

Minutes

**PLANNING COMMISSION SPECIAL MEETING
October 21, 2021 – 5:30 P.M.
Virtual Meeting**

I. COMMISSION PRE-MEETING (Agenda discussion(s))**Beginning:** 5:00 PM**Location:** Virtual/Electronic**Members Present:** Commissioner Mitchell, Chairman Solla-Yates, Commissioner Russell, Commissioner Lahendro, Commissioner Habbab, Commissioner Stolzenberg**Members Absent:** Commissioner Dowell**Staff Present:** Patrick Cory, Joe Rice, Missy Creasy, Matt Alfele, James Freas, Jack Dawson, Brian Haluska, Brenda Kelley, Lisa Robertson

Chair Solla-Yates called the meeting to order at 5:00pm and he asked if there was consensus to move Lyman Street items to consent agenda. Commissioners were in favor. Ms. Creasy provided the process. Chair Solla-Yates asked Commissioner Mitchell to prepare for that motion. Commissioner Habbab noted that he will not be able to participate in the Lyman items as his employer is involved. Ms. Robertson outlined the process for him to take in the meeting to recuse himself from that item.

Commissioner Habbab asked for clarification on the process for the 2005 JPA item. Ms. Creasy explained the process for preliminary discussions noting the presentation as well as the opportunity to have dialogue on the application. There are discussion points noted on the staff report for consideration.

Commissioner Russell asked if discussion could include items pertaining to both the zoning request and the entrance corridor. It was noted that feedback on both would be appropriate.

Commissioner Habbab asked staff to provide information on the public feedback provided on the 1613 Grove Street item. Mr. Alfele noted that he will provide a detailed report from the previous meeting during his presentation. Commissioner Russell asked about the affordability for this project. It was noted those discussions are underway and Ms. Kelley is here to assist with questions.

II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman**Beginning:** 5:30 PM**Location:** Virtual/Electronic**A. COMMISSIONER'S REPORT**

Commissioner Lahendro – No Report

Commissioner Russell – No Report

Commissioner Habbab – No Report

Commissioner Stolzenberg – No Report

Commissioner Mitchell – No Report

B. UNIVERSITY REPORT

Commissioner Palmer – No Report

C. CHAIR’S REPORT

Chairman Solla-Yates – No Report

D. DEPARTMENT OF NDS

Ms. Creasy – No Report

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

No Public Comments

F. CONSENT AGENDA

1. Site Plan & Subdivision – Grove Street PUD
2. Critical Slope Waiver & Site Plan – Lyman Street

Commissioner Mitchell moved to move the Lyman Street Critical Slope Waiver & Site Plan to the Consent Agenda. Commissioner Mitchell also moved to approve the Consent Agenda with the one change (Second by Commissioner Lahendro). Motion passes 5-0 with one recusal. Commissioner Habbab recused himself from this motion due to a work conflict of interest with the Lyman Street Critical Slope Waiver & Site Plan.

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

Vice Mayor Magill called Council to order for this Public Hearing.

1. **ZM20-00003, SP21-00002, & P21-00223** – 1613 Grove Street – Landowner Lorven Investments, LLC has submitted applications seeking a Rezoning, a Special Use Permit, and a Critical Slope Waiver for approximately 0.652 acres of land, including multiple lots identified within 2021 City real estate records by Real Estate Parcel Identification Numbers 23013000, 230134000, and 230135000 (collectively, “Subject Property”). The Subject Property has frontage on Valley Road Extended and the unimproved section of Grove Street Extended. The applications propose to change the zoning district classification of the Subject Property from R-2 (Residential Two-Family) to R-3 (Residential Multifamily Medium Density) subject to certain proffered development conditions (“Proffers”) and development plan. The Proffers include: (1) prior to the issuance of a certificate of occupancy for the seventh (7th) dwelling on the Subject Property, the Owner shall contribute Forty-Eight Thousand

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

i. Staff Report

Matt Alfele, City Planner – You will be holding a public hearing for a proposed rezoning and special use permit for 1613 Grove Street and deliberating a request for a critical slopes waiver. You will hear all three applications in one presentation. You will need to make three separate recommendations to City Council. On May 11, 2021, the Planning Commission held a Public Hearing for the requested rezoning and SUP applications. The application was seeking to rezone the Subject Properties from R-2 (Residential Two-family) to R-3 (Residential Multifamily) and increase the density to forty-three (43) DUA (Dwelling Units per Acre). The applicant was also seeking a recommendation on a Critical Slope Waiver at that meeting. All three applications were needed for the proposed development. That development included four (4) apartment buildings with seven (7) two (2) bedroom units per building for a total number of residential units of twenty-eight (28). During the Public Hearing the Planning Commission heard from five (5) members of the public. Two (2) members of the public voiced support for the proposed development and three (3) voiced opposition. The public in favor of the development stated the City needed more housing and affordable units. Members of the public opposed to the development believe parking will be an issue and Valley Road Extended cannot handle more traffic. They also stated the development would not fit the characteristics of the surrounding single and two-family homes. During Planning Commission's discussion traffic, density, stream restoration, and impacts to the surrounding neighborhood were discussed. Planning Commission did not know if this location (at the end of a dead-end street) was the best location for twenty-eight (28) units. Some commissioners would like to see more than the by-right, but less than the twenty-eight (28). Traffic was a big concern as Valley Road Extended is a narrow road and would be hard to improve due to Rock Creek bordering one side. The Commission also stated they would like to see more affordable units within the development. This proposal at the time only required one (1) affordable unit per Sec. 34-12. At the end of the discussion the applicant requested, and was granted, a deferral to address these concerns. The information before you tonight is pretty much the same. The critical slope waiver request has not changed at all. The information is the same as what

was presented prior. With the rezoning application, the applicant has provided an additional proffer in addition to the existing proffers. The new proffer is related to affordable housing. The applicant updated their proffer statement to add an affordable housing requirement.

The applicant is proposing that eight (8) of the twenty-eight (28) units will be Affordable Units (AUs). Of the eight (8) AUs, four (4) will be for-rent affordable where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rate by unit bedrooms for the Charlottesville MSA; and four (4) units will be for-rent units where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA. The AUs shall be reserved as such throughout a period of a least ten (10) years from the date on which the unit received a certificate of occupancy.

Special Use Permit Application

The original building height was a maximum allowable of forty-five (45) feet and a proposed height of forty (40) feet. The updated plan calls for a maximum allowable height of forty-five (45) feet and a proposed height of thirty-five (35) feet. The applicant is proposing to lower the rear of the buildings so each unit has one (1) unit below grade. The original development called for twenty-eight (28) two (2) bedroom units. The updated plan calls for eight (8) one (1) bedroom units and twenty (20) two (2) bedroom units. The original development called for on street parking on Valley Road Extended. The updated plan removes the on street parking. The original development required one (1) affordable unit per Section 34-12. The updated plan has been reconfigured so that it now falls below the one (1) floor-area ratio (FAR) and no longer requires an affordable unit. The applicant is now proffering eight (8) affordable units (see the rezoning section above).

ii. Applicant Presentation

Justin Shimp, Applicant – The location is at the end of Valley Road Extended. It is an undeveloped site. The Rock Creek runs between the site and the road. There are four buildings proposed with a parking lot in between the buildings you see. The pink area between the two buildings represent the covered patio areas. The footprint of these structures is around 2100 square feet. The design and layout have not changed. We have revised the grading based on the feedback we heard last time to help fit these buildings into the terrain better.

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The summary of changes as noted by staff: Eight (28 percent) out of the 28 units are now proposed as affordable units. Our clients were listening at the last meeting and heard the concerns. They feel comfortable proposing this. It is a substantial offer of affordable housing for a project this small. We have changed the bedroom count. It is still 28 units. We have changed to 8 one bedroom units. Most of them are going to be affordable. That effectively dropped the floor heights of the two buildings up front down one story. We also adjusted the grade with the back of the site. It was a large retaining wall back here. We have eliminated that particular retaining wall.

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The four units are at 125 percent of the HUD FMR rate and the other four units are at 14 percent of the HUD FMR. Half of the units are for household incomes of less than 65 and half less than 80. Both are trying to be more affordable. This is what a building like this is designed for to begin with. The initial thought of this with the property owner was that this would be more of a student type situation. We're looking at 4 one bedroom units in the original design. We really hinted at something that is more focused on what those who are working and living in the community will need.

One of the comments was that "we didn't have the information and we didn't have everything complete" on the proffer language. Some of that has led to confusion about how we had submitted a proffer statement and this covenant, which effectively is a recorded agreement that would access the city's standard operating procedure. One of the problems with affordable housing when you really 'dive' into it and has been talked about here. If we had said that we will give you eight affordable units and nothing else said, it leaves way too much to the imagination when you go to enforce those rules. Part of the reason that this has been a number of months is because we worked with the City Attorney's office. They developed a template that we worked from. It includes a proffer, which outlines at the high level what we're going to do. We're going to do it in this very detailed way with this covenant. The benefit of that is if the proffer statement covered every single item relative to the affordable housing, it would be 14 pages long. If we made a mistake, we would have to come back to City Council to amend that. This suggestion was appropriate from the City Attorney's office. The changes that we're talking about are not substantive. We're not disagreeing that we're going to provide all of the affordable units as we have described. It really is a matter of cleaning up some of the language or clarifying things in this covenant. We have every confidence that we can do this working with the City Attorney and city staff. We don't consider that an issue.

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This is the building change. The building on the right is the original building concept, which has a fourth floor with bedrooms in the top. We have brought the building down and brought the grade up so we can achieve a 35 foot building height in the R-2 code. Our proposal now falls within the threshold of the current zoning. We're not asking for an expansion of building heights or footprint of that nature. The building on the left is the one that we dropped the floor from. This is now three floors, 35 feet tall maximum height. That was in response to some of the comments about the massing of the buildings at the last meeting. We think this is a reasonable approach and does get the building height more consistent with what is allowed in the neighboring areas. This site does sit down substantially from what is behind it. These building heights are really sticking out or tucked in the corner. We don't think, from a massing standpoint, this is really going to stand out because of the topography.

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This is a summary of the changes for the front buildings. With the retaining walls, we got down to six feet from fifteen feet. We have worked with the site to make that a better redesign and limit the size and mass of the buildings.

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There are quite a few larger structures built around town. None of them are small apartment buildings because the zoning doesn't allow it anywhere. In three years, there were 20 homes over 3000 square feet finished. Our buildings have a 2100 square foot footprint, 3-4 stories. We're also losing square footage with the parking underneath. We're going to be 5000-6000 square feet when finished. These are larger structures. They are not entirely out of character with single family homes that are being built around the city. There are many single family homes of 5000-6000 square feet being built around the city. It is not an impossible thing. We have worked hard to get these to scale to make it appropriate but also providing a density that we think is healthy. If we were talking about four single family lots, that is 4 households. Our structures provide housing for seven households; two of those are affordable and five are market rate in every structure. The big benefit is how many people are housed and what the income of those people are in this project versus single family duplex zoning that is the predominant construction type.

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We kept the same stream buffer restoration and \$48,000 sidewalk proffer. We are still offering those things.

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I have done a lot of projects in a lot of different places. I have never once prepared for a project that didn't impact somebody somehow. In this case, traffic is the primary impact here. If you crunch the numbers and look at a duplex by right plan, there are around ten trips in the peak hour in the evening. Our plan, with these 28 units, comes out to 19 peak hour trips. It is nine trips an hour. It works out to be an increase of one trip every six minutes. That's our impact. It is not much of an impact. The benefit of this project is: ten years affordable rental, the developer is offering about \$260,000. Somebody is receiving the benefit of that. Eight units are voucher eligible in this project because of the affordability levels. We have \$48,000 sidewalk improvement money. I will concede that it will not build a sidewalk all the way down the street. The money will be used somewhere in the neighborhood. If that is improving handicapped ramps or crosswalks, somebody is getting the benefit of that money. If looking at this at totality, it feels very much to me that the sum of the benefits far outweigh the impacts. At the end of the day, zoning is really about the health, safety, and welfare of the public. That has often been used. When we look at this, this is an overall net benefit to the public.

Commissioner Stolzenberg – You said that each building would have two units that were affordable in them. I noted that in your proffer it did not say anything about the distribution of units, which is something our standard operating procedures typically call for. They call for affordable units to be distributed throughout the development in a way that doesn't crowd them together. That was noted in the staff report. Was that an example of eight units in four buildings? Will there actually be two units in each building?

Mr. Shimp – The plan was actually to do all of the one bedroom units as affordable. That's actually the greatest need. It is single households that have vouchers and don't have a roommate to help with rent. I don't think we're opposed otherwise. This single family house is being replaced effectively with two affordable units plus five market rate units to compare what we traditionally build to what we could build. Our intention was to have it all set in the one bedroom units. That made the most sense from the standpoint of who would need those and who would benefit the most.

Commissioner Stolzenberg – Are the one bedrooms concentrated in a particular building?

Mr. Shimp – They would be in two buildings, the front two buildings are identical and have four one bedroom units each.

Commissioner Mitchell – Staff is pretty set on two things. There's the impact of the \$48,000 proffer. When would we be able to take advantage of that in relation to this project being undertaken? When would the work be done and when would the community/the project benefit from that? We have a huge backlog of work. They offer a mitigating recommendation when it comes to making a motion to support this. City staff is silent on critical slopes.

Mr. Alfele – There is not an answer. This would basically sit in a fund waiting for a project in that neighborhood. There is not a time horizon built into the proffer. It is not a loan. It is just a donation. It is tied to this neighborhood. It would depend on when a project was elevated in this neighborhood.

Commissioner Mitchell – There is a calculation in Mr. Shimp's proposal that walks us through how the \$48,000 would work. Would it be a greater benefit to that neighborhood if Mr. Shimp and his team just used that money to do the installation of these sidewalks?

Mr. Alfele – They are required to do sidewalks that are in front of their property. This is an addition. That is on the developer's expense when you develop land. You have to provide sidewalks or request a waiver. There is a waiver process.

Commissioner Mitchell – I am wondering if it is legal and if we can do it. Could he spend the money in addition to what he (Mr. Shimp) is required to do in that neighborhood to make the pedestrian experience better?

Mr. Alfele – That would be offsite improvements. I will defer to the City Attorney.

Commissioner Mitchell – The reason I ask is because I know what our work backlog is. I am concerned that unless the developer does the work, it is going to be awhile before we get to it.

Lisa Robertson, City Attorney – Since this is a rezoning and these are proffered conditions which must be proffered voluntarily. You can't require him to do it. I don't know what his thoughts are as to whether or not it would be feasible for the same amount of money to construct the sidewalks himself.

Mr. Shimp – I want to clarify that we put the money in up front. Our contribution is due with the first building. The money would be available. When the city will spend it is out of our control. We're not opposed to some specific amount. The trouble with it is that we have to start doing that. We have to go find a place to put the sidewalk in, survey it, engineer it, and figure out the right of ways. These things don't happen quickly. There is a lot of lead work into it. That was our thought with donating the money. You have a sidewalk fund. Ideally, the city is going around to identify these places where it can be done using that money with other monies for larger projects. I don't know if the projects like handicapped ramps comes in the sidewalk fund. Those are some of the things that are meaningful. You can do five or more projects like that with the money that we have offered. It is simpler because we don't have the right

to go on people's property. It is harder for us to go and execute those offsite improvements, thus the contribution. We're not totally against it. We can figure out a defined section that everyone can agree on. That creates challenges as well, thus the contribution of money. It seemed like the contribution from us could be more collaboratively or collectively looked at.

Commissioner Habbab – I appreciate going for the maximum density on this vacant lot of land and that missing middle of housing. Did the client consider an R-2 project that fits within this property? What was the reasoning for going for that R-3 rezoning?

Mr. Shimp – That certainly is an option should this not be approved. We could do a couple of duplexes; like 4 bedroom in each unit, student housing styles. It's not a bad thing. We don't think it is the best kind of development. It would be similar structure sizes. In some ways, it is a benefit to us. You don't get into stormwater management facilities, parking lots. With a duplex, you have a driveway and a couple of parking spaces are all required. You're required to build additional site engineering. It was certainly looked at. It certainly is my opinion that with these pieces of land you should try to be more creative and get some more density. There is a right of way we could potentially close. If we get four duplexes on here, that is eight units, four bedrooms a piece, and 32 bedrooms. We're asking for 48 bedrooms. It is not a huge stretch over the by right. In our mind, it is a better housing project. We know there is a big need within the community for people to find housing. Could it be done as an R-2? Yes. Should it be done? In my opinion, no. It certainly is an option.

Commissioner Habbab – My second concern/question regards affordable housing units. The language in the application leaves the door open to those units that are around 60 to 80 percent AMI for ten years. I would hope they are not the ones located in the basements of the two buildings on the front. If that is the case, wouldn't those units be cheaper to rent out since they are sunken into the ground.

Mr. Shimp – They actually are not. They are on the first floor of the front buildings. All of the affordable units in the three story buildings are not sunken in. The sunken in units are in the back building and are the market rate units per the current proposal. The intention was that the one bedroom units would remain as the affordable units. They are in the front building first floor.

Kelsey Schlein, Applicant – With the language in there that allows you to move it around, in the covenants there is also some language in there. You could have somebody living in an affordable unit and they get a raise. They no longer qualify for their affordable unit. There's a grace period to remain with the affordability. The owner will need to fulfill providing eight units. They can ship that around to allow that one tenant to remain in what was the affordable unit.

Commissioner Mitchell – I wondered why the analysis was quiet on the critical slopes. There were recommendations. They recommended mitigating motions at the end. There wasn't much analysis.

Jack Dawson, City Engineer – We did not look at this again since the last time it came in front of the Planning Commission. It depends on the project with how much analysis you get on these things. It is obtuse the guidance that we're given to provide to you in the way that it is compiled through our various divisions. Doing a lot of these critical slopes, I can tell you, having looked at this before, there essentially are two findings that were supposed to provide guidance on with looking essentially at within the state's stormwater requirements, our water protections ordinance, and the 6/7 items that are specifically listed in

critical slopes. There are essentially two things we discussed: disturbance during construction, which keeps the sediment from moving into the streams. There is more of a general description for preserving the existing environmental features on the site. Most of what we focus on for this site is the stream that is an environmental feature here because there is so much kudzu. The threats to the stream really are during the construction. That is our focus and where the recommendations come in. Generally, there are some sites that will eventually come before you that are pocket forests. This is not one of those. Public Works engineering was a lot more focused on the erosion sediment control aspect of this, which is why our recommendations are geared towards the first stage of planning. On this thing of preserving/not destroying natural benefits is the stream touching it necessitates stabilizing it and making sure it can flow within reason. In engineering, stream restoration is something that is pretty specific and not ultimately what is going to occur on this site. This is probably not the most eligible site for real restoration. I want to reiterate that again. What is going to be done to the stream is a stabilization, which is probably what is most appropriate for a stream like this in this location. There is not a huge tradeoff in loss of natural beauty for this particular parcel as long as it is constructed well in accordance with the erosion control scheme.

Commissioner Mitchell – With that, I think you're suggesting that the mitigating statements that you have included in a suggested motion give you comfort?

Mr. Dawson – Very probably.

Commissioner Mitchell – Any thoughts about stabilizing and restoring Rock Creek? Are you happy with what they're doing there?

Mr. Dawson – That is pretty general at this stage. It will have to comply with basic stormwater requirements. All of those details are to be worked out. A true restoration is more of art than science. I would rather keep it in that sphere, come away with a culvert and driveway that works, and a stream segment that is in better shape than it was before from a degradation standpoint.

Commissioner Mitchell – You're comfortable with what they're attempting to do as long as they include mitigating things that you put in the amendments?

Mr. Dawson – That's correct.

Commissioner Stolzenberg – I have a couple of questions about this sidewalk proffer. I am intrigued by this idea of using it for 'easy wins' or small items like ADA curb cuts. I hadn't really thought about that. Can it be used for ADA bus shelters for a bus stop at the end of the road? Are we saying that is within pedestrian improvements?

Mr. Alfele – Generally answering, yes; anything that is pedestrian. I do say that with a caveat. There has to be a project; not to bring up other projects to align this with: The Stribling situation. When we talk about making public improvements, we're talking contributing to public improvements. There is the assumption that there is a plan that is being contributed to. In this situation, the applicant is wanting to provide money toward a project. There just is no project. When there are projects that are pedestrian based, this money can be used for it. It would be much cleaner if we had a list of projects that were ready to go and the applicant said that they are going to contribute a percentage to X project. Unfortunately, that

is not where we are. We are at a situation where the infrastructure improvements are not keeping up with what some of the developers are wanting to do.

Commissioner Stolzenberg – I get that. We have this ‘pot’ of \$48,000. If CAT wanted to build a bus shelter, they could draw from it.

I am looking at the street-view of Valley and Cherry. It does not have an ADA compliant curb cut. The west side is a raised curb. On the east side, there is a cut but there is no yellow truncated domes for the visually impaired. I know the city has to go and replace those. Do we have any sense of when we would ever get to this one?

Mr. Dawson – There is a multitude of lists that are generated from various sources and various priorities that are handled by various departments. We have attempted to tackle that list several times. The ADA Coordinator position is one that is not consistent. We have had some trouble getting that done. I can’t clearly answer your question. Public Service does a lot of the replacement of existing ramps that aren’t compliant. NDS does the ramps where there is no ramp and it requires design. It is being ironed out so that we can tackle all of these things. I cannot specifically answer your question.

Commissioner Stolzenberg – Whether there is a specific thing on a list or not, for anybody walking west along Cherry Avenue, not having any curb cut at all is going to be a big impediment to people who need those. That could be a good project. I am also thinking about other stretches. I know we don’t do those small sidewalk projects. Here, the most dangerous part of the road would seem to be that big bend. That part does have a sidewalk. There is that stretch of Baker Street that goes into Valley Road. Is that the pedestrian bridge that would span 10/15 feet? Is that the sort of thing that the city would do or could partner with the RTF on?

Mr. Dawson – That’s not something we typically do. It most likely would be something for Parks and Recreation to initiate through the trails program. That is external to right of way pedestrian activity. It can be complicated to tie projects to the funds in this project. That’s the issue that it impacts. The trips are generated at these units. Nobody knows the destinations of these trips. If it is not in the frontage here to make a logical connection, they would have to proffer that. We can’t step in and come up with a project. We’re struggling to get some of these things done. It is convoluting the process to look for projects there.

Commissioner Palmer – I am thinking of that affordable housing proffer from the perspective of UVA students. If I am a poor graduate student, would I qualify for one of these affordable units if I was making less than 65 percent of AMI? Are they offered through a different channel that would be targeted towards families or a different population within Charlottesville?

Ms. Schlein – You would qualify under the language in the covenants that speaks to the 80 percent AMI or 65 percent AMI verbiage is an “up to” verbiage in there.

Commissioner Mitchell – I wanted to get back to Commissioner Stolzenberg’s comments. I want to ask how what he is suggesting would help with the pedestrian issue we have at this site.

Commissioner Stolzenberg – The curb cuts at the end are pretty straight forward with the bus shelter. It doesn’t help with the length of the road. The pedestrian bridge to Baker Street has the advantage that

Baker Street has sidewalks. Any pedestrian walking along and trying to get to Cherry could shortcut a whole section of Valley and wouldn't have to walk along without sidewalks. My point is that sort of thing would be in the purview of a Parks and Recreation or RTF project. There are maybe these small projects that could be done with this relatively small pot of money that might happen in the near term without putting a more load on NDS. If they don't happen, they get added to the pot for a sidewalk project.

Commissioner Mitchell – I do like small quick 'wins.' My worry is that the development will happen and the \$48,000 will be put in the pool and not used for 5/10 years or not used to create a mitigating situation as it relates to this development.

Commissioner Russell – We heard in the staff report that there were some questions about the affordability component and the proffering language. I understand there has been some information that has come to light by the applicant. I noted in your presentation (Mr. Shimp) that you mentioned a percentage AMI. I didn't find it anywhere in the staff report or application materials. Is that 65 and 80 percent AMI provision something that would be updated in the proffer statement? Is there clarifying language that staff would want to see to solidify this affordability/to be more specific?

Mr. Shimp – We do have that language. We had the language for the proffered rates. It is more about some of the details of exactly what units they were than how they might be swapped around. We have had the proffer range of affordability in the application.

Ms. Schlein – The proffer that was put forth references covenants. In the covenants, there is a description for a qualified tenant. In those covenants, that is where the qualifying tenants are described; up to 65 percent for four of the units and up to 80 percent for four more of the units. We have been trying to figure out this affordable housing piece for a while. We will keep working at it for clarity. If that clarity is needed within the proffers, we will keep working with staff to clear that up. When we submitted this, we thought that we had presented clarity with the proffer referencing the covenants.

Commissioner Russell – Can we hear from Ms. Kelley (staff) about that?

Brenda Kelley, Staff – One of the concerns that staff has is that we have to react to the proffer. Since the covenants are not in place, we might be able to iron out details in the covenants. If there is disagreement, it goes back to what was the approval based on the proffer that was offered? That's why staff has put forward the concerns. We have met since the item was posted. We got some clarification that these will all be 'for rent' units. We are also concerned that there is some conflicting language in the proffer that almost makes it seem that some of them might change towards homeownership. We also had that concern that was listed. The issue is more that we, as staff, have to react to the proffer. The covenants have not been developed, which may spell out more issues. The proffer is the guiding document.

Ms. Robertson – The housing issue is so complicated. Ms. Kelley is correct. What you will see in the proffers is a commitment 'for rent for workforce' affordable dwelling units where the monthly cost of rent doesn't exceed 125 percent of fair market rent. With 'for rent' affordable dwellings where the cost of rent doesn't exceed fair market rent for the Charlottesville MSA. Unfortunately, the draft covenant that the applicant intends to implement those proffers isn't in your packet. That covenant does reference the information that Mr. Shimp gave you. Half of the affordable units would be reserved for households having income with less than 65 percent. Half of the required affordable units would be reserved for

households with income less than 80 percent. One thing, if the applicant is willing to consider it, would be to clarify in the paragraphs that reference the rent amounts reference the percentage of AMI if that would be acceptable to the applicant. That would close the loop and include that information in the proffer themselves. I do believe that the applicant's intention in submitting these together was for them to work together. We possibly need a little more detail in the proffer itself.

Mr. Shimp – That's right. We look at the two documents together: the covenant and proffer. They wrap up our intention of affordable housing. It spells out quite a bit of the details in that document. The issue was how that was coordinated and reviewed with city staff was different. It was turned out at a meeting we had with the city attorney a month ago. The idea was that there would be a standard template on these projects with this covenant. The proffer would fill in the main issues and the covenant would be attached to that. The covenant gets recorded with the property when the site plan is approved. It is actually a deeded restriction, not just a proffer restriction. We're going in a good direction with how to implement these. Our intention as to what was offered is clear if you read all of the material that we submitted. With what was turned in, we can work with city staff to make it clear. These do need to be enforced.

Ms. Robertson – If the applicant is willing, I think that is a housekeeping matter that we can tidy up before we do a final proffer statement. We can add that level of detail into the final proffer statement.

Commissioner Mitchell – Is that something we should craft into any motion we do? Is that something the city attorney and the applicant will work on after the fact?

Ms. Robertson – I am fine either way. If you would like to include in the motion a reference to the fact that the applicant has agreed that the percentage of AMI will be added into the proffer statement that would be fine.

Commissioner Stolzenberg – I want to make sure that we're going to say the lower of either; keeping the lower of FMR or AMI? The AMI levels that you said were a little bit higher than what the FMRs would be.

Ms. Robertson – This is not optimal because we're trying to do this without the guidance of a finalized affordable housing program. What we're trying to do is to make sure people are not focusing solely on AMI and not without a care for whether the rent is affordable to people with that AMI. We're not solely focusing on rent, which would allow people, who don't fall within the income levels, to rent them. We're trying to make those things come together. I really appreciate the efforts that the applicant has put in so far to work with me and Ms. Kelley. I think we're making a lot of progress. These documents are getting better. We still have a lot of work to do, not only with these applications coming through, but in our affordable housing program in general so that we don't have to this level of discomfort every application. We know exactly what we want in the documents. I can work with the applicants, Mr. Ikefuna, and Ms. Kelley to get the language as close to the language of the city's administrative regulations, which is the only guidance we have right now.

Councilor Snook – My major concern with the project is that Valley Road Extended is a mess. I wonder whether there is/should be some effort that the city makes to do something better by Valley Road Extended. If we're going to be approving more density on that street, there is not even a street definition in many parts of that street. I wonder about the long term status of that street. Are we going to say "let's

throw another 28 units on the end there?" I think it is fair to say. I haven't thought about it. That probably about doubles the capacity of the road, doubling the use of the road, doubling the number of dwelling units on the road. Does that make any sense at all for a road that is in that poor of shape?

Mr. Alfele – That's one of the big concerns from staff/traffic engineer. It was just the condition of Valley Road Extended and that kind of large development at the end of it and if there could be improvements to Valley Road Extended in the future due to the constraints of Rock Creek to one side. Right now, we're seeing cars have to pull over to pass. People are using the western side for parking. There is not a definition of the right of way width. It is a varying right of way width. When you talk about improvements long term to Valley Road, you can only go to one side and what those improvements could even be that would impact the neighborhood regarding parking, sidewalks, and curb cuts.

Councilor Snook – I am also concerned about what would happen on Valley Road Extended during the construction phase. I don't know how construction vehicles are going to get down there. That's my concern.

Mr. Shimp – Construction vehicles certainly can get down there. We get construction vehicles into all sorts of places more complicated than that. Valley Road Extended is not the widest road in the city. I don't have the measurements (narrowest width) in front of me. We're talking about building essentially four large houses. It is going to be done in a vertical construction and it should take maybe 4/5 months to get through. There is a period of time where there is going to be some delivery trucks, people going down and working in the road. I don't know if it would be different if by right. If you build 4 duplexes or 4 seven unit buildings, there is a little more materials, a little more labor. It is going to be a similar amount of traffic. We're not proposing a 7 story steel building that will require cranes and things like that. It is going to be the same electricians and plumbers that are going to work on either project. I recognize the concern. I am not sure how much the change in zoning changes the construction issues. There are more trips overall. We're talking about, if you do the by right to our zoning change, it is about 80/90 additional trips versus what the by right development would be. It does add trips. I don't know how many trips are on that road now. I think we're doubling it. It would add trips. These are all one/two bedroom units. They would have fewer trips than a four bedroom unit that might be there. I don't think it is double. It is an increase. It is a couple of cars. If you look at any infill development in the city, you're going to find a spot where the road is not perfect, the sidewalk is not perfect. I can think of very few times where the infrastructure is terrific; maybe never in Charlottesville. These are the kinds of issues that come with these infill projects. You have to weigh that benefit of getting those people in the city in those places that is good for them against the infrastructure being maybe 'not by the book.' That's going to be a judgement call. Between now and the City Council meeting, I will go out and make some measurements and surveys and talk about that more specifically. With the construction, it is going to be the same either way it is built.

Councilor Snook – How many dwelling units are there on Valley Road Extended at the moment?

Mr. Shimp – The staff report identified 600/700 trips a day currently.

Councilor Snook – If you have 600/700 trips a day, I would be surprised if there were more than 28 dwelling units on Valley Road Extended at the moment. It is essentially doubling the number of units on the road. I wonder why we would not assume a doubling of the number of trips. My initial premise might

be faulty. Maybe there are 5 times the number of dwelling units on Valley Road. Maybe there are 150 dwelling units already there. I don't think so.

Mr. Alfele – There is currently about 27 structures. I would say over half of those are two family; around 40 dwelling units.

Councilor Snook – If we figure 40 units generate 600/700 trips, why do we think 28 more units will only generate 60/70 more trips?

Mr. Shimp – I would say more than by right. According to calculations, we would generate 171 additional trips for our project in total. If we just built the duplexes, it would be more like 80.

Mr. Dawson – There is a manual (ITT traffic trip generation) that is based on housing types and bedrooms. It is not a perfect calculation. That is essentially the industry standard. Like a lot of the other projects, the way the trip generation works is that it looks primarily at levels of service, which doesn't get into dated sections of streets that are essentially yield streets, ad hoc parking, and all of these things. The traffic engineering is not the end and be all of the existing situation. It is just a tool that is used. That's part of where the discrepancy comes from.

Councilor Magill – The affordable housing component is a very important issue. When I do some calculations, 80 percent AMI, you're thinking one-third of your income is supposed to be going towards your dwelling that would mean that the rent would be around \$1458 without taking into account utilities. With a 65 percent AMI, it would be \$1184. Fair market rent for our area for a one bedroom apartment is \$1077. Even if something is HUD eligible/voucher eligible right now, all apartments will have to take vouchers. What the problem is background checks, criminal records, and fair market rent. HUD will only reimburse up to \$1077. There is still this gap potentially. It is one thing to talk about AMI. It is more about the actual rent that is the issue. I want to clarify that students would be considered to be under this AMI.

Mr. Shimp – I believe that the proffer is written as rent is based on the FMR. The eligibility is based on the income. The rent levels are four units at the FMR and four units at 125 percent FMR.

Ms. Schlein – That's correct. It is a two pronged approach. You want to cap the rent to ensure that it is voucher eligible and meets FMR levels. Additionally, you want to ensure qualified people are actually occupying these units and need that housing at that price point the most. It is a two pronged approach. The proffer has four units at 125 percent HUD FMR. For the one bedroom, that is \$1346 (utilities included). Four of the units are limited to HUD FMR, which is fiscal year 2022, is \$1077 (utilities included).

Ms. Kelley – The information provided by everyone is correct. It is my understanding that The Housing Authority is approved by HUD to issue vouchers up to the 125 percent FMR at this point because of the cost of housing in Charlottesville. To the question about the students, it is also my understanding that we can't restrict renting to people because of their employment, education, or non-employment. If they meet the guidelines, they meet the guidelines provided the income verification, age, and those types of things. As Ms. Robertson said, what will happen between the proffer and the covenant language is that the property owner/applicant will not be choosing or picking if it is an AMI or if it is an FMR. They will have to comply with both.

Councilor Magill – There was maybe LIHTC units. I know at some point there was a restriction on properties that I worked in. Somebody could not be a full time student for more than 5 months out of the year. This was years ago and that has changed.

Ms. Kelley – I don't know the answer to that. I can try to find that out before the City Council meeting. I don't think we can restrict people only based on the income issue.

Councilor Magill – One of the hesitations on this is that we want to put in fair market housing. If the landlord doesn't make the allowances for someone potentially to have had bad credit in their past or not make enough money to live in Charlottesville, they can still be denied housing even though they can afford it with vouchers. We can't write that into proffers. I am only bringing up a concern.

Commissioner Habbab – How many accessible units are proposed in this development?

Mr. Shimp – There would be four, one per building. The first floor of each building is one standalone two bedroom unit. It is right off the sidewalk with an accessible parking space under the cover of the roof.

iii. Public Hearing

Kevin Hildebrand – I want to applaud Councilor Snook for his recollection of the condition of Valley Road Extended. I did give specific numbers two hearings ago. This development represents about a 40 percent increase on the street as far as unit count goes. The applicant said something about eight units. My understanding is that there are currently three lots not developed. By right development would be six units in three duplexes. Twenty-eight units represents a substantial increase over six units that are by right. I would like to reiterate that this foray of R-3 zoning south of the railway under the current zoning map configuration. That is inconsistent with the development of the street or the capacity of the roadway. With the recently recommended Future Land Use Map and Comprehensive Plan, this site remains a General Residential site, not a Medium Density site. At 28 units, we're talking about a Medium Density development, R-3. I would strongly urge the Commission and Council to reconsider this even with the proffer of eight affordable units. If you were to look at this under the proposed zoning as General Residential, with three lots, by right development, four units per lot, that would be 12 units. Beyond the 12 units, you would get into an affordability component. What you're getting with this development is eight additional market rate units to offset the proffer. I don't think that is fair. The basic issue is that the roadway is not appropriate for this level of development. I would suggest you look at the decisions you have made relative to the Woolen Mills site. The \$48,000 is really not for Fifeville. The money should be used for Valley Road Extended.

Stacia Reinhardt – I agree with everything that Mr. Hildebrand was saying. The biggest issue for this development is the road itself. I live on Grove Street Extended. I have to travel the entire length of Valley Road Extended. My neighbors walk their children on that road. The makeup of the road has changed in the four years we have lived here. When we moved here, it was mostly students. Right now, it is mostly young families. I have seen at least 5/6 people walking their children on that road. We don't have sidewalks. There are sidewalks on the curve and people park over the sidewalks. There is no other place to park. When walking in the road and two cars are coming, I have had to jump over the guardrail. I have had to stand in the weeds that are growing along the guardrail. If you add units, you're adding people.

There is a bus stop at the end of Valley Road Extended. All of those people are going to be walking to that bus stop or back from that bus stop. You're also increasing delivery trips. They block the traffic. Sometimes, there are 3 or 4 cars trying to get out onto Cherry Avenue from Valley Road Extended. It is very dangerous. How are you getting fire trucks down this road if you're adding more cars/traffic? How are you making it safe for people to walk up to the bus stop? The road needs to be fixed and addressed. There is no way that \$48,000 can put sidewalks in.

iv. Commission Discussion and Motions

Commissioner Mitchell – The \$48,000 that is proffered will not be of immediate value to this project. I don't think it would mitigate the traffic issues we're dealing with in the area. I don't know where that is of great value. I am worried that the people who will benefit from the affordable units will be students. I love UVA students and UVA. If we're going to allow a rezoning and special use permit, we should benefit the greater city as opposed to the institution. Even by right is going to put a lot of pressure on the neighborhood. By right will allow us to deal with the kudzu. Mr. Dawson has eased my concern about the critical slope.

Commissioner Habbab – This project does a lot of things right. The scale fits the neighborhood; the buildings specifically. I appreciate maximizing the vacant land. We don't have much left in the city. It is right by the train tracks. More density in that general condition is good. There are no major tree canopy issues. It is an empty piece of land with kudzu. It provides sufficient parking onsite. In this case, it helps. They provide sufficient stream restoration, stabilization. The only concern is the traffic. At what point does the balance tilt towards one side or the other?

Commissioner Lahendro – I am teetering on this thin line. I have the same positives that Commissioner Habbab shared. I also have the same negatives about traffic. I just drove down this road today and had a very difficult time turning around and getting out of it. I am waiting for somebody to make a compelling argument one way or the other.

Commissioner Russell – I wonder how we can be of use as a body. What I am hearing from Council is that they have some major concerns about what we're talking about. Whether we approve or deny, it will go to Council. If we were to approve or deny, are there conditions in addition to what is being recommended by staff? I heard some other revisions mainly to the proffer, which the applicant is comfortable doing around refining that AMI language. I hope someone can capture that more eloquently. The AMI percentage being captured in the proffer and around flexibility of the use of the proffer funds in sidewalk, curb cut improvements in that vicinity. Are those amendments/recommendations enough to alleviate the concerns we are all sharing around increasing the traffic? I don't think so. What are we doing if we can't change this really big concern over the safety of our community on that street? I don't know if that will stir any other conversation. I feel divided on this. I don't know how to move this forward.

Commissioner Stolzenberg – I am in definite agreement that everything about this project is good except for the concern with traffic. The massing is fine. I am happy with the stream. That is all great. It really can't be understated how important four units at 65 percent AMI and another four at 85 percent AMI would be for the people who live in those households. In looking at the housing needs assessment with the applicants on the wait list for housing choice vouchers or CRHA housing, 52 percent of them are single person households. Another 15 percent are two people households. People need homes. It is a really

meaningful proffer. At the same time, we have heard a lot in this process for the Future Land Use Map/Comprehensive Plan from a large segment of community that wants us to maximally utilize our vacant land. Most of our vacant land is vacant because it is the marginal land that wasn't the easiest to develop. This site is at the end of a third of a mile street. I wish we had sidewalks all the way down; it doesn't. Between the affordable housing and the stream improvements, I am confident that there is enough parking onsite in this plan. Whether or not there is an immediate use for \$48,000, I am very hopeful that there are some small projects, in particular, along Valley Road and end of Valley Road, this could be used for. I think CAT would jump at the chance to take \$15,000 and put it a shelter there; certainly an ADA cut so people with wheelchairs can continue going down Cherry Avenue. The question at the end of the day: Is it worth to get all of those nice things, to inflict on the residents on this road, an extra car every five minutes during the peak hour? The alternative is 3 or 4 duplexes 4 bedrooms that are almost certainly filled with students. I don't totally understand this thought that all of the affordable units would be filled with students. There are people out there who need affordable units or are waiting for them in the community. Students aren't going to be the ones to jump on those, just in practice even if it is possible for them to technically do it. To get eight affordable units and to have homes for 20 other families starting out in the community where community members and not students living in a 4 bedroom, 4 bathroom house is worth an extra every five minutes. I say that because I walk down Altamont Street, which has a narrower right of way than this, cars on the road, and a 24 unit building at the end. It is shorter. Everyone has to walk in the road. There are definitely times it could be better. Cars do slow down because they know people are walking. I think of the dozens of people who wouldn't have homes if we had applied these standards universally to everything that already exists. All of these factors make me lean in favor of this project.

Commissioner Palmer – I asked that question about the students only because it is more in the context of a lot of what we talked about during the Comprehensive Plan and affordable housing discussions. Not that there is a value judgement made on who should get those units but just the optics if all of those units were occupied by students. Some people might have a negative thought about that. I appreciate the candid answers on that question.

Chairman Solla-Yates – I have been familiar with this site for a very long time. I originally scouted this site many years ago working on the Bicycle and Pedestrian Plan. It is an intersection of two major bicycle and pedestrian paths, which are not built, no funding to be built, no timeline to be built. They look beautiful. I continue to believe this would be a spectacular place for bicycle and pedestrian infrastructure. It makes so much sense. We haven't gotten the money together and haven't gotten the logistics together to make that happen. Do we get it together if we get a by right duplex? Do we get it together with something more creative? I think the city will prioritize this if there are more people 'shouting' for the safety improvements that frankly should have been there many years ago.

Motion – Commissioner Mitchell – I would like to move that we deny the application for rezoning because of traffic concerns, we don't know when the \$48,000 proffer will be available to be executed on, we don't exactly know where it is going to go, and by right is a better way to go than the additional density. This is consistent with the Comprehensive Plan we recommended to City Council. (Commissioner Russell with the second)

Discussions following Motion

Commissioner Stolzenberg – You mentioned that by right is better because it is fewer cars, slightly different traffic. We just heard how the street had been all students especially at that end and has been turning over to families. That is in part because we built things like West Main that drew people away. If you get 4 bed/4 bath units, those are explicitly designed for students and will encourage students to live there rather than non-student community members. The advantage of doing it in the form of 1 and 2 bedrooms makes slightly more bedrooms. The large advantage is that probably all of the people who live there will be community members, especially elderly people who need to downsize to 1 or 2 bedrooms and young professionals starting their careers. These units seem more likely to appeal to young people than the 4 bed/4 bath that would certainly be occupied by students.

Commissioner Lahendro – The city has so many constricted, difficult streets that have parking on one side. Even though there is traffic going both ways, only one lane can go at once. It seems like we can zone the hell out of the city. If the infrastructure is not there to support it, we're going to keep turning down developments. Maybe this will get the city to start prioritizing and start to work on the infrastructure. That's the way we are going to be able to grow the density and get the affordable housing. I would vote against denying the rezoning.

Commissioner Habbab – Anecdotally, I have heard how hard it is to be able use a voucher to get an apartment, especially one bedroom units from people that are looking for them within the Virginia housing threshold of \$1000 for that voucher. Hearing that this project allows people to get those units, it provides so much. The applicant brought a lot to the table. It brings a lot of public good to the residents of our city. I would vote against denying it.

Commissioner Mitchell – We have a huge backlog. I would suggest that moving forward with projects like this would force the city to move the infrastructure increase in improvements up the ladder. We will soon be talking about the Capital Improvement Program. Most of the money is going to go to the school reconfiguration. It is going to be awhile before we can move the infrastructure improvements up the ladder. Keep that in mind as we think about this project and more important projects.

Commissioner Russell – I commend the applicant and the owner in this example for their efforts in trying to work around our rules. In this case, I think about what Commissioner Lahendro said about having streets where people walk down the middle of them. It is a thing that we accept. It is the condition on Grove Street where someone in the wheelchair goes down the middle of the street nearly every day. That is not acceptable. In supporting a denial, this is indicative of a world class city that we set out to be. We are all losing in that scenario. I don't have a solution. This does put too much of a burden on the residents on that very constrained street. It is like what we discussed with Stribling. Will it even be possible to make that road better? This is not an easy road either way.

Motion fails to pass by a 4-2 vote. Commissioners Mitchell and Russell supported the motion.

Commissioner Stolzenberg – We have talked about proffer clarifications. I think there was talk about putting AMI levels for eligibility in there. There was talk about explicitly saying the \$48,000 could be used for ADA or bus stop improvements. The applicant might have said in the chat that they were OK with it. I just want to get that confirmed and on the record.

Mr. Shimp – We are agreeable to the additions to the proffers for staff to clarify the rent levels in the AMI as previously discussed. That was our intention the whole time. Likewise, with the sidewalk proffer, that was intended to be used for whatever was easiest for the city to do in the neighborhood to make the sidewalk infrastructure better. That was our intention in the proffer.

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

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

a. Conditions recommended by staff.

(Second by Commissioner Habbab). Motion passes 4-2.

Motion – Commissioner Stolzenberg – I move to recommend approval of the critical slope waiver for Tax Map and Parcel 230135000, 230134000, and 230133000 as requested, with the conditions outlined in the staff report, based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i) (Second by Commissioner Lahendro) Motion passes 6-0.

Meeting was recessed for three minutes.

IV. COMMISSION ACTION ITEMS

1. Preliminary Discussion – 2005 Jefferson Park Avenue

Matt Alfele, City Planner – John Matthews, (Mitchell Mathews Architects) representing the applicant, is proposing to develop the 1.7 acres of land located at 2005/2007 JPA and 104 Observatory Ave for residential use outside the current by-right density designation. The Comprehensive Land Use Map for this area calls for High Density Residential. Prior to submitting an application to the City for a Special Use Application and Entrance Corridor approval, Mr. Matthews and his team are looking for feedback from the Planning Commission on the proposed project. In a moment the applicant will give a presentation. At the conclusion of that presentation, Planning Commission may want to consider whether a DUA of 70 at this location is appropriate, if the height of 75 feet is appropriate at this location, and if the rear setback they are proposing is enough to protect the R-2 District behind it.

Erin Hannegan, Applicant – 2005 Jefferson Park Avenue is a proposed multifamily residential project. The residential units are over the parking garage with parking below. We're here to discuss whether our future SUP request is appropriate as well as to get your initial reaction to the Entrance Corridor Review that will also take place for this particular parcel. We have three requests. It is for increased density, increased height, and a rear yard setback reduction. We would like to know that we are on the right track

with this application before we submit a formal application to you. The parcel is located on Jefferson Park Avenue. It is not far from Central Grounds at UVA.

Next Slide

This slide demonstrates that we are census tract six. Census tract six data shows that the median age is 21.5. Eighty percent of the people living in this neighborhood are under the age of 29. We put this up here to show who the project would be impacting. Ninety-three percent of the units in this neighborhood are renter-occupied. Seventy-nine percent of those are non-families. It is predominantly a student rental population in this neighborhood.

Next Slide

This is an enlargement of the site plans. 2005 JPA is an assemblage of three lots. It has frontage on Jefferson Park Avenue and extends between Observatory Avenue and Washington Avenue. Washington Avenue is a thru street between Jefferson Park Avenue and Stadium Road. Observatory Avenue is a dead end street. This is about a block from the commercial district/commercial properties at the intersection of Maury and JPA.

Next Slide

The site is currently all renter occupied. The pink on this slide is demonstrating those parcels that are renter occupied. We only have one contiguous neighboring parcel to the rear, which is 116 Washington Avenue. That neighboring parcel stretches between Observatory and Washington. The vast majority of the other parcels are renter occupied around the perimeter. This data comes from the city GIS data to understand who the neighbors were.

Next Slide

This is the current zoning map. By right, 21 DUAs are allowed up to 87 is allowed by SUP, We're requesting 70. Forty-five feet is allowed by right. We're requesting 75 feet from the average grade plane. One hundred one is allowable with a special use permit. The 75 feet we're requesting, is in the mid-range for the range of 22 to 43 DUA. It is still under that 80 foot mark of the height listed in the zoning ordinance. The front yard setback is an average of the neighboring properties. It averages out to 26.35 feet. Since we are on two side streets, both side yard setbacks are 20 feet. The minimum for the rear setback is 25 feet. As you increase in density, there is a jump in the rear yard setback. The density that we're requesting would put us at a 75 foot rear yard setback. The first 25 feet of that would still be a type S3 buffer. We're requesting a reduction from 75 feet to 36 feet for the rear yard setback. This also shows the previous zoning designated University High Density between the railroad tracks and Jefferson Park Avenue. It was stepdown zoning. It went from University High Density to R-3, which is the northwest side of Jefferson Park Avenue. That stepdown continued to R-2U. The 2013 Comprehensive Plan zoned all of those areas the same. Your recently approved Comprehensive Plan reflects more of a corridor perspective to the zoning.

Next Slide

This is existing context of the vicinity. The most recently approved project is #5. That project is six stories. It has a 25 foot front yard setback, a 25 foot rear yard setback, and a 5 foot side yard setback. The rest of the projects are greatly varied in their architectural character and height generally in the district.

Next Slide

This is the site survey. The existing buildings are in pink. The thing here is that there is a 3 story drop in grade diagonally across the site. That is a challenge for the site, to deal with that much grade change. The other aspect is that the property in the rear is adjacent to a parking lot. It is a fenced parking lot. That's what they're currently adjacent to. In the redevelopment, it would be a 25 foot buffer.

Chairman Solla-Yates – Why is the grade change a challenge?

Ms. Hannegan – For a project that stretches quite a distance from the front yard to the rear yard, that much grade change means that you have to have ways to mitigate the grade change with entrances and connections to different levels.

Next Slide

This shows the 2013 Comprehensive Land Use Map. This is the timeline where the whole neighborhood, for the most part in this vicinity was all designated as High Density Residential consistently on both sides of JPA the whole way to UVA. There was no R-2U stepdown in this vision. I took out the slide for your current Comp Plan. I didn't know where it was heading when we submitted the slides. It is proposing a mixed use corridor along JPA and recommends heights from 5 to 8 stories. JPA qualifies as one of the streets that can be up to 8 stories.

Next Slide

This is a roof plan of the project. Jefferson Park Avenue is on the right. The setbacks are shown. You can see that we're up against the front yard setback and the side yard setbacks. In the rear, the blue line represents the 25 foot buffer. The 75 foot setback is shown and the 36 foot that we're requesting. The primary entrance is on the corner of Washington and JPA. The pedestrian entrance is focused on that corner. We have taken a lot of effort to design the streetscape on Jefferson Park Avenue. The grade change between Washington Avenue and Observatory Avenue is ten feet. There are a series of terraces that mitigate that grade change.

Chairman Solla-Yates – (Mr. Alfele) Can you help me understand the front setbacks we have at JPA? In many places like this, we see front setbacks to provide a pedestrian friendly experience. We don't do that here. Why?

Mr. Alfele – I don't know if I can speak to the history of that. Generally, we're trying to create a pedestrian friendly appeal on JPA. 1725 JPA was the last project that came through. That was several years ago. That was a big focal point of the SUP. I think what it has to do with is that we typically see a build R-2 zone and more like that in our mixed use corridors and not in our R-3 districts.

Commissioner Mitchell – At 1800 JPA, that is the big tower. How many stories is that? How tall is that? That is right at grade? We're talking about 75 feet here.

Mr. Alfele – 1800 is nine stories. I would say that it is around 101 feet, maybe a little less.

Ms. Hannegan – We're focusing on the pedestrian experience along JPA. We learned from your comments for the 1725 project that the pedestrian experience is important to you. As an entrance corridor, as well as with the future vision of the Comp Plan that you just recently recommended, that turns this into a mixed use corridor that we envision that you will want increased pedestrian amenities and spaces along that corridor. We have paid particular attention in this submission and our earlier design work to think about the conditions along Jefferson Park Avenue.

Next Slide

There is a brick plinth that the building sits on. It is low at the street. We pulled back the one wing of the building. It is about an additional 45 feet away from the front of the brick plinth. The building on the other corner stretches down to grade with its material and massing to highlight the entry condition and draw attention to that side architecturally. That is the more prominent corner and the entry corner of the project. There are terraces that step down between the higher side of Observatory Avenue and the lower side of Washington Avenue. The 10 percent grade change is between those two. The corner you're looking at there at Observatory Avenue could be designed in a way for future flexibility to commercial space. It is small enough to currently work as an ancillary, commercial space that works for the current zoning as well as the idea that it could potentially be a little coffee shop or some amenity for the neighborhood on that corner. Other amenities stretch across from there that would be for the residents. It stretches down to the entry condition.

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This shows that the orange volume is the maximal buildable envelope representing the 101 feet from the average grade plane representing units that would likely be at the street. It shows you the 75 foot rear yard setback that would be required for that density. The pink/purple volume is our proposed buildable envelope. The heavy black line is representing where that wing is pulled back the extra 45 feet. There is another shade of orange for the wing that is beyond that would come forward to the street. The important thing to note at the rear; it would only appear as 5 stories because there are two stories of parking below grade that are all concealed. The grade is working towards our advantage for that condition to be able to conceal all of the parking. On the left hand side of the slide, the adjacent property is currently allowed 35 feet. Under your Comprehensive Plan that was just recommended for approval, we go up to 5 stories on that lot. That would be around 55 feet. That is generally equivalent to the height of the building that we're proposing. The two conditions become more compatible, which is part of the reason we believe a reduced rear yard setback is ideal or compatible with the conditions here. With a dense buffer and that reduced rear yard setback, if we apply a hypothetical bulk plane to the project, the proposed building massing as well as the maximum allowable both reside under it as another metric. The reason the increase of the rear yard setback was taking place in our current zoning ordinance is because as it steps in height, we would be further and further away from that rear yard property line.

Next Slide

This is an enlargement of the floor plan as it would interact with the streetscape along JPA. This is a bit of a composite. The right hand side shows the first floor. The lobby would occur at the lowest level. The left hand side does actually show the floor above that. As it terraces up, different levels would engage with the adjacent grades. The corner condition there on the left shows an amenity that could be converted to future potential commercial space and would have access to terraces that would be outside that space. We're focused on the ability to provide street trees and external sitting areas that would allow you to interact with pedestrians on the street.

Next Slide

This is a view of that entry corner where vertical emphasis is given to the entrance. You can start to see the terraces stacking up the street in the distance.

Next Slide

This is focusing on the main entrance off of JPA. The terrace is there to the left. You can see above how the other wing is pulled back to help mitigate the massing of the building at JPA.

Next Slide

Another view of the streetscape in providing interest along that area of engagement with the street.

Questions

Is the density appropriate for this location of 70?

Is the height of 75 feet appropriate?

Is the rear yard setback reduction appropriate?

Are we on the right track for the Entrance Corridor Review that would also be undertaken?

Commissioner Mitchell – I would love to hear what Commissioner Lahendro thinks about the tower abutting against the streetscape. I would love to hear what Commissioner Lahendro thinks about 75 feet for the height. Is that appropriate?

Commissioner Lahendro – Why do you (Ms. Hannegan) feel this particular design is compatible and represents the city of Charlottesville in how it is designed?

Ms. Hannegan – The compatibility will come across through the materials. The two wings of the building help diminish its scale with the courtyard that opens onto Jefferson Park Avenue. The materials help tie it to Charlottesville. None of that is yet finalized. We are showing some brick that I believe is consistently liked in Charlottesville. The colors are yet to be determined for the other materials.

Commissioner Lahendro – The entrance to the apartment unit to the right of the brick is deliberately designed to emphasize height and verticality and a soaring structure. To me, it does not say Charlottesville. I have an issue with that. I need to look through the Entrance Corridor Guidelines. I don't have exact references to give you. I suspect that there is a lot of discrepancy between the way that entrance to the apartment is designed and Charlottesville's characteristics. The brick is right there at the

corner. The rest of it looks like it is modern materials, sheathing. I am not seeing that it is compatible architecturally with the Entrance Corridor Guidelines.

Commissioner Mitchell – I have a couple of questions for Commissioner Lahendro. If you have JPA and how towering that is, would you be happier if the tower on Washington Street was set back a little more?

Commissioner Lahendro – I am less bothered about what happens on Washington and Observatory. I do like the fact that it is set back because of the brick and the swimming pool in that corner. That works fine. It is the other corner. I wish there was more of that horizontality expressed in the brick on the left side than being expressed on the right side and being carried over instead of a complete contradiction from horizontality and brick to verticality and all modern materials. It doesn't necessarily have to be lower. The way it is designed can be more horizontal in feel, especially the way it is now designed, which is the opposite to emphasize its height.

Commissioner Russell – I had some questions about the existing conditions, the applicant's thought process. I would love some help understanding how they arrived at their existing units of 17. What is that today? It is a unique with lots of hodge-podge of structures. There is a mansion that predates 1920. It shows up on the 1920 Sanborn as the only structure in that whole entire block. There is an alley from JPA to a columned residence that is in really good condition. The pictures show beautiful interiors. I counted 37 bedrooms total between those four buildings. I think that is missing from the building from fronting JPA. Where is that 17 unit number coming from? Can you tell me about your thinking in demolishing this historic structure? Was there any thought with incorporating that into a site plan that (to the point of the design guidelines) would keep the historic integrity intact?

Ms. Hannegan – The 17 units, not 17 bedrooms, is the number the existing owners provided to our team. I have not gone in every building to verify that there are 17 units total. That's where that number came from. As for the existing structures on site, none of them are individually protected buildings. It is not in an architectural control district. It is just the entrance corridor. At this particular location, close to the University, in a city where we have issues of a lack of housing stock, the goal is to increase housing stock/housing units. How do you maximize the land to produce more units? The scheme that we came up with balances additional units and articulation on this site and the clients' other requests for amenities and other features.

Commissioner Lahendro – I did ask Jeff Werner (staff) about this house. It is the Harmon House constructed in 1899. I haven't seen any interior photos. I am interested that you (Commissioner Russell) you were able to find them. I read the survey done in 1977. The surveyor put at the bottom of it that the owner at that time was very uncooperative. There were no interior photos, no information on the inside of the house. It has been compromised by the buildings that have been constructed in its front yard and around it. It is not protected at all. It is not on the state, federal, or local historic districts or IPP. It is a shame it couldn't be incorporated into the design. It is really interesting.

Chairman Solla-Yates – Would it be possible to preserve some elements of the structure to be used as an amenity in the new structure?

Ms. Hannegan – We had not considered that yet. I don't believe that the guidelines would suggest we plaster pieces and parts onto buildings. There are maybe other considerations that we can make as we further investigate that suggestion.

Commissioner Stolzenberg – You mentioned that the parking is below grade. Is it 100 percent below grade, no walls on the outside will have any parking, whether exposed or inside of them?

Ms. Hannegan – At the lowest level (same level as the entry lobby), the parking garage would come up to the front face of the building. That is also on the side of the building where we are stepping up the terraces to engage the higher grades on the Observatory Avenue side. It is basically a diagonal across the parking at the front. It is concealed. We didn't think any of it should be exposed. I think 1725 JPA put windows into the parking areas. I am not sure that is successful to activate the street. We preferred not to do that. We decided that it shouldn't be visible from the public realm and we should conceal all of it. Even when one turns the corner and goes up Observatory Avenue, there is parking behind part of the wall on that side. There would be an exit from the garage, a door from the stair, and from that garage out to the street at the second level of parking. We weren't intending to open any of that up as visible into it.

Commissioner Stolzenberg – I am not recommending you have visible parking. What I was getting at was that I would strongly recommend that you maximize the number of units in your massing. As part of an SUP, you can request a parking adjustment. Currently, you have a bunch of units that would have two spaces per unit. With students in particular, if they don't have somewhere to park, those cars "evaporate." They become car-free households or roommates share one car. I would encourage you to get as close to the one space per unit level, even within the existing parking minimums. I don't think there's any better place in the city where you can do that. You would still be heavily parked. You would have more units generating revenue within any given massing that you choose. If you can explore that option, I would recommend you go that route.

Commissioner Russell – Do you have any of the range that these new units will rent at?

Ms. Hannegan – No idea at this point. I think we would have to come back to you in a future meeting with information like that.

Commissioner Russell – You seem to be catering to a high-end clientele. There are lots of amenities. I am seeing these as pretty expensive.

Ms. Hannegan – They would be market rate. They would be competing with other projects, not unlike the ones on West Main Street or the ones on Millmont Street. The offerings, in terms of amenities and rents, would reflect a competitive market to those other projects. It will be targeting the student population.

Commissioner Palmer – All good comments. I like what Commissioner Stolzenberg was saying about the parking and exploring the minimizing of the parking. There is UTS, CAT, and it is highly walkable. There are opportunities there.

When I saw this project, it has to do with the JPA sidewalk streetscape. You mentioned the Streets That Work Plan. When I look at your streetscape in front of the building, I am not really seeing the congruency

there. There are certain aspects of it. My biggest comment would be that it seemed like there was a retaining wall against a narrow sidewalk. If there was a way to create a wider sidewalk or a barrier-free way through your site without stairs, that would be a huge benefit to the walking population along JPA.

Ms. Hannegan – It is still an early concept. We can further address that as we continue to design it. There is a big grade difference in the overall site as well as across the front. It drops 10 feet from Observatory down to Washington. Mitigating that and not having really tall retaining walls at the upper side of it is a challenge. Trying to create these intermediate spaces as it steps from one side down to the other was the goal. It always felt like you were part of the street. You weren't completely removed on a terrace 12 feet above the street. We can continue to study that.

Commissioner Habbab – It might be worth studying. You did a good job with the plantings in trying to have that kind of public realm with the possible commercial amenity space. It could be better and provide good public accessible space along that edge. With the comments to the entrance corridor, Commissioner Lahendro stated my concerns. I know it is in the beginning process. It can use a lot more detailing and getting it to be fitting to the character of the rest of the community. I don't know what the material is in the background and the vertical light piece right now. I will be interested to see what you come up with. Overall, I appreciate the goal. That's what we want on the density on the site. One concern is the units that are going to go offline that are existing right now. Replacing those units now with the high-end luxury units and what that does to the rent is a concern of mine. We're possibly taking out affordable units and putting back really expensive units.

Commissioner Lahendro – I am looking at the guidelines. They are very detailed. I really recommend that you (Ms. Hannegan) take a close look at these. Just looking at the design principles in Chapter 4, the first one is design for a corridor vision. The new building design should be compatible in massing, material, scales, colors, with those structures that contribute to the overall character and quality of the corridor. Remember that the corridor starts at the bypass and comes down Fontaine and onto JPA. That is the entrance corridor component. This should fit in with the character of those things that you are seeing along that corridor. The guidelines also have maintaining the human scale in buildings and spaces. Consider the building scale, especially height, mass, complexity, form, and architectural details and the impact of spaces created as it will be experienced by the people who will pass by, live, work, or shop there. Size, placement, and number of doors, windows, port holes, and openings define human scale as does the degree of ground floor pedestrian access. The other guidelines are supporting that. Please look through these. I think the way it is designed now along JPA is not completely respectful of the guidelines. Even along Washington and Observatory, you still have to think about that being a mainly pedestrian walkway along those streets. You have to do something to respond to the pedestrians and make them feel comfortable and related to the structures that you're putting up.

Ms. Hannegan – Are there particular projects along JPA that you would reference as the structures you would want us to use as the context for the entrance corridor?

Commissioner Stolzenberg – When I say entrance corridor, I am thinking between the bypass, along Fontaine, to JPA. They are all smaller buildings. The fire station is the largest building. You have a great choice of materials there. They have one of everything on that building. Just think of it in context with that entrance corridor.

Commissioner Mitchell – How does 1800 JPA factor into your thinking?

Commissioner Lahendro – There, they do have a lower section that is more horizontal and an upper section. It is designed very differently. It is designed with more horizontality. They do try and break down that scale. It does respond to some of the guidelines.

Commissioner Stolzenberg – With materials, and if you're looking at 1725 JPA, I do feel that came out pretty good looking in Charlottesville in the sense of the cladding and cornicing. The thing that is bad about it is the two stories of apartment garage above grade and the fact that it is removed from the street. I feel that the retaining wall there is tall. It is really a lot. If you could bring that all down to street level, that would be a big improvement and having a wider space to walk. I like what you have done with pulling back on that side in height and not having the tower there. I wonder if it has been overdone. The thought of having a bunch of drunk college kids in the pool one story above me walking down the sidewalk feels a little weird.

Commissioner Habbab – Regarding the parking, it is good that it is hidden. That's what we want. We don't want to see the parking lot off of the street and the side streets as best as we can. I am interested in how the development interacts with the houses and residences on the side streets. I would also like to see some street elevation diagram to show the scale of the building in context with the side streets and JPA. It might be interesting to see the shadow on neighboring properties.

Chairman Solla-Yates – There are a couple of buildings I would like to point out: 1707 JPA, Fry Springs Station, and 1800 JPA.

The chair did a quick a poll on the three questions posed by the applicant. The Commissioners were mostly positive regarding the first question on 70 DUA. The Commissioners had mixed feedback regarding the second question of the height of 75 feet along JPA. The Commissioners were mostly positive on the third question with the rear setbacks. The Commissioners provide feedback regarding the fourth question regarding the entrance corridor guidelines. Commissioners Lahendro, Commissioner Russell, and Commissioner Habbab did state, at this moment, that the current design does not meet the entrance corridor guidelines. Commissioner Stolzenberg had concerns regarding the pedestrian orientation.

Meeting was adjourned at 8:58 PM