site allowing groundwater recharge. The proposed development is anticipated to have a negligible impact on the groundwater recharge in this area of the City.

6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat:

- The existing critical slopes on the property have all been previously disturbed with the construction of the existing building. The areas of critical slope outside the building footprint are generally maintained grasses or invasive species. The only trees on this parcel are two small crepe myrtles.

List all attachments supporting this application and Provisions 1—6:

Note: Incomplete applications will not be processed.

Date Received: _____	Received by: _____
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1709 JPA
Charlottesville VA
07 . 18 . 2023

AERIAL VIEW

Critical Slopes
Waiver Application

Exhibits





- a** *Gymnocladus Dioicus espresso* (seedless Kentucky Coffeetree) - in bed of Appalachian Sedge
- b** *Amelanchier Laevis* (Allegheny Serviceberry) - in bed of creeping phlox *
- c** *Sassafras Albidum* (Common Sassafras)
- d** *Crataegus phaenopyrum* (Washington Hawthorn)
- e** *Nyssa Sylvatica* (Blackgum) *
- f** Green Roof (potential option to address stormwater quality/quantity)
- g** Linear Biofilter Area (potential option to address stormwater quality/quantity)

1,347 sf minimum required tree canopy (site area = 13,547 sf x 10%)
2,400+ sf estimated proposed tree canopy at 10 years

* before the ERB stage, plantings at Montebello Circle to be modified as necessary to meet city's type S-3 buffer standards

PROGRESS
DRAFT

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



PLANNING COMMISSION RESOLUTION
COMPREHENSIVE PLAN (CODE OF VIRGINIA, § 15.2-2232) COMPLIANCE REVIEW
APPLICATION NUMBER: CP23-00001: 0 E High Street
DATE OF THE MEETING: September 12, 2023

Project Planner: Carrie Rainey

Date of Staff Report: September 5, 2023

Summary

On August 8, 2023, the Planning Commission held a public hearing and reviewed the public facilities associated with the 0 E High development project pursuant to Virginia Code Section 15.2-2232 and City Code Section 34-28 to determine if the general character, approximate location and extent of the proposed improvements are substantially in accord with the City's adopted Comprehensive Plan or part thereof. Following the public hearing, the Planning Commission took a vote on this matter. Code of Virginia, 15.2-2232(B) requires that the Commission communicate its findings to City Council indicating its approval or disapproval with written reasons for its decision.

The Planning Commission determined the following facilities were **not substantially in accord** with the City's adopted Comprehensive Plan and amendments:

1. Public Road A
2. Public Road B
3. Public parking lot within Lot B

The Planning Commission determined the following facilities were **substantially in accord** with the City's adopted Comprehensive Plan and amendments:

1. Widening of Caroline Avenue and Fairway Avenue
2. Lot A, including public trails included therein
3. Lot B, including public trails included therein, but excluding the parking lot

The attached resolution is provided for the Planning Commission's consideration.

Attachments

A. Resolution

RESOLUTION
OF THE CHARLOTTESVILLE PLANNING COMMISSION
COMMUNICATING ITS 2023 COMPREHENSIVE PLAN REVIEW FINDINGS TO THE
CHARLOTTESVILLE CITY COUNCIL IN ACCORDANCE WITH CODE OF VIRGINIA 15.2-2232

WHEREAS, this Planning Commission held a public hearing on August 8, 2023, to conduct a Code of Virginia 15.2-2232 review of the applicant's latest preliminary site plan, which was submitted to the Planning Commission for this specific 2232 review on August 1, 2023, proper notice of this 2232 review was published as required by law, including, but not limited to, Code of Virginia 15.2-2204.

NOW THEREFORE,

AND BE IT FURTHER RESOLVED that this Planning Commission confirms that the general character, location, and extent of the following public facilities **are not substantially in accord** with the City's Comprehensive Plan or parts thereof, as amended:

1. Public Road A and Public Road B: Several goals of the Comprehensive Plan underscore the importance of preserving and enhancing environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic. Public Roads A and B are dead-end streets without further connection to the surrounding public street network which violates Goal 1 of Chapter 6 of the Comprehensive Plan, which stresses the importance of street interconnectivity. The lack of further connectivity with other streets is also in violation of Strategy 3.1 of Goal 3 of Chapter 6 of the Comprehensive Plan and the Connections and Access Guiding Principle of the Comprehensive Plan.

The proposed roads would also violate Strategy 5.8 of Goal 5 of Chapter 7 of the Comprehensive Plan. Existing natural features which make the area of the proposed development more resilient to the harmful effects of flooding would be replaced by impervious, asphalt streets that would likely increase flooding from runoff when it rains in this area. These proposed roads are not sustainable and fail to avoid the reduction of natural resiliency features in this area of proposed development, in violation of Strategy 7.1 of Goal 7 of Chapter 6 of the Comprehensive Plan. In addition, these roads would violate Recommendation 2 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan because they would not preserve natural habitats along the

Rivanna River Corridor. The roads are within the Rivanna River floodplain but offer no measures to enhance the floodplain and its natural resiliency features. The construction of these roads would not protect the natural environment on the area of proposed development, which violates the Charlottesville Plan Priority Area stressing the importance of keeping Charlottesville green. The construction of impervious infrastructure is not environmentally responsible in violation of Goal 7 of Chapter 6 of the Comprehensive Plan. These streets cut through existing plant and wildlife systems, disrupting the interconnectivity of these systems in violation of Goal 5 of Chapter 7 of the Comprehensive Plan. These roads fail to protect the existing ecological functions of the Rivanna River Corridor in violation of Recommendation 1 of the Development and Redevelopment Recommendations of the Urban Rivanna River Corridor Plan.

2. Public parking lot within Lot B: Several goals of the Comprehensive Plan speak to importance of protecting habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. The construction of an asphalt parking lot that crosses an existing floodplain would damage sensitive natural resiliency features in violation of Strategy 7.1 of Goal 7 of Chapter 6 of the Comprehensive Plan. The construction of an impervious, asphalt parking lot in the floodplain would violate Strategy 5.8 of Goal 5 of Chapter 7 of the Comprehensive Plan because this would damage, not preserve, natural features on the area of the proposed development. Much of Lot B is covered in grass, which can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. Installation of a parking lot will reduce the grassed area and the benefits it provides. The construction of an impervious parking lot in the floodplain does not protect the natural environment in violation of the Comprehensive Plan Priority Area stressing the importance of keeping Charlottesville green. The construction of impervious infrastructure is not environmentally responsible in violation of Goal 7 of Chapter 6 of the Comprehensive Plan. An asphalt parking lot would reduce groundwater recharge in this area, violating Strategy 5.2 of Goal 5 of Chapter 7 of the Comprehensive Plan. This parking lot fails to protect the existing ecological functions of the Rivanna River Corridor in violation of Recommendation 1 of the Development and Redevelopment Recommendations of the Urban Rivanna River Corridor Plan.

BE IT RESOLVED that this Planning Commission confirms that the general character, location, and extent of the following public facilities **are substantially in accord** with the City's Comprehensive Plan or parts thereof, as amended:

3. Widening of Caroline Avenue and Fairway Avenue: Several goals of the Comprehensive Plan speak to the importance of improving public access to the Rivanna River, trail networks, and transit stops. The widening of Caroline Avenue and Fairway Avenue includes a proposed public sidewalk connection, which will connect pedestrians to the Rivanna River trail network through the proposed public trail on Lot A in accord with Goal 1 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan and Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan. The proposed public sidewalk will also provide pedestrian connections from the existing transit stop on Fairway Avenue to both the existing public sidewalk network and the Rivanna River trail network in accord with Goals 1 and 5 of Chapter 6 of the Comprehensive Plan.
4. Lot A, including public trails included therein: Several goals of the Comprehensive Plan speak to the importance of increasing public access to the Rivanna River and trail network. The public trail network proposed on Lot A will provide an additional public connection to the Rivanna River and trail network in accord with Goal 1 and Strategy 8.7 of Goal 8 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan as well as Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan.

Several goals of the Comprehensive Plan also speak to importance of protecting tree canopy and habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. Lot A is part of a larger tree canopy patch, and such patches can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. The donation of Lot A will allow the City to preserve and protect the environmental resources on the lot in accord with Goals 3 and 5 of Chapter 7, Strategy 13.1 of Goal 13 and Goal 15 of Chapter 9, and the Priority Area to keep Charlottesville green of the Comprehensive Plan as well as Recommendations 2 and 8 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan.

5. Lot B, including public trails included therein, but excluding the parking lot:
Several goals of the Comprehensive Plan speak to importance of increasing public access to the Rivanna River and trail network. The public trail proposed on Lot B will provide an additional public connection to the Rivanna River and trail network in accord with Goal 1 and Strategy 8.7 of Goal 8 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan as well as Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan.

Several goals of the Comprehensive Plan also speak to importance of protecting habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. Much of Lot B is covered in grass, which can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. The donation of Lot B will allow the City to preserve and protect the environmental resources on the lot in accord with Goals 3 and 5 of Chapter 7, Strategy 13.1 of Goal 13 and Goal 15 of Chapter 9, and the Priority Area to keep Charlottesville green of the Comprehensive Plan as well as Recommendations 2 and 8 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan.

NOW, THEREFORE,

Upon adoption of this Resolution, the Planning Commission's findings with written reasons therefore on September 12, 2023, in accordance with Code of Virginia 15.2-2232(B), are hereby communicated to the Charlottesville City Council on September 12, 2023. The Secretary of this Planning Commission shall transmit this Resolution to the Charlottesville City Council.

Adopted by this Planning Commission, this 12th day of September 2023.

Attest: _____

Secretary, Charlottesville Planning Commission

Minutes

PLANNING COMMISSION REGULAR MEETING
March 8, 2022 – 5:30 P.M.
Virtual Meeting

I. COMMISSION PRE-MEETING (Agenda discussion(s))***Beginning:*** 5:00 PM***Location:*** Virtual/Electronic**Members Present:** Chairman Solla-Yates, Commissioner Lahendro, Commissioner Russell, Commissioner Stolzenberg, Commissioner Habbab,**Members Absent:** Commissioner Mitchell, Commissioner Dowell**Staff Present:** Patrick Cory, Missy Creasy, Matt Alfele, Remy Trail, Sam Sanders, James Freas

Chair Solla-Yates called the meeting to order at 5:00pm. Ms. Creasy provided an overview of the process for the meeting this evening. Chair Solla-Yates asked if there were any comments on the minutes and asked Commissioner Russell to prepare to provide a motion in the meeting. The Chair then asked if there were questions on the Grove applications. He also requesting that since Commissioner Stolzenberg provided the motions at the last hearing if he could prepare to do so this evening. Commissioner Stolzenberg asked why there was an additional hearing held in October 2021 after the hearing in May 2021. Mr. Alfele provided explanation on the progression of the application.

II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman***Beginning:*** 5:30 PM***Location:*** Virtual/Electronic**A. COMMISSIONER'S REPORT****Commissioner Dowell** – No Report

Commissioner Habbab – The Rivanna River Bike Pedestrian Crossing Stakeholder Committee met in mid-February. We closed out that effort. We're going to have to continue plugging in feedback along the way. I believe the project is now with the MPO. There was a public survey that closed March 4th. We will see what happens with the smart-scale application.

Commissioner Lahendro – I attended two meetings this past month. The Board of Architectural Review met February 15th. We passed four Certificates of Appropriateness. The requirements for one SUP were also approved. We had two deferrals. We looked at preliminary designs and had discussions regarding two projects. One was a new residence at 0 Preston Place. The other is a multi-unit residential building at 1301 Wertland Street. The second meeting I attended was the Tree Commission. That was March 1st. We reviewed the annual Tree Commission presentation to City Council. Because of the impacts on urban planning, setbacks, lot coverage, etc., we decided that we would like to bring it to the Planning Commission. You will be hearing that presentation tonight. The Tree Commission Education and Advocacy Committee announced the RELEAF Arbor Day plans. That Arbor Day celebration will be held

on April 21st from 1 PM to 2 PM. It is going to be at Charlottesville High School. We're going to have 15 to 20 landscape vendors and professionals set up in stalls. The science students will be making their way around these stalls and learning from the professionals and vendors that will be there. Arbor Day is going to be on April 29th. The Charlottesville Area Tree Stewards are planning an event that the Tree Commission will attend. It will be at Sojourners Church around an elm tree there that is going to be nominated to be on the city's tree list.

Commissioner Russell – No Report

Commissioner Stolzenberg – No Report

Commissioner Mitchell – No Report

B. UNIVERSITY REPORT

Commissioner Palmer – There was a Board of Visitors meeting last week. The only thing of note was that they approved a project at the Fontaine Research Park for an upgrade to the Encompass Rehabilitation Facility there. It is mostly a rehab facelift. There is some exterior work.

C. CHAIR'S REPORT

Chairman Solla-Yates – I attended two meetings of the Thomas Jefferson Planning District Commission. Many items were discussed. A lot of money is coming for rural broadband, which may change things in some ways for the entire area. There is a new effort to do a rural transportation study, which might have some effects for those commuting to the city.

D. DEPARTMENT OF NDS

James Freas, NDS Director – There are several things that might be of interest. We announced at the Council meeting last night that there is a planning process for safety improvements and design for a new smart-scale application for the 5th Street corridor. As part of that process, we do intend to engage the Planning Commission. You guys will hear more about that. We will likely be scheduling some time on a future agenda for that topic. The other announcement from last night was regarding the Climate Action Plan. There will be a scheduled work session on April 18th at the City Council meeting. That is at their 4 PM session to look ahead towards that Climate Action Plan. The conversation around natural gas hookups is being rolled into that climate conversation and will be touched upon at that session on the 18th. Earlier this week, we awarded the contract to Timmons Group for our new permitting software system. That is a big deal that is probably going to be up to about a year of implementation time. Hopefully, there will be aspects of this project that we can roll out periodically through that time. It is moving us towards a digital permitting system. With the zoning rewrite project, we had a steering committee meeting last week. Last night in front of Council, there was an appropriation request to extend our funding for community engagement and project management and to add in funding for modeling the housing market outcomes of the new zoning or the proposed new zoning. That will come as part of the approach report. We will be releasing the approach report, if we stay on schedule, mid-April. I am working with a group of UVA students on an expanded and enhanced zoning 101 document. We are 'flushing' out what that is going to look like. I imagine infographics and explanation as to what zoning is, how zoning works, and what our proposal is in the approach document.

Commissioner Lahendro – What is the target audience for the Zoning 101 document?

Mr. Freas – Everyone. The idea is to make the zoning project more universally understandable. Zoning is a very technical topic. Most people don't know about zoning and what is happening there. How could we make this project approachable and understandable so that people can engage on it at an equal basis. That's what we're aiming for.

Missy Creasy, Deputy NDS Director – I wanted to note things that we have coming up in April. We have a couple of items that we're expecting on our April agenda. The CDBG (Community Development Block Grant Task Force) Home Budget will come forward as its yearly item. We also have a couple of special use permits that are gearing up. We're not sure how exactly many of them will be on the April agenda. We are working on that. We have a potential for four public hearings next month. In speaking with the chair about that potential, that is a maximum. We're going to do the best we can to see how that works. As you can see from the anticipated list, we have several things that are in the hopper, though not all moving quickly. As the weather gets nicer, applications keep flowing.

E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

No Comments from the Public

F. CONSENT AGENDA

1. Minutes – June 29, 2021 – Work Session
2. Minutes – February 8, 2022 – Pre-Meeting and Regular Meeting

Motion to approve the Consent Agenda – Commissioner Russell (Second by Commissioner Lahendro). Motion passes 7-0.

G. TREE COMMISSION REPORT

Jeff Aten, Chair of the Tree Commission –

Next Slide

The purpose of us coming to you today is to convey to you, the Planning Commission, the state of the urban forest and to solicit your help.

Next Slide

Our urban tree canopy is declining at an increasing rate. We have good intentions and are planning for a robust urban canopy in our comprehensive plan. We believe that more needs to be done to ensure that this is the case as we build for more affordable housing and adjust streets to be more friendly to pedestrians and bicyclists. The City Parks Department and urban forester have, over several years, been contracting for aerial imagery to be collected and analyzed. We have been doing this since 2004 on a 5-year cycle. The trends are clear in this bar graph. We have seen a 10 percent drop in urban tree canopy coverage from 2004 to 2018.

Next Slide

Given that our city is approximately 6600 acres, that urban tree canopy loss equates to about 660 acres.

Next Slide

The data that was used in the most current or recent report is 2018 data. Once that is finalized, that will be shared on the city website. If we project out, an additional loss of 5 percent from 2018 to 2022, we're looking at close to 990 acres of urban tree canopy loss.

Next Slide

We can see in this chart and map that low-canopy neighborhoods correlate with historically low-income neighborhoods. Those are the ones that are in red here that have very low urban tree canopy coverage. It is also clear that, as the sub-heating shows here that canopy has declined in all but 2 neighborhoods. In those 2 neighborhoods, it has remained stable. It is not the direction we would like to be trending in.

Next Slide

That loss of tree canopy and the resulting lack of tree canopy coverage is not good for our health or for energy costs. This map shows the correlation between low tree canopy and more pavement exposed to solar radiation and, therefore more absorption and retention of that heat in the pavement leading to worsening heat island effects.

Next Slide

To combat this, we're trying, but not doing a great job of planting, preserving, and maintaining our urban tree canopy currently. There are many reasons for this; some in our control and some not. Those reasons are ranging from the pandemic to winter storms to funding. We have not recently been meeting the goal of planting 200 trees per year, which we think is a reasonable goal. We would like to see that change. You can see on the graph to the right that there is further detail relative to what we have been able to do recently. For instance, the 151 trees that were planted in FY2020, 80 percent of those were new plantings but 13 percent were replacement plantings. Even with those 151 trees being planted, only a portion of them are new trees replacing lost canopy.

Next Slide

We believe that there are code issues. Development in the city has been happening per code. Staff has been enforcing code. We believe the code does need to change to help preserve some existing high-value trees and to incentivize developers to work with the city to keep those trees and/or to plant new trees when existing ones must be removed. Sometimes trees get removed and only one gets replanted. Rows of oaks were removed along Garrett Street, and we saw only one tree planted.

Next Slide

We believe denser development and new affordable housing does not need to be at odds with tree preservation and sustainable tree planting. Really good planning needs to account for a robust urban tree canopy. It is one of the key components to a healthy living environment for all city residents.

Next Slide

Action is required when we believe there is collaborative work to be done between our two commissions to ensure a brighter or perhaps shadier future for the city of Charlottesville.

Peggy Van Yahres, Vice-Chair of the Tree Commission –

Next Slide

What is the Tree Commission doing to fix this problem? With our ongoing activities, we were set up 10 years ago. We are an advisory body to you, Council, and staff. We engage with the public. We had a Venable Arbor Day celebration at Venable with the Tree Stewards several years ago. We collaborate with other nonprofits. We monitor the effects of development on our green infrastructure. Our two main projects this year: 1. We are going to be reviewing the zoning ordinance with you. We have 4 main objectives. One is to increase the requirements for new trees, strengthen and enforce tree protection during construction, establish consequences for public tree damage. In Richmond, they have an ordinance. When a developer is allowed to take down a public tree, they must pay into a fund for more planting around the city. This can result in hundreds of thousands of dollars. Those oaks would be conservatively estimated at \$25,000 apiece. We also want to refine the site plan application review.

Next Slide

Our second project is a fund we just started to develop this year. For the last couple of years, the Tree Commission has become aware of the relationship between trees and health. Scientists have proven that areas that have low tree canopy have a higher incident of heat-related and pollution diseases. This includes asthma, strokes, and heart attacks. We have a big claim. We think that trees save lives. Our mission is to protect the health and wellbeing, particularly of our low canopy neighborhoods from the heat effects of climate change.

Next Slide

This is how we're going to do it. We're going to plant trees, preserve existing big trees, and educate kids and families about trees and nature in the city.

Next Slide

Our first project is going to be in the 10th and Page Neighborhood. We chose this neighborhood because it has a very low canopy. We have very few places to plant public trees. They will have to go on private homes. We know that 50 percent of the families in the 10th and Page Neighborhood pay over 10 percent of their income on energy. The average in the city is 2 percent. We haven't documented the health consequences. I am sure that they are like those that have been documented in Richmond with the low canopy neighborhoods. This is a project where we will be planting trees this fall and helping to preserve trees with the Tree Commission, RELEAF, and Tree Stewards.

Next Slide

As Commissioner Lahendro told you, we're going to have an event this spring at CHS. We're going to introduce kids to jobs in the green industries. We have about 15 vendors coming. It's going to be a fun event. It's going to be the day before Earth Day. We will have music and food. We're working with The City of Promise to develop what we call teenage ambassadors. These will be kids in the neighborhood, who will learn about the value of trees in nature. They helped us knock on doors in the fall to encourage people to plant trees. We've given presentations or going to give presentations about trees and nature to elementary schools and City of Promise.

Next Slides

We gave this presentation to all 3rd and 4th graders at Venable. Why are trees important to you? Trees improve health. We took thermometers on one day in September out on the 2 playgrounds at Venable. You can see that one is hot. There are no children there. It is 102 degrees. Trees improve health by cooling your playground. You can see that the shady playground was 82 degrees. It was a 20 percent

difference in heat. We know that children are vulnerable to heat. We had lots of other slides that showed how trees help animals by giving them a home.

Next Slide

Who are we? This is a fund initiated by the Tree Commission, initially funded by the Virginia Chapter of the Nature Conservancy. It is a partnership between the Tree Commission, Nature Conservancy, City of Promise, Tree Stewards, and Van Yahres Tree Company.

Next Slide

What the Planning Commission can do for us. You can plant and maintain trees. We are very appreciative that you have approved our CIP funding request for \$100,000 for new trees in the fall. That will get us to our 200 trees and \$105,000 for ash tree removal.

Next Slide

We want to help you create a zoning ordinance that treats trees as a vital asset and increase setbacks so we can have trees. Some people think that means you're going to lose a lot of land. We're not talking about huge setbacks: 10 to 15 feet. You can see what happens when setbacks are taken to zero if you at look at this picture. That's The Standard. It is the only building along West Main Street that doesn't have trees. We want to increase the requirement for new trees, better protect trees during construction, and provide incentives or disincentives for damaging trees. To protect our natural resources, look for locating new developments, parking lots, or other vacant types of land.

Next Slide

Improve the city organization. That is already happening. Encourage Parks and NDS and Public Works to work together. We would love to see a creation of a natural resource manager. If you did that, the third point there would take care of itself.

Next Slide

Enhance our charge. We particularly would like to have some input on large site plans such as Friendship Court. If we begin in the beginning of the process, trees, open space, and nature can go together. There are often compromises. Encourage departments to work together. Perhaps, we could have Public Works attend our Tree Commission. We're interested in the whole urban ecology and all the natural resources. We would like to see our charge expanded. We need your help to stop this loss of our tree canopy and our natural resources.

Next Slide

This came from our canopy study. It shows that the eco benefits from the trees in the city save the city \$16 million a year. This is the tip of the iceberg. If we were to plug in there the health saving costs for people and the energy saving for homes and businesses, we could probably triple this to \$36 million a year. That's the benefits of trees. We see hope. We're so excited about the new department heads. They seem very willing to work with us and want to be a partner.

The Planning Commission moved onto the one public hearing on the meeting agenda. Following the one public hearing, the Planning Commission returned to ask questions of the presentation given by the Tree Commission.

Commissioner Russell – Can you explain how the canopy is measured? How do you account for the loss?

Mr. Aten – There is aerial imagery. They use that aerial imagery along with GIS information to map the various areas of coverage. They're mapping streets, trees, ballfields, grooves of houses, etc. All those overlays become various area parcels. They use that to determine if there has been a gain or a loss in any area. They can also point to new areas of development, new roads, new clearings, etc. One of the things that they did note in the report is that some of the loss that we saw was some restoration work that was done along Meadow Creek. There were significant trees that were taken out as part of that stream restoration work and the sewer line realignment. A lot of that is coming back up again and will eventually become canopy. We are seeing losses elsewhere in the city relative to new development.

Commissioner Mitchell – You talked about the need to develop a canopy with private homes. Have you been talking to the homeowners? Are they receptive to us coming in and putting trees into their properties?

Ms. Van Yahres – A couple years ago, the Tree Commission went into the Belmont Neighborhood and worked with the Tree Stewards. We worked for 2 years, there knocking on doors and getting homeowners to plant trees. That was very successful. With our project with RELEAF, we're doing a lot of education of young kids and teenagers to get them to understand the values of trees in nature. We're hoping that is going to 'bubble up.' The Tree Stewards are already working in 10th and Page. They have planted about 15 trees going slowly door to door. In the last couple of months, they planted about 15 trees. We have learned from the Nature Conservancy that has done a lot of these projects. It is slow at first. You get a few people to do it. You put signs up. Other people start calling. It takes a while to be successful.

Commissioner Mitchell – I like your suggestion that the Parks and Recreation and Tree Commission are dialed into the rezoning that we do and the way we are configuring the tree installations. You talked about why we have lost so much of our canopy. What is the big reason? Is it redevelopment that is driving that?

Ms. Van Yahres – The canopy study is not yet complete. They're still working on it. It has been a lot of development. There were two big projects. A lot of it is development. We will know more when the tree study is finished.

Commissioner Mitchell – The other question is the loss of ash tree. Do we have a plan to replace the ash trees that we're going to take out because we want to take out because of the infestation? Do you have a plan to replace those ash trees?

Ms. Van Yahres – Yes. These are just public trees, not private trees. The ash trees are going to die. We're going to lose at least 300 trees. Our plan to replace those trees depends on how much City Council and Planning Commission allow us to plant new trees. Hopefully, we will be able to plant 200 trees a year for the foreseeable future. The ash trees are big trees. They are going to come down. We're going to be able to plant 10-to-12-foot trees. It doesn't compensate for the loss of canopy.

Commissioner Mitchell – Ash trees are big trees. What are we thinking about replacing them with?

Ms. Van Yahres – I hope that we can replace them with shade trees: oaks, maples, and sycamores. We believe that shade trees are going to do the most to combat climate change and improve the health of the community. We would like to replace them with large trees. It takes them a while to grow.

Commissioner Mitchell – In our lifetime, are we going to benefit from it? Are we doing this for our kids?

Ms. Van Yahres – The other thing we want to do is preserve existing trees. All the scientists and arborists are saying that, if you preserve the existing trees, that is going to do a lot more to combat climate change and keep your community healthy. That is part of our program. That is to help people who can't afford it; to be able to preserve their existing trees.

Mr. Aten – Those ash trees that are coming out/that the city is removing are in the public right of way. Trees need to go back into those same locations, so they provide those same benefits. Shade trees along streets and sidewalks help ameliorate some of those issues that we have had with the urban heat island effects.

Commissioner Stolzenberg – I noticed in the budget that the City Manager released yesterday that tree planting is still at \$75,000 and not at the full \$100,000 that we recommended. That is about 166 trees per year. In the ash tree removal line item, is that just for removal? Does that cover any kind of replacement?

Ms. Van Yahres – That is basically for removal. The arborist did an average cost to clean up the ash trees. Most of them are huge. They're very expensive to remove. That is just for removal.

Commissioner Stolzenberg – Will you present to us again when the canopy study is complete? I have questions about that.

Mr. Aten – We can supply it beforehand, so you get a chance to look through it and look at some of the data. We had some questions about the data and some of the metrics that were used that were part of their recommendations. The Tree Commission had some recommendations that were not in contradiction to those recommendations that were coming out of the report. We had questions about how they arrived at various recommendations.

Commissioner Mitchell – I recommend that you contact the chair and staff when the tree study is complete.

Mr. Aten – We would love to talk to you about some of those code issues Ms. Van Yahres mentioned in her part of the presentation. We have seen these sorts of things written into code that have to do with tree replacement as either per caliber inch or being paid into a fund that would fund future tree planting. It has been effectively used in other municipalities, like Richmond and others around the country. It incentivizes developers to take a 'second look.' They could be penalized for doing something that they might be able to avoid. You can change some of those site plans for the better and get some money for the city to replace trees.

Ms. Van Yahres – We have a powerful coach committee that is working hard. It has a couple of lawyers on it. They are looking at codes and zoning and wants to help the city. Mr. Freas has said that he is very

welcome to that. I think he has ideas of his own about how we can make our codes and ordinances much stronger. We're not just about trees. We are about all natural resources and how we can have a denser city and have a healthier city.

Commissioner Lahendro – One of the impacts of this tree canopy study and the discussion that we have had is going to play an important role in the ordinance rewrite when we get to setbacks. In my opinion, and why I want to bring it up now, I may not be around. You could have enough setback on paper. We need to remember utilities and the conflict between utilities and trees. We need to look at the kinds of clearances that the Utilities Department requires around their water lines, sanitary sewer lines, gas lines. Those clearances must be maintained between utilities and clearances must be maintained between utilities and trees. If you have the utilities going in the setback areas, you're not going to get any trees. It is something to remember and to include in the calculation of setbacks and how it works together. It is something to keep in mind as we go into the ordinance rewrite.

Commissioner Habbab – In continuing that same conversation, I was wondering if it had to do more with several trees along a frontage instead of a setback. If we want to find different ways to control, that way we're not constricting via setback, but we want X number of street trees per lot frontage on a street. There is more room for creativity.

Chairman Solla-Yates – I like courtyards. You can plant trees in courtyards.

Commissioner Lahendro – The slide that Ms. Van Yahres showed of Main Street and the difference between The Standard and The Lofts across the street. When you go down Main Street, you don't see that many trees along it. There really are many trees. In front of The Standard, there is nothing. It is such a miserable place to walk next to.

Commissioner Stolzenberg – I hope when we get into this discussion, we can explore the role of the right of way in this and how we can get more trees into the right of way. I think of some of the residential streets like some in Belmont that have 50-foot right of way widths. You could easily have a bump-out. Even The Standard is a great example. It has little trees tucked into those nooks. It has those tiny planting strips with no trees and that bike lane that is as big as a parking lane. It is always full of cars parked whereas a bicyclist probably would have preferred if the planting strip was thicker so that there were trees there, it would not be perfect for parking in. I wonder if we can look at our rules to make more sense to deal with the trees in front of buildings even without significantly increasing setbacks by using that right of way. When the Tree Stewards are planting trees, are they doing it themselves? If the city wanted to plant 200 trees but only had the money for 150, for those last 50 locations, could they have a wish list? Are we worried about liability issues or utility conflicts?

Ms. Van Yahres – The city doesn't plant trees on private property. There are other communities that bypass that by giving money to people like the Tree Stewards or RLEAF to help plant trees on private property. Right now, it is a liability issue. The city does not plant trees on private property.

Commissioner Lahendro – When the Tree Stewards worked in Belmont, the Tree Commission, me, and the residents were there. The community was there to helping to plant. It was a big effort.

Chairman Solla-Yates – Is there parking space for trees? Is parking there because trees aren't there? How does that relationship work?

Ms. Van Yahres – Trees and parking can coexist. With tough urban trees, they don't need a lot of soil. They don't need a lot of setbacks. They can survive in very small amounts of soil. We need to look at our parking requirements and trees and loosen that up. It only helps. It cuts down on the heat that we get from that asphalt.

Chairman Solla-Yates – Is there anything large institutional landowners can do to help with our tree troubles (County, City, and University)?

Commissioner Lahendro – From my experience at the University, the University is a model for the city with the kind of care that they take. They have been treating their ash trees for many years to save them. They are adding trees all the time. They have an arboretum committee that reviews any proposal to remove a tree. It must be approved. They have two arborists on staff that work at the University. It is a model for the city and for any other organization.

Commissioner Palmer – We try to protect the trees we have. We struggle with the same things with utility conflicts, new construction taking down existing trees. We must reckon with that. We have guidelines in place. All our projects have landscape architecture associated with them to bring back trees, storm water, and all those other natural systems. A good place to look right now is the Ivy Corridor. There was a landscape of trees there that is no longer there. We will be putting them back. Trees take time to grow. The result 30 years from now will be much better than what was there before and meet the needs of UVA's Mission. These canopies are a point in time thing. The hope is that if something is taken away, 20 years from now, you will see canopy back there.

Commissioner Lahendro – There was something that I 'wrestled' with as a project manager at the University for a long time. There was a landscape fund. Whenever you did a new project at the University, a certain percentage had to go to a landscape fund. That landscape fund could be used anywhere at the University. What a great idea for developers at the city to have to put in an amount to a landscape fund that goes into trees and improving the landscapes around the city.

III. JOINT MEETING OF COMMISSION AND COUNCIL

Mayor Snook called the Council to order for the Public Hearing.

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

- I. **ZM20-00003, SP21-00002, & P21-0023 – 1613, 1611, and 0 Grove Street** – Landowner Lorven Investments, LLC has submitted applications seeking a Rezoning, a Special Use Permit, and a Critical Slope Waiver for approximately 0.652 acres of land, including multiple lots identified within the 2022 City real estate records by Real Estate Parcel Identification Numbers 230133000, 230134000, and 230135000 (collectively, "Subject Property"). The Subject Property has frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The applications propose to change the zoning district classification of the Subject Property from R-2 (Residential

Two-Family) to R-3 (Residential Multifamily Medium Density) subject to certain proffered development conditions (“Proffers”) and development plan. The Proffers include: (1) prior to the issuance of a certificate of occupancy for the seventh (7th) dwelling on the Subject Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City as a cash contribution to support the City’s construction of pedestrian improvements within the Fifeville Neighborhood, and (2) twenty-eight percent (28%) of all dwellings constructed onsite shall be affordable units (AUs), as follows: 14% will be for-rent such that the monthly cost of rent, including tenant paid utilities, does not exceed 125% of the Fair Market Rent (FMR) established by HUD by unit bedrooms for the Charlottesville MSA ,and 14% will be for rent AUs such that the monthly cost of rent, including any tenant paid utilities, does not exceed the FMR by unit bedrooms for the Charlottesville MSA. All of the required AUs shall be reserved as such throughout a period of at least 10 years from the date on which the unit receives a certificate of occupancy. The proposed development plan indicates restoration of a portion of Rock Creek that runs through the Subject Property. The Special Use Permit application seeks to increase allowed density from 21 Dwelling Units per Acre (DUA), or 13.692 units within the Subject Property, up to 43 DUA, or 28.026 units, per, City Code Sec. 34-420 (Use Matrix, R-3 District). The proposed development consists of four apartment (multifamily dwelling) buildings with (4) one-bedroom units and (24) two-bedroom units. The total number of units would not exceed (28) units. The Comprehensive Land Use Map for this area calls for General Residential which recommends up to 2.5 stories in height, up to 3 units per lot (or 4 units if existing structure remains) and additional unit allowance depending on zoning allowances. The proposed development calls for disturbance of land within a Critical Slopes area, so a waiver is requested per City Code Sec. 34-1120(b)(6). Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in the Rezoning, Special Use Permit or Critical Slopes applications may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

i. Staff Report

Matt Alfele, City Planner – On October 21, 2021, the Planning Commission held a Public Hearing for a proposed development located at 1613, 1611, and 0 Grove St. Ext that included applications ZM20-00003, P21-0023, and SP21-00002. In preparing to move the application forward to City Council, it was discovered one of the Tax Map Parcels numbers was mistyped in the public ad. To ensure accuracy, all three applications have been readvertised and returned to Planning Commission for action. No substantive information has changed or been updated to the application from what Planning Commission reviewed on May 11, 2021 and October 21, 2021. Highlighted information in this report does show the changes as a result of the adoption of the 2021 Comprehensive Plan and Future Land Use Map. Lorven Investments LLC has applied seeking to rezone, a special use permit, and a critical slope waiver for approximately 0.652 acres of land including multiple lots identified within the 2002 city real estate records. These lots are collectively the subject property. The subject property has frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The application proposes to change the zoning district classification of the subject property from R-2 (Residential 2 Family) to R-3 (Residential Multi-family, Medium Density) subject to certain proffers conditions and development plan. (1) prior to the issuance of a certificate of occupancy for the seventh (7th) dwelling on the Subject Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City as a cash contribution to support the City’s construction of pedestrian improvements within the Fifeville Neighborhood, and (2) twenty-eight

percent (28%) of all dwellings constructed onsite shall be affordable units (AUs), as follows: 14% will be for-rent such that the monthly cost of rent, including tenant paid utilities, does not exceed 125% of the Fair Market Rent (FMR) established by HUD by unit bedrooms for the Charlottesville MSA, and 14% will be for rent AUs such that the monthly cost of rent, including any tenant paid utilities, does not exceed the FMR by unit bedrooms for the Charlottesville MSA. All the required AUs shall be reserved as such throughout a period of at least 10 years from the date on which the unit receives a certificate of occupancy. The proposed development plan indicates restoration of a portion of Rock Creek that runs through the Subject Property. The Special Use Permit application seeks to increase allowed density from 21 Dwelling Units per Acre (DUA), or 13.692 units within the Subject Property, up to 43 DUA, or 28.026 units, per, City Code Sec. 34-420 (Use Matrix, R-3 District). The proposed development consists of four apartment (multifamily dwelling) buildings with (4) one-bedroom units and (24) two-bedroom units. The total number of units would not exceed (28) units. The Comprehensive Land Use Map for this area calls for General Residential which recommends up to 2.5 stories in height, up to 3 units per lot (or 4 units if existing structure remains) and additional unit allowance depending on zoning allowances. The proposed development calls for disturbance of land within a Critical Slopes area, so a waiver is requested per City Code Sec. 34-1120(b)(6). During the Planning Commission's last two discussions, traffic, density, stream restoration, affordability of units, and impact to the surrounding neighborhoods were discussed. At the October 21, 2021 meeting, the Planning Commission voted 4 to 2 to recommend approval of the rezoning, 4 to 2 to recommend approval of the SUP, and 6 to 0 to recommend approval of the critical slope waiver.

Mayor Snook – Is the only reason we're doing this is because of the difficulty with the notice? Is there anything substantively different?

Mr. Alfele – It was just the notice. This was out of abundance of caution. Everything else is the same.

ii. Applicant Presentation

Justin Shimp, Applicant – This is a repeat of our prior application. Nothing has changed. We understand that these things do come up with advertising issues. Everyone is familiar with the location. It is 3 parcels at the end of Valley Road Extended.

Next Slide – Concept Plan

The concept plan is for 4 seven-unit buildings. The darkest pink highlighted here is the ground floor level. The lighter pink shading represents a building above a parking lot area. We have a surface parking lot at the center buildings cantilevered over a portion of the parking that are 3 to 4 stories.

Next Slide – Revisions from May 2021 Public Hearing

There were revisions between the May 2021 hearing and the October 2021 hearing. What you are seeing in this slide is nothing new from what you didn't hear last time. We didn't change our presentation. It is the exact same information. This is a refresher to people. After hearing comments from the Commission, we talked to the owner, who is willing to commit to the 28 percent affordable. That's four units at the 125 FMR and four units at the FMR rent and eight that meet the voucher eligibility for the FMR level. We adjusted the massing to reduce the height of two of the buildings. We did some grade revisions to help integrate the buildings into the site.

Next Slide – Affordable Housing

Next Slide – Grading Revisions

This is a quick refresher. We ended up with buildings that were basically three stories in the front and then a 3-story with units in the attic. That back building has units in the roof system. We're trying to keep it at that 30-to-35-foot building height. Those were changes made in the last meeting where commissioners voted on it.

Next Slide – Site Plan Revisions

A reminder for anybody who is new to the project. On the left is Valley Road. All four buildings park in the center. That blue dashed line is the existing stream that they propose some improvements to it.

Next Slide – New Construction: Single-Family & Multifamily

We found last time, and I suspect has probably gotten only worse in this proportion in the months between October and now is that we have a number of structures built in the city that are over 3000 square feet, not different in size plexes. Very few plexes get built. Plexes being triplexes, quadplexes, and 7-plex (in our case). This is a reminder that our buildings are, while larger than a single-family house, not substantially different in scale than a large 3-story home you might find in some of the neighborhoods.

Next Slide – Sidewalk Improvements & Stream Restoration

A couple of features to remind people of. We proffered a \$48,000 cash proffer towards neighborhood sidewalk improvements. We have also proffered a stream restoration on the banks on our property, which would be to regrade, restabilize, and revegetate that area as part of the plan. It is a rough section of creek. It has been long abandoned with trash, pipes, etc. When we're done with the project, we will have a fully vegetated and replanted stream bank in that area to help contribute in a small way to water quality downstream of the project.

Next Slide

These are the structures in question. The gray at the bottom is your lower-level units. There are units above and 7 units in each building. We read through the staff report about the change in the Comprehensive Plan. The only comment I have on that is that, if anything, the Comprehensive Plan came closer to what our proposal was originally that it had been essentially. I'm talking about infill opportunities and bonus densities for affordable housing. This is an infill and an affordable housing project with a 28 percent proffer for affordable housing.

Commissioner Mitchell – With these stream improvements, they happen no matter what? They're not linked to the sidewalk improvements. They're going to happen when you redo the this. Is that right?

Mr. Shimp – Yes, provided the plan is approved and developed. It is separate from the sidewalk. The sidewalk is an off-site improvement. That is off-site money. With the stream, work happens on our parcel of land.

Commissioner Dowell – Can you speak to how this project is harmonious with the existing neighborhood?

Mr. Shimp – One of our efforts with the redesign from the October plan was to scale down the buildings in a way to make them more duplex type of scale. They are still larger. We were trying to strike a balance

of density and affordability on an undeveloped parcel by going up an extra 3 stories versus 2.5. The Comprehensive Plan is 3.5 stories. We pick up that additional density and the additional affordability. We edited the project over time to get these more into scale. They're larger but certainly closer to scale with what is there than what we had started with.

Vice-Mayor Wade – I am the councilor that doesn't have history with this project. From my planning days, \$48,000 doesn't get you much sidewalk. Is it a new way to build them cheaper? What are we getting for \$48,000? Why \$48,000?

Mr. Shimp – There was a formula that the number came from. The city has a sidewalk fund basically per unit. If the city says that instead of building in front of your house, you pay X dollars per unit, we use that same math. That is the origin from the city's formula.

Mr. Wade – What definition did you go with as affordable?

Mr. Shimp – It is 28 percent total of affordable, which is eight units. Of those, four of them including utilities is capped at the HUD Fair Market Rate (FMR). It is around 65 percent AMI and 125 percent FMR, which is a higher number. That was selected because it falls within what the voucher limit is for the city. People hit that unit renting for that price are eligible to use a housing voucher for it.

Councilor Magill – Will full-time University students be eligible for those units?

Mr. Shimp – I believe yes. If somebody qualifies based on income, it wouldn't be any different based on occupation.

Ms. Magill – HUD does restrict full-time University students from Section 8 vouchers. If it is affordable within the Section 8 range, whether or not it will actually be available to somebody with a Section 8 voucher are two very different things. They're not getting restricted like LI HTC property. It is just that they will be in the affordability range of a Section 8 voucher.

Mr. Shimp – That's right. The rent is capped per those formulas. There is no other restriction about the who or the why.

Mr. Wade – What would be great is, if you're driving or walking past there, to get an idea. I am sure that they have some software to give a nice visual of what it would look like with anticipated colors of the building.

Mr. Shimp – You certainly would not see the buildings from Cherry Avenue. It is the last lot. You can see it from the immediate houses around it. It sits behind a tall railroad track. There are around 15 houses that can see it. You cannot see it from Cherry Avenue.

Mr. Wade – Several years ago, we built the Habitat house on this road. I recall that the stream/creek there was in bad shape. It has been many years since I have been by there. I am trying to picture that and if it is still in the rugged shape like it was and has some debris there and if your section is improved; would that throw things off? I need to look to see what is going on there.

Commissioner Mitchell – It would be very important that you (Mr. Wade) go by there and see the conditions of the site.

Commissioner Stolzenberg – You said that the lower affordable units are at (FMR) fair market rents was a little under 60 percent AMI. The others are at 125 percent of fair market rents.

Mr. Shimp – That's correct.

Commissioner Stolzenberg – The proffer for the cash for pedestrian improvements is separate from the sidewalks that you're going to build in front of the property? Are you still intending to do that?

Mr. Shimp – That's correct. A site plan ordinance requires us to build our own sidewalks. We would offer up the money for some improvement down the road. We talked last time about something at the entrance of Valley Road Extended. That would be up to the city. We tried to make the proffers sufficiently vague so that it could be used in that neighborhood where it made sense.

Commissioner Russell – Did we resolve the issue of the non-residential uses not being proffered out? Did anything change? I saw the notes from the October meeting. There was a question about the other uses associated with R-3. I know that it says that the following uses would be by right: bed and breakfast, a townhome, family day home, public health clinic, daycare facility.

Mr. Shimp – It does not come to mind as something that was still out there. It looks like we did not proffer that. Our development is intended to be in accordance with the SUP. Should that density be built, we must follow the plan that is offered.

Mr. Alfele – What you have before you are three applications. There is a possibility that City Council could approve a rezoning, deny the SUP. The proffers go with the rezoning. You have this affordable proffer that talks about dwelling units. I can't give you a clear answer. It is three different things that there is a possibility of just getting the rezoning. Any development that went there would have to conform to the two proffers that went with it. I won't say it is impossible that someone can get the rezoning and build some of these other by right uses. It would be very improbable based on the materials in front of you.

iii. Public Hearing

Paul Bennache – Any analysis done on the increase in traffic on Valley Road Extended? By my count, I counted the houses on that road. This would seem to increase the total number of people on that road by 30 or 40 percent. It seems that road is not wide enough. It is about 1.5 lanes wide, and it is hard to get through there. Just looking at whether any analysis was done on that.

iv. Commission Discussion and Motion

Commissioner Stolzenberg – On page 94 of the agenda, it has the traffic projections, trip generation. That is 171 trips per day and 19 trips during the PM peak hour. It is under 3 per minute.

Commissioner Dowell – I was wondering if we could get more background from staff as to why they chose to recommend denial of the rezoning.

Mr. Alfele – One of staff's main concerns was the condition of Valley Road Extended. On the eastern side of Valley Road Extended, you have Rock Creek. On the western side, you have a fully developed neighborhood with limited sidewalks and parking. Any improvements to Valley Road, pedestrians or vehicular traffic would be a major undertaking and would remove a lot of parking from existing homeowners. It was the biggest concern from staff. The scale at this end of the neighborhood is more apartment scale set in a single-family duplex street. Those are the two biggest concerns staff had with the proposal.

Commissioner Stolzenberg – I have two comments on things that have changed. It makes sense that this fits in with what we're talking about as General Residential in our adopted plan. There are no buildings to demolish on this site that is 4-plex by right. We have provisions for bonuses at affordable housing. In each of the seven plexes, you have 4 base units, your very affordable unit at fair market rents that can go to people with federal vouchers, workforce housing at 75 percent AMI that could go to people with city funded vouchers, and the market rate bonus unit. If that isn't what we're thinking about with the bonus provision there, I don't know what would fit. There is certainly four of them on what won't be a subdivided lot but could have been. I am sympathetic to the point that it is a thin road. I am thinking of other thin roads like Altamount Street that have sizeable apartment complexes at the end, in those cases even more units. People manage. People walk in the street. People slow down when they see people walking in the street. One big advantage that I see in this road is that at the most dangerous point, the part where it curves, that part does have a sidewalk. A pedestrian can get on the sidewalk at that blind curve. The 0 Preston Place that I was looking at is a single-family house in R-1. It is going to have a footprint of 4000 square feet. We saw earlier that these are 2000 or 2200 square feet. They are 3.5 stories, less than 35 feet, which we allow in R-1. The structures are big houses that are subdivided into more units on the inside. In that sense visually, it is compatible with the surrounding area, which are several large duplexes that are relatively new on the opposite side of the street.

Commissioner Russell – I want to follow up on that assessment of units. That is important. I don't see it the same way. General Residential is 3 units per lot with an additional bonus. We haven't defined what that bonus is. We have 3 parcels here. The maximum would be 4 units per parcel, 12 units maximum. This is a proposal that proposes no more than 28. Why that delta? Am I completely off on my logic?

Commissioner Stolzenberg – The lot differentiation here is a good point. In terms of the structure and vision in General Residential, they're 4 different structures. I am taking them individually. I don't read the conception of a bonus as meaning one more unit for two reasons. This isn't a sensitive area as we defined them. If you're not demolishing a house, I think the base would be four. If we're adding a bonus to, it would be both with extra units plus massing since it is two and a half height limit base, you can't just have a bonus. You must allow one affordable unit. Typically, with bonuses, it is an incentive. You give us something (an affordable unit and a workforce affordable unit), you get one market rate unit. At the very least, I would imagine that would have to be two extra units. We will define it later when we get to the zoning rewrite.

Commissioner Habbab – There is a lot happening for this project that meets the Comp Plan. You're doing some stream restoration, funds for pedestrian improvement, affordable units. It does check a lot of boxes. It is a green field. There is nothing on there. We should use that as an opportunity to add more housing where we can. There aren't that many left in the city. You're making use of the grade to add an

extra level. You're arguably adding canopy to a site that doesn't have any now. If I am reading the drawings, there aren't any impacts on trees.

Commissioner Russell – In this case, the proffer does not address the impact to the neighborhood. That is an important component of a proffer. It is to directly speak to the impact in the neighborhood. As we have discussed and as Councilor Wade pointed out, the \$48,000 isn't going to provide sidewalks on Valley Road Extended. It is very narrow.

Commissioner Dowell – What other adverse effects, other than parking, are we seeing that this project may have on the neighborhood?

Commissioner Stolzenberg – Parking is going to be all right. It has more than one parking space per unit. It is the traffic along the road that is a real legitimate concern. Per the ITE estimates, in that PM peak hour, it is going to be 1 trip every 3 minutes.

Commissioner Russell – I would compare it to the issue we discussed with Stribling. We had a lot of concern about traffic. People walk on the street because there aren't enough sidewalks. In that case, the proffer spoke to that need.

Commissioner Dowell – The reason for me asking about the sidewalks is we already don't have it in our regular CIP funding, Councilor Wade has already said that the \$48,000 is not going to make a difference in improving the project. I am wondering if there is something else, we can do to balance this out.

Commissioner Stolzenberg – I made a couple suggestions the last time. You're right that there are no projects for the neighborhood. I think they had reframed it to be vague enough that it could be used in the general area. At the end of the street, the intersection with Cherry Avenue, there is a curb with no curb cut. People in wheelchairs or with strollers going along Cherry can't keep going. That is something that is in the CIP that they pick out intersections every year that money could potentially be applied for. There is that. There is a bus stop with no shelter that CAT could potentially pull money out of that pot for building things up for improving that bus stop. I mentioned that Stribling was 170 units; over 6 times as much traffic as this and larger units.

Motion – Commissioner Sotlzenberg (Rezoning) – I move to recommend approval of this application to rezone the Subject Property from R-2, to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice. Second by Commissioner Habbab. Motion passes 4-3.

Motion – Commissioner Stolzenberg (Special Use Permit) – I move to recommend approval of this application for a Special Use Permit for Tax Map & Parcels 230133000, 230134000, and 230135000 (1613 Grove Street Extended) to permit residential density up to forty-three (43) DUA and adjusted yard requirements as depicted on the site plan dated September 29, 2021 with the following listed conditions.

1. Up to 43 dwelling units per acre (DUA) are permitted on the Subject Properties with a maximum of two bedrooms per unit.
2. The restoration of Rock Creek as presented in the applicant's narrative dated July 14, 2020 and revised September 29, 2021.
3. Modifications of yard requirements to:

- a. Front yard: Twenty-five (25) feet.**
- b. North Side yard: Five (5) feet.**
- c. South Side yard: Fourteen (14) feet.**
- d. Rear yard: Twenty-five (25) feet.**

Second by Commissioner Habbab. Motion passes 4-3.

Motion – Commissioner Stolzenberg (Critical Slopes Waiver) – I move to recommend approval of the critical slope waiver for Tax Map and Parcel 230135000, 230134000, and 230133000 as requested, with the conditions outlined in the staff report, based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i). Second by Commissioner Habbab. Motion passes 5-2.

IV. COMMISSION ACTION ITEMS

Continuing: until all action items are concluded.

The meeting was adjourned at 7:09 PM

Minutes

PLANNING COMMISSION REGULAR MEETING
June 13, 2023 – 5:30 P.M.
Hybrid Meeting

I. COMMISSION PRE-MEETING (Agenda discussion(s))

Beginning: 5:00 PM

Location: City Space

Members Present: Chairman Solla-Yates, Commissioner Mitchell, Commissioner D’Oronzio, Commissioner Russell, Commissioner Schwarz, Commissioner Stolzenberg

Members Absent: Commissioner Habbab

Staff Present: Patrick Cory, Remy Trail, James Freas, Missy Creasy, Carrie Rainey, Matt Alfele, Andrew McRoberts (City Attorney Designee), Dannan O’Connell, Sam Sanders, Jeff Werner

Chair Solla-Yates called the meeting to order at 5:00pm. He asked if there were any questions regarding items on the consent agenda. Commissioner Stolzenberg asked for background information on the Lochlyn application and that was provided. Commissioner Mitchell asked for an explanation on the Individually Protected Property (IPP) zoning text item. Mr. Alfele provided that background. A brief overview of the 218 W Market SUP item was provided, and Commissioners did not have questions at that time. It was noted that the Zoning Ordinance item would contain a report on current process and timeline as part of the staff report early in the meeting. It was noted that the remaining items would be preliminary discussions on upcoming projects.

Additional questions were noted on the IPP. Acting City Attorney Andrew McRoberts provided an overview of what the commission was being asked to address with this item. There was a brief discussion of potential next steps in this potential project.

Commissioners discussed scheduling for upcoming July work sessions on the Zoning Ordinance and tentative dates and times were confirmed.

COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:32 PM.

Beginning: 5:30 PM

Location: City Space

A. COMMISSIONER’S REPORT

Commissioner Stolzenberg – I had one meeting with MPO Tech. We discussed moving towards the 2050 plan. It does look like that survey is online right now. There is a webinar next Tuesday evening and an open house at the TJPDC on Wednesday about moving towards 2050. We discussed preliminary planning for the next round of smart-scale and trying to get some project ideas that we might submit for. Some possible options closer to the city ones are District Avenue and Hydraulic: the roundabout by the movie theater. The latest is that it might be moved into funded for this smart scale round because it was narrowly missed and the whole thing might be switched. With the Fifth Street Extended improvements by

Food Lion, rescoping that project to make that area safer, with the 250 and Ivy Road interchange and area, and the Barracks Road from Emmet to Georgetown area. VDOT is doing a pipeline study on that. It should help inform potential projects to submit to make that street safer.

Commissioner Mitchell – The Parks and Recreation Board met. There were two discussions. One discussion was led by Peggy Van Yahres. That was about The Grove. That is a place of reflection to honor local community leaders. There was also a presentation from the executive director of The Botanical Gardens of the Piedmont. That is a 15-acre project that is in McIntire East. LUPEC met. There were two major discussions. The discussions were regarding the water supply plan and what is happening with UVA Grounds and the framework plan and progress being made. The BZA met. There was one applicant that lived on Rialto. They wanted to get a variance to reduce the setback from 5 feet to 0 feet. The objective is to replace an awning that is breaking down into disrepair. The awning has been there for a long time, prior to the setback being there. They want to take it down and put a new awning. The BZA unanimously approved that.

Commissioner Schwarz – At last month's BAR meeting, there wasn't too much of interest. One interesting topic was a discussion on repainting or refreshing some of the painted signs downtown. The Downtown Business Association is looking into that. The preservation community is torn on how to do this. It was an interesting conversation. We will see what comes of it. At this month's BPAC meeting, an issue that came up was Module Three of the zoning rewrite, the issue of streetscapes. It looks like there is an option for, if a parcel does not have sidewalks on either side of it, they can pay into a fund rather than being forced to put in a streetscape. I can't officially speak for BPAC. There seemed to be general agreement that it would be better instead of that being at the developer's discretion if they had to get permission from the director of NDS or zoning administrator. There was some concern about, if they pay into the fund right away, the city should take into consideration how much it would cost to buy an easement later. It might be good to do the easement portion immediately and not the sidewalk.

Commissioner D'Oronzio – The HAC (Housing Advisory Committee) met on 5/17/2023. It was primarily a process-type discussion of how to organize the HAC going forward. It was one of the first public appearances of the new housing program manager, Antoine Williams, who ran that meeting. I was ordered by the chair to once again to bring to the attention of the Planning Commission and Mayor the HAC's interest and need to be involved in the sensitive communities discussion. There was a discussion of the status of and perhaps reviving the land bank. There is going to be some interest in looking at the existing draft ordinance. There was a brief conversation about the mayor's discussion with the Planning Commission back in March at the work session and my comments regarding financing in R-A and subsequent conversation where I promised to produce a memo. HAC wants to look at that. The next meeting is the 21st. We're going to try to figure out what the bylaws look like. Cville Plans Together met on 05/24/2023. Somebody raised a question about producing affordable housing in R-A. CDBG Home has some things on the horizon for an additional \$340,000 coming in HOME/ARP funds that is pointed to 60 percent AMI affordable housing that be shovel ready and dealt within 24 months or the program fully deployed in 24 months. Next week, the Office of Community Solutions is holding a seminar/invitational meeting on the process for applying for these funds.

Commissioner Habbab – There were two meetings. I missed the first one. It was the Citizen Transportation Advisory Committee. I was out of the country. It was May 17th. I do have an announcement from CTAC. The 2050 long range transportation plan is launching a public survey today to get public feedback on that. The link will be posted on social media and the website for the Thomas

Jefferson Planning District Commission. The Tree Commission meeting was last Tuesday. There were a few things to note from that meeting. There was an update on the RFP for the down tree replacement plan. It has been received and is being evaluated. The work is going to get started on invasive plant control in July. It is going to target the John Warner Parkway, Fry Springs, and other areas around town. Another piece of news from the Tree Commission is that a grant was submitted to the Inflation Reduction Act for \$300,000 that will help, if we receive it, fund the urban forest management plan and reassessment of our urban forest. Our last study was from 2018. It is outdated at this point. In anticipation of receiving those funds, the education and advocacy subcommittee of the Tree Commission is analyzing 7 other Virginia cities and how they manage their urban forest to see what lessons we can learn. We looked at the comprehensive tree list that is being put together. It is hopefully going to tie into Module Two and the coverage requirements. It will be an easy access resource for people to look at and see what trees can meet different criteria that we are requiring. There was discussion on how we measure, when it comes to the permitting, the requirement for the 15-inch caliber that we had on the trees. There was discussion on what that measure should be and if we should change that. That is an ongoing discussion. The best practice that was suggested was it was an 8-inch diameter at breast height. I will pass those notes along to staff.

Commissioner Russell – This will be my last Planning Commission meeting. I am going to be moving and leaving Charlottesville, exploring different parts of the country. It has been an honor to serve with all of you, with staff, and Council. I wish you all the best moving forward.

B. UNIVERSITY REPORT

Commissioner Palmer – There was a Board of Visitors Meeting at the beginning of the month. The Karsh Institute of Democracy Building design was approved. You can go on the website to see what that looks like. That is in the Emmet/Ivy corridor. Our long-time Director of Parking and Transportation, Rebecca White, is moving onto retirement. We're very happy that she's doing that. She leaves behind quite a legacy for our system of parking, transportation, and transportation demand management and regional transportation collaboration. A replacement has been found. That gentleman is Scott Silsdorf. He comes to us from Old Dominion University, where he has been managing their parking and transportation program for the past 20 years. Electric buses are on the way.

C. CHAIR'S REPORT

Chairman Solla-Yates – Motion for Consideration for Commissioner Russell's time on the Planning Commission.

Commissioner D'Oronzio. Second by Commissioner Habbab. Motion passes 7-0.

In the most recent Cville Plans Together meeting, there was a discussion about the lighting ordinance. The team confirmed that they are working on updated language. "Currently editing, going to make revisions, and make sure that there is light pollution controlled properly and adhering to best practice on Dark Skies."

D. DEPARTMENT OF NDS

Ms. Creasy – We don't have a June work session on June 27th. We are working towards work sessions for the first and second week of July. We have those work sessions as tentative. I will be getting the logistics together for those. Module Three comments are due over the weekend.

James Freas, NDS Director – Today, we kicked off our visit Affordable Housing market feasibility analysis and the rate of change analysis. Both of those were issued in reports last August. We are again looking at those analyses to make sure they still bear out, given a lot of changes in the marketplace since that time. Tomorrow, we have the Module Three open house here in this room in the late afternoon. We will be working with the consultant team and staff across a range of departments and city agencies to dig into our review of the draft document as it stands today. All of this is in preparation for us to begin working on producing that consolidated draft that we will be releasing at the end of July. At the end of July, you can anticipate a consolidated draft document, the complete set of comments that we have received on everything to date. The two meetings that we're working on scheduling topic-wise are to complete the conversation that we began on maps, map-related issues. We're going to talk about Module Three. We want to 'land the plane' on Residential A, B, and C.

Chairman Solla-Yates – Do you have a sense of when the updated rate of change analysis and market feasibility information will be released?

Mr. Freas – It will likely come out at the same time as the consolidated draft document at the end of July. We must have that ready to go in advance of that date so we can do final reviews. It is a lot of work in a very short, compressed period.

Our new Bike-Ped Coordinator, Tommy Saffroni, started yesterday. We have fully staffed up our transportation planning team. If you think back to that presentation that Ben Chambers did on the work of that team, we are now fully staffed and moving forward.

Commissioner Stolzenberg – Do you have big things planned for this summer in terms of Safe Routes to School?

Mr. Freas – We are putting that schedule together as we speak for quick build and identifying harder infrastructure changes that we couldn't do last year but we hope to do this year. We're also expanding the range of projects. The previous range was focused on schools. We're also looking at opportunities around major school bus stops. We're thinking of the safety of the kids that are congregating at bus stops.

Commissioner Stolzenberg – Do you have the funds that you need for that?

Mr. Freas – I understand that there are funds. I don't know the status of that. There are funds that we are working from.

E. MATTERS TO BE PRESENTED BY THE PUBLIC NOT ON THE FORMAL AGENDA

Ellen Cantini Morava (Speaking on behalf of Lorna Martin) – With regards to the 2005 JPA project, when Mr. Werner re-presented the 2005 JPA project to the Planning Commission (ERB) and Council, he stated that all the appellants requests for changes are not the purview of the ERB. On May 10th, 2022, when 2005 JPA first came to the Planning Commission (ERB) for a vote, Mr. Werner said something

quite different. He said that in design review, the Planning Commission had a lot of power to redesign the project. I quote Mr. Werner on May 10th. “Speaking hypothetically, you could in the design review process, say that you want this to be separated into two buildings. We want you to have that ability to push and pull design.” The design guidelines allow a tremendous amount of flexibility. You can change this design. You can do that. All but 2 of you were there and heard him say that. If planning commissioners in their capacity as the ERB have the power to separate the project into two buildings, surely you have the power to grant some of the minor design changes that the neighbors have asked for, such as getting rid of the side porches and entrances that will bring more traffic to the dead end of Observatory Avenue, conditioning the multipurpose path to be ADA compliant. Don’t revote in what you have voted twice before. Please look at the neighbors’ appeals. Give this some thought. The massing and scale of 2005 JPA are a severe adverse impact on people living on Washington and Observatory Avenues. City Council approved them on the assurance that design review would mitigate the adverse impact. Matt Alfele stated in the Council meeting “it was determined that most of the massing and scale issues could be addressed and mitigated when the project comes back to the ERB for design review.” City councilors trusted that statement. One of them said “I do have confidence the ERB will be able to address the mass and scale.” The mass and scale have not changed. The ERB needs to address the issue.

Tyler Miller – I am a member of the Tree Commission. I wanted to voice my concern about the draft zoning Module Three, Section 6.4.4.d.8.a, the designation of a particular violation in the schedule of civil penalties cannot be construed to allow the imposition civil penalties for activities related to land development. That should be removed.

Ken Hill – This is regarding 2005 JPA. This appeal pertains to the ERB CoA that was granted at the public meeting held on March 14, 2023. This follows up on the ERB meeting on February 14, 2023, regarding the same project. The 2005 JPA project will not be affordable. It does not fit within the existing zoning and exceeds what would be allowed by right in the rezoning proposed by the future land use map. There is strong opposition to this project for a variety of reasons. It is a seven-story building towering over one- and two-story homes in our neighborhood. I submit that you deny this CoA for 2005 JPA. This is a large project in a residential area sandwiched between established homeowners, investment properties, and numerous student renters. Residents stand to lose the essence of their neighborhood if this project remains as is. The City Council should carefully consider the appeals of these citizens to find solutions or redesign the project due to building’s height, parking, and traffic issues. One of the main issues is parking. With parking on both sides of Washington Avenue, there is barely enough room for two cars to pass. When you add in the design of an enclosed parking garage, it will result in major traffic bottlenecks at that location. The design of 122 parking spots for 390 students is inadequate for the scope of the project. A traffic study is needed.

Dan Miller – I want to make a brief comment about the draft zoning Module Three. This is said as a supporter of modest density increases and missing middle housing. We’re already looking at an out-of-control Airbnb hurting the availability and affordability. I believe that the proposals, 10 room lodging provisions that you can see in chat 312 on pg. 125 is going in the wrong direction. There’s a throwaway line later about a 25 percent commercial limit. Airbnb laws aren’t currently enforced. I am concerned that the plan, as it stands now, doesn’t touch covenants and HOAs. That is because we are a Dylan Rule state. Moving ahead with this plan without doing something to address the Dylan Rule prioritizes or puts the burden of increased density on other less affluent areas, which is a mistake.

Jack Morava – At the Board of Architectural Review meeting, the BAR discussed the proposed demolition (104 Stadium Road). The preservation architect hired by the developer described the house as marooned in its environment. There is no other stone house on that side of Jefferson Park Avenue. This was used as an argument for getting rid of it. It can also be used as an argument for hanging onto it. As Mr. Gastinger pointed out at that meeting, “you would be surprised at how many people know of that house because of its distinctive character. Our city would be less if it was gone tomorrow.” The architect also noted that there are several other stone houses of the same architectural style in the same district on the other side of JPA. One is across the street from the Dickensburg House. Together with 104 Stadium Road, these stone houses make a nice bracket at the University end of JPA built of local materials with a link to the city’s past. We, who live in the JPA neighborhood, are also marooned. We have heard a constant refrain from city officials about how desirable it is to keep students in our neighborhood as a way of keeping them from spilling into other neighborhoods. Over the past year, we have seen a steady series of proposals for bigger high-rises. Five to seven stories at 2005 JPA, eight stories at 1709, and nine to twelve stories at the corner of JPA, Stadium, and Emmet. Nobody seems to ask what is left of the neighborhood that is being pushed to 100 percent transient, student renters. Properties owned by out of state developers are absentee landlords. Those of us who still have our homes there benefit the city by advocating compliance with city laws. We would like to keep living there. Nobody remembers aging in place as one of the principles of affordable housing. We’re faced with living next to larger high-rises and selling our homes to one of the developers constantly hovering around in hopes of demolishing them. We urge you to think carefully whether this is good. We hope that some of you will agree that our city would be less if we were gone.

Elisabeth Sloan – I would like to encourage the Planning Commission to deny the Special Use Permit for 2117 Ivy Road to turn it into a subdivision. This rezoning is not in any way what the planned unit subdivision is meant to be. The scale of the proposed mixed-use building is not at all in keeping with the beauty of the surrounding area. The commercial entrance corridor is primarily one- and two-story buildings set back from the street with ample parking around them. The south side is the beautiful scenic campus of St. Anne’s Middle and High School. There are several houses with offices in them. The north side is more commercial, but the scale is very human. This proposed building is very ugly and will loom over the neighborhood and the UVA sports fields. This developer builds student housing across the country. These plans look like they were pulled out of a drawer. The traffic at Alderman Road and Ivy Road is backed up extensively during major events at the University. This violates everything that we have for the entrance corridor review. It is not aligned at all with the intention of the planned unit development, which is meant to create residential spaces with open spaces.

Anna Askounis – I am a member of the Lewis Mountain Board. We met with the developer. We were concerned about several things. We were extremely concerned about the traffic. He is proposing to build a 10-story building with 600 residents at one of the busiest intersections in Charlottesville. With all the football traffic, basketball traffic, it is almost impossible to get through that intersection. The University is building several buildings along Ivy Road. They (UVA) have been wonderful working with the neighborhood. They have kept those buildings to 4-stories to keep from overwhelming the neighborhood. Looking at that building and listening to him talk about his buildings in Chicago and Ann Arbor, I asked if he even knew the population of Charlottesville. He didn’t know. This is barely an acre of land. It has the Norfolk Southern railroad right behind it. This doesn’t make any sense to any of us. I hope that you think about not giving this person permission to do this. It is all about money. We tried to talk to him. It was clear that he wasn’t interested. It breaks my heart to think that this is going to happen.

F. CONSENT AGENDA

1. Minutes – May 9, 2023 – Regular Meeting
2. Major Subdivision – Lochlyn Hill Phase 4
3. Zoning Text Initiation – Individual Protected Property

Motion by Commissioner Russell. Second by Commissioner D’Oronzio. Motion passes 7-0.

G. Entrance Corridor – 2005 Jefferson Park Avenue

The public hearing for 218 West Market Street was moved up to be followed by the 2005 JPA Discussion.

The ERB was gavelled to order by Chairman Solla-Yates.

Jeff Werner, Preservation Planner – We are reviewing a CoA request for 2005 JPA. It is a 1.7 acre, 3 parcel property. There are existing structures on the property. The properties will be razed for the construction of a multistory brick and stucco apartment building with a footprint of approximately 312 feet by 155 feet. The building will feature two 5-story wings separated by a courtyard, which atop a 2-story brick foundation or podium. This provides a street level primary entrance at JPA. This lower podium encloses an internal parking garage, which will be accessed off Washington Avenue. This is the third time we have discussed this. You reviewed this on February 14th. The result was an approval of a CoA, approved 7-0. It is the identical motion with conditions that are in this staff report. There was an error in the public notice for that. We re-advertised that. On March 14th, the ERB reviewed the request. With a vote of 6-0, again approved the motion and conditions that are in this current staff report. Following the actions of the ERB on February 14th and March 14th, neighboring property owners appealed the approval to City Council. Council heard that appeal on May 15th of this year. I asked Council specifically if there were any issues in the appeal, comments that they felt needed to be addressed, they did not. There was some discussion about the mailing date. The meeting with you was on March 14th. The letters were posted on March 1st. Since that was arguably not 14 days, City Council requested that we re-advertise this. That’s why we’re back here tonight. Nothing has changed in this proposal since what was presented to you on March 14, 2023. Staff is before you tonight to recommend approval. I would recommend approval be reference to the motion that is attached. It is the same that was approved in February and March. Some comments have been made about what my recommendations have been or what I have offered in response to the comments. There are certain things that are simply not within the ERB’s purview. I appreciate the comments that were made. The only thing I can respond to you and City Council is that I operate within what the Entrance Corridor allows me to make recommendations on. I am not trying to avoid an issue. It is simply stating what you have purview over. Unless something significant has changed, staff’s recommendation is to adopt the prior motion and conditions.

Motion – Commissioner Mitchell – Second by Commissioner Schwarz

Having considered the standards set forth within the City’s Entrance Corridor Design Guidelines, I move to find that the proposed design for 2005 Jefferson Park Avenue is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted, with the following conditions of approval:

- Glass will be clear, at the locations noted in the staff report.

- New railings, if required, will match the metal rail at the podium terrace [as presented in the submittal dated 12/20/2022].
- All exterior lighting and interior lighting visible from the garage will have lamping that is dimmable, has a Color Temperature [CCT] not exceeding 3,000K, and has a Color Rendering Index [CRI] not less than 80, preferably not less than 90. Additionally, the owner will address any reasonable public complaints about light glare by either dimming the lamp or replacing the lamps/fixtures. [Note: This condition addresses two light sources: *exterior lighting* refers to all site and exterior lighting fixtures; *interior lighting visible from the garage* refers to all lighting fixtures within (inside) the garage.]
- Dumpsters and trash and/or recycling bins to be located within the garage and pulled to the curb only on collection days.
- If used for mechanical units, utility/service boxes, storage, trash containers, the *Mech Equip* area noted on sheet 44, at the west elevation, will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Any ground-level mechanical equipment and/or utility boxes will be appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Meters and panel boxes for utility, communications, and cable connections will be located preferably within the garage; if not, then in non-prominent locations on the side elevations only and appropriately screened. That screening will be subject to approval by design staff and must be memorialized as an amendment to the site plan.
- Stucco used on this site will be a durable synthetic material which is mechanically fastened over appropriate drainage mats with a code compliant water-resistant barrier.
- Bicycle runnels shall be provided as part of the multi-use path at the rear of the site.
- There will be no up-lighting of landscaping on the site.
- The number, size, type and character of all plantings (trees, shrubs etc.) and the biofilter shall be installed and maintained in substantial accordance with the drawings.
[Reference sheets 44 through 48 of the submittal dated 12/20/2022.]
- Screening of vehicular lighting at the south wall of the parking garage, particularly at headlight level. [Re: glare and brightness visible outside the garage.]

II. JOINT MEETING OF COMMISSION AND COUNCIL

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

1. **SP23-00002 - 218 West Market Street** - Landowner Heirloom Downtown Mall Development, LLC is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-557, 34-558, 34-560 & 34-796 to modify the required setbacks for a previously authorized mixed-use development at 218 West Market Street ("Subject Property") having approximately 145 feet of frontage on West Market Street and 164 feet of frontage on Old Preston Road. The Subject Property is further identified on City Real Property Tax Map 33 as Parcel 276 (City Real Estate Parcel ID 330276000). The Subject Property is zoned Downtown Mixed Use Corridor (D), subject to the Downtown Architectural Design Control Overlay District and the Urban Core Parking Zone

Overlay District. The application requests a modification of the 25-foot minimum required setback after 45-feet in height pursuant to City Code Sec. 34-558 to authorize a 10-foot minimum setback after 45-feet in height on the West Market Street frontage and a 5-foot minimum setback after 45-feet in height on the Old Preston Avenue frontage pursuant to City Code Sec. 34-162. Market Street Promenade, LLC previously received a Special Use Permit (SUP) to authorize the mixed-use development on the Subject Property, which included approval of additional building height and residential density than is allowed by right within the Downtown zoning district. The specific development approved is a 101-foot mixed-use building with ground floor commercial space, and up to 134 residential dwelling units above the ground floor (up to 240 DUA). In the Downtown zoning district, mixed use buildings are allowed by-right, up to a height of 70 feet, with residential density up to 43 dwelling units per acre (DUA). The Comprehensive Plan Future Land Use Map for this area calls for Downtown Core, but no density range is specified by the Comprehensive Plan. Information pertaining to this application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Special Use Permit request may contact NDS Planner Carrie Rainey by e-mail (rainey@charlottesville.gov) or by telephone (434-970-3453).

i. Staff Report

Carrie Rainey, City Planner – The applicant requests a modification to an existing Special Use Permit (SUP), SP19-00006, to modify required setbacks. The existing SUP permits a mixed-use building with up to 240 dwelling units per acre (DUA) and up to 101-feet in building height with conditions including affordable housing obligations, a community space with reduced rent, a protective plan for the adjacent property, and building form requirements such as ground floor transparency. The current application requests modification of the required 25-foot minimum setback at 45-feet in height per Section 34-558(a) to a 10-foot minimum setback for the West Market Street street wall and a 5-foot minimum setback for the Old Preston Avenue street wall. The staff report in your packet includes links to the previous staff reports provided on the original SUP. The staff analysis in your packet focuses on the requested modification to the building step backs, as the density and increased height were previously approved by City Council. The 2021 Comprehensive Plan Future Land Use Map designates the Subject Property as Downtown Core. All adjacent properties are designated as Downtown Core or Open Spaces and Parks. The Comprehensive Plan describes the Downtown Core designation as a primary, central mixed use activity hub for the city. The Plan recommends a mix of uses in the same building (“vertical mixed use”) is encouraged and form should be compatible with, and respond to, the existing urban scale and historic/ civic context. Up to 10 stories in height is contemplated. Several goals in the Comprehensive Plan speak to a desire to promote additional housing options, particularly those in proximity to activity and economic centers and public transit options, as well as context sensitive redevelopment of underutilized properties. Staff finds that the proposed development aligns with these goals. Staff believes the proposed development also aligns with the Downtown Core category description and will not have an adverse impact on the adjacent Open Spaces and Parks designated properties. The development will require a Certificate of Appropriateness from the Board of Architectural Review, or BAR. On October 18, 2022, the BAR held a preliminary discussion on the proposed step back modification and confirmed they generally support the proposal. On April 18, 2023, the BAR took unanimous action to confirm the proposed step back modification does not adversely impact the Downtown Architectural Design Control

District with the understanding the final design will require a Certificate of Appropriateness from the BAR. The previous City Planner processing this application waived the community meeting requirement per City Code Sections 34-158(a) and 34-41(c)(2). One member of the public wrote in to express concern with the development's impact to the character of downtown and parking. Staff recommends the Planning Commission focus on appropriate building step back requirements and the BAR action confirming the proposed modification will not adversely impact the Downtown Architectural Design Control District. Included in your packet are proposed modifications to the original SUP conditions to account for the requested modification to the building step backs.

Commissioner Mitchell – Can we talk about the impact on pedestrian access as it relates to the step back? How is it going effect the ability to walk that small area?

Ms. Rainey – The step back is something that would only happen after 45 feet.

Commissioner Mitchell – There was concern about pedestrian access in that building.

Ms. Rainey – That is not specifically what the requested modification is addressing. As part of the conditions from the original approved Special Use Permit a section that includes condition 2 – breaking down the mass to provide compatibility with the architectural control district item 3, condition 3. There should be pedestrian engagement with the street with an active, transparent, and permeable façade at street level. There are also some conditions under number 5, which has some modifications to include windows on all elevations. Those would be the main pieces that are dealing with our building form. The setback, which is along the ground floor, is not being requested to change.

Commissioner Schwarz – Are we allowed to make modifications to the conditions that were part of the original SUP?

Ms. Rainey – Yes.

Commissioner Habbab – I had a question about the first condition. Why was it that no more than one building should be constructed on the site? Why was that part of the conditions?

Ms. Rainey – I do not know the answer. The first Special Use Permit was handled by a previous planner. I imagine that it could be that one building was proposed. We tend to memorialize the design proposal within the conditions. I can't answer that directly.

ii. Applicant Presentation

Valerie Long, Applicant – We're representing the applicant, Heirloom Development. This is a very simple proposal. The request is limited to modifying the step back requirements along West Market Street from 45 feet to 10 feet. Along Old Preston, from 25 feet to 5 feet. This is consistent with the Comprehensive Plan. We note that under the draft zoning ordinance, it looks like there is no plan to continue requirements for step backs. The existing 25-step back in this zoning district is substantially larger than any other zoning district. It doesn't seem to fit here. There were a lot of exceptions made in other locations.

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This is commonly referred to as the Artful Lodger site because of the furniture store that is located on the ground floor of this building. It would comprise the entire site. It is along West Market Street. The rear of the parcel abuts Old Preston Avenue, which turns into the end of the Downtown Mall.

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On the right is the most helpful image. You can see in red, the 25-foot step back from each of the two adjacent streets. That is within the existing zoning ordinance. We're requesting or proposing to reduce that front step back from 25 feet to 10 feet along West Market. This step back only kicks in at 45 feet and above. It is noted that there would not be any impact on any pedestrian experience. On Old Preston Avenue, which we think functions like an alley more than a typical street, it is a very different character than West Market Street. The ordinance would require the 25-foot step back starting at 45 feet. We're proposing to reduce it to 5 feet.

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These are some graphic images. The top left is showing what the existing, approved Special Use Permit would require with the 25-foot step back on either end. The lower left exhibit reflects the proposed modifications. We do note that the Board of Architectural Review, as part of the Special Use Permit, reviewed this as an advisory review board to weigh in and provide comments as to whether the proposal would have an adverse impact on the historic district. Their finding was that this proposal would not have an adverse impact.

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These are some images showing visually what the change would look like. The top left shows the existing, approved design. It would require that large 25-step back after 45 feet in height of the street wall. The lower left shows what that would look like. As you can see from the image on the right, that is the view from West Market Street looking towards McIntire/Ridge.

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I should also note that the building has not been designed to the level of detail. It will require a Certificate of Appropriateness from the BAR before issuance of a building permit. That's why we're showing these in box massing diagrams without a lot of detail. This is the same image in reverse, looking the opposite direction up West Market.

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This is the view from the Downtown Mall looking toward the end of that photograph between the Omni Building and Whiskey Jar. On the end is the start of Old Preston behind the Omni parking deck. The building would be visible from this vantage point on the Downtown Mall. The top left is showing what that would look like, the level of visibility, with the existing approvals, and on the lower left the reduced building step back. It would still be visible, but it would not be out of character or scale with the other buildings nearby.

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These are some comparisons of other step back regulations in all the other mixed-use zoning districts. We did do an analysis to determine what the other mixed-use zoning districts require. Most of them are in the 10-foot range if not less. The only exception is along in the 'South Street Zoning District.' It is a very

small span, about a half-block long. There are special zoning rules for that street because of the historic properties that are located on that street.

Among the reasons the request is important is to help the functionality of the building for residential development. With such a large step back, it cuts into the buildable area, the building envelope, and makes it more challenging to provide the number of units approved for in the site.

Jeff Levine, Applicant – There is a certain formula to residential development as to how your corridors run and the depths of your units run. With this anomaly in the city of having two pinch points of 25 feet, you don't get layouts after those 45 feet that really work for residential development. It defeats the whole purpose of building this site for residential development, including the affordable housing that is included. None of what we're asking gives more density, units, or height. It is simply for better architecture, which is why the Board of Architectural Review understood that. For better design, layout, and units that are marketable, this change needs to be made. You can see on certain areas, if there is a 25-foot step back, the other side has 0. You still have that same upper tier. That is what this is about. As we got deeper into the design, we started looking at this building and going through schematic design. When thinking about going to the BAR, the upper building does not work for residential development. Mr. Schwarz asked if there could be other conditions. We tried to make this narrowly focused on this amendment about the step back. The original SUP was heavily vetted. With the other commissioner's comments, that's why some of those things came about. The pedestrian access was a concern. Since we were going to be building a building on that Artful Lodger parking lot, which acts a connector between West Market and Preston/Mall, could we provide a pedestrian access through the building. There would still be that connection. That is one of the concessions that came through the lengthy and costly vetting process through the SUP. It is the same with those other conditions that were mentioned. With the building being broken up, I have gone through this with the BAR on other sites where we're trying to respect the long width of the site to make sure that it is not one big building or one big face along the street wall. It is typically not our architecture to do that. It is working with the BAR to understand to make sure that there are certain depths, and you don't have one wall. That's how we articulate it to say that it will look more like one building. It won't be more than one building. That's where that came from. All those discussions were heavily discussed. The only thing coming back now is that we can't make the top of this building work with these step backs.

Lisa Moran, Applicant – We did a very detailed study of unit layouts. We discovered that these units are not marketable. It is labor pinched in terms of providing the natural light for light wells. We did try to make these step backs work.

Commissioner Stolzenberg – With the pedestrian access through the building, I thought that I remembered us talking about that and putting that as a condition. I am not seeing it in the conditions. In the original materials, the BAR had recommended it as a condition. You are designing it with that pedestrian access? Would you care if we added that as a condition? It seems like it was an oversight.

Ms. Long – Condition #1 does reference the application materials that were submitted. We can make it consistent with the original proposal. There is not a proposal to remove that.

Mr. Levine – We always thought it was a condition. The only change from that original proposal is with the step back. We had proffered some kind of artificial step backs. Those don't work as well. We looked

at how the zoning works around the other parts of the city. We're proposing that this site be treated the same as the other ones with a 10 and a 5. As far as architecturally designing the building, we can do that from those 10- and 5-foot step backs. As far as whether we do another step back, that's how we work through the BAR in designing the building. The only changes are step back related.

Commissioner Habbab – I have no issue with the step back. I am concerned about other conditions, especially on the affordability one. If doing the math, I am getting around 130 units. If we're looking at our draft zoning, it is 10 percent. That will be around 13 units at 60 percent AMI for 99 years. Most expire after 8 years and 2 after 16 years. It is not what we want now. I know that two of the affordable units should remain affordable for 16 years and the other 6 after eight years. Were you going to keep the 80 percent for 8 more years or was it going to be 50 percent AMI?

Mr. Levine – This is a very important point in relation to looking at the rezoning. You're bringing up the tradeoffs that need to occur to do that. What you're failing to mention in the formula is that the new zoning starts at a base height of one story higher than this current one. That is the city recognizing that the developer can do more, maybe 5 more units in exchange for additional height. We don't have that option here. If you do the formula under the SUP, what I offer as far as affordability and length of time is more stringent than the formula that comes out under the SUP. We're all hoping that the new zoning goes through, and the affordable housing is a better program. Right now, we must operate under the rules that are before us. These are the rules right now.

Ms. Long – The conditions on affordable housing exceed what would be required under the zoning ordinance pursuant to Section 34-12. That would require about 5 percent of the units, 5-year terms at 80 percent AMI.

Commissioner Schwarz – The street wall step back must occur between 40 and 45 feet. Are you going to have any issues with the sloping site? I don't think Market slopes so much. I don't know if Old Preston slopes more than 5 feet. Is that going to be a problem?

Mr. Levine – We have studied that. We have studied how it has been measured before. I don't anticipate an issue with that.

Commissioner Stolzenberg – You do have an 8-foot grade change across the front of the lot. That does seem like more than that range.

Mr. Schwarz – I guess it depends on how staff is interpreting it. I know the Code Building had an issue.

Commissioner Stolzenberg – Have you given any thought to breaking up and extending the Pedestrian Mall up to your retail space and ending before your garage entrance?

Mr. Levine – I have met with Mr. Freas, Chris Engel, The Omni, and The Code. That would be an amazing goal. We can have a conversation about the challenges of who controls what. The end of The Mall is like a life suck. It 'dies' there. What we want to do is invigorate and have it as an ending point, which all pedestrian malls have. That would be my goal.

iii. Public Hearing

Joey Conover – I manage 110 and 114 Old Preston Avenue. It is owned by my mother, Virginia Doherty. She is interested in this discussion. I am representing her interests this evening. She and my father purchased their building in 1976. I was not aware of this application for this change until I received notice of this meeting. I am generally supportive of high density on this site. However, I will use this setback change request this evening to ask the Planning Commission to seriously consider some tradeoffs in exchange for approval. Number one is to require pedestrian access from Market Street through to Old Preston Avenue and the Downtown Mall. Number two is additional low-income housing to be built or funded to match the Future Land Use Map and zoning requirements. Number three is to require the light and air channel as shown in the application to be included in the future design to be presented to the BAR to address the potential increased snow load to our 100-year-old stone building from snow drifts piling up next to a higher and wider building. The light and air section as shown will provide a broken-up building with step massing that is interesting as the architectural design of the Code Building. The applicant argues that Old Preston Avenue functions more like an alley due to The Omni's utility cabinet and be treated as a numbered street. I can tell you that the street functions as an entrance corridor for the Downtown Mall. There should be additional city resources to maintain it given the high amount of pedestrian traffic. The Omni bought a back door feeling to part of the street that was not there when Vinegar Hill was integrated into the downtown area. The current Posture Pilates and Artful Lodger bring a more retail and open feel to the area. I understand that floor one will be commercial. There should be pedestrian engagement with the street with an active, transparent, and permeable façade at street level. I hope this is maintained as a priority by the BAR and design review. Old Preston is not made to feel like a back alley. The Whiskey Jar appears on GIS to be built right up to the property line. If 218 West Market Street is built up to their property line, I fear there will be no pedestrian access from Second Street Northwest.

Deena Gold – I am the executive director of Lighthouse Studio, which is located at the Vinegar Hill Theater on West Market Street. Every year, we teach 1000 young people. We make films in our studios and screen them in our theater. We hold regular screenings for the public. We run our theater, studios, and roof terrace to import an income to support our non-profit. Our students use the sidewalks on Market Street/Old Preston to access the Downtown Mall. I do have a few concerns. The first concern is pedestrian/student safety. Our students are constantly moving in and out of our building. Their access on Market Street, Old Preston, and into The Mall are critical during construction and post-construction. I am concerned about driver safety. The narrow, curvy, hilly street segment creates challenging conditions for drivers. Since 2017, our building has been hit by cars on two different occasions. I want to know how traffic will be managed when this new, large structure is in operation. The noise and the debris from the build will prevent us from using our studios to teach, our theater to screen, and our space to make the money we need to operate. We have spent over 20 years growing our organization, buying and renovating the Vinegar Hill Theater, and adding new studios. We are concerned that the noise, debris, and dangers of the building will severely disrupt our organization and threaten its financial stability.

Linda Abbott – I live directly across from the proposed building. I am concerned about the massive size of the building. It is bigger than anything else that has been on The Mall. The cut-through between Market Street and The Mall is important. I am also concerned about the light. This massive building is going to put Market Street in shadow all the time. Plants and trees need light to grow. That is not going to happen. They are taking out 18 trees. I thought that the previous setbacks were so, so that some trees can be planted. The tree canopy would not be changed. It seems that is not going to happen if the setbacks are 5 feet and 10 feet. I am concerned about the noise. On Market Street, it is hard to hear anything. With a

huge wall on the other side, there is no place for the noise to go. I am concerned about the traffic. There is 134 more units and people with cars. Where are the parking and cars going to go? The building is built to the sidewalk, which is not even 6 feet wide. If this building is going to be a gateway to The Mall, it is going to be taller than McGuffey or The Omni. It sets a precedent for other large buildings that would surround The Mall. The trees will die because there would be no light. I would like you to consider those things when you make your decision.

iv. Commission Discussion and Motion

Mr. Levine – I wanted to provide some comfort with some of the comments. We have been clear that the pedestrian access was in the original set of conditions. We're sticking with that. We understand that is an important passageway. I hope that addresses a sector of those comments. With respect to traffic, we had that the first time of the SUP Brian Haluska (previous planner) had a traffic study done. We also did a traffic study. It is why the entrance to the garage is on Preston and not West Market. It will improve the traffic along West Market because there will be no turn-in off West Market. I understand that people see density in units and feel that traffic is going to be worse. I know that stretch of West Market does get backed up. We think this will be better. That is hard to fathom with more density. We did shadow studies the first time. With this step back revision, it does not affect the shadows at all compared to the other step backs; the way the sunlight hits the building. In our original application, we showed that without an SUP, you can build 6 stories and they minimize the effect of the sunlight going up the additional stories versus the 6 stories by right. I wanted the public to know that we gave a tremendous amount of thought to all those concerns. We feel that the project will be an overall improvement and help the overall housing situation. More life on that corner will help some of the other less than savory things that go on. We would be able to have more activity. Light would help the property.

Commissioner Mitchell – The pedestrian access was my initial concern as it relates to the overall project. I'm now comfortable with that. I am comfortable with the step back as proposed.

Commissioner D'Oronzio – I agree with Commissioner Mitchell.

Commissioner Habbab – The step back is not going to be an issue based on what I saw if we find a way to incorporate the general layout that we saw today into the application. I don't know if that is updated as part of the first condition or not. I think we need to add the public pedestrian access 24/7 as a condition to be safe.

Commissioner Russell – I agree with that. I was going to ask if there was some way of asking for or granting approval in keeping with what we have seen in terms of light and air. Is this pedestrian access something that is open air? Is it a covered alley?

Mr. Levine – We don't know. That's why in our original voluntary conditions, it was in there as pedestrian access through. Until we get into detailed design, I don't know what that will be or whether it will be covered. Safety and security will be number one. I am not a big fan of alleys. We must let the design do that. We can work through that with the BAR as well.

Commissioner Schwarz – I agree with everything that has been said.

Commissioner Stolzenberg – The last time we talked about the through access conceptually, it was something like York Place. I don't know that a 24/7 requirement makes sense. It does seem like putting a condition in there for it does make sense. It seems like a genuine oversight that we didn't do it last time. Are you thinking we do a condition for the light wells? That might make some sense. You need those light wells to do residential. It would stop it from being an office building.

Chairman Solla-Yates – With the concerns about construction creating problems, I believe we have an ordinance to address that to reduce business damage. Can you confirm, Ms. Creasy?

Ms. Creasy – The ordinance in certain areas of the city, with downtown being one of them. We will get a confirmation on that. Construction can be a challenge. It is temporary.

Commissioner Schwarz – Condition 4 is a protection plan for the adjacent building.

Commissioner Stolzenberg – We do require pedestrian pathways during construction.

Councilor Puryear – I am concerned about lighting. I am extremely concerned about the safety of our students at Lighthouse Studios. My organization has used that building on numerous occasions. We must consider the safety of the students. I am not saying that those individuals that use Vinegar Hill for various and sundry activities should not be safe as well. They are adults. As the executive director said, students come and go. We know that they are more distracted than others. It is of a high, paramount, tantamount issue for me.

Motion to Approve – Commissioner Habbab – I move to recommend approval of this application for a Special Use Permit in the Downtown (D) Mixed Use Corridor zone at 218 West Market Street to permit a mixed-use development with a residential density up to 240 dwelling units per acre (DUA), additional building height up to 101-feet, and reduced stepback requirements after 45-feet in building height of no less than 10-feet along the West Market Street streetwall and no less than 5-feet along the Old Preston Avenue streetwall with the following listed conditions. Second by Commissioner Mitchell. Motion passes 7-0.

1. The specific development being approved by this special use permit (“Project”), as described within the August 13, 2019, site plan October 10, 2022 exhibits submitted as part of the application materials, as required by City Code Section 34-158(a)(1), shall have the following minimum attributes/ characteristics:

- a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a Mixed Use Building, containing residential and commercial uses in the percentages required by the Ordinance adopted by City Council on July 16, 2018 amending Article VI (Mixed Use Corridor Districts) of Chapter 34 (Zoning Ordinance) (relating to bonus height or density within mixed use zoning districts).**
- b. The commercial floor area within the Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this retail space shall be at least the minimum required by the City’s zoning ordinance or, if none, equivalent square footage in relation to the gross floor area of the Building as depicted in the August 13, 2019 site plan October 10, 2022 exhibits submitted as part of the application materials**

(subject to adjustment of the GFA, as necessary to comply with requirements of any COA approved by the BAR.

c. Underground parking shall be provided within a parking garage structure constructed underneath the Building.

d. There will be public pedestrian access from Old Preston to West Market Street available during normal business hours.

2. The mass of the Building shall be broken up to provide compatibility with the character defining features of the Downtown Architectural Design Control District (City Code §34- 272(1)), subject to approval by the City's board of architectural review.

3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.

4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the building located on property adjacent to the Subject Property at 110 Old Preston Avenue ("Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:

a. Baseline Survey—Landowner shall document the existing condition of the building at 110 Old Preston Avenue ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable. The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

b. Protective Plan--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that shall include seismic monitoring or other specific monitoring measures of the Adjacent Property as recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.

c. Advance notice of commencement of activity--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile

phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

Permits--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

5. Additional Building design requirements. In addition to the requirements of condition 2 herein, and in addition to any other stepback requirements of the zoning ordinance, the Building shall incorporate the following design elements:

- a. The Building shall have windows on all elevations.
- b. The Building shall incorporate voluntary stepbacks as follows:
 - i. Beginning with the 7th floor, the Building shall be stepped back an additional minimum of 10 feet from East Market Street.
 - ii. Beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the western property line.
 - iii. Beginning with the 7th floor, the Building shall be stepped back a minimum of 10 feet from the eastern property line.
- c. After 45-feet, the Building shall have no less than 10-feet of building stepback along the length of the West Market Street streetwall and no less than 5-feet of building stepback along the length of the Old Preston Avenue streetwall.

6. Affordable Housing. The Owner shall comply with the requirements of City Code Section 34-12 as follows:

- a. **Number and Location of Affordable Units.** Prior to issuance of the permanent certificate of occupancy for the Building the Owner shall construct 8 affordable dwelling units either on-site or off-site, or some combination of on-site and offsite.

The aggregate size of all affordable units will be at least 5,800 square feet of gross floor area. Prior to commencing construction of the affordable units, the Owner will consult with and seek guidance as to the on-site and/or off-site locations of such affordable units from organizations such as, but not limited to, Piedmont Housing Alliance, Charlottesville Redevelopment and Housing Authority, New Hill Development Corporation, and from Neighborhood Development Services and the City's Housing Coordinator.

- b. **Levels of Affordability.** The 8 affordable dwelling units shall have the following levels of affordability:

- i. 4 units shall be affordable to those earning up to 80% of the Area Median Income ("AMI").

- ii. 2 units shall be affordable to those earning up to 60% AMI.
- iii. 2 units shall be affordable to those earning up to 50% AMI.
- c. **Affordable Term.** The 8 affordable dwelling units shall remain affordable for the following terms:
 - i. 6 of the affordable units shall remain affordable for a period of at least 8 years.
 - ii. 2 of the affordable units shall remain affordable for a period of at least 16 years.
- d. **Non-Concentration of Units.** If there are 3 or more affordable units constructed within the Building, they will not be concentrated or isolated to a single floor of the Building, but instead will be spread out among 2 or more floors.
- e. **Variety of Unit Type and Size.** If there are 3 or more affordable units constructed within the Building, they will be of a variety of unit types, to include a mix of studios, one-bedroom, and two-bedroom units.

- 7. Reduced Rent for Community Space.** The Owner will make commercial space within the Building available to a community organization at a discounted rent rate on the following terms:
- a. The community space will be available to a 501(c)(3) organization whose primary mission is to further financial literacy, job creation, or business growth for the Black community of Charlottesville, such as, but not limited to Conscious Capital Group or Vinegar Hill Magazine.
 - b. The community space shall contain at least 700 square feet of gross floor area and shall be built out to a standard of “white box construction” ready for tenant improvements.
 - c. The lease term shall be for a minimum of 5 years.
 - d. The base rent rate shall not exceed 50% of the market rent rate for such comparable space (other commercial space in the Building, if any, otherwise other Class A commercial space in downtown Charlottesville).
 - e. Other commercially reasonable lease terms typical for similar commercial space.

Short recess.

III. COMMISSION’S ACTION ITEMS

Continuing: until all action items are concluded

1. Discussion – Zoning Ordinance Update

Commissioner D’Oronzio – The Chair of the HAC directed me to request the Planning Commission and City Council to encourage direct or take action to get the HAC to take a serious look at the sensitive communities issue and to be brought into that conversation and about how we can address that.

Motion – I move that the Planning Commission resolve to request the HAC participate and request that staff and Council facilitate the HAC’s review of the sensitive communities issue for the purposes of developing a policy and applying it towards the zoning code.

Commissioner Russell – I don’t know that it is an appropriate thing to motion. It seems like it is something that starts at the staff level. There is a process that I’m not aware of.

Mr. Freas – Myself and Sam Sanders are going to be attending the next HAC meeting. I know one of the topics of conversation is going to be the sensitive communities conversation.

Commissioner D'Oronzio withdrew the motion.

Commissioner Habbab – With Module 3, one thing I wanted to bring up is that civil penalties are waived against land use development. It was brought up during the Tree Commission meeting. If we have a developer and they must cut down some trees, the penalty is they would have had to pay to get it waived because it is a land development use. We don't want that to happen. We want them to pay if they do cut down trees. That is the loophole we're trying to close with this.

Ms. Creasy – I had taken notes on that at the meeting. We need to have legal counsel look at that. That's language that had been carried over. We have pointed that out as something to look at. We appreciate the earlier speaker. We assume that the comment letter that we will get from the Tree Commission is going to include that as well.

2. Preliminary Discussion – JPA/104 Stadium Road

i. Staff Introduction

Matt Alfele, City Planner – The developers are looking to redevelop the 6 properties between Stadium Road, Emmet Street, and Jefferson Park Avenue into a multi-family building with up to 350 units. The proposed development will be approximately 101 to 115 feet in height with structured parking and improvements to city infrastructure. To facilitate this development, as presented, the applicant will need to pursue multiple approvals from City Council. These include rezoning the subject property from R-3 Residential to Planned Unit Development (PUD), removal of the IPP designation from 104 Stadium Road through both a zoning map amendment and zoning text amendment, approval of a critical slope waiver, closure of Woodrow Street, approval of a sidewalk waiver for a portion of Montebello, and the development right affirmation related to the restrictions placed on 409 Stadium Road. There are a lot of complicated things that would need to happen with this development moving forward. The applicant and their team are looking for feedback tonight from the Planning Commission on the proposed project prior to moving forward with application submittals and public hearings.

Commissioner Mitchell – What are the restrictions for 409 Stadium Road?

Mr. Alfele – They were placed when the IPP was placed on 104 Stadium Road. Council put this IPP on 104 Stadium Road and you can't develop on the neighboring property.

Commissioner Stolzenberg – The city sold that property.

Mr. Alfele – That was part of the conditions for selling the property. Think of it as a restrictive covenant.

Commissioner Stolzenberg – In that table of the differences, in a proposed PUD for affordable units, you had 5 percent over one FAR. Did you put that in because that is the current requirement? Or because they've said that they would adhering to the current requirement?

Mr. Alfele – There is no proffer statement currently from the applicant. When you go through a rezoning or SUP, that is 34-12.

ii. Applicant Presentation

Ms. Long, Applicant – We’re representing the applicant, Subtext, on the project. I can provide a very detailed explanation about the deed restrictions on 409. We didn’t factor that time into our presentation. I would be happy to answer that question and provide you with some detail on it. The restrictions do provide, in the deed that is recorded, that they can be amended with the consent or approval of City Council.

409 Stadium Road was owned by the city prior to 2011. The city put out a request for proposals to anyone who wanted to buy the property and develop it with residential units. There were two bidders. One applicant proposed to build a relatively small apartment building. The owner of the adjacent parcels had a proposal. They wanted to own 409 as well. The neighbors who weighed in on the issue did not want any development on 409. They advocated for Council to accept the offer from the owner of 104 Stadium. That owner proposed that he would agree not to develop on 409 and he would voluntarily put up 104 Stadium as an Individually Protected Property. There was no discussion at that time about any historic characteristics of 104 Stadium. Last week, Council did approve a Certificate of Appropriateness permitting the stone house to be removed on 104 Stadium. Tonight, you initiated the zoning text amendment to remove the first step in removing the Individually Protected Property status of that property.

Neil Rudin, Architect Applicant –

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These are very initial plans. Some of the architecture that you see here is meant to offer scale and context for the bigger questions that are about the urban design and the public-facing portions of the project. We do have a long way to go. We acknowledge that. We appreciate the working session here and gathering feedback that can inform our complete submittals in the coming weeks and months. This is a front rendering of a green, cascading terrace. This will come up again.

Next Slide

These are some of the projects that the developer has worked on around the country. These are generally campus-adjacent rental housing. These are examples of similar densities that have been built elsewhere in the country at major universities.

Next Slide

This is a site that is hugging UVA Grounds. It is about three and a third acres as the assemblage of 6 parcels. It is hugged here by the older part of UVA Grounds with the western part of Grounds.

Next Slide

We wanted to identify some major components of the city here, so people saw why this was a great site.

Next Slide

This shows the 6 parcels. The 6 parcels are down in a bowl of a lower area with height up on hills on three sides: south on Montebello, west across Stadium Road, and north with Kerchof Hall.

Next Slide

The future land use designation is Urban Mixed-Use Corridor.

Next Slide

The draft zoning originally had split zoning here. The Woodrow delineation split that zoning at that time when it was drafted. I know there has been a discussion beyond that. This is still the draft zoning. We wanted to note that the four parcels on the north end of Woodrow have that darker designation. The two parcels to the south have the other designation.

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What we have produced here is a conceptual site plan. The setbacks are not completely defined. These dimensions are not set in. There is a range on each side. What we're trying to do with this site plan is offer enough green space on all parts of the project, particularly on the edges, where it is public facing. We are reorganizing to start on the perimeter. We are reorganizing the sidewalks so they can come off the curb and the creation of a boulevard for pedestrian safety and the proper buffer between the public and the private components. The property lines are unique. They bounce around. Our back of sidewalk is not always at the property line. We have made site plan accommodations and started to think of how we're going to lay out the site accordingly. What we have here is about 50 feet in grade change on the site between Montebello (high point) and along JPA (low point). We are spanning that with a low podium. It is the base of the building. It mostly contains parking. What we have done here is line that parking podium with three stories of residential units on the eastern side along JPA. Above that, we are looking at a 9-story building here with this footprint. We created two courtyards: an active courtyard on the south and a more passive courtyard on the north side. On the north side and what you saw in the first rendering, was a cascading terrace that transitions between the public facing sidewalk along Emmet and the courtyard to the north, which is private and for residents. We have set two major entries to the building at the northeast and northwest corners. We think that's where the pedestrian flow comes from for the University, with the major one likely being at the northwest and the second one at the northeast corner. The numbers and the metrics shown here are 350 units, 500 parking stalls, and the height are all conceptual frameworks us to operate under.

Next Slide

What we have done here is some preliminary massing. This does not show the articulation of windows. It is meant to convey the building's massing and height from this perspective. This is a bird's eye view if you were above the bridge that goes over Emmet connecting the east and west parts of Grounds. It is that vantage point looking southeast. You can see some of the buildings on the right.

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This rendering is from the northeast corner. This would be that secondary entrance for residents to the building. The site slopes. Each of these entries that you see in the foreground and in the background, here are at different heights. That cascading terrace is spanning between those. This is not meant to show architecture but meant to show how we're thinking about the public facing portions of the project along Emmet.

Next Slide

Here is another rendering, getting up closer. This is this slip lane that comes by. You can see in this depicted rendering where people are walking across with the bike into that median.

Next Slide

You have this cascading terrace that is looking east from what would be the main entrance down the cascading terrace towards JPA. Our idea here is that this is not a final design. The possibilities of how to improve this site with this public to private transition on this cascading terrace are meaningful. It has a beautiful, public facing component.

Next Slide

These are the townhouses that I alluded to along JPA. With a lot of projects like this, we end up with a scenario where we have a parking garage and a blank façade. We want to activate that space. There are 3 stories of residential units facing here. There is the vehicular entry for residents that is along JPA here. This is an early rendering showing what these walk-up units at the lowest portion of that 3-story component would look like. It needs more thought and design. We have a relatively deep setback there. We're hoping that these would be active but private enough to be meaningful residential spaces. They're not going to be tucked away and be overly private. They're going to promote eyes on the street. They're going to promote pedestrian safety along there. The entire public realm is improved from what exists today on JPA.

Next Slide

You're looking at that site plan. The big red lines are two cross sections. We thought it would be helpful for tonight's discussion to help you grasp what this looks like in sections. While we're looking at this, that parking entry along JPA is labeled. There is another second curb cut we're proposing on JPA there, which would only be a service exit. That curb cut would be a right-in and right-out for residential parking. It would be a right-in. That service exit would be right-out on the bottom for garbage and other service components. The only other spot we're proposing a curb cut on the projects is along Stadium Road. You can see that we have a drop-off/pickup covered court. This gets us to the main entry. It gets deliveries, rideshare, etc. off the street and happening underneath the building and closer to the main entry. We do not have a curb cut along Montebello. We have an egress exit stair coming out of a sunken courtyard. To get into some of the variations in the grade on the site and how we're approaching that, that southern courtyard (active courtyard) is sunken. It is about a story/1.5 story lower than Montebello Circle. That part of the project is lower.

Next Slide

What you're seeing here is that red line, that long cross-section that goes east to west. We have set some of the imagery behind it at a certain point. We had an image behind here that depicted the height of the building behind up on the hill. What this is depicting is Stadium Road 30 feet higher west than JPA in on the east. When I said that we had podium spanning that grade change, this section here showing the darker gray on the bottom, that is the parking zone of the project. The lighter gray of the three stories facing JPA. These bars with the courtyards in between is residential. What I have also done is layered in where the CX-8 zoning proposed lid would be based on average early calculation of an average grade plane.

Next Slide

This section is zoomed in. You can see some of the imagery faintly in the background. The buildings we depicted across to the west are in the background in this image. What we have done here is layer in the adjacent property to the south across Montebello and show how that step down and how height is being thought about relative to that adjacent property (the Montebello right of way) and where our massing is currently proposed. You can see that there is a 3-story parking podium at the base here. You can see the

grade plain lines with the dashed lines coming across: Montebello, Emmet (to the north), JPA at the bottom. We thought this would be helpful for the discussion tonight.

Next Slide

Discussion Questions

1. How can the design best promote active uses at the public facing parts of the project?
2. The project is looking to achieve an equilibrium on the amount of provided parking within the project. How much is the correct amount?
3. With a PUD approach, the project can compile the guidance and requirements from multiple sources to find a balance between density and greenspace.

iii. Commission Questions, Feedback, and Suggestions

Commissioner Mitchell – I spent 45 minutes over there today. As I was looking, I didn't notice any waterways at the base of this. Are there waterways at the base of this project?

Commissioner D'Oronzio – There is a waterway that runs along Valley Road across JPA.

Commissioner Mitchell – The second item in the proposed talking points speaks to things that we would like to see because we can't do proffers. Is there an affordable housing component here? If it is possible, can staff give some thought to the housing fund as we proceed?

Commissioner D'Oronzio – With the questions posed, I don't know if I have quick answers to any of them.

Commissioner Habbab – I appreciate the enhancement of the pedestrian experience along that narrow sidewalk. That is a major improvement in the way it is presented. I wonder if that courtyard could be included in the public realm that is up the hill. The site itself is an important site. It is a transition from Charlottesville to UVA to the JPA neighborhood. It should be treated as such. I know we're not specifically looking at architecture. The precedent images could have been anywhere. This is a site that is important to get right. That is a concern and something that I am looking for in the next iteration of this. I am curious about the affordable housing component. There is something about the parking entry. We were looking at that and the service entry. I wonder why the parking entry wasn't farther away from the corner. Why not flip those? The questions I had were more detailed on retaining walls and how you're navigating that slope at the back, the relationship of height, and how appropriate that is to Montebello. When first looking at the images that we have, it seemed like there were less stories on that side of the site, how the site transitions from the neighborhood scale and Montebello and UVA. A positive, in looking at this, is that it reminded me of the Alderman Dorms. It has that tie into UVA. I prefer the images that we saw over all the precedent images of the built projects.

Commissioner Russell – I don't think I have reviewed any PUD projects from the beginning. That is the process that the developer is hoping to go through and not the rezoning. Reading what our objectives are in the PUD, this seems weird. I might have a misunderstanding of my conception of a PUD. I thought of it as a cluster of developments rather than one tentacle of a structure. Maybe I am confused by the plan and its relationship to the street. I don't see how this is taking advantage of much open space. It is building out all of it with a lot of hardscaping. That is maybe speaking to question 3. It seems like there is a lot of

parking being provided relative to some of the other projects we have looked at. That is maybe something we want to talk about.

Commissioner Schwarz – With parking, you tell us what you need. With the PUD approach, it seems like one of the benefits we’re getting is that our new zoning code is going to ask for much smaller setbacks. One of my criticisms of JPA is that I wish it would be more urban and we’re going to get there with this new zoning code. This one parcel seems like having more green space makes more sense. It seems like it is a nice exception to the rule. Our new zoning code may not allow it. I would like to better understand what the other differences with things are that they’re proposing would or would not be allowed with our new zoning code. If PUDs are supposed to be for something that is unique and creative and exceptional, I don’t know if that is what this is. It does give us more flexibility with the setbacks. Whoever mentioned the affordable housing, I agree with that. It looks like you’re doing 9 stories. They’re taking advantage of the bonus. We probably need to consider that when either a fee or affordable units are proposed as part of the final project. I was very grateful for the site section. It is going to be much taller than Montebello. It is a site that we deserve some height and deserve some density. That was always the plan all along.

Commissioner Stolzenberg – I agree with a lot of what commissioners have said so far. It is an important and large site that is in an entrance and major intersection of the University. This presentation experience made me feel better about some of these aspects. This design seems like it is this big, black dump, especially the footprint. It is dumped onto the site in a way that fits. It doesn’t really address the street in a way that activates it. It reminds me of the Lewis and Clark Building at Water and Ridge/McIntire where it is not oriented the way the street is. It seems to be driven by this huge parking podium in the bottom. There are a lot of nice things I am going to say about the next project you’re going to bring before us that do not apply to this. It is rough from an urban design standpoint. Seeing this much parking and that massive podium almost makes me want to start thinking about parking maximums in the new ordinance because of the way it is driving this design to be bad. The front setbacks violate the new ordinance. They are too large. The buildings are far from the street. I hate to be the person to demand commercial space that’s going to sit vacant. The new ordinance strikes a pretty good balance of these commercial-ready rules. It doesn’t seem like anywhere here is commercial-ready. I like the idea of the townhomes lining the parking on JPA. If you’re going to put a commercial space, Stadium Road would be the appropriate place. It would serve Engineers Way. It would be at grade and serve Stadium during Stadium events. I like the idea of putting a lot of housing here and having something that is better than there is now. It is an appropriate place for tall buildings given the topography and location. It is right next to UVA. It is a much better location than the Ivy Road one. I hope you can architect up a good project here and reduce the parking by a lot.

Commissioner D’Oronzio – I am agnostic on the setbacks, particularly in the context of the traffic flow around that corner and the concealment and making sight lines since we have curves and three roads coming together. I am not sure what the Euclidean lines look like. With the affordable housing piece, this might be a question if we measure that. If we’re measuring it by AMI, a lot of JPA is quote “affordable housing” under that definition. If we’re evaluating the income of the residents, these census tracts are ‘poverty stricken.’ The people aren’t poor. It is difficult to figure out how one would measure that. Are people in this building going to be at 60 percent or below? Sure. Mom and dad are co-signing the lease. I am not sure how we deal with that.

Mr. Freas – There are a couple of thoughts about student housing. HUD specifically excludes students. For a student to qualify for affordable housing, they must demonstrate that their parents qualify. That is in the HUD rules. It is not the student's income that would come into play, it is the parents' income.

Commissioner Habbab – There are some cities that if you are eligible for a Pell Grant, you're eligible for affordable housing.

Commissioner D'Oronzio – It is as good a placeholder as any.

Mr. Freas – It is one of the challenges that we run into. It is one of the places where I suspect we will have ongoing conversations. It is one of the challenges we run into with student housing.

Commissioner D'Oronzio – I am thinking of how administering that can be hairy and nightmarish.

Mr. Freas – Student housing is one of the challenging areas. HUD has rules in that space.

Commissioner D'Oronzio – We're in this calculus. If we're providing a dense student-based housing, this has come up before and it hasn't worked. If we have a pile of units that are student housing, this relieves other parts of the market. As far as I can tell, that hasn't really worked.

Ms. Creasy – We have had quite a bit of that. Since the zoning code came in from 2003, we have had a huge increase in the school population, which has come from families taking over homes that were previously UVA students.

Commissioner D'Oronzio – With the measurement of that and how that is happening, I don't know how we trace it. It is an interesting 7-variable conundrum. I don't know how that fits into the proffer world that is coherent.

Mr. Freas – I don't know how that fits into the larger project. When we're looking at that intersection today, that intersection is difficult today. Everything is pulled back from it. You have 'blank' hillsides. Those curves are engineered to invite high speeds. That environment, as it presents today and we have this instinct of wanting to pull away from it, is because it is inviting high speeds. I was talking today with my transportation planning team. We really need to be thinking about, given the number of students who are traversing that collection of intersections, how to tame that intersection and not treat it like a high-speed rounded curve.

Commissioner Stolzenberg – Is that the sort of thing you would work with an applicant building on a large lot next door to help reconfigure that intersection to make sense?

Mr. Freas – I don't know at this point. That must be part of the conversation.

Commissioner Palmer – The last point by Mr. Freas was on point with what I was thinking about. Looking beyond this site, those two intersections of Stadium and JPA are difficult to traverse for pedestrians and bikers. We have thought about that. With any collaboration that could include the University, we would be interested in being in the conversation given our perspective. It is probably the best place for student housing in the city. From a student standpoint, you want to be right across from

your classes. The intent is great. Thinking about the pedestrian and biking experience around the site and through the site is going to be key in working with the new bike/pedestrian coordinator to get a great outcome there. It seems that there needs to be some amount of mixed-use there. We're not hearing any specifics. With parking, I know it is next door to us. The large amount of parking (potentially not resident) for resident use and how the city feels about that is something for you to think about. Will a traffic study support the large amount of parking? With one access to parking, it might cause some need for redesign. I am sad to see the stone house potentially go. It would be a great olive branch to the community to incorporate it in the design somehow.

Chairman Solla-Yate – It is a lot of parking. I can see why there would be some good in having some parking. It is driving the design. I agree that this is reacting to the conditions of the present roadway, which have not been great for a long time. It is hard for the city and the University to collaborate effectively sometimes. If we can get the roadway to be in better condition, we could have a more human-friendly design that could make sense and a more commercial friendly design. We're not going to solve activation of the façade through design. We're going to solve that through safety. If we could improve those intersections to allow a block-like condition, that will work better. Aesthetically, it would be an urban experience and less auto-oriented design, which is understandable given current conditions. I would like to see better conditions. I hope we can see that in a reasonable amount of time. It is reasonable to expect students to be in this area. If our zoning can't get this right, there is something wrong with our zoning. This is the kind of thing that we want to get right. PUD is a necessary evil. PUDs are for preserving open space and to encourage clustering of development. PUDs have been used as a workaround for bad zoning for many years. I hope we can move beyond that soon. If we can't, I understand having to deal with bad rules. I understand the design objectives. This is a very good place for student housing.

Commissioner Habbab – I had a question about bedroom counts. When I checked their website, they had 5-, 4-, and 3-bedroom units. I agree that parking spots are high. Is that why they had them that high?

Mitch Cordy, Applicant – I appreciate all the feedback of things that we have been thinking about over the past couple of months. This is our first 'brush' of what we want to put in front of you.

We like what we're hearing about parking. We will look at reducing it. It is a balance. If you provide parking for everyone, everyone will bring a car. At the same time, it must be marketable. With this location, there is an opportunity to reduce the number of parking spaces. It will have a ripple effect on the design. That is something that we're on the same page. We will continue to move forward with that.

Commissioner Stolzenberg – Ms. Long can introduce you to the Envoy people to get some carshares here and help get car shares for people to use so they don't need their own car. Students rarely drive.

Mr. Cordy – We would rather provide some alternatives (bike share, car share), lots of onsite bike parking, scooters. We would rather take that approach than more parking.

Commissioner Schwarz – I am wondering how this thing would work with our future block standards for maximum block size. One of the things that has been bothering me is that it is a big building. It is broken down a lot. You're doing all these things (jogs, step backs, and massing) to make it not one big, massive building. It is one big, 9-story wall towards Montebello and towards the University. I don't think

our new zoning code would ever allow a building this. You would have to put a street through the middle of it. It is something consider. It looks like it is big enough that you're going to have multiple elevators, multiple stair cores.

Mr. Rudin – We have looked at the new zoning. With the perimeter dimension, we're on the cusp of it. As to how it is applied to the definitions, as these 6 parcels are assembled into one, we still need to work through that with staff. That was on our radar to understand that 'ask' in the new zoning, and how we would/wouldn't be required if we were to enter the new zoning. It is on our radar. We look forward to working with staff on it in terms of how we would demonstrate compliance or an alternate compliance along that guidance.

Jeff Werner, Preservation Planner – This project and the next project will presumably go to the Entrance Corridor Review Board. For a large-scale project like this, when it comes to the Board of Architectural Review, we work through a couple meetings building a discussion about the design. You don't typically do that. If you are hoping for them to bring you a design and you look at it and communicate that. If there is a way that you want to 'chunk' through this and have a discussion, I think you need to give that some thought and maybe give them some direction on how you would like to do that. This is a large project. You can establish that block link. That is within that design review purview. I don't want that to get lost in the equation. It is a process that you typically don't do.

Chairman Solla-Yate – Something we have done in the past is have a couple commissioners meet with applicants prior to design review to talk through problems in detail. I found that process useful.

Mr. Rudin – We weren't building to the perimeter. That was called for in the zoning. We did acknowledge that. Through your conversation, you encapsulated it very well. The streets are what they are. We are reacting to that. I appreciate that commentary. For our own internal evaluation after this feedback, that is helpful for us to understand to maybe not pull back so much from the property lines. Extend those and see how that could improve the site plan, the massing, and all the other pieces of the project. I appreciate that component of it. Somebody had a question about bedrooms.

Commissioner Habbab – I wonder if you have a bedroom count idea. I know your units are bigger than typical units because it is student housing.

Mr. Rudin – That has not yet been decided. In a forthcoming application, that will be more defined in terms of the number of bedrooms and percentage of unit mix. Typically, we don't determine that at an early stage. There is a certain amount of square footage devoted to residential in the building.

Chairman Solla-Yates – If you could share some thoughts on the stone building, could any of those elements be preserved or reflected in the design?

Mr. Rudin – That has come up and was on our radar for use of some of the materials upon the demolition of that building. We're open to incorporating those in the most appropriate locations within the building. Whether that is interior or exterior as a remnant of what was on the site, the team is open to that. It was something that we were already thinking about as a legacy element to the site.

Commissioner Mitchell – The answer is that you’re not going to keep the stone building. You might use the materials of the stone building?

Mr. Rudin – The reuse of some of the materials from the component of the teardown of that building could be incorporated into a new design. It is just the materials, not the entire structure or most of the structure.

3. Preliminary Discussion – 2117 Ivy Road

i. **Staff Introduction**

Dannan O’Connell, City Planner – I am here to introduce a preliminary discussion on behalf of Williams-Mullen and RMD Properties, LLC, who are proposing to redevelop a commercial property located at the intersection of Ivy Road and Copley Road. The site consists of a single lot that is currently developed with a commercial drive-thru bank. The applicant is proposing to rezone this property from University Corridor to Planned Unit Development, subject to a development plan. PUDs are allowed on parcels, such as this, less than 2 acres that are zoned Urban Corridor thanks to the zoning text amendment that was approved by City Council in February. It is an entrance corridor. It will require a CoA prior to site plan approval for the project. There are some questions that the applicant has provided.

ii. **Applicant Presentation**

Valerie Long, Applicant – I am representing the applicant. RMD Development LLC is here tonight. We appreciate the opportunity to present some materials to you and get your feedback. It is very helpful to us.

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The site is located on Ivy Road at the corner of Copeley Road, which is also Alderman Road. It is currently the site of a bank building.

Next Slide

This shows a closer view to show the size and shape of the parcel and the size of the existing building there. It is obviously an underutilized site. It is an important location adjacent to the University.

Next Slide

The Comprehensive Plan designation is Urban Mixed-Use Corridor. I know that you are familiar with all the designations. The existing zoning is Urban Corridor. We’re proposing a Planned Unit Development, rezoning. The PUD zoning district is not ideal. It does provide flexibility that is not available with the other zoning districts. The Urban Corridor Zoning District has a relatively low-density limit. I believe that it is 87 units per acre. That’s with a Special Use Permit. That is about as high as you can go. We think this location can handle substantially more units. Because the other zoning districts are all geographically based, the ones that have higher density limits are Downtown, Water Street. Those would not be a good fit; even just the name of them in this location. We started looking at the PUD. We’re very grateful to the Commission and Council for adopting the zoning text amendment that allows for a PUD to be proposed on a parcel less than 2 acres. This is one acre. What we have done is to design a building that obviously works right for this location and is sensitive to the context. It also works to design towards the direction of

the new zoning ordinance as much as possible. We have incorporated that here. We have some slides showing how this would compare to the draft zoning.

Next Slide

This slide does show at this location CX-8 for all four corners of this intersection, including this one. This project would fit within the draft CX-8 regulations.

Next Slide

It is proposed to rezone from Urban Corridor to the Planned Unit Development District, proposing mixed-use residential over retail and commercial, ten stories, about 3000 square feet of non-residential space, about 287 units. You can see the rough mix there of the unit types proposed, proposed parking under the building, and modern amenities. They also have been looking at the sidewalks and pedestrian conditions that exist there now. There are proposals to enhance the sidewalk along Ivy Road and add a sidewalk along Copeley where there is not one now. Based on some feedback we received from staff and others, we're proposing an area to park or dock scooters and bike-share for the reasons that have been discussed. Perhaps having a designated location for scooters would be helpful to address some of the concerns about them being left around.

Next Slide

This is a birds-eye view of the project site concept plan. I will start along Copeley Road. You can see the garage entrance there, the scooter entrance, and the bike entrance. You can see the retail entrance moving towards the left, towards the intersection. On the ground floor, there will be retail space, a café, and leasing space in back of the building. There is a retail space entrance here. There would be a loading dock and service entrance. This is looking down on the second floor where the pool, courtyard, and other amenity areas would be. We have a slide that shows on that floor other amenity areas such as a study space and fitness facilities. On the roof, they are proposing a penthouse roof, gathering area with a deck. This would be a walkway where people coming up from the stairs can get there. On the ground level, this would be an open space there. It is a tight site. We have worked to follow the draft setbacks in the ordinance and maximize the development of the site, but also provide enough space at the ground level, for the streetscape to meet the streetscape requirements and greenspace requirements and be able to improve the pedestrian conditions on site.

Next Slide

This is the ground floor showing the garage entrance, some parking spaces dedicated for the retail space. There would probably be a gate. The residents would access the parking there. There would be another level below for resident parking. There would be a designated scooter/bike share room. This is a bike room for the residents; a nice, large area there, retail space, café space, leasing, lobby, mailroom.

Next Slide

This is the list of amenities. We mentioned that this is what is planned. It is typical for a project like this to have people in study rooms, club rooms, rooftop terrace, and bike storage. We don't have as much parking as proposed for this project compared to the previous project. One of the reasons for that include the location. The location is next door to the grocery store, all the athletic facilities, and other amenities. It is very close to all the new facilities that the University is building down Ivy Road: the new data school, the Karsh Center, the Hotel Conference Center. It is another ideal location for students as well as young professionals. We think it will be a very desirable location. Even for those people who don't need a car

because you're living in such a convenient location, having a place to store your bike safely and conveniently, having a nice, dedicated space for scooter/bike-share. They are proposing to work with Envoy (a modern zip car service). Those cars would be set aside on site for the residents, not necessarily the members of the public. It does provide some efficiencies. We did submit the application for this project. It is in the details. In terms of parking, the Envoy spaces are equivalent to about 30 parking spaces per car. It is a great way to provide those efficiencies. Secure mailrooms and package delivery is a great thing.

Next Slide

We wanted to incorporate the University's plans, given its proximity to the University's property and their thoughtful and well-thought-out designs. We wanted to demonstrate the level of sensitivity and looking to the plans there and how this could fit in, in recognition of their plans. We think it works well as a continuation of their projects. There are still a lot of decisions to be made about their project. We wanted to incorporate the latest images that we found. It was helpful to have those images and be sure that we understood what was planned now and what might come and how they might look. We have been sensitive to that issue. We think they will be very complimentary in terms of character, scale, and massing, but also convenience for university faculty, staff, and students. I would expect this to be attractive to the students in the Data Science School.

Next Slide

This is one of recent images from the University's materials from the recent Board of Visitors meeting. You can see the Karsh Institute for Democracy. They were showing updated renderings of that building. It was helpful for us to see the buildings photoshopped into that image to provide a feel for how the proposed building would fit into the continuation of the development along the corridor. You have the other University facilities.

Next Slide

We have some other renderings. These are conceptual. This is along an entrance corridor. It will require a Certificate of Appropriateness from the Entrance Corridor Review Board. We know that it is helpful for you and the public to be able to see some images and some renderings and help understand how the building would look on its own and in context. This is a view from Ivy Road. You can see the ground floor with the entrances to the lobby and the retail space and café space.

Next Slide

This is from Copeley Road showing the entrance to the garage. It does show the grade change and the other entrances, in terms of scale. This is the second floor where the swimming pool and amenity area would be for the residents. They are proposing balconies. You can see the rooftop terrace along the top and enhanced streetscape space.

Next Slide

This is showing how that would fit in. We recognize that, without any existing buildings nearby and the future University buildings, it is hard to tell how it fits in with the surrounding area. It will be larger than things that are there now but not out of scale with what we think the future zoning ordinance would permit and encourage in this location.

Chairman Solla-Yates – You're continuing those greenspace lines that the University is laying out?

Ms. Long – Not directly. That was part of what was informing the design with having the courtyard space at the end of the greenspace there.

Next Slide

This is a similar rendering from Copeley Road. You can see the car coming out of the garage and the new sidewalk that will help. This would be looking into a bike storage room. You wouldn't be looking at the bikes that are stored inside. The concept is for a retail space with bikes, retail bike storage space.

Steve Buss, RMD Properties – What we're looking at doing is that we don't want it to be looking into a bike room and have bike racks, bike stuff sitting around. What we're doing is putting a retail storefront on it. We will make it a homage to biking. That's how we want to 'dress' up that side. We're putting a resident function there. Ivy Road is a better retail frontage. That's why we have the café and retail on the Ivy and Copeley corner. On this side, we want easy access. If you look at the ground floor, you have easy access for all the residents to come down the main elevator and come out through that bike room. They can get easy access onto Ivy Road.

Ms. Long –

Next Slide

This is another conceptual rendering along Ivy Road that shows the café space entrance and the ability to comply with the draft streetscape and green space regulations. The lobby entrance is there and you can activate that space with a small area for outdoor seating.

Next Slide

This is looking at it from a slightly different angle to help demonstrate how the streetscape could be activated and further the goals of the draft ordinance.

Next Slide

We had a community meeting with the Lewis Mountain Road Neighborhood and others. They had a lot of questions about the size and concerns about the size and massing at that location and how it would look from their neighborhood. Based on that, we asked the architects to prepare these images, a simulation that will show how it fits in and how it would look from various vantage points. That is the bank on the left corner and on the right corner is St. Mark's Lutheran Church. This is a slightly different design. You may notice that this has the second floor. The massing has been modified. That is based on some comments and feedback we received from some of the public. It is still conceptual; an effort to demonstrate how some relatively small changes to the design could help address concerns from massing.

Next Slide

This is the same view and direction. This is further south on Alderman Road. The Lutheran Church is on the right and a few houses on the left towards the intersection in terms of scale proportion. You can see there a lot of mature trees and other vegetation.

Next Slide

This is the photo simulation. It is an image taken from Google Streetview showing how the massing and scale from the neighborhood would look.

Mr. Buss – This was in response to our meeting with the Lewis Mountain Neighborhood and the concerns about how this building is close to the neighborhood. The building is a big change from the bank building that is there today. What we're trying to show from the photo simulation and a Google Streetview is how this building could be seen from Alderman one/one and half blocks south of Ivy. It is screened by the large trees that are there.

Next Slide

These are some suggested questions. These are some of the things that we had, and we have identified that it would be helpful to get some feedback from you about the use of PUD zoning and the relationship to the draft CX-8 zoning regulations as well as comments about the height and massing that is proposed. You will see it again and have a role in the design review.

iii. Commissioner Feedback and Suggestions

Commissioner Mitchell – I am very interested to hear what Commissioner Palmer has to say about this, especially as opposed to the Ivy Corridor. That will help me understand my opinion better. Ten stories seems to be quite massive. I believe that this area is slightly elevated above the corridor further to the east. I think that it might be 30 feet elevated going west. I do feel bad for Moe's Barbecue and Foods of all Nations. The mass and the height are concerning. The other thing that is concerning is the traffic, especially after a track meet, basketball game, or baseball game; especially those kids that are trying to get on the road or trying to get into their units during a basketball game. I would like to learn more about the affordable housing component. This is going to be needed to support a building of this size. It might be through the housing fund, or it could be for the people that you talked about, the people who work for UVA. UVA employees are in the area, and you could make affordable housing units at 60 percent AMI available to them. I would be interested in learning more about that.

Commissioner D'Oronzio – The affordable housing component looks like this is conflation in certain respects where you indicate that you are going to be complying with 34-12. However, with CX-8, you're reaching for the height bonus. 34-12 does not provide the affordable housing units to justify the height bonus under CX-8. What are we looking at here? If we're complying with the current, if we're anticipating this bonus, there is no bonus height component in the current configuration. It is pitched at 80, not 60. What are you really thinking about for affordable housing here? It seems like we're trying to import the current affordable housing ordinance to gain the benefit of the affordable housing height bonus in CX-8. I am looking at what you lined up in your chart, which helped me clarify that.

Ms. Long – We're very cognizant of such an important issue in working to follow along the existing discussions about affordable housing. We're interested to see the outcome of the product from the new evaluation that staff mentioned earlier, including a fresh look at the affordable housing recommendations. We know that this is an issue. The applicant has developed housing like this around the country including Minneapolis, which has a robust and very effective affordable housing ordinance and program. We're looking to keep working through it and ultimately figure out what the new rules are and work to comply with them. We're hesitant to make commitments now knowing that everything is not yet developed or decided. We certainly understand that the existing ordinance requirements are probably not sufficient to support this use there.

Commissioner D'Oronzio – The reason I phrased it that way is that it was a definitive assertion: ‘We will comply with 34-12.’ 34-12 is still there. You seem to be pitching the height bonus that would require roughly twice those number of units.

Ms. Long – Some of this is early in the process. We’re trying to get some feedback first and understand where things are going. We hoped we might know better at this point of the process. We’re happy to see that there is another evaluation going forward.

Mr. Buss – This even goes back to the original question about why a PUD? What are PUDs used for? We do PUDs a lot around the country. There is nothing inherently bad about it. Essentially, the best way to describe a PUD is that the plan is the zoning. We work on this plan, on the unique particulars, the massing, density, all the parking, and architecture. That is wrapped in and that becomes the zoning. That is the beauty of the PUD. We’re primarily looking at using it here because it is serving as a bridge between the current zoning (URB at 80 feet), which has a deficient density associated with it relative to the West Main zoning districts when you get up to 10 stories in the West Main zoning districts, you’re at 240 dwelling units per acre. The good thing about looking at the PUD for this project is that because of the restraint of density limits on URB, somebody might say “let’s do all 5-bedroom units.” In the new code, the staff has done a great job in writing and laying out this new code. It tends to be more of a form-based code as opposed to a density limited code. The good things with form-based code are you get the building, how you want it to look in an urban context. The NX-8/CX-8 are very well thought out. The PUD here is a bridge between what is and a new code that we’re looking at. It is not yet in place. For us to even submit, we will submit under a PUD in contemplation of the CX-8. You have the bonuses. We’re prepared to figure out what way to go on the affordable. Whether it is doing it on site, which we have done in the past on other projects. We’re fully comfortable in doing that as it applies to student housing where you have the student renters are eligible via a Pell Grant or if it is income based. We spoke with St. Anne’s Belfield. They asked if there were going to be units potentially available for their teachers. The answer is ‘yes.’ That’s the purpose of a project like this. When we’re looking at 287 units, we have 160 spaces in the parking garage. We’re meant to be a pedestrian-oriented building. We don’t want people driving to where they need to go. We want them to mostly be walking. There are going to be some people that have cars. When you’re in a location like this, where are the places they must go, a lot of things are self-contained at this node. Staff in the Comp Plan rewrite identified this site and this intersection as a critical node. We want to look at the PUD as this brilliant bridge between this and the new thing.

Commissioner D'Oronzio – Please confirm, as submitted now, that you wish to provide 5 percent units over the one point over the FAR requirements of affordable housing at 80 percent or less that you assert that you’re going to comply with. You’re looking to have the equivalent height bonus density from 8 stories to 10 stories, which is not how we are envisioning the additional height under the new code. The answer to the question was ‘yes.’

Mr. Buss – We’re looking for clarification on 34-12. It is not even clear under the current ordinance what that is.

Commissioner D'Oronzio – The term ‘PUD’ doesn’t appear anywhere in 34-12, which doesn’t simplify matters.

Ms. Long – It would get triggered by any rezoning.

Commissioner Habbab – I will agree with what Commissioner D’Oronzio said. If you’re using our new draft zoning, don’t pick and choose what gives you the most value. Go with the essence of what we’re trying to do, including the affordable housing aspect. I do like the idea of the project there capping UVA and that proposed development that they have. It is a good idea. Contrary to what Ms. Long said, I don’t think it is really fitting within the sensitive context and location of that and how it ties into UVA. I do have some concerns about the height of 10 stories. It is concerning. My concern is not the DUA. That could be as max as you can get it. The scale of how that fits into UVA’s proposal and the context of Charlottesville; this is going to be the first big building that you’re seeing as you drive down the entrance corridor. It needs to carry itself that way as a building coming into Charlottesville.

Mr. Buss – You have the existing parking garage and the Hotel and Conference Center in the foreground with the Karsh Center for Democracy. The URB zoning in place is 80 feet. The CX-8 is 8 stories.

Commissioner Habbab – I will leave that to you on how you interpret that. It can get there as a project. It needs more work on that aspect. Chairman Solla-Yates brought up the point of continuing that long progression. What it seems like this project does is that it privatizes that into a pool on the second floor where you get a luxury view from your pool looking down UVA’s master plan lawn area. If that was part of the public realm or extension of that, it would fit better into this context.

Commissioner Russell – I don’t have much to add. I think Commissioner Habbab’s said it well. We’re looking at the affordability bonus as a compromise between the residents and what we say we want, which is affordability. If we’re going to have 10 stories, it must be with some significant benefits to the community. There needs to be considerations of that streetscape and the massing. Commissioner Habbab was talking about the entrance corridor coming into the city. It would stick out. When you said the bike storage, do you mean that is a true retail? I don’t think that I understood.

Mr. Buss – It is a bike room. You don’t want the glass and look inside and see racks of bikes. It is essentially glass. A couple feet behind it is a screening like this. It is like a museum type exhibit. That is a foot or two behind the glass. What I didn’t want to do in here was put a black wall against Copeley Road. You want to give it a lit feel. You have lighting coming out of the storefront. If you go to the Ivy Road frontage, you have café, real retail, and activated spaces on Ivy and Ivy Copeley because we want this to be accessible and usable. We want it to be well lit and that’s why we went with that treatment there.

Commissioner Russell – I am skeptical of that. I defer to the architects on the Commission to see that through as it develops. I understand the intent.

Commissioner Schwarz – As to what Commissioner Russell said, I can sympathize. It is hard to line a parking garage or line a whole building with active uses all the way around. In this one instance along Copeley Road, where there is not going to be continuous sidewalk, this seems like an acceptable alternative rather than putting a retail spot there that’s probably never going to be occupied or at least not for a very long time. As for the affordability, I agree with the other commissioners on that. You’re going for a bonus. Try to stick with what we’re trying to accomplish with our Comp Plan. With the building height, I have no concern with it at this location. There is always going to be a first building. Potentially, we will have taller buildings extending down along Ivy. One thing I have realized with the taller buildings that are downtown is that the first one sticks up and looks funny. You get a few more and it suddenly

makes sense. Once we had the Code Building, the Waterhouse started to make sense downtown. It now fits together. There is a growth that is going to have to happen. It is far enough away from the Lewis Mountain neighborhood. I recognize that they are concerned about change and what it might be. I don't think it has any impact on them. One thing that is bothering me and our code rewrite team should look at is how you're handling your streetscape section. With the overhang of the building, I am not sure that was the intent of the streetscape regulations that we're putting in the new code. I don't have a problem with it. I think it could be nice the way that you're doing it. You get the full sidewalk. You also get more of your building mass out to your property line. It might be an example of where the 40-foot tree spacing might be too much. I have noted that a couple of times. If these trees are going to be squeezed in there, this would be a time where 30 feet might be better, closer spacing for the trees. I don't know if anyone else noticed the overhang on the street.

Mr. Buss – That is perceptive. That's an alternative plan that we're looking at where you're picking up that. We have this overhang at 10 feet. What we were talking about internally was that at Ivy and Copeley, your most critical walkway can feel heavy if it is 10 feet up. We made those two stories and lifted that, so it is not sitting there over your head.

Commissioner Schwarz – If that seems ok in this case, is that something we should consider in the zoning rewrite? You provided an interesting example to us. I am asking the rest of the Commission if that is something that should be a one-off or if that is something that we might want to anticipate?

Commissioner Stolzenberg – In the corridors where it makes sense, where you have retail space like that, you probably already have zero-foot front setbacks beyond the green scape. You can't overhang the right of way. Would it make a difference?

Mr. Freas – I am not sure that this would be allowed.

Commissioner Stolzenberg – I guess in the cases where it is not the right of way and it is a sidewalk easement, it probably would be allowed.

Mr. Buss – In this specific case, this storefront is set back more than allowed under the new ordinance. To get a respectable distance from the curb to the face of the building, must be enough room for a good planter, a good-sized walkway, and then have that café/two-seater tables along the glass. To get that, this must be in excess of it. We didn't want that overhang sitting at 12 to 14 feet above. We want to take that up to about 20 feet.

Commissioner Stolzenberg – I do like the overhang. I like the 2-story one. I especially like that there will be outdoor café tables. I feel that you could consider wrapping them around to the Copeley side. You have previously presented to us that you were going to substantially comply with the new ordinance. We anticipated that would include affordable housing. Let's be honest that 34-12 is vestigial. It only applies on discretionary decisions. Council has indicated for years that they will not approve anything with just that. For three years, we have had the authority to do more. It has been wrapped up into this broader zoning overhaul. I do disagree with Commissioner Habbab. I think 10 stories is appropriate for this location. I can think of very few better locations for it. To the north, where shadows would go, you have the railroad and a bunch of practice facilities. You have a significant grade drop from the adjacent neighborhood. I am going to quote from UVA's Ivy Corridor Plan: "Given the surrounding commercial

context along with the great exposure at Ivy and Copeley Roads, the western corner of the Ivy Corridor has the potential for transformative change from a low-density suburban condition to a vibrant street edge and threshold to the University. The frontage of this corner provides the opportunity for possible retail to support athletic facilities in Lewis Mountain.” This proposal is very much inline with transforming this suburban strip mall corridor, which is not human scale, into a pedestrian serving corridor that works well. It will overshadow most. Since UVA has bought it, Moe’s will not be there for much longer. I am sure they are scheming up plans for what to do with the rest of the corridor. You do think of it as that entrance to the University. It will be one of the first things. That is the road almost everyone drives into town on when they first come to UVA or visit. You must make it look good. It is an appropriate place to put quite a lot of student housing. Lewis Mountain can’t have it both ways. They complain quite loudly of the idea of medium intensity in their neighborhood and said not to put stuff in their neighborhood and put it on this decrepit strip mall area. They are saying ‘not that decrepit strip mall. That is too close to our neighborhood. Put a mile to the north.’ That is an unreasonable objection. This will draw many students out of houses that would be suitable for non-students. Many students would love to live in this area. I did not mean you should add more parking because of that. Pay attention to the streetscape. We recently had a pedestrian with a bike die at this intersection. You have a wide bike lane and very wide vehicle lanes. If you can add some protection to those for your stretch of the lot, that would add a lot and potentially measures to make the intersection safer. That will do a lot to serve the future residents of this building.

Commissioner Palmer – There were a lot of good comments that hit on a lot of things that are up for discussion. Affordability is huge here. With the discussion about the height, it sounds like there are some people for and some people against. In terms of the Ivy Corridor Master Plan, if you boil it down to a general massing, you’re looking at lower 4-story buildings along Ivy Road. On the back of the site, you’re allowing for a little more height. I think the Hotel is 7 or 8 stories. From that standpoint and if you think about that form, this doesn’t really fit that form. I think you can consider lower along Ivy Road. Allow for some of that height in the back. This isn’t Ivy Corridor development. This is a private parcel governed by the city’s zoning ordinance. I acknowledge that. Where we might think of a more generous setback from Ivy Road, this seems to want to bring it closer to Ivy Road. When I looked at the street section, I felt it was a little tight for tree plantings. The seating area seemed tight. That gets into what we’re going for there with the setbacks in terms of the city zoning. Can you make that more generous? I like the idea of retail there. What Commissioner Stolzenberg read makes sense. It is a vibrant corner. With the sidewalk on Copeley, I understand that you want that to access the parking, the bikes, and the scooters. What we need to be careful of there is beyond that, there is nowhere to go. You don’t want people walking around that corner and realize that they need to get to the other side.

Mr. Buss – There is only sidewalk on the east side of Copeley. The intent is for that sidewalk on our side to servicing bikes and getting down to the intersection.

Commissioner Palmer – It is good in that it is pulled away from the road. At some point, a person might find themselves up there.

Mr. Buss – The University plan is great. You have the road, bike lane, and you have a strong pedestrian connection running out there.

Commissioner Palmer – In terms of the parking, it does seem like it is fewer parking spaces. Some of those are retail. What are you thinking in terms of the numbers for residential parking?

Mr. Buss – In the plan, there is around 162 parking spaces. I think we had allotted 8 to 12 spaces for the retail. We would be around 20/24 percent parked per resident. You can add on the Envoy carshare.

Commissioner Palmer – With Envoy, are those double-stacked?

Mr. Buss – It is not a double-stack. It is a resident carshare. It is like Zipcar, except it is dedicated to residents in the building. Getting people to accept it is generational.

Commissioner Palmer – There is virtually no on street parking in the vicinity. If you think about people needing to park there, they can't park in that garage. You want to be cognizant of that.

Commissioner Mitchell – What is UVA thinking about doing with Moe's and Foods of all Nations?

Commissioner Palmer – That is the UVA Foundation. It is operating under the inherited leases and continue to operate it as a commercial property.

Commissioner Mitchell – No development vision today?

Commissioner Palmer – No. We have master planned up to Copeley for the Ivy Corridor. The Karsh Institute is the most recently approved building. That is in our Capital Plan. It will be constructed past there. There is nothing in the immediate plans. Something like Karsh came about. We had this master plan.

Mr. Buss – The CX-5 is 5 stories, 72 feet height. The seven floors up to 100 feet with the bonus under CX-5. The Karsh Institute shows 6 levels in the latest plan.

Commissioner Palmer – What happen on Ivy Road is that it raises up. It sits at your building's height. As you go west on Ivy, everything jumps up. It is a great place for student housing. They have plenty of services right there.

Chairman Solla-Yates – These were excellent conversations so far. Since this is a PUD, I believe there are open space restrictions. How is that being handled?

Ms. Long – I believe that we calculated that we meet it. The application meets the requirements for open space.

Mr. Buss – It doesn't have to be on the second floor and on the rooftop. There is sufficient open space for use by the residents. A suburban PUD is: What is your open space?

Commissioner Stolzenberg – Why is the roof deck so small with that pathway? What are you doing with the rest of the roof?

Mr. Buss – We have mechanical equipment up there. We felt it was sized enough. It takes up that whole wing. We want a landscape barrier around the perimeter and glass in parts. You have good views looking down the corridor. We have a storm water vault under the building. The roof has an assembly use. You

are limited by your stairs as to what you can do. You couldn't cover the whole roof. If you cover the whole roof, you have an occupancy of 2000 people.

Commissioner Palmer – Is the loading dock going to be a condition where you are backing out onto Icy Road?

Mr. Buss – The intent is to be able to back in and for garbage collection. We have looked at moving that maintenance room and putting something on the back of this so you could have pulled through if needed. The loading isn't generally used very much. The service for this light of retail, we're not talking about heavy docks, heavy users.

Commissioner Palmer – If you have this many units, that is 6 to 10 packages a day.

Mr. Buss – We have the mailroom and package. Amazon can pull into the garage, and they can unload it in the package room there. At the door, we generally put beacons on the outside for reducing pedestrian conflict. We originally had the garage out here. We pushed the garage door in. Seeing insufficient queuing distance coming into the building, we have a garage door that can push in another 5 to 10 feet. That give enough queuing length for them. We have a door that goes down afterhours. This would be open during retail hours. We have a gate here for resident access only.

The meeting was adjourned at 9:50 PM.