

PLANNING COMMISSION REGULAR MEETING

November 8, 2022 – 5:30 P.M.

Hybrid Meeting

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

Beginning: 5:00 PM

Location: City Space

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

Staff Present: Patrick Cory, Missy Creasy, Matt Alfele, James Freas, Remy Trail, Brian Haluska, Javi Gomez Jacome, Dannan O’Connell

Chair Solla-Yates called the meeting to order and asked if there were questions on agenda items. Commissioner Stolzenberg asked about the maximum number of bike parking spaces in reference to the 1223 Harris Street site plan and the information was provided. Chair Solla-Yates asked commissioners if they anticipate discussion on the code interpretation item specific to 240 Stribling. It was noted that additional review would be needed in the regular meeting. Ms. Creasy noted that staff on the Climate Plan are attending both the Tree Commission and Planning Commission this evening so will be virtual in order to address both. Commissioner Schwarz provided insight to traffic safety for the Albemarle Street application.

Staff was asked to provide background on the 901 Seminole application in reference to maximum/minimum setback requirements. Ms. Creasy provided background information from the 2003 zoning ordinance process. Commissioner Stolzenberg asked if the ten-foot sidewalk could be used as a multiuse path. Mr. O’Connell noted that that is a possibility and can be clarified with the applicant.

Commissioner Stolzenberg asked what feedback is needed from the Commission on the Multimodal Transportation item. It was noted that it is a presentation for information purposes. Commissioner Mitchell asked about legal issues concerning new gas hook ups. He referenced page 75 of the packet as noting that CAT would be impacted if hook ups were limited, and he wanted additional information. Climate staff will provide more at the meeting as well as legal providing information after it is researched. The Commission asked about the change in unit count for the Stribling site and Mr. Alfele noted that the unit count would be similar in the new proposal.

II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:30 PM

Beginning: 5:30 PM

Location: City Space

A. COMMISSIONER’S REPORT

Commissioner Stolzenberg – No Report

Commissioner Mitchell – On the 19th, the Board of Zoning Appeals met. There was one hearing. The hearing was related to a variance to reduce a setback from 17 feet to 10 feet to accommodate a new addition. The board approved that unanimously. Parks & Recreation met the next day. Topics included the tree canopy on the Downtown Mall and the CIP budget request. There are over 100 trees on the Downtown Mall. Most of those trees are 40 to 50 years old. Many of these trees are in danger of falling. We are looking at taking out 9 of the

most endangered trees between February and March. We are putting out an RFP to help us develop a downtown tree canopy study. The objective of that is to help us systematically rotate trees in and out in a way that will allow us to do that but not significantly reduce the canopy. We think there is a way to manage that in a way that won't be as dramatic. Parks & Recreation are looking for 4 new items. One is \$100,000 to proactively manage the lifecycle of trees on the mall. The other is for \$75,000 to help us control invasive plants. We do not use Roundup. Controlling those plants is a little more difficult. We are asking for \$200,000 for the forest ground resurfacing. We are asking for \$175,000 to fix up the facilities at Meadow Creek. We recently had a consultant in to help us think how we can make Meadow Creek better than it is. This is a golf pro that has played golf on just about every major course in the world. He noted that our course is probably one of the best public golf courses he has every played. The LUPEC group met. There were 3 presentations: 1 by Albemarle, 1 by us, and 1 by the Water & Sewer Authority. It was focused on environmental vulnerability risk assessment and sustainability. I sent you copies of this earlier today. The one thing that I will note is that I believe that the county does not allow development in floodplains. The person doing the presentation stopped at the end of the presentation and thought aloud. The floodplains in Albemarle are increasing/rising. They are consuming more area. That is because of all the rain we are getting and expect to get. He thought aloud that we should begin thinking about not allowing development in future floodplains. It is something we should think about as we begin thinking about what our floodplain strategy should be.

Commissioner Schwarz – The Board of Architectural Review met last month. The apartment building on Wertland Street around the Wertland Baker House infill project is about 4 stories. We did not give a final approval. It looks like it is going to be approved the next time it comes before us. It just needs some final details. We also discussed 218 West Market. They want to reduce the depths of the step backs to make the building more functional as an apartment building. Otherwise, the footprint does not work out for typical apartment layouts. The BAR was in favor of that. It was just a recommendation so they can proceed to bring it to the Planning Commission. I believe the Code Building had an issue with the street wall height and a strict interpretation of that height. I suggested that they want to investigate that to make sure that they are not going to have a problem. I believe it had to go to the BZA at the time. For the Bike & Ped Advisory Committee, we did approve a memo to get our crosswalk signals to meet the recommended standards. Several of them are insufficient in their length of time. We had requests for leading pedestrian intervals and 'no turn on red' signs. Sometimes, when the city gets a standard, they will stick to it very strongly. We need to make sure we are not going to lose functionality trying to make things perfect. For example, Streets That Work was meant to be about compromise on our small streets. Every time it is implemented, it has been more of a way to say 'no you can't fit all those elements onto the street.'

Commissioner d'Oronzio – No Report

Commissioner Habbab – No Report

Commissioner Russell – With the TJPDC, in housing, the regional housing partnership is working on a strategic plan. The December 28th meeting, which is the quarterly meeting, will include Delegate Sally Hudson in an effort to engage elected officials on local, regional, and state housing initiatives. There is a planned summit in the spring, March 24th. It will be at the Omni Hotel. In transportation, VDOT highway safety improvement program will conduct some crash analysis studies beginning in 2023 throughout the region. TJPDC staff have procured a consultant to support the long-range transportation plan, which is now being called Moving Forward 2050. Staff is working on background information and developing public engagement materials.

B. UNIVERSITY REPORT

Commissioner Palmer – No Report

C. CHAIR'S REPORT

Chairman Solla-Yates – I presented to the American Institute of Architects about Charlottesville Plans Together.

D. DEPARTMENT OF NDS

Missy Creasy, Deputy NDS Director – We have a work session November 22nd. It will focus on the Capital Improvement Program. We have staff from Community Solutions coming and talking about the current status for housing programs. We thought this would be a good time to share that information on the CIP. It is always good to understand what is happening in the housing world from those who are in it daily. We have a full meeting on December 13th. At this point, we will have a hearing on the CIP. That is something that happens every December. We will be moving forward with Comprehensive Plan Amendments as part of our agenda in December. We have a presentation scheduled on the Entrance Corridor Design Review process. It is possible that something else might come forward. I wanted to give you all some updates on some projects where we have had a lot of community feedback and interest. With the 0 East High Street project, the comments letter went out to the applicant at the end of October. The applicant will have 90 days to respond to that letter. We sent that out to all interested parties. We have an extensive list of people, who are interested in the status of that. We have sent that out. As a result of that, we have received a few acknowledgements. Some of the concerns that people had noted about that project were technical issues that were put in the memo that the applicant will need to react to. It will be a while before we get another submission. We will share that submission with the interested parties. We will provide updates to you all. Another project we have had some public feedback is 1120 Avon. It is on a corner lot on Avon and Altavista. It is for a multi-family development. They have had a community input meeting. There were a lot of interested parties involved with that. At this point, some feedback has gone to the applicant from city staff. We anticipate, at some point, we will get some reaction to that and some updated materials. We do not anticipate that this would be on an agenda any earlier than January. Depending on what the applicant chooses to do, it may not even be January. We are sharing that with interested parties. We have also communicated to interested parties how we advertise these so that they will be aware of what to look out for as we move forward. If there are other projects that you are hearing interest in, we want to be able to share that as well.

James Freas, NDS Director – To the question around a ministerial review, it is the opposite of the discretionary reviews that you typically conduct for a special use permit or rezoning. In a ministerial review, you are simply reviewing for consistency with the established set of standards. It is not one where the discretion is not as wide to deny a project as you might experience with a special use permit application. With a special use permit application, the standards against which you are reviewing are more discretionary and more subjective as opposed to the standards we review at a site plan when it is a ministerial review. Those are clearly defined. You meet them or you do not.

Ms. Creasy – At this point, what has come forward has been something that would be ministerial. There is potential that some of the technical comments, in order to meet those, there might be changes to what is presented. We will not know that until we see what the applicant decides to do with those comments. They have some work to do to work on the technical aspects. That could result in something different.

Mr. Freas – If you review the comments that have been released, there are several places where they must make decisions. They need to make some decisions about how they want to move forward. Amongst their choices would be to change the project in a way that might trigger a special use permit or rezoning.

With the zoning ordinance, we have been meeting with our consultant team and proceeding forward. One thing we hope to be bringing forward at the December meeting is a finalized schedule of where the touch points will be for the Planning Commission, steering committee, and public engagement on the draft ordinance as it comes out. We are looking at the zoning ordinance coming out in 3 distinct chunks. The first one being the biggest one with districts, land uses, use tables associated with those districts, and the standards associated with those districts in terms of development parameters in terms of height, setbacks, etc. You will clearly see the new format of the new zoning ordinance. That will be the first chunk of the draft ordinance. We are anticipating that arriving around the end of January/beginning of February. The following chunk will be focused on the development standards. Those are things like signs, lighting, landscaping, etc. that go into what defines a development project. The final chunk of work will be the administration section with site plan review being the largest chunk of the administration section.

Ms. Creasy – We are planning to have the Planning Commission meetings set for the 4th Tuesdays. There could be other opportunities. We are building the schedule around things that are already on the calendar to try and make things more efficient.

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

Peter Krebs – I am speaking on behalf of the Move to Health Equity Coalition. Better walking, biking, and transit are keys to so many things we are trying to do here in Charlottesville, including the Climate Action Plan. Tomorrow night, I will be presenting findings from the new move to the Health Equity report on mobility that is focused on neighborhood connectivity. That is the results of our 2001 Community Mobility Needs Survey. This survey sheds light on questions on how people get around Charlottesville. Why don't people walk, bike, or use transit more often? What types of destinations are most/least accessible? What areas need work? Where are improvements most needed? That is happening tomorrow night at 6 PM on Zoom. You can find out more by visiting PECVA.ORG. We set up the meetings such that it does not have a registration. We also would like to make this presentation to City Council at one of their 4 PM work sessions. I am less excited about what I have seen of the multimodal prioritization tool that you will be looking at tonight. It seems like an interesting desktop exercise. It does not ask what the community wants. It reshuffles priorities that the community did talk about around 10 years ago. It does not include a bunch of themes my report talks about. Hopefully, it can be more knowledge, a process, and a part of the comprehensive look at mobility. The move to health equity report will also be a part of the picture.

James Groves – I wish to provide some input in advance of tonight's Climate Action Plan presentation. Last month, I read the new Climate Action Plan with great interest and was pleased to see the many ways our city can reduce its carbon emissions. I liked the table on pages 90 and 91, which highlights connections between the ongoing city zoning code update and climate action. As the Planning Commission guides both zoning and climate action, please study those pages. After reading the plan, I reflected on what might be missing and recognized an important gap. The Climate Action Plan does not comment on the potential incompatibility of accelerated new housing construction sparked by rezoning and achievement of City Council's 2019 climate targets: 45 percent carbon emission reductions by 2030 and carbon neutrality by 2050. If zoning generates an uptick in housing construction, adding 400, 500, or more units per year at any price point, as suggested by this summer's inclusionary zoning analysis and no restriction on new hookups to the city's municipal gas utility, Charlottesville will not achieve its 2050 climate goal. Charlottesville's gas system accounts for one-fifth of all greenhouse gas emissions in the city. As we pipe natural gas through our community and burn it for heating and cooking, we release methane and carbon dioxide into the atmosphere. Both are potent greenhouse gases. During the past year, our gas utility experienced 56 leaks and expanded its customer base with 185 new gas lines. The leaks and expansion have occurred at a time when 1000s of the world's leading scientists urge us to rapidly reduce greenhouse gas emissions, not expand them. Rezoning without a restriction on gas hookups will accelerate gas line installations beyond 200 per year. Once new gas lines are installed, residents will expect to

be able to use that infrastructure for decades, a timeline incompatible with City Council’s climate goals. The responsible alternative is electrification that begins with the zoning code update.

F. CONSENT AGENDA

1. Notes – Planning Commission Retreat
2. Site Plan – 1223 Harris Street

Commissioner Russell moved to approve the Consent Agenda – Second by Commissioner Stolzenberg – Motion passes 7-0.

The meeting was recessed until there was a quorum of councilors present for the meeting.

The meeting convened back to order at 6:00 PM.

Mayor Snook called Council to order at 6:00 PM.

III. 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. **SP22-00010-211 Albemarle Street** – On November 8, 2022, the Planning Commission and City Council will conduct a joint public hearing for an application for a Special Use Permit (“SUP”) for the property located at 211 Albemarle Street and identified in the City’s land records as Tax Map and Parcel (“TMP”) 310025000 (the “Subject Property”). The public hearing will be conducted both in-person and via virtual (electronic) means; individuals who wish to participate electronically or in-person may register on the City’s website. Following the public hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the SUP. Pilgrim Baptist Church Trustees (the “Owner”) has submitted a SUP Application pursuant to City Code Sec. 34-796, Sec. 34-420, and Sec. 34-158 to operate a Daycare Facility for up to fifteen (15) adolescents within the existing church structure. The anticipated operation hours for the Daycare Facility would be from 8:15am to 3:30pm daily. The Subject Property is approximately 0.43 acres with road frontage on Albemarle Street and West Street. The Comprehensive Land Use Map for this area calls for Urban Mixed-Use Corridor and the Subject Property has split zoning district classifications of Central City Mixed Use Corridor and R-1S (Residential Small Lot). The City’s zoning matrix(s) allows Daycare Facilities within the Central City Mixed Use Corridor and R-1S districts with the approval of a SUP. The property is adjacent to both commercial and residential uses and is located across from residential housing on the opposite side of West Street. Additional information pertaining to this application (SP 22-00010) may be viewed online at www.charlottesville.gov/agenda. Persons interested in the Special Use Permit application may also contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

i. Staff Report

Matt Alfele, City Planner – Tonight, you will be holding a public hearing and making a recommendation to City Council as it relates to a special use permit for a daycare. Pilgrim Baptist Church located at 211 Albemarle Street is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-796, Sec. 34-420, and Sec. 34-158 to operate a Daycare Facility for fifteen (15) adolescents within the existing church structure to run a

Montessori-style early childhood development program. The anticipated operation hours for the Daycare Facility would be from 8:15am to 3:30pm daily. The use would not have an adverse impact on the surrounding community outside of traffic concerns, which staff feels can be adequately mitigated by the conditions outlined in the staff report. By contrast, staff believes the use of a daycare facility at this location would have a positive impact on the surrounding community and offer a sorely needed amenity that many in the neighborhood cannot access or need to travel great distances to utilize. Staff recommends approval with the 3 conditions outlined in the staff report, the most important being the adherence to a parking and drop-off/pickup plan within the application materials dated October 4, 2004. This plan should be kept on file with the city and may be updated or altered from time to time with the authority of the city traffic engineer.

Commissioner Mitchell – Since this is simple, your recommendation in the back of your report is that the operator would be between 7:30 AM and 5 PM. They are looking to operate between 8:15 AM and 3:30 PM. You typically give them a buffer. Will they be open 7 days a week?

Mr. Alfele – That was not indicated in the application materials. Staff went with a daily buffer. We don't think it would fall outside of weekdays.

Councilor Pinkston – This is for children. Is that correct?

Mr. Alfele – That is correct. It is Montessori early education. It is for preschool through young age.

Councilor Pinkston – It is at an existing church.

Mr. Alfele – It is to utilize existing facilities. This is a multi-zone lot. There is an R-1s portion. There is the mixed-use portion. It splits the building. That is why they had to pursue an SUP for the daycare.

Mayor Snook – If there is a land use reason, why the 5 PM cutoff?

Mr. Alfele – It falls in line with typical traffic patterns. When we are trying to get that buffer from what the applicant was asking. I would not say that there is a land use reason.

Mayor Snook – What occurs to me is the school's main use being open until 3:30 PM. A lot of schools have an after-school program. I don't know whether they would intend to. If so the after-school program is likely going to be running until 5:30 or 6. If there is not a land use reason, why 5:00 matters as opposed to 6:00. It would seem to me that it would be wise for the land use side of it being the Planning Commission/City Council to set a 6:00 deadline. It should not matter from a land use perspective whether they run to 3:30 or 4:30 or 5:30.

Vice-Mayor Wade – That was going to be my comment with doing a lot of special use permits for the county that may change later to expand and instead of coming back or dealing with some complaints. 6 is what we typically set it for on an abundance of caution unless there is a lot of concern from the community. I am excited about this program. I know that it is needed in the community. I have had a lot of conversations with residents in the area.

ii. Applicant Presentation

Chris Cooper, Applicant – We started this project last year. We did a trial run with toddlers in the community for free. The hope was to be already operational. When we started, we found out that the R-1s line runs directly through the addition on the church. We had to stop and get the special use permit. We are looking forward to getting started with toddlers and building this as far as we can from an educational standpoint. There is a lot of need in the community for this type of program.

Commissioner Stolzenberg – Do you feel that it might grow beyond 15 students at some point?

Mr. Cooper – I do.

Commissioner Stolzenberg – Is there a reason to restrict it to 15 at this point and make them come back if they want to grow more?

Mr. Alfele – No. I think staff would be comfortable. Once you get to certain numbers that are controlled by the state, I know that 8 is one number. I think staff would be comfortable with 20. If we get anywhere above that, we would want to reevaluate any of the impacts it could have on the community.

Ms. Creasy – We are advertised this evening for up to 15. I believe they are anxious to move forward. We also are working through a zoning program now. We anticipate that the split zoning situation that they currently have will be resolved in a way that would probably assist with the situation.

Commissioner Mitchell – What about the Mayor’s recommendation of going from 5 PM to 6 PM?

Ms. Creasy – We have some flexibility in there. We gave ourselves some wiggle room in the advertisement. I think we will be fine.

Commissioner Stolzenberg – How much flexibility do we have? I don’t see a reason to impose a restriction. If they end up running until 7 PM, that does not seem like much of a concern of ours. If anything, it would help with traffic because it is not rush hour?

Mr. Alfele – I can see that. I don’t think we have some wiggle room. Because of the ad, the special use permit is for the use of daycare. The mitigating conditions, like the time, we have flexibility. The Commission has flexibility in their recommendations to City Council on the conditions.

Commissioner Schwarz – Is that 15 students all day, at one time, or 15 students enrolled in the program?

Ms. Creasy – It would be 15 students on-site at a time. If they choose to have shifts or something to that effect, they would address that in their drop-off/pickup plan. There is flexibility there as well.

iii. Public Hearing

No Public Comments

iv. Commission Discussion and Motion

Motion – Commissioner Stolzenberg – I move to recommend approval of this application for a Special Use Permit in the CC and R-1S zone at 310025000, 211 Albemarle Street to permit a Daycare Facility with the following listed conditions.

1. A Daycare Facility shall be permitted on the Subject Property for up to fifteen (15) students.
2. The Daycare Facility shall adhere to the parking and pickup/drop off plan within the application materials dated October 4, 2004. 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.

Second by Commissioner Schwarz. Motion passes 7-0.

2. **SP22-00006-901 Seminole Trail, 1801 Hydraulic Road** - On November 8, 2022, the Planning Commission and City Council will conduct a joint public hearing for an application for a Special Use

Permit (“SUP”) for the property located at 901 Seminole Trail and 1801 Hydraulic Road and identified in the City’s land records as Tax Map and Parcels (“TMPs”) 41B001000 and 41B002000 (the “Subject Property”). The public hearing will be conducted both in-person and via virtual (electronic) means; individuals who wish to participate electronically or in person may register on the City’s website. Following the public hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the SUP. Riverbend Development, on behalf of one owner of the Subject Property, 901 Seminole Trail LLC, has submitted a SUP Application for the Subject Property. Pursuant to City Code Sec. 34-796 and Sec. 34-158, the owner has applied for a SUP to build a drive-through restaurant on the Subject Property. The Subject Property is approximately 10.18 acres with road frontage on Hydraulic Road, Seminole Trail, Hillsdale Drive, and India Road. The Comprehensive Land Use Map for this area calls for Urban Mixed-Use Node and the Subject Property is located within the Highway Corridor mixed use zoning district classification. The City’s zoning matrix allows drive-through restaurants in Highway Corridor districts with the approval of an SUP. The property is adjacent to other properties currently used for commercial uses and is located across from multifamily housing on the opposite side of Hillsdale Drive. Additional information pertaining to this application (SP 22-00006) may be viewed online at www.charlottesville.gov/agenda. Persons interested in the Special Use Permit application may also contact NDS Planner Dannan O’Connell by e-mail (oonnellld@charlottesville.gov) or by telephone (434-970-3991).

i. Staff Report

Dannan O’Connell, City Planner – I will be presenting an application for a special use permit for 901 Seminole Trail. This is from Riverbend Development representing 901 Seminole Trail LLC to construct a restaurant. The applicant wishes to modify setback requirements for 901 Seminole Trail and 1801 Hydraulic Road as part of this request. The Subject Property has street frontage on Hydraulic Road, Seminole Trail, Hillsdale Drive and India Road. The proposed drive-thru will have a main building fronting on Seminole Trail and Hydraulic Road with parking, a dumpster, and ingress/egress as part of the Hillsdale Place shopping center. The Subject Property is currently being redeveloped under a final site plan which includes a drive-thru restaurant, a financial use, and two standalone commercial building pads, in addition to modifications to the existing large shopping center building. The subject property is zoned highway corridor within an entrance corridor overlay. The highway zoning district is traditionally auto-focused catering to commercial and retail development with limited residential uses. Examples of uses in the highway zoning district include grocery stores, restaurants with drive-thru windows, hotels, shopping centers, and car washes. The Future Land Use Map shows the property as part of an urban mixed-use node. The land use section of the Comprehensive Plan describes this district as intended for higher intensity mixed-use development arranged along corridors between employment, commercial, and civic hubs of the city. Staff finds the proposed development would conform to highway corridor zoning, the Comprehensive Plan, and Future Land Use Map. A one-story drive-thru restaurant is consistent with the intent of the highway corridor zoning district and the urban mixed-use node future land use. The proposed restaurant does conform to the vision articulated in the Hydraulic Small Area Plan. While the proposed development does not contain all features discussed within the plan, it does incrementally advance the objectives of the small area plan by densifying the existing commercial area, increasing commercial area, increasing urban road frontage along Hydraulic Road and Seminole Trail, and enhancing landscaping and pedestrian features. As part of their special use permit request, the applicants have asked for a modification of maximum setback requirements for the build-to zone required in the highway corridor zoning district. The code defines a build-to zone as the area between the minimum and maximum allowable setbacks along a street frontage. The minimum setback for this property is 5 feet. The maximum is 30 feet off Seminole Trail and 20 feet along all other roads. Per the interpretation of the Zoning Administrator, the building must have at least one side located entirely within this build-to zone to be considered compliant. The proposed site plan indicates that all new buildings will be located outside of this zone as well as the existing shopping center, which is being modified and reduced in size. That would make it non-compliant with the existing setback off Hillsdale Drive.

The applicant is asking for maximum setbacks on the subject property to be modified to promote the proposed site layout. Overall, staff does find the application meets the general standards for a special use permit and recommends approval with the following conditions:

- The drive-thru restaurant use is permitted only within the current boundaries of the 901 Seminole Trail parcel.
- The maximum setback for both 901 Seminole Trail and 1801 Hydraulic Road off Seminole Trail be set to 75 feet.
- The maximum setback for 901 Seminole Trail and 1801 Hydraulic Road off Hydraulic Road be set to 75 feet.
- The maximum setback for 901 Seminole Trail and 1801 Hydraulic Road off India Road be set to 75 feet.
- The maximum setback for 901 Seminole Trail and 1801 Hydraulic Road off Hillsdale Drive be set to 50 feet.

Commissioner Mitchell – Where does the county line begin relative to this? Is it just west of 29?

Mr. O’Connell – Yes. It is everything to the west of 29.

Commissioner Mitchell – I am certain that the county is aware of this. They are working on their big Hydraulic and 29 intersection improvement plan. How will this impact the work that they are going to do? There is going to be a lot of pedestrian safety enhancements that they are working on. There is going to be some restrictions, left turns, or right turns in that area. Have we worked with them? Are these guys aware of what the county is planning to do?

Mr. O’Connell – I believe that applicants are aware. I think the work would only affect the southeastern corner of Hydraulic Road. There are some intersection improvements being proposed there. I don’t think any work on Seminole Trail would affect this development.

Commissioner Stolzenberg – What is the pedestrian route to get to the building for the drive-thru?

Mr. O’Connell – I believe that is the ADA accessible route that they are showing on their site plan.

Chairman Solla-Yates – I voted on this small area plan a few years ago. I remember it being very urban in character, tall buildings and mixed-use. This wasn’t what I was picturing. Can you help me through the switch?

Mr. O’Connell – This site is called out in that small area plan as being very important. This is not mixed-use development. It does not preclude further development along that line in the future. We are considering that the pedestrian improvements, the landscape improvements, and the layout improvements do assist. They don’t impede the small area plan vision. It could be further redeveloped into that vision later.

Councilor Pinkston – I understand that with the smart-scale project in the Hydraulic Road area, there are several different interventions they are making at Hillsdale. They have a roundabout that they are putting in there. They are doing some work at Hydraulic and 29. What you are saying is that component is located on the southeast corner.

Mr. O’Connell – That is correct.

Mayor Snook – I have been looking at this plat. I am trying to make sure that I understand it. The setback requirement that concerns me the most is the one for the building that is at the corner. I have seen enough different plans that I can’t keep straight. I have been impressed as I have with the plans that the MPO ends up

with, how they end up putting odd lanes to get around intersections. Why are they doing that? It is the only thing we can do. I am curious about why the planning people would not say ‘of all the places we don’t want to allow more incursion, the intersection of Hydraulic and 29 is probably it. It is one of the busiest intersections we have. It is one of the biggest traffic problems we have.

Ms. Creasy – If the applicant was not asking for a drive-thru, this would be a ministerial project. A restaurant drive-thru according to our code requires this process. If it was a pharmacy with a drive-thru, it would not require this process.

Mayor Snook – I am less concerned about the process than I am about why it is that it is important to them to be an additional 10 feet closer to the intersection.

Mr. O’Connell – That was the applicant’s request. They might be able to speak better on that.

ii. Applicant Presentation

Ashley Davies, Applicant –

Next Slide

This is the overall site plan for the Hillsdale Place development that we are considering this evening. This site has been sitting vacant for some time. Our team has been working on this development for at least 6 years. Prior to that, we were also responsible for the development of the Whole Foods that is just east of the site. As part of that, we put in a lot of the Hillsdale Drive improvements that are called out in the small area plan. We are starting to develop that road network. In the past, we did go through a full site plan process. A lot of the issues we encountered with this site are related to the road improvements and access issues. If you look at the far right, you used to be able to make a full movement into the site from Hillsdale. That has been blocked off. That really damaged a lot of retail options for this commercial site. We have been regrouping and coming together with a solution here. Most of the site, except for the corner that we are considering for the drive-thru is under a long-term lease. That also means a different stance into how you approach the site. We are happy to be here. We have been in close contact with VDOT throughout the years. During that time, there have been many different considerations for the improvements to 29 and Hydraulic. If you look at the far southeast corner, you will see that there is an area that is hatched. When we previously looked at this, there was the application for the potential grade separated interchange. That was a different strategy to the transportation solutions in the area. What VDOT is proposing is a roundabout in that far right corner. That did give us another ‘curveball’ on our development strategy. You can see that large swath of area that will be dedicated to VDOT to accommodate the roundabout. We have taken into full account their plans for this whole area. That would be the land that needs to go to the improvements that they have proposed. Once you get to that intersection with Hydraulic and 29, they are trying to reduce those movements so there is not any additional right-of-way taken in that area. We basically have uses along the busiest streets in our community. What you see is that a lot of the commercial activity is internal to the site. We have generous sidewalks. This is not the landscape plan. We have landscaping buffers along all those edges. For the drive-thru use itself, a lot of the issues that are discussed with that are more about any cues that might go out into the right-of-way or block access to other areas. Because of the size and the layout of this site, we don’t have any of those types of issues. What we have tried to do with the setback request is ask for setbacks that will meet that zoning interpretation of allowing buildings that you get full frontage within that maximum setback as the zoning administrator has determined, but also allow for what will need to happen along those important right-of-way frontages. There are a lot of utilities running within those areas. We want room for ample landscaping. For the drive-thru, you do have that vehicle lane. We are trying to give a setback that allows for those uses, while also giving the ability in the future that could fill in a lot more. It is balancing out those 2 requests, understanding what is there right now may not match our 2050 vision of the area. It does allow for that future development.

Commissioner Stolzenberg – In that bottom left corner by the drive-thru, a condition we have added to drive-thrus in the past is that you have a pedestrian entrance from the street. Is that not there because it is infeasible because of the grade change from Hillsdale? Is it not there because it is an early iteration of this plan?

Ms. Davies – You can see on there that there is a grade separation from the site. If you drive by it today, it is dropped down from 29 even as you get to that northwest corner. The grade change is considerable. If you look on the site plan, you will see that there are retaining walls. You can see those dark lines in the corner. As far as an accessible path through directly from Hydraulic, that might be a challenge. It might make more sense to create internal pathways to the site. That is my initial take on it. We do have grade challenges where everything is dropped down and more internalized to the site. We want to be tuned in to pedestrian needs. The whole Hillsdale corridor is coming along feels more pedestrian friendly than you might feel walking along Rt. 29. You can see where the site plan will have this nice outdoor space for that retailer along Hillsdale. I can imagine more pedestrians entering the site from that site and filtering through. If we want to think about that more seriously, I could see that being more logical than somebody being on Rt. 29 with all the traffic and trying to make their way down the grade change.

Next Slide

This is from if you were down in the site from that Rt. 29 side looking at the building and the drive-thru.

Next Slide

That is the drive-thru. It is dropped down. You will have some landscaping buffering. It is going to feel more internalized to make it feel more comfortable that you are not on the 'speedway' there.

Next Slide

This is up from the corner. You can see that there is a little hill going down to that area.

Next Slides

This is the feel of being inside the site. You can see they have a nice outdoor seating area that is more protected from the roadways.

Commissioner Mitchell – I don't think it did a good job asking my question about Albemarle and what they are doing. The work that Albemarle is doing is going to be on the northwestern side of 29. Are you aware of that work?

Ms. Davies – Everything that I have seen has been tied to the various VDOT applications.

Commissioner Mitchell – Does that include the roundabout if you go across 29 using Hydraulic? Are you aware of the work that they are doing at that intersection? They are doing a lot of safety upgrades. I think they are thinking of doing some sort of elimination of that turn at some point.

Ms. Davies – I have heard that.

Commissioner Mitchell – Will this, in any way, impact what they are attempting to do?

Ms. Davies – Not that I know of. For us, this has been a multi-year thing. The ideas around those roadways have evolved over that timeframe. We are staying in touch and have adapted our plans based on the information that we have learned along the way.

Commissioner Habbab – Looking at your plan, that sidewalk is pulled back from the street, which is nice. It is not a fun place to walk. What is the potential for pulling it back enough to have trees planted between the sidewalk and the street? Is that an option?

Ms. Davies – We do have a landscape buffer proposed. There will be trees between Hydraulic and the sidewalk.

Commissioner Schwarz – I had a question about the sidewalk. It is a 10-foot-wide sidewalk. In your site plan, you have labeled it a sidewalk. Is there any reason it can't be a multi-use trail?

Ms. Davies – I imagine that we are open to that if it meets the specifications that the city needs. That would be great.

Councilor Pinkston – The smart-scale images show some work in terms of sidewalks at that intersection that seem to fit with what you have there. Going north on 29, there is going to be a pedestrian bridge across 29. What is currently there?

Ms. Davies – It is vacant. I think it used to be the import auto store. It was vandalized in the fire and had to be taken down for safety. It is a vacant parcel.

Councilor Pinkston – When going west, there is this entrance what was K-Mart. There is a bump-out into Hydraulic. You must go around it and back towards the north before turning north. It looks like from your site map that you are cleaning that up. This application is for that one corner of the property.

Ms. Davies – We have a site plan under review with the city for the entire site. Because the way the city code reads, if you were going to do a bank or pharmacy with a drive-thru, neither of those require a special use permit. For some reason, a restaurant with a drive-thru in the city does require a special use permit. That is the primary component of this application.

Councilor Pinkston – People will access this through another way.

Ms. Davies – There is no direct access off those main roads. That is usually the primary concern.

Mayor Snook – I know that is an area that is subject to a lot of planning/replanning. There are 3 or 4 sets of plans that I have recently seen. The farther away you can stay from that, the better off everybody is going to be.

Vice-Mayor Wade – This whole area from Hydraulic/250 and Hydraulic/Hillsdale is that there is a whole lot of traffic that VDOT and the city are trying to deal with. The peak hour starts at 3:30. It is really bad. I know that communication at the MPO, when they are talking about these big regional projects, I know that they are looking at this. They were talking about a roundabout at Hillsdale and Hydraulic.

iii. Public Hearing

No Public Comments

iv. Commission Discussion and Motion

Commissioner Stolzenberg – On the thought of drive-thrus, I am not super pro drive-thru. I know we have previously had Councils who were on the verge of denying every drive-thru because it was a drive-thru. I would echo what I said about the car wash. I don't feel it is good zoning practice to prohibit something that we allow in the zoning ordinance by special use permit if it is in an appropriate location. I can't think of a better location. This is an auto-oriented location. The adverse impacts are largely mitigated and could be mitigated with more

conditions. I would reluctantly approve the drive-thru for that reason. I would like to propose 2 conditions: one about pedestrian access. We have done this with the last 2 drive-thrus. For Starbucks, we said the handicap access lane be extended so that it connected with the sidewalk on Angus so you could get to it. For the Chick-Fil-A, we had a vaguer condition, which would probably be appropriate. It is to provide an additional pedestrian route from the internal parking area of the shopping center and ensure that this route is as accessible as possible. In this case, VDOT, as part of all those 4 projects that are happening on Hydraulic. The Hydraulic/29 intersection is going to be adding an at-grade crossing like a crosswalk across 29, in addition to that bridge that is going up. I would like there to be some kind of pedestrian access to this site from that corner. I recognize that it might not be feasible to make it accessible. Even if it was stairs, that is better than nothing. That condition would be a pedestrian route from the corner as accessible as possible. Right now, you must go along where the Golds Gym was and duck down to get there. It seems like there could be at least one more pedestrian path. I don't know if we want to codify that in a condition. The other big thing I would say in relation to drive-thrus is that we have recently seen in the city is drive-thrus 'run amok' and causing problems. Some of them have existed where they have been for a decade or more. Post-pandemic, they are causing all these problems. It seems to me because of the pandemic to an extent and staffing issues, when it is a drive-thru only restaurant, it is almost implied in the code you expect a drive-thru restaurant to be a restaurant that also has a drive-thru option. I would like to propose a condition that when the drive-thru is open, there would be a way to serve customers who have walked up. It can be either.

Commissioner Schwarz – It seems that across the street the county works hard on Stonefield to try and make a corner and architectural semi-urban wall there. I understand the reasons for the increased setbacks. It does seem like both buildings that are along 29 are going to be drive-thru buildings with either a drive-thru or parking between the building and 29. I am wavering on whether that is important or not. It seems like something we should at least consider and think about. If the county put all this effort into trying to create a more urban form there, we are destroying that by allowing this. Is that important or not?

Commissioner d'Oronzio – Even with the renderings, it is below grade. What they are talking about building there, I guess their hope is that you are going to see the logo and the sign at sidewalk level. In this case, what we are going to have is a berm with the top of a building.

Commissioner Schwarz – Is that Ok? I recognize that.

Commissioner d'Oronzio – I am trying to think about the alternative. Your point is well taken. In this case, we are looking at a berm and semi-submerged building.

Commissioner Stolzenberg – It is true that this is not in compliance, in conformance with the spirit of the Hydraulic/29 plan, which contemplated this becoming an urban center. VDOT wants and needs this next to a highway that moves as much interstate traffic as possible. The rest of the shopping center is being developed by right into the same thing it always was. Highway allows infinite density by right. That was apparently not enough to get them out of their lease situation. It does not conform with our lofty ideals for the site. Is that enough reason to deny it?

Commissioner Schwarz – I am wondering if a condition that there should not be parking between a building and its property line. It is a drive-thru. You must drive around the whole bank to make it work. I am wondering about the one that is on the corner with India Road and 29. Does that need to be closer to India Road?

Commissioner Stolzenberg – What are you proposing?

Commissioner Schwarz – I would give them the setback that they are asking for. A potential condition could be that you can't have parking between the building and the property line.

Commissioner Stolzenberg – Should we say the India Road property line? That is the property line that is not highway.

For staff, is this in scope even though it is a drive-thru SUP that we are also talking about the setbacks? Is that allowed as a condition if we start talking about the bank.

Commissioner Schwarz – If other people think that is of value, that could be a potential condition.

Ms. Creasy – This is slippery because we are focused on the SUP for the drive-thru and conditions that can mitigate concerns with that specifically.

Commissioner Stolzenberg – They are also asking for a setback waiver. Can you put conditions related to that or do you deny that?

Ms. Creasy – It sounds like it would be very complicated from the language standpoint.

Commissioner Schwarz – I don't know what the plan is north of India Road. I don't know where the small area plan starts and stops. If there was an intent to make India Road more urban in the future, the point would be to make it conform more closely with the small area plan.

Mr. O'Connell – On the question of which properties are subject to this, the request is for the drive-thru on 901 Seminole Trail, which is the small pentagonal parcel in the bottom left corner of the viewing. The request included setback modifications initially for the bank building and the drive-thru. It was later expanded to all the properties. It applies to both parcels. Our code does not specify that an SUP must be limited to one parcel. The determination was made that because they are part of a single common pattern development, they are both applied for this. We address that by limiting the drive-thru condition just to that one area of that one parcel. As for the applicability of the setbacks, this was another long and interesting conversation I had with the zoning administrator. With interpretations of what yard is a side, the frontage of one side of a building must be within this build-to area. That is its front, regardless of what it is facing. According to our code, that does not matter. In highway corridor zoning, there are no rear or side setbacks. As long as one side of that building is in that area, the setbacks do not matter. For the bank building, its frontage is on 29/Seminole. It is within that 75-foot area. Therefore, its setback off India Road does not matter. Initially, that was not included in the request. We put that in there to make sure the bases are covered for any future development.

Ms. Creasy – One thing to keep in mind is that the small area plan is likely to move forward in an incremental fashion. There are some very ambitious goals as part of that. What is being brought forth at this point does not prohibit any sort of change that would occur down the road. Right now, we have nothing happening in that area. This is the potential for some activity to begin to occur in that area. Those are some things to think about as you are mulling this over.

Commissioner Stolzenberg – The drive-thru building hits the new maximum setback on both sides. If Commissioner Schwarz wanted the bank to have an urban frontage on India Road, we could remove the maximum setback off India and the maximum setback off Seminole Trail. That would not affect the drive-thru. It would force the bank to move up.

Ms. Davies – Of all the buildings on the site, the bank building is the one that is most buried from 29. That is maybe 20 feet down from the right-of-way. It is least likely to create any sort of frontage along 29. The way we have it set up right now does not prohibit it from potentially pulling it closer to that India Road frontage. What we appreciate in this moment is the allowance for some flexibility. There are so many moving parts in this area. We have tried to get this project off the ground for the past 6 years. If we had nailed it 2 years ago, the city

would be getting \$3 million a year from this property. It didn't happen. We are back at the beginning. We want to do something here. It is an eyesore. It has been vacant, and it is a problem for the community. I appreciate you giving us some flexibility so we can take action on this property.

Motion – Commissioner Mitchell – I move to recommend approval of this application for a Special Use Permit in the Highway Corridor zone at 41B001000 and 41B002000, 901 Seminole Trail and 1801 Hydraulic Road, to permit a drive-through restaurant with the following listed conditions:

- 1. The drive-through restaurant use is permitted only within the current boundaries of the 901 Seminole Trail parcel.**
 - 2. The maximum setback for both 901 Seminole Trail and 1801 Hydraulic Road off Seminole Trail be set to 75 feet.**
 - 3. The maximum setback for 901 Seminole Trail and 1801 Hydraulic Road off Hydraulic Road be set to 75 feet.**
 - 4. The maximum setback for 901 Seminole Trail and 1801 Hydraulic Road off India Road be set to 75 feet.**
 - 5. The maximum setback for 901 Seminole Trail and 1801 Hydraulic Road off Hillsdale Drive be set to 50 feet.**
 - 6. An accessible pedestrian connection to the crosswalk at Hydraulic.**
 - 7. Service will be available by a dining room or walk-up window when the drive-thru window is open.**
- Second by Commissioner d'Oronzio. Motion passes 7-0.**

The meeting was recessed for five minutes.

IV. COMMISSION'S ACTION ITEMS

Continuing: Until All Action Items Are Concluded

1. Presentation – Multi-Modal Transportation Prioritization Method

Jack Dawson, City Engineer – I will be talking about the trans multimodal transportation prioritization process, which I will be referring to as the system for this presentation. I am going to discuss a little about the history of the transportation planning process here and CIP development or the lack thereof transportation planning process. This is not a perfect system. It is going to be a tool that helps while we develop a more perfect process with this tool hopefully being a part of that.

Next Slide

In the old NDS (prior to 2020), we (Public Works & Engineering) were part of NDS. When we would conceptualize CIP projects to advance or from the CIP projects, how to go and get grants for those or what pipeline the timelines of getting grant funding and matching that with your project. The people who give us grants were primarily the state. Sometimes they will advance them and sometimes delay them. Balancing all that is complex. The other problem that I saw was taking all our aspirational lists of priorities and turning that into something that is not a list of 400 priorities. In December 2020, at that point in time, none of my superiors in the chain of command are no longer here at the city. A lot has changed. Somebody pointed out that this was the first year of the Office of Intermodal planning, which is not part of VDOT but is a state agency. The growth and accessibility planning grant ran out.

Next Slide

I applied for that. That was my first grant application. It read a lot more like an engineer describing a pipe dream than a grant application. We applied for that under item 3, which was the development accessibility planning process. We did not receive funding on that one.

Next Slide

Jeanette (our most senior project manager) helped me with that. We tweaked it and we were awarded that grant in early 2022.

Next Slide

The statement that we put together (worked with OIPI) to come up with this statement of needs supports the CIP program and eligible transportation project selection, access & operationalize performance measures, and associated thresholds, creative process for the city that could be utilized on an ongoing basis and create a guiding document specifying the step-by-step process for evaluating non-motorized projects. The county is doing one of these right now. Their application is similar. There is a format that these people like to generate. What I attempted to do (in the grant) was to say we have a bike & ped master plan and a streets that work plan. We have all these plans. If we could combine them into one system, so that I as an engineer can say ‘if I want to do this intersection, I draw a circle around it. It said that we would assume we would fix all the things that are called for in this corridor. Let’s compare it to this intersection and see.’ If you take the bike scores, that was the idea. I am not sure what we are going to get. That is not exactly what we are going to get.

Next Slide

It will certainly help where we are trying to go. Some of the measures that we have are the Bike-Ped Master Plan, Streets That Work Plan, the Literature Review of Best Practices, which is where all these consultant transportation planners come in with all this whiz-bang new data that they have and other available data.

Chairman Solla-Yates – How does Safe Routes to School fit in here?

Mr. Dawson – It fits in there through multiple ways. It is complicated. What they did was take our rubric for Streets That Work and Bike-Ped and reran it to a certain degree. We have not seen the final product. We are getting that soon. When we get the final product, we are going to shake it down and see how adjusting some of parameters affects that scoring and those rubrics. It is complicated. We have been trying to incorporate everything. If we have it, there is no reason why we cannot add it in. It gets complicated because a lot of that stuff overlaps with our other priorities. When you start combining these things, that is where you get into some of these issues. Other issues are the way that the transportation planners want to attack this. They want to evaluate the slope of a road. The steeper it is, the less eligible it is for a sidewalk. By the nature of how people build things, you avoid putting sidewalks on steep roads. It is likely you have a complete network here and there. We need to connect that. We need to make sure we are looking at these things practically and achieve the goals that we want to achieve.

Next Slide

This is some of this process for measuring and weighting. You can see that level of traffic stress comes from Streets That Work classification. Traffic congestion comes from V-Trans. That is VDOTs planning module. That informs a lot of the scoring of grants. We use that a lot when we are preparing grants. VDOT has a big library that is available. Some crash data comes out of there. Area corridor suitability is the walk-bike score from V-Trans and activity centers. All that is incorporated and overlaid into what we already have. Equity is built in to some degree. We would like to make sure that there is appropriate buy-in on that. Under connectivity, you have network connectivity ranking and access to bike racks.

Next Slide

This is what the general system would look like. One thing that goes in at the beginning is readiness. That is the paving schedule. That would include things like: Are we building a major water line down West Main? Is the Rivanna doing this? You know how that affects the readiness or sequencing of the projects. Suitability is the bike-ped scores. Connectivity is a segment length. That is some of the physical parameters. Safety is crash

density. Demand is streetlight and loads. Those are pretty ‘snazzy’ programs for capturing data about where people are going from one place to another. We had equity at the end. OIPI thought that equity should be built at the beginning. As an engineer someone needs to draw a map of equity scores. We can do that. There is some census tract data. That is too coarse for us to use in Charlottesville. We need fine-grained data. There is going to need to be some working on progress on the best way we address that. This is just a tool. That is part of a system. There are ways to adapt this improve it as we learn how to use it.

Next Slide

These are some measures and how they are broken down. You can see the updates. That is one interesting column here. Some of those that would rarely be like school proximity. That would be building a new school. That would affect the score. Other than that, the scores stay the same. Where it says quarterly, that is the WAP bike score. That is a lot of technical data. That is some of the things coming from loads or V-Trans.

Next Slide

Here are some more measures. How much does the proposed segment improve the quality of the walking or biking network in Charlottesville? You can use your imagination to see how a lot of these data points are going to overlap and complicate the rankings. For equity emphasis in neighborhoods, consider balancing infrastructure investments between 19 neighborhoods. That is instead of using the census tract.

Next Slide

This is an example of some of the data that went in. This is the walk/bike score from V-Trans. On the left, that little map is the draft walk prioritizations. They got that out through V-Trans walk score. Some of that goes through slope, schools, accessibility, etc. You must consider some of that data that is going into the walk/bike score. We might use it again when we are evaluating the challenge of this sidewalk. On the left, you can see some of those priorities for the walk score. On the right, you can see the bike score. We have a rigorous GIS system here. The bike/ped master plan has center lines for all our existing sidewalks. That made it easy to pass this off to the consultants and have them compile that.

Next Slide

This is where we are. This is from last month. We will soon be getting a deliverable. We will be testing that. We have a meeting in 2 weeks with the consultants. We ran different models.

Next Slide

The next steps will be verifying the scores and ranks. We will be working with the consultants to see how changing the rubric of the weighting and stuff changes the rankings. We will be as transparent with how we come about that and options for developing that in the future, developing the GIS web map that shows some of these outputs.

Next Slide

This is one draft example. On the left, that is the bike priorities from the 2015 bike/ped master plan. On the right, that is the draft after this was merged with all the data. North of East High, there is a chunk of red on the left map that is the priorities 1 through 20. You can see that all that stuff is purple, which is the top 5 percent on the right. There are some other red ones that drop out like the western edge. There is a change from our existing priorities. One thing I wanted to emphasize is that when I conceived this project, one thing I want to be able to say is that we tried to incorporate as much public input as possible. The way we did that was by incorporating Streets That Work and Bike & Ped Master Plan because they had so much public input. We don’t want to reinvent that again. We are here to serve the community and interested in all opinions on that. We want to start with some that has already been community vetted.

Next Slide

We are developing a transportation prioritization process. NDS recently hired a transportation planner. We hope to continue to augment staff accordingly. We are bringing back the bike & ped coordinator to do some of those duties and free up the transportation planner to be an active transportation planner.

Next Slide

This is something of a pipe dream. We hope to have a 5-year transportation prioritization or CIP list. We hope to incorporate that in a pending, more robust CIP development process, which we have been hearing some things about. The first step in this general future process would be to have NDS, Public Works, Engineering, and City Manager's office collaborate on developing an initial 5-year transportation safety outlook. Once that is established, the transportation planner would coordinate with the MPO, the TJPDC, and Albemarle County and continually monitor the impacts to the development proximate to the city and how that impacts all these things. Project managers and the transportation planner would coordinate with VDOT. That is both the local assistance program, who gives us the funds to make sure we are doing a good job, and planning, who is doing things like 29 and Hydraulic. They make sure we are inputting all the information into our system. The transportation planner will work with the planners and traffic engineers to monitor private development impacts, another basic monitoring thing. According to the project managers, Public Services, utilities, will update project status and paving lists that are ready. The transportation planner would update the safety demand readiness etc. into the system. That is when all the data gets updated annually. All those things will be continuously happening. That would update the transportation CIP team as we run that system to see how those rankings would have changed. You have rerun it based on what we have done and what new data we have. We use that information to update the 1-year and 5-year proposed CIP. We are constantly adding a year, editing years 1 through 4. That would enable us to plan ahead.

Chairman Solla-Yates – With the Future Land Use Map from the Comp Plan and small area plans, are they related?

Mr. Dawson – Yes. Part of it is as developments go, we would update that information. The other part would be forward-looking.

Mr. Freas – The annual cycle is going to be looking at development activity. That is part of the duty of our transportation planner. Overall, our planning team, in looking at this process and thinking about how our land use objectives from that 5-year transportation CIP outlook, that we start with at the beginning.

Commissioner Habbab – How do we rate food access, park access, and healthcare accesses? How is that built into this prioritization?

Mr. Dawson – I am not so sure how high that gets in there. From a lot of it, it is schools that were the locations there. Other public access is goes to voting and other ADA requirements that we have.

Mr. Freas – A lot of the information that we presented is about the different data sets that are coming into that prioritization process. Part of that answer is going back to those data sets and seeing what ones that specifically are picking up things like park access. Connectivity access were big picture themes in each of those. I don't remember what things we were focused on in the data set. We will take that as a comment and look at it.

Commissioner Habbab – You can set available data. You can potentially add data sets or proximity.

Mr. Freas – A lot of this is proximity based. One place where it does pop up is one of the major data sets that we have access to. One of the data sets we have access to is walk score and bike score data. You can go on the web and see what goes into walk score. It is a lot about those types of destinations. Places that score a higher walk score, it is based on those destinations.

Commissioner Stolzenberg – What is the deliverable you get from these guys? Is it a software tool?

Mr. Freas – My understanding is that it is a spreadsheet. One of the things that we talked about and shared with the consultants is that our intention is to be fully transparent in the data sources that are going into this. When this is out there, someone can ask how we arrived at this set of prioritizations. All the data will be available. One will be able to trace back what is in there and how it arrived where we are. We have had several discussions with the consultants. On a couple of the data points, we have asked to dig in and test their assumptions and make sure we have something that is going to stand up to public scrutiny. Part of that is having something that we can use means that we can also change it for the future. Important things are things like being able to add in, when it says measures, that is transportation projects being drawn from each of these plans. We need to be able to add into that program. It can't be a static list that does not change.

Mr. Dawson – This is just a tool. If we are transparent about it, there is no reason we can't say #4 should be #3 at any given point. Step 2 of this process was them evaluating our internal capacities. We looked at the GIS staff and systems that we have available. It is a GIS based product. The understanding is that they are going to make it for us. We are going to shake it down and make sure we are happy with the priorities. We should be able to operate it. We should be able to change it if need be. The idea is that it is flexible.

Commissioner Stolzenberg – A lot of the inputs are up on the open data portal. Any new things that are not census, it would be nice to get those up and to get the actual database up on the internet.

Chairman Solla-Yates – This seems very reasonable to me. Quite a few of our projects recently have died because of parking concerns. I suggest that you consider parking management in how these projects are considered. No off-street parking is the most desirable, with unpriiced being the least desirable because we can see surprises with that. They can kill projects. Has the equity team talked to you about this?

Mr. Dawson – We have not. We want to bring equity probably at the end or incorporate it because the consultants said they would factor in equity. I said that there is no way that I am saying that the consultants have already dealt with it. We are going to make sure that is dealt with clearly.

Commissioner Stolzenberg – You mentioned that census tract data is too coarse. There is some census block group data. It might make sense to think with the Comp Plan sensitive areas that we designated and using that as a proxy.

Mr. Dawson – I should have used a specific term like tract. If there is data out there, I was not aware of that. Those are the kinds of thing that we could. If there is something out there, we will certainly incorporate that.

2. Presentation – Climate Action Plan

Susan Elliott, City Staff – We presented to the City Council meeting on October 3rd work session. We were able to attend. We have put together a shortened slide deck that goes over some of the key structural pieces within the Climate Action Plan document. It is aiming to give you that foundation piece and stuff that we have found has not always been fully understood about how we see the document being structured. We are going to go over those pieces and basically hand it over to you guys for discussion.

Next Slide

The city's climate program was established in 2008. As a result of the city committing in 2006 to the US Mayor's Climate Protection Agreement. That agreement committed Charlottesville to reducing greenhouse gas emissions community-wide. There were several actions that followed that. In 2017, the city recommitted to climate action through the Global Covenant of Mayors for climate and energy commitment. This commitment

also has reiterated the greenhouse gas emission goal reduction piece. It added on climate adaptation as well to what our commitments are. That connection of reducing emissions to help limit the effects of climate change and adaptation recognizing we already are seeing changes and that we need to adapt as a community to be able to weather those better.

Next Slide

When we talk about where our emissions are coming from, about 95 percent of the emissions are coming from within the community. Only 5 percent are from within our municipal operations. When we investigate what that is within the community, there is about 30 percent coming from heating, cooling, and powering our residential buildings. About 30 percent is from heating and cooling our commercial buildings and about 30 percent is coming from transportation. That is all motorized transportation that is on our roads. In 2019, our city produced over 300,000 metric tons of carbon dioxide equivalent emissions, which is roughly equivalent to driving 745 million miles on an average combustible engine vehicle. Within these emissions, I want to note that this does not include emissions from Albemarle County or UVA. They both calculate their own inventories and have their own climate programs.

Next Slide

When we look at how we can reduce our emissions, there are 2 different goals that the city has adopted. One of those is a 45-percent reduction by 2030 and carbon neutrality by 2050. Both goals are community wide. They must apply to our municipal operations, our homes, and our businesses. These goals are comparable to the goals that are adopted by peer communities around the world, the country, and the state. They are aligned with federal government reduction targets and are based on guidance from the 2019 intergovernmental panel on climate change. Charlottesville does an annual emissions calculation. We report this through the platform that is connected with our Global Covenant Mayor's commitment. The platform is called CDP. It was formerly known as the Carbon Disclosure Project. When it turned international, they shortened it up to CDP. Having these clear mission reduction goals and doing our annual reporting on progress is critical for us as a government and a community to make sure we are moving in the right direction.

Next Slide

The Climate Action Plan is intended to lay out that strategic roadmap for how Charlottesville will achieve those reduction goals or the emissions that it measures within its inventory. What we have within our plan, because we do have our emission reduction goals that are long and out there in 2030 and 2050, it is structured by having strategies that are intended to be enduring. Those are designed to get us to our 2030 goal and position us well for our 2050 goal. With the key actions, each strategy has a set of key actions associated with it. The key actions are dynamic. They are meant to be completed and crossed off with new action items being added over time. The actions are near-term objectives for us to deliver upon. They are intended to be completed within the next 1 to 3 years. Throughout the planning process, we kept a close eye on guiding principles. When we speak about guiding principles, they are reflections of values that we heard from our community and ways of how we make sure that, as we are implementing and moving into the implementation stage, our plan can be successful. The guiding principles that came out of our development process are effectiveness, affordability, equity, and inclusivity.

Next Slide

After the Council work session at the beginning of October, they indicated that they wanted to see the plan brought through to the adoption process as quickly as possible. When I say the adoption process, that is to adopt the Climate Action Plan as an amendment to the Comprehensive Plan. To do that, we are currently slated for the December 13th meeting. That will be a public hearing. To prepare for that, we have asked community members to submit any comments and input that they have on the plan document. We would also like to hear from people about how they would like to see us move forward and how they see that they could have a role and that we could help support them. We have asked for those comments through tomorrow. This is intended to be a living

document. The Climate Action Plan can be updated over time. We have put in there at least every 5 years an update noting a comprehensive update for it to be done within 3 years so that it is ahead of the next Comprehensive Plan update. Annually, there will be progress updates. That could be a time where adjustments can be made and any key actions that have been completed can be crossed off. If there are ones that are reasonable to add in as next steps, that would be the time that we are anticipating that happening. What happens after the adoption process? We are already starting to have some of the conversations around implementation. We will be developing more measurable success indicators, working with interdepartmental coordination, developing work plans, and pursuing funding and financing to support the actions within the Climate Action Plan. Because we have had an ongoing climate program and this has been an important topic within the government and within our community, it may not surprise you that there are some studies and other information gathering activities that have already begun. The gas utility decarbonization study is one. Other ones are the transit alternative fuel switching study and an uptown/downtown corridor study on organics collection. Other things to the right of the dotted line on the screen are other things that our climate program does. I wanted to emphasize that within the city's climate program, it has a bigger scope than what this climate action plan is. This climate action plan was drafted and scoped to focus on how the city can achieve the greenhouse gas emission reduction goals that it has adopted are centered around the emissions that we measure within our greenhouse gas inventory.

Next Slide

Regarding the feedback, we have gotten comments that are very supportive of the plan and speak to its thoroughness, its comprehensiveness, that it is well researched, and that it lays out a lot of complex contexts for how these decisions and choices moving forward are set. Most comments are focused on ideas for implementation and people starting to think through about challenges of the implementation stage while that context is what comes after the adoption of the Climate Action Plan. When we are implementing the Climate Action Plan, we are heartened to be getting this feedback now. It verifies for us that the Climate Action Plan is written in such a manner that it is achieving the purpose it is intended to. It is giving that steering direction and pointing people in our community to start thinking about how we get to the implementation, how we achieve these key actions, and what those strategies are where that attention needs to be focused on. A couple of other types of comments we have gotten speak to strengthening some of the existing language that is in there. There have been some clarifications needed around items where people have been confused about something or it was in a different section of the document than where they were looking for it. There are items that we got during our public engagement part that go beyond greenhouse gas inventory. We acknowledge who these are. These activities are important globally to climate change and climate action. They do not necessarily fit within this document. Those are things that the climate program and its other activities could be working with people on. They are also things that community members and organizations can also pursue on their own. We have gotten some requests for more closely targeting or focusing language that we have in the document in some places. These situations tend to be where we have written something in with a broader umbrella so that it can support multiple types of activities and focuses. The requests that we are getting is to call out specific uses. As we consider those requests, we need to make sure that we are looking at not tightening up the language so closely that it ends up accidentally not supporting other things that it otherwise could.

Next Slide

Within our Climate Action Plan, it is structured in the first 3 chapters that preface an introduction. These chapters are the background information about how we got to where we are in terms of creating the plan, what that process and engagement looked like, what that targeted scope is for, what the plan is focused on, direction that we received from multiple City Council resolutions, and what the basis of Charlottesville's emissions are, some high level scenarios for those, and looking at the different types of options at a generic high level for reducing emissions. When we get into chapters 5 to 9, that is where the 'meat' of the strategies and key actions are. We have a list of the different types of focuses that have for those within the document. One thing to note is that within each of the sections, we have equity considerations listed where appropriate. We also have sub goals

for that. We have identified where there are connections over to climate adaptation. The climate adaptation process is happening separately from this document. We have gotten through our climate risk and vulnerability assessment. The adaptation piece will begin this coming year. We recognize there is a connection there, particularly regarding co-benefits and being effective and efficient with how we are prioritizing action, noting where we can achieve emissions reductions and make our community more resilient for adaptation. With regards to the next steps in guiding future action, this is a plan that is supposed to inform both government and community action. We have spoken to this in chapters 2, 4, and 10. There is a project resource needs alignment chart for the zoning alignment and providing guiding directions in terms of those values, those guides for action, and speaking to community engagement and how to do that inclusively. There is also information about how the plan can be accountable and involved over time. We included resources in here. This can be a technical topic. We wanted to have references for people that helped them understand if there were terms they did not understand. We included some fact sheets to help explain some of the considerations going into these policy and strategy and action choices that we have in front of us.

Next Slides

Regarding the zoning code update and alignments with that, the next slides are the table we have in the plan. It is 2 slides for the chart.

Commissioner Mitchell – The objective here is to reduce our natural gas consumption. When we were first beginning to think about this, I pushed hard to support that objective with 2 specific actions. One was to end the subsidies for new natural gas hookups. Mr. Groves mentioned earlier today that we did 185 natural gas hookups in the last year. We also subsidized it. We did it for free. I pushed to end that we no longer subsidize natural gas hookups. The developer or the end user would have to pay for them. The other thing that I pushed for was to bring an end to hooking up new residential developments. The zoning rewrite will incentivize and drive a higher density and drive more construction. Under the current practice that we have, that is also going to drive new natural gas hookups. It is inconsistent with our desire to decrease or end our natural gas consumption. At the urging of staff leadership, I backed off a while. Staff leadership wanted to wait for the results of the decarbonization of gas utility study with the objective of understanding the viability and efficacy of electrification and alternative sources. Based on the feedback I received last night; I believe that study should be available by early summer. I am willing to ‘cool my jets’ on pushing for that until then. As soon as that study is out, we are going to learn that the end of gas hookups to new residential developments is going to be important to achieve that objective. I think not subsidizing any new natural gas hookups would be of great value. We want to revisit the questions that were asked earlier. On page 75 of the staff report, it is mentioned that there are legal issues associated with ending new natural gas hookups. I would like to be certain that we understand what those legal issues are and understand if they exist. If they do exist, what can we do to work around them or to mitigate them and what the next steps would be to move forward? I did not understand how CAT was impacted by ending new residential natural gas hookups.

Kristal Riddenwold, City Staff – The topic of legality is part of the scope in the decarbonization study to nail it down. What are they? What are some strategies to address those? Staff, at the time of the writing of this report, did not feel comfortable making a conclusive statement about the legality issue. The other question was the impact to CAT by changes to residential natural gas hookups. Often our reference to natural gas hookups had been more broad, not specific to a sector. If there were changes to natural gas service to the residential sector, that would not necessarily impact CAT. One thing I cannot speculate about tonight is if there were significant changes on the residential service side, what would that do to overall natural gas rates. Those are all scenarios to be explored through this decarbonization study. This is a good time for those questions to be put on the table. They can be looked at during this study process.

Commissioner Habbab – I want to underscore Commissioner Mitchell’s natural gas point. Why can’t we now eliminate the subsidies for hooking up new projects?

Commissioner Mitchell – That was the subject of discussion Council’s last meeting.

Commissioner Habbab – The Tree Commission had their set of comments that I have a copy of. Adding a fact sheet for the natural environment as part of the fact sheets in the Climate Action Plan since the natural environment comes up a lot throughout the rest of the document and is an important factor in reducing greenhouse gases. Establishing a minimum tree canopy or other shade cover for new parking lots or incentivizing conversion of existing parking lots for shading and requiring the use of permeable surfaces where feasible, updating code standards for trees and property developments and adopting practices to ensure that preservation of tree canopy when making decisions regarding density, utility lines, emergency response, etc. On page 80, they had a suggestion on adding plant-based carbon sinks, trees, plants. We don’t have a lot of land left in the city; just adding value to trees that are already sequestering carbon. I had a question about the energy code. 30 percent of residential and 30 percent commercial use and a lot of that energy use is heating and cooling, can we push the Virginia Building Energy Code higher in our local city and establish higher standards?

Ms. Elliott – We are not allowed to require things above and beyond or different than what the state code is. We must follow that. Where we have some leverage and we try to identify these and target them with the key actions is if there is an additional benefit or an incentive that the city is putting out, zoning benefits are one type of these. Funding benefits are another. The city has leverage because those are not just your by right typical building code standards. There are additional benefits that are there. Additional conditions can be added. When you look through our key actions, keeping in mind that they are meant to be completed over the next 1 to 3 years, they all do not have to happen at the same time. There are places where we identify a key action to develop recommendations. There is a subsequent key action that says ‘adopt and integrate them into our zoning code benefits, funding priorities.’ That was our way of trying to still put that leverage in place while we cannot move or change what the state building code is. There are some things where the city coordinates and works with other localities and partners across the state that are looking at being part of that conversation that is happening at the state level. Charlottesville does not have the authority to change what those requirements are outright.

Commissioner Habbab – When we get applications like SUPs and critical slopes tear down trees, could we add as a condition an extra energy performance usage on something?

Mr. Freas – We have a certain degree of leeway with conditions to do something along those lines. I feel that I want to investigate that some more. We should be drawing a connection. The conditions that we are imposing should connect back to the purpose of the special use permit/the impacts of the proposed use. It cannot be an arbitrary condition. I think you are on much stronger ground on the critical slopes potentially. That is one that we could investigate. The entire critical slopes ordinance is written around the concept of the environmental benefit of critical slopes and how a proposed project is addressing or improving over those inherent natural environmental benefits. There is maybe an angle there. The critical slopes are a tricky piece. I have been investigating it more deeply and discussing it with staff in our department.

Ms. Riddenwold – It might be interesting to note that the request for authority to adopt higher energy performance requirements locally has been part of the city’s legislative packet for several years. There are several other communities across the state who are interested in that. There is a larger community of builders and others who have a lot of influence over whether that topic moves forward.

Commissioner Russell – In solely focusing on energy efficiencies related to new construction, this plan misses the mark in recognizing the role that historic and existing buildings play in a more sustainable future for Charlottesville. The plan mentions land use and planning as an important tool for reducing greenhouse gas emissions. Absent from the plan is the role that our existing buildings play. The embodied energy that is inherent in a building that does not require a lot of new materials. The carbon footprint of new construction,

which means resource extraction, shipping, and transportation, is not always considered in new construction. Those things exist in our existing buildings. The greenest building is the one already built. Building stock plays an additional role in our affordable housing picture. We have learned that it is virtually impossible to build affordable housing without deep subsidy. Historic buildings are inherently affordable. New construction contributes to waste going into landfills. I would like to see goals and sub-goals in this document that speak to the value inherent in our existing buildings. These would include things like disincentives for demolitions, incentivizing existing buildings. We have these things in our Comp Plan. There is crossover between those shared goals. In addition to that, encouraging adaptive reuse.

Ms. Elliott – We spoke with Preservation Piedmont. They have raised a lot of the similar concerns that you are expressing. One of the challenges is when you look at the embodied energy and that entire set of extraction pipeline, those are all things that are outside of our city’s greenhouse gas inventory. There is a challenge in terms of how to try to get those to be incorporated within our climate action plan that is scoped to meet our emission reduction goals. That carbon is not part of the targeted emission reductions, that body of greenhouse gas inventory. When I spoke before about the climate plan, the program can work with community members on a range of topics that go beyond just what this plan is focused on, that is where those certain topics and partnerships can come about. Fitting that into this document becomes a little difficult because those are all actions and activities that need to be worked on in addition to what this plan was scoped to address.

Commissioner Russell – There are still places where you can easily recognize a caveat when you are talking about new construction or when you are talking about the challenges in historic buildings. Yes, there are challenges, but there are these inherently other good qualities. I did not see any mention of that.

Ms. Elliott – That is one of the pieces where we do see an opportunity in there. In the buildings and energy section, we do speak about different development patterns. When we talk about starting to densify our community, that does not mean every single property needs to be turned into a multi-story apartment building. We can start looking at things where it is how you do an extension or how you build up on an existing property without needing to do a full demolition of what is already there. Similarly, there are some things that, in terms of messaging to the community that taking an older building or an existing building, tearing it down, and building something that is almost identical does not necessarily mean that everything is going to be more energy efficient. There are opportunities there. What we were starting to look at is what I call the background context section in the buildings and energy section, there is some space where we can put some language in that. Further down, when we get into the key actions, there is a key action around providing information resources on historic buildings. That is something we have already done work towards. That is targeted at the response we will hear from people in the community. When they are thinking about energy efficiency and make comments, they are specifically thinking about windows. We have started working with somebody to help develop and identify what things are compatible with the BAR Guidelines that you can do on historic properties. We have some initial work on that. It is something that we would like to further develop and get out there to the community. It is one of the things, in our conversations with Preservation Piedmont, we talked about of being able to work together to help people understand that because a building is historic or older does not mean that there are not smaller improvements that can be done, or it is just that it inherently means that it is bad.

Commissioner Russell – That is right. Windows get a bad rap. They are not a huge contributor to heat loss in a building. It is around 10 percent. The other thing is that historic buildings were built inherently to work within our environment. You get a lot of benefit from historic buildings. We should be fair. Historic does not always have to mean some celebrated mansion. There is modest, older housing stock that is worthy of some reuse.

Ms. Elliott – Some of that, when you were commenting, to start thinking about a nature-based solutions section where it looks at how there are other strategies that can be done around the buildings that complimentary with

them so that the building itself does not need as much heating and cooling. That could also tie into some of the materials that can end up getting put out there.

Commissioner Schwarz – I support Commissioner Russell’s comments. The BAR is looking at First United Methodist Church. They would like to cover their roof in solar panels. The BAR is supportive of that. The majority are supportive of that idea. The issue is that the church has a slate roof in very good condition that is 100 years old. It could last another 100 years. To put the solar panels on, you would be destroying that roof. Potentially reroofing it with something that would not last as long as the existing shingles could. At what point do you get the benefit from that versus just keeping the historic roof that is perfectly good and going to last forever? The complication of figuring out where it is good to implement sustainable features versus keeping what is existing.

Ms. Elliott – Several years ago when we brought forward the solar zoning code to make it by right as a secondary use across the city, the recognition that there are some special design control districts were specific pieces. The discussion, at that time, with the members of the BAR following a similar line to what you were just discussing. In general, if you can put the panels on, you can take them off. It does not do any damage to the building. When it comes to things like slate roofs, the specific example that came up is that it is irreparable damage. That is a different value in terms of what we are achieving within a community. Those are a lot of the things that come up in planning. How do you balance these different priorities and different needs? What I recollect is that the Board of Architectural Review wanted to retain the ability. We were supportive of that for projects that go through that process. They still had to go through the design guidelines process.

Commissioner Stolzenberg – I have a few things focused on the urban heat island effect and adaptation. The APA (American Planning Association) just came out with a great report on planning for urban heat resilience. A lot of our key actions here seem very focused on tree canopy and planting a lot of trees to provide shade. Trees are the best form of shade that we can get when we can get them. Trees are not necessarily appropriate to be the things that provide shade for every inch of asphalt or sidewalk that we need to shade. There was a reference in the parking lots of trees or other shade to shade parking lots. To mitigate the urban heat island effect, we want to be shading as much as possible with high albedo stuff that reflects the sunlight away. I would love for you guys to have some stuff in there about the more architecturally provided forms of shade. With sidewalks, that can be anything from awnings and overhangs and maybe even arcades and seeing if we can incentivize those or remove barriers to their use. On buildings themselves, forms of heat gain reduction that can provide shade in the heat of the summer where you are letting less light in and letting the light in in the winter. Somewhere in the plan, we talk about green roofs. One thing I learned the last couple of weeks are cool roofs. Green roofs are expensive and need a lot of structural support. They are great and good for stormwater. They are not going to be feasible, or owners are not going to be willing to spend for it in a lot of cases. Just making a roof, especially for flat roofs, all those roofs downtown are black rubber/tar. Just making that a white material raises its albedo and is more effective just at urban heat island reduction than a green roof for about the same price. If we could incentivize that and make sure that anytime you are replacing a roof that is currently black, you make it white. It seems to be the trend. The newer buildings have that. I don’t know about replacements. That would probably be the biggest single thing we could do for reduction of urban heat islands. That is a win-win. It does not cost anything. We still want more trees.

With the tree canopy, I have had 2 conversations the last 2 weeks with people who have gone to get solar on their house. They talked to Sigora. They had to tear down all these trees so that they can get clear sunlight on the house. How do we get renewable energy to offset the coal and natural gas that we are burning? At the same time, we want trees to benefit our local environment to reduce that urban heat island and the many other benefits of trees. In some of our scenarios here, we are dependent on rooftop solar. Of the 4700 rooftops, 40 percent of those roofs are getting solar for that scenario to meet our goals. That means significant reductions in tree canopy. It is a hard question. I don’t expect to have a simple answer. Maybe some of it is like a program

where if you must tear down trees on your property, we hook you up or give you a way to donate to plant new trees on the opposite side of your house and don't cast shade on the solar panels. Since it is something, you are doing to offset cutting them down, that solar installer can roll that into the cost of your system. It can be financed with the rest of your system. Homeowners might be willing to do it.

Ms. Elliott – You laid out a lot. For the piece of trees versus shading for your rooftop, I wanted to note that the scenarios that we included in the document, that number of projects is in the projected amount of solar generation that could happen. It is from an online GIS based map that looked at using the existing tree canopy and the shade that it would cause on rooftops. What was the remaining availability for solar generation within our community. That is where that number came from.

Commissioner Stolzenberg – Is that fully all the remaining roofs that are not shaded in that 4700? Was that the conclusion of that study? Is that saying we are totally maxing out what we found was doable?

Ms. Elliott – No, it wasn't. From the GIS database of this, we made a list of every single potential across every single rooftop that it had in there, with the assumption that we would do the larger ones first. I can go back to that dataset and tell you how many that is out of the total. If you want to look at it, it is online. You can see what that map looks like and how many rooftops and what areas are more shaded versus others.

Commissioner Stolzenberg – I want to get into the scenarios themselves. We have 3 scenarios. In all of them, we are taking reduction in carbon intensity of the grid. It is a given, which makes sense. That is what has been driving our reduction so far. In all of them, we are assuming a minimal amount of transport emissions reductions. I get that you had variable feedback from people and how much that would happen. I am curious that if you don't know then let's not count on it. Since it is not in our scenarios, does that mean we are less likely to pursue those actions that would result in more of those? Given that it is 30 percent of our footprint, it seems like we want to be reducing that. We are going to need to be for our 2050 goals as much as possible.

Ms. Elliott – Working on transportation is something that we need to do. The fact that it was only a small part within the scenarios is not meant to be an implication or to be inferred that that means we don't need to do anything on the transportation side. When we were looking at the scenarios, we were putting them together to start 'getting our arms around' and illustrating out for people in the community what scale of level of involvement property by property would be needed to reach these goals that we have and levels of investment. When we are looking at that through 2030, if you think about the general timeline, it typically is to do some massive transportation infrastructure projects of getting the funding, doing the planning, getting it instituted, and changing behaviors within our community. It did not seem like within the next 8 years that we would see a substantial shift in that front. If we do, that would be fantastic. When we look at things on the transportation side that are changing the fuel source of our passenger side of sedan-type vehicles, there is a lot in terms of electric vehicles that is starting to come out from industry and the standards of what can be sold, that is looking at that shifting. There is still that timeline you have of the adoption of that infiltrating and at what level and pace within the community. That was why for the scenarios we kept the transportation part small. If we see a lot more on the transportation side before 2030, that means we are just that much closer to our 2050 goals.

Commissioner Stolzenberg – It is good to be conservative and be pleasantly surprised that we did better. That makes sense that will take longer. I hope EVs are faster than 5 percent. Fleet turnover takes time. What is left is that we 'put all our eggs in' a mixture of 2 baskets. Those are energy efficiency retrofits and rooftop solar. How feasible are these very ambitious scenarios in coming to pass in the next 8 years? If you dig into the national trust for preservations, the greenest building is a fully retrofitted existing building. The dirtiest building is a totally un-retrofitted building. How do we make sure that 20 to 25 percent of all buildings get retrofitted? How much of this yearly cost we are talking about is public money? If public money does not come, how much of it

gets done? For renewables, what do we see as our current pace? How many rooftops are we annually doing? Do we need to increase that pace to hit scenario one of 1200 rooftops?

Ms. Elliott – We need to do more on all fronts. That is the short answer. In terms of money, that is total dollar cost. That is not trying to divide it between public money and private money. That is just estimates of the total cost for that. Most of the things in our funding and financing chapter are looking at doing a cost share piece. There are things that speak to things that would support a revolving loan fund so that the money can keep cycling through. Tiering that to be able to meet the different needs that the property owners have but also in terms of income levels. There are different levels of subsidies and assistance depending on where you are in the incomes. If you are below 80 percent AMI or mid income, there is a lot of flexibility there and more discussion of how to design those programs to get the most leverage. There is a lot of federal money that we are starting to look at that is coming out. All the conversations about that, is that it will be a game changer. We are looking at things for formula funding and competitive options for that. A lot of what you are laying out goes to the sticky questions on what we are hearing with all the different climate conferences that we need more action on all levels faster than anything has been going so far. That is a mix of education engagement, getting people to understand where value is and isn't. It is getting the money set up in a certain way that it moves action. A couple of things we have heard from people is that they do not have the upfront money to pay for things when there is energy savings from those investments. Those investments could pay it back. They need to get over that hurdle of that upfront cost for it. Charlottesville has about a 60 percent household rental rate. A lot of our businesses are renters. When we are looking at who has that authority to make those decisions, to make changes property by property, you are looking at who the property owners and property managers are. When the energy savings and cost savings is going to the tenants, you end up with this split incentive. That is another piece that the climate action plan speaks to. It is structuring what our supportive financing pieces are and getting information out to the community about how that split incentive can be addressed. One example to do that is through green leasing. Green leasing requires that your property owner, property manager, and residents understand it. Everyone understands how that works and what they are agreeing to. One of the ways that this is a complex topic and getting it moving in terms of what is realistic. The scenarios are based on the numbers of what we need to achieve. Those numbers were put together by saying if these are the goals that are adopted, this is our starting point. What does that mean in terms of scale and level of pace that we need to be hitting to get there. The most that we can try to do is try to get up to that level as quickly as possible and make sure we have the right tools to support our community.

Commissioner Stolzenberg – If I can make a request, it would be helpful to see the current trajectory and to see how much we must bend the curve to hit these possible scenarios, which is the only way we have to get it done. Which of these scenarios is the most likely or a feasible path to hit our goals? Do you believe that we will hit our goals?

Ms. Elliott – The possibility is there for us to do that. In terms of which scenario, I don't have a preferred scenario that I think is more likely. We can investigate the trajectory. We currently have about 2 percent, in terms of the sub-goal that we have in our energy buildings of getting 10 percent for the solar. We currently have 2 percent installed. We are moving in a good direction. One of the other pieces on energy efficiency is that it is usually in a lot of the discussion right now. It is being focused on retrofitting existing buildings. When we look at new development coming in and the different forms of how we can add density within the community, what those building standards are, what those leverages are in terms of that efficiency of those new buildings, that is also part of what feeds into these numbers. While the scenarios were built on our existing buildings, that we are adding to the community is another piece at play. That goes into what the fuel source is. Through the Virginia Clean Economy Act, Dominion is required to hit carbon neutral by 2045. What we have in the scenarios, I have seen that grid part become cleaner. That is the trajectory path that is there. As new buildings are added, if those are connected to fuel sources that are easy to make carbon free, we are also making sure that those buildings are energy efficient. All that helps with all these numbers.

Commissioner Palmer – This is great work. It is heartening to see that we will now have 3 strong sustainability action plans between us, the city, and county. As we know, we must account for things separately, so we are not overcounting our carbon emissions. We work together and we contribute to those carbon emissions whether it is UVA, the city, or the county. Being in lock step but going towards similar goals will only help all of us.

Ms. Elliott – I completely agree. One of the parts that does cross borders is on our transportation side. One of the pieces within the plan is the key action that we have for doing mobility accessibility-based transportation planning where it looks across different travel modes, looking at what the commuter traffic is that is coming in with UVA, looking at the different systems that they have, and how those overlap with the other systems the city is providing. There could be some opportunities for partnership and collaboration in that direction.

Chairman Solla-Yates – The implementation section exists. It is short. There is not a lot of content there. This is a section that I will use. I would like it to be clear, would like numbers, would like dates, would like to know if we are winning, and where we are winning. I would like to be clear. I am thinking about the CIP and looking into how we pay for all this stuff. Many of these projects that are in here I have seen before. Give me more. I would like to understand greenhouse gas efficiency per dollar. Are these dollars smart dollars? Are we spending in the most effective way to address our carbon goals? If not, how do we get there? There are very interesting possible savings, new revenue sources you discussed, and I am excited about federal money. One idea I saw somewhere else about on trees was requiring replacement trees equal in diameter when trees are removed. I thought that was interesting. I don't know if it is illegal. With transportation, I see a lot of potential upside there. I don't see it in the document. I would like to see clear goals for mode shift getting these numbers across with dates ideally with some relationship to best practice.

Ms. Elliott – In chapter 10 on the implementation, the climate action plan was meant to be strategic. It is meant to provide that direction for where we as a community need to go, not just what the local government needs to do. Those key actions are the parts that are the 'truth tellers.' That is part of the annual progress updates in terms of going to you wanting information that you can then use with how we are doing with our progress. That is when those with that information that progress will be coming. One of the parts, in terms of identifying what outcome indicators and metrics is that is one of the things that we identified as needing to be done during the first year of the plan. Trying to get a better sense of what is realistic, what is meaningful, and what we have data for. That is a conversation that we want to work with community members. There are community members who believe that there are some data sets and things that we have not yet been using. That is an area for us to explore. On the transportation side, there are a lot of new conversations; especially having the new transportation planner. There are a lot more conversations that can start happening around getting those mode shift numbers and trying to get a sense of trying to tie it into what the strategies are and what that looks like on the ground, and how we make the most effective use of layering our different transportation systems, so they are leveraging each other. If we do that in a way that they are leveraging each other, that should affect what those mode shift target numbers are.

3. Interpretation of Section 34-518(a) (PUD Section)

Staff Presentation/Commission Discussion and Deliberation

Matt Alfele, City Planner – In April of 2022, the 240 Stribling PUD plan was adopted by City Council. Your PUD plan lays out the rules and regulations for private land development within a development that you could not typically do under current codes and regulations. It does not cover public infrastructure (public streets). Those still need to follow city regulations and standards & design guidelines. Your private land use sets your density, setbacks, height, placements of building, uses allowed, and things like that. When City Council adopted that PUD, the next step in the process is to submit a detailed site plan for review. The applicant has done that. In

August, they submitted a preliminary site plan that was reviewed by Neighborhood Development Services, Traffic, Utilities, Public Works, Fire, and all the different departments that review a site plan. The Planning Commission is the reviewing body for a preliminary or final site plan and subdivision related to a PUD. That means, at the end of the process, staff will bring you a site plan. We typically don't bring you a site plan or subdivision until we say that it has met all the requirements of the PUD development plan and the Standards & Design Manual when it comes to public spaces, we recommend approval. Periodically, there are places where staff feels they do not meet the regulations. This comes up more in planning developments than it does in regular code. That is because the applicant has set out those rules and requirements on their private land. When you think about our code, when you are talking about by right development or something with an SUP, it is clear. Chapter 34 is a thick chapter. It spells out the requirements if a PUD development plan is not that detailed. There is some wiggle room. There is also this problem of whether they are meeting certain guidelines that they have laid out themselves. When this plan was reviewed, one of the comments that came up was the original PUD development plan, the more conceptual plan showed 3 buildings. The site plan that was submitted to staff shows 2 buildings in the same general footprint. Staff believes that is a significant deviation from what was approved. In the staff report, staff lays out the reasons why they feel this is a significant deviation. The applicant disagrees. They have made their argument in an attachment that came with your materials. The question before you tonight is not whether 2 buildings are better than 3. The question is whether it is a deviation. If it is a deviation, there is a process to either design the plan as proposed in the development plan or amend the development plan to show the 3 buildings. As you deliberate tonight, keep that in mind. You are not making a value judgment on 3 or 2. You are making a decision on whether this is a significant deviation to the development plan.

Commissioner Mitchell – What is the harm? How is the community harmed by going from 3 to 2?

Mr. Alfele – Is it a deviation? If Mr. Armstrong says that he wants to go forward with these buildings, the next step in amending the PUD would be doing an analysis. In answering that question, is there harm by doing 3 or by doing 2? That would be the next step. Is it a deviation? There is room to say that you can make some changes between your PUD development plan and your site plan if it is not a significant deviation. The question is whether it is significant.

Commissioner d'Oronzio – Before we get to evaluating the harm and if we are going to talk about what substantial means, that is the 'pointy end of the spear.' What does substantive mean? What does deviation mean? An inference of it but for this change, would the Planning Commission or City Council have behaved differently to approve it? Does it have to be that stark to be significant? Are we dealing with a more subtle set of assumptions and procedures and not even looking at this example? If we assert that this is substantial because it has and it has secondary impacts whether this project is going to have significant impacts or not, we don't know. My understanding is that we are going against every instinct we must not dive into that. The 'pointy end of the spear' is what we are calling substantial and what we are calling a deviation. How do we go about defining substantial? What does substantial mean? The applicant went to great lengths to say that they put everything in 2 boxes that was in 3 boxes. It is mildly better in a couple of ways. How do we evaluate what substantial means? Where does it end? This is a critically slippery slope as far as what the Commission says it is going to do and how applicants respond to it.

Mr. Alfele – It is a fair point. That is what the Commission needs to come to. Staff is saying that it is significant. Staff lays out why. It is a deviation and why it is a significant deviation. The applicant disagrees with staff. Planning Commission can either agree with staff or agree with the applicant. There is a path forward for both. It is hard not to dive further than that point. That is all the information we need. Is it a deviation, is it substantial, and let the applicant know which path they need to go down. This is an important aspect of their development. Under a typical situation, you may not have seen this until the end now, until we said this is ready to approve. The last time you saw this it was 3 buildings staff saying, 'approve it' and now it is 2 buildings. We

are ready for you to approve the whole site plan. That is also why this is coming to you at this stage. Typically, we like to bring things when it is at the end. We cannot move forward until this is addressed.

Commissioner Habbab – I have a similar question. Is it a deviation? We are talking about whether it is a substantial deviation. ‘Substantial’ is the key word and how we subjectively feel about that. My only concern is the precedent this sets for future PUDs and this process happening again. Does it set a precedent? Could we make up our mind every time based on how we feel?

Mr. Alfele – This code section is open-ended. Most code sections are not. If there is a code section that says your setback is 25 feet and an applicant brings something forward that sets back 15 feet, it is clear they do not meet the code section. This code section is more open-ended to that interpretation of significant deviation. I think that code section gives you a guide on what determines that. It does not hit some of the things it points out. Density stays the same. It does hit intensity. I know this was talked about earlier in the meeting. What is intensity? Staff would argue that if you take the same density that is spread out through 3 buildings and it is now in 2 buildings, the intensity goes up. You could extrapolate that out into if I had a building that had 100 units and suddenly, I had 100 single-family homes, wouldn’t you think the intensity would be less than that one building with 100 units in it?

Commissioner Russell – I go to the code. The code says that any change in use, increase in density/intensity and any substantial decrease, any substantial change shall be deemed a substantial deviation. I go back to any increase in density or intensity. We know the density is not increasing. I go to intensity. You have done a good job of answering my esoteric question about how we define intensity. In preliminary reading, it is how the street, the cars, the people, and the buildings all function together. That gets me to a succinct conclusion of ‘yes’ it is a change. Is it a bad change? I don’t know. It is not a merit question of whether 2 buildings are better than 3. To the question of what you are asking, I would say ‘yes.’ There is a process for that.

Commissioner Schwarz – I agree with Commissioner Russell. It is a change. I am looking at it from a form point. If this was a PUD where those buildings were on a road and they had 3 buildings and came in with 2 instead, I would consider that a change. I would want to review that. It is a change.

Commissioner Stolzenberg – In a sense, I disagree with Commissioner d’Oronzio. The code is quite clear that any bunch of factors shall be deemed a substantial deviation. It makes clear on what makes us decide what is a standard deviation. It is whether those preceding factors are met. One of those preceding factors is substantial change. Removing the things that don’t change (no change in use, no change in density, increase in the amount of open space). The use in streets don’t change. We are looking at 2 things here, which is an increase in intensity; more subjective factor than all the other things, which are quantifiable or any other substantial change. It gets down to what intensity is. It is helpful to review those other factors and to think about those other factors in deciding what intensity is since it is so nebulous. What we see here is a net increase in open space, smaller building footprints. All those lead me to say that I understand staff’s argument. It is very subjective. We see a building that is more compact that has a smaller footprint, has less impact on the environment. I think all those things would be factored into any reasonable objective definition of intensity. On net, I don’t see a change in intensity. It is maybe a different type of intensity. It is not an increase in intensity. The point about the 100 single-family homes versus the 101 building. That was a useful analogy. It is hard to make the argument that 100 single-family homes are less intense than all of those in 1 building. In the end, I have decided that this is not a substantial deviation because it is awash in intensity.

Commissioner d’Oronzio – Looking at this as the precedent issue, if we follow Commissioner Stolzenberg’s line of reasoning, are we setting up a set of procedures that are going to come into play on future PUDs where people make changes. We are again in the same position of having to evaluate each one. We are setting

ourselves up for another round in a lot of these things as things come up that are substantial changes if we are going to deem this not significant. There is going to be another question at a future date.

Mr. Alfele – I don't think that you are going to get off the hook for that. Regardless of what you decide tonight, I don't think you are going to get off the hook just because of the nature of PUDs being from a development plan being more conceptual than engineered. If we say this is not a substantial change, it is going to cause an avalanche. I don't see that. If someone did a PUD, this question is going to come up regardless of what you answer tonight. This has come up in the past. The precedent does not bother me because this is an open-ended code section. You are fulfilling your role in this as the reviewing body for site plans.

Commissioner d'Oronzio – If we are going to hold that it is not, does this not open up the door for more pushing of envelope after the arduous process that you put forth a PUD that you get through? Is this substantial change or not? Do we have a case as we go into the site planning stages where a pushing of the envelope that might bump up against intent of the approval in the first place?

Commissioner Stolzenberg – To the extent that it is precedential, I recall that a few months ago, we did have a similar discussion on a change in use. This would be more of the substantial change from what is shown where the development plan showed a big monolithic building. They wanted to change it to single-family homes. We landed on as long as you keep it roughly the same use, you can have smaller apartment buildings. For any other substantial change from what is shown, it seems that we have already decided that changes between types of apartment buildings are Ok. The question goes back to intensity. It seems because this is a relatively minor change to something like massing and it is a relative increase to something like visual massing and a decrease to footprint and a small decrease to environmental impact. All those factors should be added together to your intensity value. You can conclude that they net out here to no change in intensity. That is such a limited set of circumstances of so many unique factors pointing a little bit in one direction that it is probably not applicable to a substantially different development.

Commissioner d'Oronzio – In going back to precedent, we don't know what we don't know. What we have is a picture of 2 buildings. It has not been subjected to the same evaluation or rigor or time frame. You could be right. Do we set ourselves up for a circumstance where we go through that calculus each time, which I am not objecting to? We are setting ourselves up for that calculus to go through it each time.

Commissioner Russell – There are 2 ways of looking at intensity. The example of single homes spread out over many acres is an example of high land use intensity but low personal/human intensity. The intensity that we are evaluating as regards to this code is the human-based intensity that you, as a human in the environment, feel based on your surroundings. Is one building different than two? Are 2 buildings different than 3 buildings? That is where I think that evaluation of intensity is 'yes,' an increased intensity. Thinking about precedent, is there something to the fact that we are now a group that we are going to start to come up with our own language and way of evaluating these things? That would be an interesting way to see. Do we start to come up with a shared value system? It would be beneficial to go through the process, to see the process through to have the applicant come back. That seems organized and following a process. It is important to keep in mind that this is not saying that we don't like the plan that they have shown. There might be good reasons to it. You may have already listed some. Let's have them show us that.

Chairman Solla-Yates – PUDs are difficult because they are a combination of health, safety, and aesthetics, which lead into chaotic intervals. Are we in health and safety? Are we in aesthetics? Are we in both for this question?

Mr. Alfele – We are not yet to that point. Is this a change? If the Planning Commission says it is not a substantial change, the applicant then knows their process. They are going to continue working on the site plan

that was submitted under its current layout. If the Planning Commission says this is a substantial change, the conversation ends there. The next step for the applicant is to go through a PUD amendment process. There are 2 PUD amendment processes they can go through. There is the full amendment, which is like getting a new PUD where you go through a rezoning, a community engagement meeting, a public hearing with the Planning Commission, and a decision from City Council. There is the minor amendment, which is administered by the Director of Neighborhood Development Services. We are not even to that point. If the Planning Commission says it is a substantial deviation in the code, the applicant will need to pursue one of those options. I am not sure what option they would pursue because we are not to that point.

Commissioner Stolzenberg – If we were to determine that it is a substantial deviation, it seems strange that the Director of NDS would determine that it is a minor deviation. Can something be both substantial and minor? You would determine that it is a minor deviation, which do not materially alter the character or concept of the approved plan of development. Should you determine that the requested change constitutes something more than a minor change or deviation, the owner seeks an amendment pursuant to the whole long process. How do we define this extremely subjective word that should not be in the zoning ordinance if it is not defined. This is helpful for the ‘gut feeling’ of what substantive means. The idea of going through a whole public process and having public hearings for this change seems like overkill, which is maybe an argument that it is minor. I would also add the factors to be considered in determining whether something is substantial include but are not limited to the extent of the locational change and the expected impact on properties adjacent to the PUD. Do we see an expected impact on properties adjacent to the PUD?

Mr. Alfele – From a staff standpoint, probably yes. If you were adjacent to this PUD and you were shown through the whole process 3 moderate-scaled buildings that step down to duplexes and townhomes and you are seeing a larger building going in place of those 2 smaller ones, I think that would have an impact on the neighbors.

Charlie Armstrong, Applicant – You have already hit the ‘nail on the head.’ I don’t have a whole lot to add. It is intentionally a subjective area of the code. It is intended for you to decide. Every PUD comes back to the Planning Commission to decide if it is substantially conforming. Usually, it is at the very end of the process. This is in advance to that because it is an important conversation. I cannot tell you what substantial means. It needs your gut ‘yes or no’ reaction on a case-by-case. One thing that I would suggest is that this is less intense in some ways. It is less total multi-family building mass, less total square footage, fewer internal staircases by not having the extra 2 and the extra building, allow less total building square footage. Since this is the least pedestrian area of the site, the land use intensity is probably just as relevant or more so than the pedestrian experience in that far corner of the site. There much more than 2 or 3 buildings in this plan. We are talking about one corner of this 170-home site plan, which we are trying to get built and available as quickly as we can. This is the least visible place on the entire 11-acre site. It is not visible from Huntley and Stribling Avenue. It is a couple hundred feet from any other existing structures. We are looking at this in the context of the entire proposed community, including the 74 townhomes along with the multi-family units. If you are talking about impact to adjacent properties, I still maintain that is none or very close to buildings being farther from the creek is better. The question is whether that is substantial. Does it matter that we are farther from the creek in this small amount that we are? That is some of the ordinance guidance that we are given in the code. Should this require a rezoning amendment and all the associated months of staff and the public process and delay to being able to produce new homes. I am not saying this process would take as long as the first. That one took 3 or 4 years for a zoning amendment. That is not something to undertake lightly. If we are trying to produce housing, that needs to be considered. If you think this difference would have made you vote ‘no’ on the rezoning instead of the unanimous ‘yes’ that we got, that would be substantial. Whether this was 2 or 3 multi-family buildings was not top of your mind when voting ‘yes,’ perhaps it is not substantial.

Substantial Deviation

Commissioner d'Oronzio
Commissioner Russell

Not Substantial Deviation

Commissioner Schwarz
Commissioner Stolzenberg
Chairman Solla-Yates
Commissioner Habbab
Commissioner Mitchell

The meeting was adjourned at 9:32 PM