

Minutes

PLANNING COMMISSION REGULAR DOCKET
February 12, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

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

Beginning: 4:30 pm

Location: City Hall, 2nd Floor, NDS Conference Room

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Taneaia Dowell, Gary Heaton, Rory Stolzenberg, Hosea Mitchell, and Mr. Bill Palmer

Staff Present: Missy Creasy, Brian Haluska, Jeff Werner, Lisa Robertson, Kari Spitler, Carrie Rainey, and Dan Frisbee

Commissioner Mitchell called the meeting to order at 5pm. He clarified the update request to the minutes from Mr. Emory and the process for addressing this evening was outlined.

Clarification was provided on the critical slopes application for South 1st Street. Commissioner Lahendro asked about tree removal on the site. It was noted that the current information does not show the accurate disturbance area but that conditions can be crafted to address trees outlined for preservation. Ms. Robertson noted that any conditions need to be specific enough to identify what concern is to be addressed.

II. COMMISSION REGULAR MEETING

Beginning: 5:30 pm

Location: City Hall, 2nd Floor, NDS Conference

Members Present: Chairman Lisa Green, Commissioners Jody Lahendro, Taneaia Dowell, Gary Heaton, Rory Stolzenberg, Hosea Mitchell, and Mr. Bill Palmer

A. COMMISSIONER'S REPORTS

Commissioner Lahendro: Attended a Tree Commission meeting last Tuesday. They have two vacancies on the Commission and are looking for members to represent low income neighborhoods. The Planting Committee is looking to choose a neighborhood next fall for their yearly campaign to plant trees. The Code Development Committee noted that the Fontaine Streetscape public process has begun and he will be representing the Tree Commission on the Streetscape Committee. The Data Committee reviewed 12 different measures for keeping track of tree planting, removals, and replacements throughout the City. A 3rd canopy study will begin in the fall, which is part of 3 studies done within a 15 year period. The Tree Commission will have a great understanding of the trees we've lost, how many are needed, and the reasons why they are being lost. On another note, several recent incidents have occurred where Utilities employees and developers haven't provided the required tree protection, which has resulted in the loss of trees. Staff from NDS, Utilities, and Parks and Recreation are trying to find ways to be sure those tree protections are enforced. Lastly, Arbor Day is on April 26 and they are currently deciding where to have the celebration and which tree to celebrate.

Commissioner Dowell: No report.

Commissioner Heaton: Attended the CTAC community engagement meeting on January 16 where participants were able to choose the 4 projects that they thought were most pressing. There was a great turnout and they had several tough conversations.

Commissioner Stolzenberg: Attended the MPO Tech meeting and reviewed the new funding formula from VTRANS, as they are in the early stages of putting the process together for the next Smart Scale round. The Long Range Transportation Plan is near its conclusion and they are narrowing down the possible transportation projects. He also attended a meeting of the PLACE Advisory Committee where they discussed the length of municipal trucks and buses as it pertained to street safety in terms of safety while driving and safety for the pedestrian and bicycle environment. The Deputy Chief of the Fire Department attended as well. The new rezoning in Minneapolis to legalize duplexes and triplexes in all zones was also discussed among members.

Commissioner Mitchell: Notes that he recently participated in the Fontaine Streetscape Project, which gave the consultants an opportunity to discuss the vision for the project. It also offered the neighbors a chance to take a survey about what they want to see in the Streetscape. The outcome of the survey will be available on February 28. He also attended a meeting with Parks and Recreation and notes that the organization is one of the most active in the state. The new skate park manager is Matt Moffitt, who used to be a professional skateboarder and has managed skate parks throughout the union. The park should be a large economic driver in Charlottesville and the Grand Opening is now scheduled for April 2019.

B. UNIVERSITY REPORT

Bill Palmer: No report.

C. CHAIR'S REPORT

Lisa Green: Attended a TJPDC meeting on February 7 and they had a conversation about statewide broadband initiatives since the legislature is in session. They also had a lengthy discussion on the Regional Bicycle Pedestrian Plan, which takes into account the Charlottesville bike/ped plan and expands it regionally. The discussions were about how it expands out further into the County. The TJPDC part is focused on more rural biking, but the bulk of the plan is for the urban core ring of the County and the City. There was no vote on this issue, but the hope is that an education component can be added about the rules of the road and then eventually vote on it in March. The Regional Housing Commission is getting established with the new Executive Committee and the work on the housing study is underway. The Citizens Transportation Advisory Commission still has vacancies and are recruiting members of the public to help provide input on the transportation plan. City Council voted to hire a Long Range Planner to help complete the Comprehensive Plan, specifically for housing, land use, and the map. The Long Range Planner would be directly under the City Manager and would manage a contract with someone to help combine and complete the housing strategy, housing and land use chapters, and work on the zoning ordinance changes. There is currently no timeline at this time.

Mr. Alex Ikefuna, Director of NDS: City Council graciously approved \$600,000 for the zoning rewrite in addition to approving the hire of a Long Range Planner to help consolidate the Affordable Housing Strategy, the completion of the Comprehensive Plan, and the zoning rewrite. Right now there are discussions about the job description for the Long Range Planner, as the Planner will have facilitate all three items.

Chairman Green: Clarifies that this is not a new position. It was already funded in the budget as an Assistant City Manager and now there is a new job title.

Commissioner Heaton: Is there any additional information about the selection process?

Mr. Ikefuna: Usually staff-related issues are internal and administrative. In terms of the interview, the Planning Commission will participate and a steering committee made up of the Planning Commission, PLACE, HAC, the public, the business and development community, staff etc. will be established to help oversee the preparation of all documents.

Chairman Green: Notes that it can be frustrating when these documents do not talk to one another because it means we could potentially be heading in three different directions. It's important to ensure that they align and this will be a good way to help us achieve that.

Commissioner Stolzenberg: Is the plan for the Long Range Planner to draft the RFP to issue and then hire the consultant or will it be drafted beforehand?

Chairman Green: It should happen simultaneously.

Mr. Ikefuna: A template is being put together so it can be accelerated once the person comes on board. We already have a draft for the Affordable Housing Strategy that was pending, which will need to be pulled back to extract the content as part of this consolidated RFP.

Commissioner Heaton: Could you clarify that this will be our new process, but that we just do not have the consultant on-boarded yet, who will then tell us what the process is? Is there an estimation for when this person will come on board?

Chairman Green: The process will be determining the best strategies to implement and then to come to the Planning Commission for guidance.

Mr. Ikefuna: It's difficult to say exactly when the person would come onboard, but the plan is to hire someone in the coming months.

D. DEPARTMENT OF NDS

Missy Creasy: NDS has a new planner on board named Joey Winter. We are currently in the process of recruiting to hire a Housing Coordinator, ADA Coordinator, and a Grants Coordinator, among others. There will be a work session on February 26 to discuss the subdivision for South 1st Street, as the application was not ready for the meeting tonight.

Chairman Green: Notes that all applications have been submitted for the City Manager position and are currently being reviewed. Interviews should begin next week.

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

Sean Tubbs, Piedmont Environmental Council: Tonight the Commission is considering the critical slopes issue for South 1st Street and the PEC urges the Commission to ensure the project is handled with the upmost care. It is great that this will create the first new public housing units in decades here, as it is long overdue. However, the future residents of the site deserve the full scrutiny of this body on this matter. It is understandable that this needs to move forward to City Council in the coming weeks, but it's important to not cut any corners that might

end up leading to an inferior product in the near future. The issue here is the small section of Pollocks Branch, which is an important link in a future north-south trail connection that will provide residents a way to move throughout the City without a car. The stream is in a strategic investment area and daylighting at Elliot Avenue. It's one of the areas that not many know about, but that doesn't mean it doesn't deserve attention. It is good to know the extent that the disturbance of these slopes impacts the waterway in the future. Having said that, during the pre-meeting there was discussion about the 4 conditions being considered as part of that, so many of these concerns have largely been addressed. It is also great that one of those conditions related to the planting of native species, as opposed to the species that were suggested before.

Emily Dreyfus, Legal Aid Justice Center: Would like to thank staff for helping to move us forward to this point on the South 1st Street Development process. The resident outreach has been primarily door knocking, but there were 2 meetings yesterday and today that were well attended. Half of the residents of the currently occupied land have been reached, which is not where the first phase of the development will be located. One of the strongest messages that has been heard is to make it happen fast, as people want to see the redevelopment move forward and the tax credit application timing has been very challenging. People at South 1st Street and other public housing sites are living in severely difficult conditions dealing with mold, air quality problems, and poorly constructed buildings.

F. CONSENT AGENDA

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

1. Minutes – January 8, 2019 – Pre- meeting and Regular meeting
2. Minutes – September 11, 2018 – Pre- meeting and Regular meeting
3. Minutes – October 9, 2018 – Pre- meeting and Regular meeting
4. Minutes – November 13, 2018 – Pre- meeting and Regular meeting
5. Entrance Corridor Review – Ready Kids

Chairman Green: Notes that a member of the public felt they were not represented well enough and would like to recommend a few edits to the November 13, 2018 minutes, which will be taken into consideration.

Commissioner Mitchell moves to approve the consent agenda and take into account the revised comments by Bill Emory that were submitted on February 7. Seconded by Commissioner Dowell. Motion is approved 6-0.

III. JOINT MEETING OF COMMISSION/COUNCIL

Beginning: 6:00 pm

Continuing: until all public hearings are completed

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

No hearings were scheduled.

IV. COMMISSION'S ACTION ITEMS

1. Critical Slopes – South First Street Development – Phase 1

Chairman Green: Reminds the Commission that Pollocks Branch is a major part of the Strategic Investment Area project for it to be daylighted from Downtown to the County line and to have a linear park.

Staff Report, Carrie Rainey: The critical slope waiver application from the CRHA has been submitted in order to construct phase 1 of the redevelopment of the South 1st Street site. This phase would include 63 multifamily residential units, a community resource center, and a library. The original submission provided no critical slopes, defined by zoning ordinance 34-1120, would be disturbed by the development. However, subsequent to the posting of the agenda packet, the applicant has supplied a new exhibit showing impacts to critical slopes. Staff has not been provided with a sufficient level of detail for construction techniques and activities to confirm the boundaries of impact as shown in the updated exhibit. CRHA has asked the City to authorize it to disturb critical slope areas through the critical slopes waiver application to the extent necessary for the construction of the buildings as proposed in phase 1 of the redevelopment. Staff recommends the Planning Commission focus on whether the public benefits of the disturbance of the critical slope outweigh the public benefit of keeping a critical slope undisturbed, as well as the potential of negative erosion and storm water impacts to the environmentally sensitive area of Pollocks Branch. Staff proposes 4 conditions if the Planning Commission recommends approval of the waiver: 1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to undisturbed critical slopes areas, per Section 34-1120(b)(1)(a-c), including but not limited to: a. Super silt fence with wire reinforcing and six (6) feet stake spacing, b. Slope drains, c. Immediate installation of permanent stabilization measures along the southern and eastern limits of disturbance that encroach into critical slope areas within three (3) days of the establishment of temporary grading, and d. Other measures in excess of minimum requirements determined by City Engineering Staff to be necessary to protect Pollocks Branch from sedimentation, 2. An increase of required storm water detention of 10% beyond the minimum requirement in order to mitigate potential storm water impacts to Pollocks Branch, per Section 34-1120(b)(1)(b-c), to be detailed on the final storm water management plan and approved by the Engineering Department prior to final plan approval, 3. The critical slope area outside of approved encroachment boundaries shall be clearly marked in the field, and the approved storm water management plan and construction plan shall include a note requiring such limits of disturbed area to remain for the duration of construction and land disturbing activities, and 4. Final stabilization of the areas of critical slopes disturbed shall include replanting of native tree and shrub species to re-stabilize the critical slopes and potential wildlife habitat.

COMMISSIONER QUESTIONS

Commissioner Stolzenberg: With regards to the recommendation of permanent stabilization measures, does that help during construction? Is it intended down the line or does it just improve the overall slope in general?

Ms. Rainey: Permanent stabilization methods are usually more substantial than the temporary methods that would normally be applied. There would be less risk of impact to Pollocks Branch from potential failures of those measures in place.

Chairman Green: On the applicant site plan, the drive has exemptions but the parking does not. Is this the case?

Ms. Rainey: That is correct. Driveways have exemptions under the ordinance, but the areas of parking would not.

Commissioner Lahendro: The existing conditions and demolition drawing plan shows trees to be removed. Are we sure that this is the extent of the trees to be removed? Not enough material has been submitted to fully understand the impacts of the project on the environment.

Ms. Rainey: That is correct. As of right now, the Engineering department does not feel confident that they understand the potential construction activities through the site and the potential limits of the area based on

construction buildings next to steep slopes, which have additional requirements. They cannot say with certainty which trees would be impacted or critical root zones.

Commissioner Lahendro: What material would be needed to come to this understanding? Does it warrant a conversation with the applicant about their construction methods or is that what the conditions are intended to address?

Ms. Rainey: The conditions are an attempt to provide further protections for Pollocks Branch, the trees, and other plantings in the area from construction given the unknowns of the site. Notes that she would have to defer to Engineering on what specific information they may need in order to assess the impact.

Commissioner Heaton: Has the applicant been made aware of the concerns that the 4 conditions address prior to tonight?

Ms. Rainey: Not yet, as they were finalized not long ago.

Chairman Green: It is understandable that this is being pushed through rapidly and there is a need for expedience. However, the letter from the City to the Engineer has many repeat comments. On the site plan, are all of the comments being addressed before we sign a site plan?

Ms. Rainey: All comments would need to be resolved prior to the approval of those documents.

Chairman Green: Based off of what we have to mitigate some of these impacts, do you think we would still be able to achieve what we are looking for in a Strategic Investment Area? This is an opportunity to have a public housing project and afford all of the amenities that the rest of the City has. It's a great idea, but it's important to be sure we are maintaining the integrity of the area.

Ms. Rainey: Notes that she does not see any concerns outright and staff has been working with the applicant to provide trail easements for the Parks department. Those amenities would be aligned with the SIA plan.

Commissioner Stolzenberg: Would an example of a permanent stabilization measure be a retaining wall?

Ms. Rainey: The difference between things like sod versus temporary seeding would be an example of permanent versus temporary. A retaining wall would be a bit beyond that in terms of stabilization.

Applicant – Ashley Davies, Riverbend Development: Notes that she is here on behalf of the Housing Authority and Scott Collins, the project engineer that has designed the site. This has been an expedited process and staff has worked very closely with them to move the project forward. The engineers have very thoroughly reviewed the site and geotechnical professionals are out there now doing soil borings. We are taking into account everything that has to do with building the structures adjacent to critical slopes. We haven't had any new public housing since the 1980s and the conditions of many public housing units are very substandard. This has been an "all hands on deck" type of operation in order to get plans together to move forward with a March tax credit application. There are a lot of charitable donations coming in and the hope is to get significant financial support from the City as well. It is an exciting time because we have the momentum of everything coming together. The site was looked at with the critical slopes in mind and the hope was to avoid the critical slopes completely during the first look. It

would add time constraints and the area is environmentally sensitive so we wanted to avoid those. There is a trail system throughout the area, which is seen as a passive recreation area for the public and the community to enjoy. There will be a bridge that crosses the stream directly behind the property, which will be a major amenity for the City and the community, and it should be protected. We did not view the slope areas on the front of the site in this way because when the fields were put in in the 1980s, it was a more natural slope coming down from the road. When the fields were graded in, it created a manmade slope on the front of the property that was much further away from the stream and wasn't the same type of environmentally sensitive area. Because of this, we don't feel that the area is as critical to the conversation. However, we were very careful to keep the buildings off of the critical slopes. There has been a discrepancy between what we categorized as critical slopes because there was a difference between what the surveyors found on the site versus what the City GIS reports. We feel that our information is more precise, but we are willing to abide by the City defined critical slopes in order to process the waiver request and move forward.

Scott Collins, Collins Engineering: The site is being developed with the critical slopes in mind. Many failures occur when structures are built above the critical slope in effort to stabilize things because everything starts to wash down, which makes it hard to impact the critical slopes and then build them up. This is not happening in this case. Based on our surveys, we are creating a flat bench. The basement level of the structure comes down and ties in to the top elevation of the critical slopes, which creates a flat bench between 7-20 feet from the back of the building. This wouldn't extend the critical slopes and then building above them, but rather it would be cutting the development back at that elevation and then going up to create the parking lot. The curb and gutter and drainage system from the parking lot cuts off all off the drainage from the site at that point that would go to those critical slopes and to Pollocks Branch. Not only would you be benching in your development and not building above the critical slopes, but it would also cut off the drainage that goes to the critical slopes that creates erosion. These two aspects will help protect the existing critical slopes from the site down to Pollocks Branch. We are not developing into the critical slopes in order to get density or any other development aspect. The critical slopes were recognized during the beginning of the design and the site was developed around them to help preserve it, and there has been a lot of work done to help accommodate that. In addition, we've worked with the City engineers to determine that it would be best to build the front two buildings first and put the parking lot, drainage system, and curb and gutter in, all in attempt to cut off that drainage. Once the last building is put in, the drainage area would be confined to the space between the critical slopes and the parking lot. Everything that is protecting the critical slopes during construction would remain in place and it wouldn't be built right on top of it. As far as the storm water management goes, storage can be increased underground but it wouldn't help preserve the critical slopes. The drainage from that system is being picked up, taken to an underground detention system, and then it outfalls into the existing storm pipes that runs through the site, which outfalls directly to Pollocks Branch. We are improving the drainage ditch from that outfall to the stream, but that's all at the bottom of the slopes. Increasing the underground detention has no affect and would increase costs to the Housing Authority.

COMMISSIONER QUESTIONS

Commissioner Mitchell: Could you reiterate the alternative being proposed in place of the 2nd condition?

Mr. Collins: Conditions one, three, and four are being supported. We are phasing the project so that building number 3 is built last and the parking lot is put in first. Effectively, they stabilize the upland areas, which substantially decreases the amount of drainage that comes to the critical slopes during construction.

Commissioner Mitchell: Will that method do the same thing to the identical degree as implementing recommendation #2, or does it just reduce it a bit?

Mr. Collins: It will do 100x more than what condition #2 would do.

Chairman Green: Are you using low impact development? You will likely have to get into the critical slopes a little more than just that corner to put the footings in and build the building.

Mr. Collins: We increased the possible limits of disturbance for the critical slopes at those two corners because that's the biggest impact. By benching it in, there is 6 ½ feet from the corners to what we consider the start of the critical slopes.

Commissioner Stolzenberg: Asks if the condition regarding installing permanent stabilization methods within 3 days of the establishment of temporary grading would be an issue, given that there was an interest in sod stabilization.

Mr. Collins: It can be done. After it is disturbed it would have to be stabilized. Then once construction is finished with the building, we will sod and stabilize the whole area before removing the measures like the silt fence.

Chairman Green: Do you think this was put into place without the basic knowledge of building the two northern buildings as opposed to the southern building first?

Mr. Collins: The engineers were on board with the concept during a meeting last Tuesday and it was submitted on Friday. They probably haven't had a chance to review it.

Commissioner Stolzenberg: Is there any advantage of using the permanent stabilization methods as the temporary stabilization in the beginning?

Mr. Collins: It's an unnecessary expense because diversion berms, wire reinforced silt fence, and trapping measures are all in place. Putting in sod and then taking it up 3 months later seems a little unnecessary when all these other measures are in place protecting it.

Chairman Green: Would it make sense to add the sod for the two buildings closest to the road before building the other building to stabilize that area?

Mr. Collins: If it were matted, it would essentially do the same thing because the berms and silt fence would still be there to protect it. The drainage from the parking lot would be cut off at that point and if it were graded and matted, it would be locked in.

Chairman Green: Clarifies that the question is in regards to permanently stabilizing the areas after the first two buildings are built.

Mr. Collins: Certainly, that is the best way to do it. The money is being used for permanent features on the site and the site will be better if it is sodded.

Commissioner Lahendro: The existing conditions demolition plan shows certain trees to be removed and other trees to be left. How firm is this?

Mr. Collins: Very firm. The surveyor went out between December and January and located every tree within those slopes.

Commissioner Lahendro: It's important to be sure we aren't benching into their root systems to the trunk of the tree. It would destroy the trees that are shown to be left because the construction methods would kill them.

Mr. Collins: The trees that are shown to be removed are past the slope that cut off where the bench is going to start. Because it is in a forest condition, all of those trees and their branches are growing straight up, as opposed to going out with the root systems. We made sure that anything that was close to the slope area was shown as being impacted so the results would be accurate.

Commissioner Lahendro: Would you be opposed to a condition that would require a non-movable screen to protect the root zones of the existing trees to be kept in place during construction?

Mr. Collins: That would be fine.

Chairman Green: Could we add a comment to memorialize the construction methods of the buildings for the first two buildings closest to the road as phasing of that construction for increased erosion impacts?

The Commission agrees that this is acceptable.

Commissioner Lahendro: Notes that he spent a day in the recreational area with both the Tree Commission and the Charlottesville Area Tree Stewards planting trees that are now going to be destroyed by this project. However, it also provided an opportunity to walk down into the Pollocks Branch area. It's not very well respected now and there is a lot of trash from nearby houses, but there is a lot of wonderful potential for the area. It's important for it to be protected and it will be a resource for this development and the other developments along Pollocks.

Ms. Rainey: Notes that there was a comment from the public to clarify the impacts to other properties in the area and she was able to clarify that their personal property would not be directly impacted in terms of construction.

Commissioner Lahendro: How does Mr. Frisbee feel about eliminating the 2nd condition? What was the intent by adding that condition?

Dan Frisbee: Notes that he would have to defer to the engineering staff for the rationale behind adding the condition. There is not a direct correlation between the critical slope and the underground detention system because the runoff being sent to the underground system comes from other parts of the site. One reason to include it would be that making the system bigger provides additional detention of the storm water that is coming off of the site. There will be a lot more runoff generated by the site in the post-development condition. It is going from 6,600 square feet of impervious surface to 61,000 square feet. This device is meant to control the rate that the flow leaves the site and having a higher capacity can help keep back extra flow in larger storm events.

Commissioner Lahendro: By increasing this impervious area, there are already detention devices being put in to offset the increased impervious runoff.

Mr. Frisbee: Correct, that is the existing system, which meets the state and local water quantity requirements. This would be making it bigger than that in order for it to handle more water than what is required.

Commissioner Dowell: Do you feel like the alternative that the applicant presented is sufficient? They noted that condition B was an unnecessary expense and completing the first two buildings first would take care of the issues.

Mr. Frisbee: Believes the intent of condition B is to get the area in the vicinity of the critical slopes permanently stabilized as quickly as possible to avoid sedimentation or erosion of the area. Perhaps crafting language to that intent might be more helpful.

Commissioner Heaton: If the Planning Commission includes this requirement, shouldn't it be more specific about the volume of the mitigation pool?

Ms. Creasy: The Commission won't have to decide that because the specific regulations already put in place will be required for it.

Commissioner Heaton: It's difficult to say without being more specific about how much in excess to require.

Mr. Frisbee: It would be 10%. Is the question that you don't know the volume of the system and don't know how much additional capacity that is?

Commissioner Heaton: Notes that he is trying to look at the cost because they are enormous.

Mr. Frisbee: It's about 10 feet in diameter.

Mr. Collins: In terms of the sizing, it is already sized to contain a 100 year storm event, so making it 10% bigger than the 100 year storm event is irrelevant and unnecessary. Making it larger won't achieve anything because it's releasing the storm event at an energy balance formula, which equates to pre-existing conditions. Making it larger would create more detention but it's unusable unless we had a 500 year storm.

Chairman Green: Would you like to comment on the remark regarding the additional impervious surface?

Mr. Collins: The underground detention system was designed because it collects all the runoff from the impervious surfaces and treats and releases it per the state regulations. It is already being achieved with the current design, which is why additional storage of the underground system is not necessary for this design.

Chairman Green: Do you see any other issues with any of the other proposed conditions?

Mr. Collins: No, all of the other conditions seem reasonable and many of them have been addressed with what was resubmitted with review. With a little bit of tweaking to what has been submitted, the rest of the conditions can be addressed.

COMMISSIONER COMMENTS

Commissioner Lahendro: Notes that he would be okay with eliminating condition 1B and 2, and adding a condition about putting in non-movable protection for the root zones of the existing trees to be left.

Chairman Green: Prior to disturbance at the site, installation of a fixed immovable barrier should be put in place to protect root zones of trees identified to be preserved at the drip line and remain throughout the completion of the construction. Additionally, memorialized construction methods presented by the applicant to phase construction of the buildings and add permanent erosion measures, where the first two buildings adjacent to 1st Street are to be constructed first in order to create a better stabilized site and create more efficient erosion measures.

Commissioner Stolzenberg: It would be one thing to get rid of the permanent stabilization within 3 days during construction, but we wanted permanent stabilization methods because they are better in the long term. We could take the “permanent” part of the condition and fold it into condition 4 where final stabilization of critical slopes disturbed shall be permanent measures, including replanting of native trees and shrubs.

Commissioner Heaton moves to recommend approval of the critical slope waiver, subject to conditions, 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), and due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonable restrict the use or development of the property, per Section 34- 1120(b)(6)(d)(ii), My motion for approval includes the following conditions: 1. Require erosion and sediment control measures that exceed minimum requirements in order to mitigate potential impacts to undisturbed critical slopes areas, per Section 34-1120(b)(1)(a-c), including but not limited to: a. Silt fence with wire reinforcement and six (6) feet stake spacing, and b. Other measures in excess of minimum requirements determined by City Engineering Staff to be necessary to protect Pollocks Branch from sedimentation, 2. The critical slope area outside of approved encroachment boundaries shall be clearly marked in the field, and the approved stormwater management plan and construction plan shall include a note requiring such limits of disturbed area to remain for the duration of construction and land disturbing activities, 3. Final stabilization of the areas of critical slopes disturbed shall be permanent measures to include replanting of native tree and shrub species to restabilize the critical slopes and potential wildlife habitat, 4. Memorialize construction methods presented by the applicant to phase construction of the buildings (the first two buildings adjacent to 1st Street to be constructed first) in order to create a better stabilized site and create a more efficient erosion measure, and 5. Prior to disturbance at the site, install a fixed, immoveable barrier to protect root zones of existing trees identified to be preserved at the drip line to remain throughout full completion of the construction. Seconded by Commissioner Dowell. Motion is approved 6-0.

Commissioner Dowell: Notes that the project looks awesome and appreciates that the engineers are trying to make sure money isn’t wasted. It would be appreciated if the applicant is sensitive to the neighborhood because it is already under massive construction. Additionally, it’s important to keep the other residents and homeowners in the area in mind during construction.

Ms. Davies: Notes that they are having a public meeting with the neighborhood to review the plan on February 28 at the South First Community Center at 5:30 pm.

ENTRANCE CORRIDOR REVIEW BOARD

2. Entrance Corridor – 140 Emmet Street (Gallery Hotel)

Staff Report, Jeff Werner: Since being destroyed by fire in May 2017, the hotel and lot have been fenced off and unused. The parcel has a single, un-signalized entrance off Emmet Street and there is an existing City sidewalk along Emmet Street. The application requests a CoA to replace the destroyed building with a seven-story hotel to accommodate 79 rooms and suites, structured parking, and a small street level café space. Relative to the preliminary design that was presented during the SUP review, the final design is consistent in massing, scale, height, and configuration. It is only in materiality and color that it deviates from the earlier design. Within the building's first three floors is a structured parking facility. The parking structure and the hotel's three lower floors form a pedestal for the "L" shaped massing of the upper floors. Along Emmet Street, which is the west façade, the lower level features a street level café, entry to the parking garage, and a trellised patio above the café. The south façade features a ground level patio area and a trellised third floor balcony. The upper floors step back on the western façade and a full-height tower anchors the southwest corner of the building. Compared to the preliminary design, the proposed materiality and colors follow a more contemporary palette. The exterior floors of floors 1-2 have porcelain tiles with punched metal windows and metal storefront sections at street level. The street level café has porcelain tiles, a metal canopy, and black storefront panel. Above the canopy is a second floor patio area with metal trellised glass metal rails. Floors 3-6 feature black/blue glazed brick with punched metal windows framed by metal cladding. Floor 7 has metal panels with punched metal windows. The tower has porcelain tiles with full height fenestration in metal frames. Overall, the building is articulated by three physical elements: the tower, the hotel itself, and the one story projection for the café and patio above. The ERB must consider the EC Design Guidelines in determining the appropriateness of the proposed construction within an Entrance Corridor. Staff recommends that the building's height, mass, and scale are appropriate and the contemporary interpretation of traditional architecture is an appropriate concept. The design provides variation and articulation. The proposed materials and colors are appropriate and the proposed building is appropriately located close to the property lines with concealed interior structured parking. Landscaping is proposed at the courtyard area and along the streetscape. The site layout accommodates the hotel's function, including vehicular traffic and pedestrian access. The public sidewalk has been moved closer to the building so the street trees can be located between the sidewalk and Emmet Street, creating a more welcoming entrance. The building's design, massing, scale, and landscaping elements will provide a positive contribution to this redeveloping segment of the EC. Relative to the proposal being compatible with the features and characteristics of other buildings and structures within this EC, recent building demolitions have left this segment of Emmet Street all but devoid of nearby structures. The proposed hotel's massing, scale, and extended façade along Emmet Street have similarities to the large hotel that, until late 2018, stood at 105 Emmet Street. However, their differences will provide positive contributions to the future character of the corridor. Relevant sections of the guidelines to consider include:

1. Design for a Corridor Vision: The streetscape design will also be coordinated with the ongoing streetscape enhancements proposed for the corridor.
2. Preserve History: While the original building was lost in fire, this project will restore the site's use as a hotel. Furthermore, through design and display, the new hotel will create a connection to the original and its historic past.
3. Facilitate Pedestrian Access: The proposed hotel's proximity to UVA, Barracks Road Shopping Center, the Corner, and the City's Main Street corridor encourages its guests to walk or utilize public transit.
4. Maintain Human Scale in Buildings and Spaces: A low-rise mass in the front of the building and the garage entry make the building scale appropriate at the street level. The wide sidewalk facilitates pedestrian activity and the limited open area on the site will be landscaped.
5. Preserve and Enhance Natural Character: The existing site is 99% impervious cover through urban storm water practices and landscaping. The new design reduces the impervious cover to nearly 93%.
6. Create a Sense of Place and an Inviting Public Realm: The design provides a seven foot pedestrian sidewalk, a six foot planted buffer along the curb, and the café space will activate the street and provide a community gathering space.
7. Create Restrained Communications: No signage has been submitted. Signage will require a Sign Permit application and approval by Zoning.
8. Screen Incompatible Uses and Appurtenances: Parking will be within the structure and, where visible, concealed by landscape and building elements.
9. Respect and Enhance Charlottesville's Character: The proposed hotel maintains the site's historic use for a hotel. It will contribute to a walkable/bikeable environment, create jobs, and create hotel rooms for visitors.

Staff recommends approval of this proposal as submitted and suggests the following as conditions of approval: 1. Lamping for exterior lighting to be dimmable and not exceed a color temperature of 3000K, 2. Mortar color should be reviewed by staff, 3. Signage requires separate permits and approvals by Zoning. All internally illuminated signage shall appear to be lit white at night, 4. Rooftop mechanical equipment will be screened within the appurtenance, and 5. Metering and/or electrical service equipment for the proposed street lamps [to be installed in the public right of way] and for the hotel's occupants will be fully concealed or located so as to allow full screening.

COMMISSIONER QUESTIONS

Mr. Palmer: On condition 4 regarding the roof screening, does it imply 360 degrees on all four sides?

Mr. Werner: Yes. The last two conditions reflect things that we've heard in the community for EC and BAR projects. Essentially, if something is going to be put on the roof, it should be behind a screen.

Applicant, Jake Fox, Waterstreet Studio: The building is oriented to the street and creates a nice streetscape with an active street level. A lot of pedestrian flow is expected based on where the building is in relation to UVA and the JPJ Arena, which is why all the entrances orient towards the front. The project will provide a wide buffered sidewalk for those on foot or in wheelchairs. There will be large shade trees with a 6 foot planted buffer and a mixed palette of dynamic plants to activate it. The owner of this project has been on the steering committee for

the Emmet Streetscape project and will be providing a 5 foot bike lane along the frontage of the property that will connect to the larger network being proposed. Along the southern edge of the site, there will be a low hedge and a small outdoor gathering space that is paved with permeable pavers, which will hold and infiltrate some of the storm water. Along the railroad on the northwest corner, there will be a screened mechanical yard with a building material that is sympathetic to the rest of the building.

Neil Bhatt, NBJ Architecture: The first three levels are parking with a hotel lobby on the ground floor. The fourth floor has a board room, public area, and terrace, which will become a public space. The café on the first floor will activate the street. The fifth, sixth, and seventh floors are all guest rooms, except there is an open terrace on the seventh floor that allows for a rooftop bar and deck. The rooftop equipment will be located right in the middle of the footprint so they will not be visible from the four sides of the hotel and will be screened appropriately. After receiving a comment on the SUP, the design was updated to achieve three things. The temporary materials will be used with contemporary colors and interpretation. We have achieved the loading and unloading of goods and services within the structure by raising the floor height of the garage. There won't be any deliveries outside, which will eliminate traffic congestion on Emmet Street. We were asked to eliminate some mass on the tower, so the cap was reduced to reduce its impact. The café on the street level provides street activation and provides seating on top of the café. One rendering shows the trees on the sidewalks and around the building while they are not fully grown and most of the building has the blue/black brick on the body of the building. The tower and the ground level have porcelain tiles, the metal panels of the top floor reduces the mass of the building, and clear glass will be used that is not reflective. The second rendering shows the trees once they are fully grown, which helps to cover most of the mass of the building.

Mr. Fox: To further expand on the landscaping, 4 large elm trees are being proposed. They are about 50-70 feet tall, which will help to break down the mass of the building. Underneath those, there will be hardy evergreen grasses and hedges with some accents of tulips and day lilies that will bloom orange in the spring as a nod to UVA. Along the south there are some screen plantings being replaced with holly trees and another sycamore tree that will also help to scale down the massing. We are coordinating with the Emmet Streetscape project to make the street lighting consistent for the entire length of the project. Recessed soffit lighting will be used to highlight key entrance and outdoor spaces. There is also a row of low path lights along the south side of the building to activate that side. Lastly, the mechanical yard will have wall-mounted wall packs.

COMMISSIONER QUESTIONS

Commissioner Dowell: It looks like the trees are going to block the terrace above the café. Was this intentional? If the intention was to have additional seating above the café to help activate the street level, having the trees block it might not necessarily activate it.

Mr. Fox: You'll probably still be able to see it through the branches. They are deciduous trees, so they won't be fully leafed all year. It also isn't a complete hedge wall, it is an open canopy. It will provide a layer to that space if you look at it across the street, but down below it you'll still see people above. Those trees will get 50-70 feet tall, which will be much higher than that area.

Commissioner Heaton: What happens if every room in the hotel is full at night and every light is on in the hotel? Is there a lighting ordinance?

Mr. Werner: No.

Commissioner Heaton: Does the glazing being used mitigate some of the impact? When some of the Downtown buildings are lit at night, they are very bright.

Mr. Werner: The only time there have been discussions about interior lighting have been on the BAR with regards to ATM lobbies. Perhaps lighting should be something that is included during the guideline discussion.

Commissioner Heaton: It might be helpful for staff to make evaluations on lighting as it deals with the nighttime illumination of the skyline. Some of the older buildings Downtown have smaller windows or even stairwells that are very bright at night.

Chairman Green: This topic will be great to discuss during the next agenda item. Are there any further questions with this application for guidelines that we have in place today?

Commissioner Stolzenberg: For recommendation #5, what does “for the hotel’s occupants” mean?

Mr. Werner: This was just included based on other complaints in the past. Wherever their electrical service and metering is, it should be designed in a location on the building so that it can be screened. The condition is intended to distinguish between metering for street lights and any metering for the use of the hotel.

Commissioner Stolzenberg: Condition #1 requires exterior lighting to be dimmable. This isn’t so bad unless LEDs are used, which can conceivably double the cost to make them dimmable. However, we aren’t saying that they actually need to be dimmed at any point, so what is the motivator behind that requirement?

Mr. Werner: There are times when they would be dimmed. The condition suggests that it be reduced to that color temperature, but that they also be dimmable so it can be addressed if it becomes problematic in the future.

COMMISSIONER DISCUSSION

Commissioner Mitchell: Reminds the Commission of the guidance that was given the last time this was viewed. The EC regulations found in the zoning ordinances are intended to ensure that developments along EC routes are compatible with other developments and historic structures. Notes that he likes the design, but the color scheme is incompatible with the Entrance Corridor and it is incompatible with the structures that the route would lead to.

Commissioner Lahendro: All of the buildings at the intersection of Emmet and Ivy are brick, as well as the hotel that was torn down. As part of the ERB, the guidelines state that there should be a design for a vision, new building designs should be compatible in massing, scale, materials, and colors with those structures that contribute to the overall character and quality of the corridor, preserve history, encourage new contemporary design that integrates well with existing history buildings, to enhance the overall character and quality of the corridor, maintain the human scale in buildings and spaces, consider the building scale as it will be experienced by

the people who will pass by, live, work or shop there, etc. He shares that he could not disagree more with staff's analysis of this proposal as it complies with these guidelines.

Chairman Green: Disagrees with that statement because it is a welcome, new, and modern look along the EC. There is red brick in the Corridor, but this hotel is not a UVA property. The building previously there was tan and green and the buildings along the east side of Emmet Street going north aren't red brick either. This design may fit in well with whatever is going to happen there next.

Commissioner Mitchell: Notes that he cannot imagine that UVA would build something that compliments that color scheme when they build across the street.

Chairman Green: The Planning Commission will not get a chance to comment on that before it is built, so it doesn't matter. Ultimately, the EC guidelines are opinion-based.

Commissioner Mitchell: The design is wonderful, but the color scheme is still a problem.

Chairman Green: Reiterates that this is a great and welcoming new look to modernize the street and give it some character.

Commissioner Mitchell: Can the applicant talk about what is driving the color scheme?

Mr. Bhatt: We didn't want to design for UVA's red brick building because it isn't for UVA. We wanted to use the contemporary trend that is all across the town. No one is building red brick hotels anymore and nothing in the guidelines said it had to be a red brick building. The attempt was to interpret the traditional materials into the contemporary trend of design in Charlottesville's hospitality industry.

Chairman Green: The new hotel at Monticello and Ridge Street is gray and doesn't have any red brick on it.

Commissioner Mitchell: That hotel isn't in an Entrance Corridor leading into the University of Virginia.

Mr. Werner: Notes that UVA's chapel building is made of stone and there is not architectural homogeneity at the Lawn. The next question to consider is the extent beyond the EC that we are going with compatibility. Ultimately, as far as the criteria goes, the massing, articulation, colors, etc. are fairly open. The Corridor has a lot more going on in it and staff's instructions in the guidelines are relative to that whole corridor.

Commissioner Dowell: Does not feel that the brick is a make-or-break factor, but notes that The Fairfield Inn & Suites Marriot that was just constructed on Cherry Avenue does have red brick.

Commissioner Stolzenberg: Notes that he may agree with Commissioner Lahendro regarding the red brick, however the design overall fits in really well with the new dorms that were put up.

Commissioner Dowell: It is a much greater improvement than what was previously there.

Commissioner Lahendro: To be clear, modern design and historic design are both great. However, as part of the Entrance Corridor Committee, the guidelines that were read show that it needs to be more compatible with materials that this EC is part of.

Mr. Palmer: The applicant mentioned the street trees a lot and the street trees as depicted with the 6 foot tree lawn differs from what is being presented in the Emmet Streetscape project. The difference is that the Emmet Streetscape Project would not include those trees, so there is a conflict there. The ERB may not have to deal with this, but it is important to mention it to the applicant.

Chairman Green: Was this looked at in terms of compatibility?

Mr. Werner: The owner is on the committee and has expressed repeatedly that he wants to coordinate with the project, so he could address that better. The trees will be one of the last things that are planted on the site, so there is plenty of time to resolve that.

Commissioner Heaton: To clarify, when could we add in a condition to address the lighting and light pollution?

Mr. Werner: There is nothing to address that in the guidelines now. As the guidelines are discussed in the future, lighting is something that can be added to the revisions. However, the City doesn't regulate interior lights now.

Commissioner Heaton: Does the architect think that these are best practices right now in terms of designing buildings and the light pollution from internal lights to the outside?

Mr. Bhatt: Typically in a hotel room there is probably less light coming out than an office building. Office buildings don't have all the blinds drawn, whereas most hotel rooms do have the curtains drawn.

Commissioner Heaton: In an office building the lights are usually off at night. In the best case scenario for the hotel, every room is full every night and many lights will be on.

Mr. Bhatt: Notes that not all the lights will be on in every hotel room, and the lighting is much dimmer than a normal building. We don't think light pollution is a concern on a hotel project.

Commissioner Heaton: It changes things as we add more and more tall buildings because it outlines the building very definitively. We should look into this as a City as we continue to grow and go upwards.

Mr. Fox: Regarding the street trees, they haven't seen what Mr. Palmer is referring to. We don't want to get in the way of something that's happening and we want to plug right into the Emmet Streetscape project, so we're happy to work with that design as it evolves.

Commissioner Stolzenberg: Is there any possibility that you'd go with non-LED lighting if it had to be dimmable, or would it be LED either way?

Mr. Fox: LEDs can be dimmable and the color can be adjusted. We will go with whatever works, but efficiency and environmental friendliness of LED lights are the norm now.

Commissioner Stolzenberg: Is there any risk of going with something like a halogen lamp so it will be dimmable if that condition is mandated?

Mr. Fox: Generally, LED is where we are headed, but we haven't gotten into the details yet. We would engage with an electrical engineer to fine-tune that.

Mr. Werner: Most BAR approvals that have lights added have used the same wording in that condition and no one has raised any questions about it.

Commissioner Stolzenberg: Do you know if they all use LED lights?

Mr. Werner: LEDs seem to be state of the art and that seems to be where it's headed. It would be appropriate to be specific about what the Commission would like to be considered relative to the Emmet Streetscape project.

Commissioner Dowell: Out of curiosity, could there be an option for the design to be red brick instead of black in the center?

Mr. Bhatt: In this particular contemporary design, we chose a brick that we know is available and fits into the contemporary guideline.

Having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, Commissioner Stolzenberg moves to find that the proposed design for the Gallery Court Hotel at 140 Emmet Street satisfies the ERB's criteria, is consistent with the Guidelines, and is compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted with the following conditions: 1. Lamping for exterior lighting to be dimmable, or subject to replacements one time on direction of City planning staff, and not exceed a color temperature of 3000K, 2. Mortar color should be reviewed by staff, 3. Signage requires separate permits and approvals by Zoning. All internally illuminated signage shall appear to be lit white at night, 4. Rooftop mechanical equipment will be screened within the appurtenance, and 5. Metering and/or electrical service equipment for the proposed street lamps [to be installed in the public right of way] and for the hotel's occupants will be fully concealed or located so as to allow full screening. Seconded by Commissioner Dowell.

Commissioner Dowell: What made you add in the second part to condition #1?

Commissioner Stolzenberg: If the lights are dimmable, twice as expensive, and the odds that someone complains is under 50%, it makes more financial and ecological sense to take the risk to swap out the LEDs with the dimmer one if people don't like them.

Chairman Green: If cost was a concern to the applicant, they would have questioned it. In the long term, LEDs save money and are more efficient.

Commissioner Stolzenberg: Notes that he wants them to be LED lights, but is worried they may go another route.

Commissioner Heaton: The applicant and the architect need to know that one of the concerns of the Planning Commission has to do with the new technology of lighting and what it does to the perception of our City.

Commissioner Dowell: So why would we give them the option?

Commissioner Stolzenberg: It doesn't sound like there is any need to dim them on command, but if they get complaints and they want a lower brightness overall, it's a one-time change. It doesn't require a dimmer switch.

Commissioner Dowell: Essentially, the word "dimmer" is more confining than just switching the lights out.

Ms. Robertson: Recommends that the Commission go back to the provisions of the guidelines and the decision has to be based on the guidelines.

Commissioner Dowell: The applicant has no problem with dimmable lights, so the extra provision is unnecessary.

Commissioner Stolzenberg: Notes that he got the impression that they didn't want it at all preferably.

Ms. Robertson: Notes that she understands what staff is doing with the recommendation, but it's important to make sure everything is very close to the guidelines.

Chairman Green: On an enforceable level, no one is going to check every bulb to ensure that it is dimmable. It would only be in the instance that there were complaints that it would be checked.

Commissioner Stolzenberg moves to amend condition 1 of the motion so that lamping for exterior lighting does not exceed a color temperature of 3,000K. Commissioner Dowell does not second. Amendment fails.

Mr. Werner: Lumens were intentionally not used and this is not unusual to what is normally used. It is recommended that the Commission leave it as is or remove it, but to not add more technical terms that might change the technical definition of it.

Chairman Green: Notes that the County has a very robust lighting ordinance. When it comes to LED, it truly comes down to K factor and the brightness, as opposed to the lumens.

Commissioner Stolzenberg moves to add a friendly amendment to change condition #1 as stated by staff. Seconded by Commissioner Dowell. Amendment is approved 6-0.

Having considered the standards set forth within the City Code, including the City Entrance Corridor Design Guidelines, Commissioner Stolzenberg moves to find that the proposed design for the Gallery Court Hotel at 140 Emmet Street satisfies the ERB's criteria, is consistent with the Guidelines, and is compatible with the goals of this Entrance Corridor, and that the ERB approves the Certificate of Appropriateness application as submitted with the following conditions: 1. Lamping for exterior lighting to be dimmable and not exceed a color temperature of 3000K, 2. Mortar color should be reviewed by staff, 3. Signage requires separate permits and approvals by Zoning. All internally illuminated signage shall appear to be lit white at night, 4. Rooftop mechanical equipment will be screened within the appurtenance, and 5. Metering and/or electrical service equipment for the proposed street lamps [to be installed in the public right of way] and for the hotel's occupants will be fully concealed or located so as to allow full screening. Seconded by Commissioner Dowell. Motion is approved 4-2.

3. Entrance Corridor Design Guidelines

Ms. Creasy: Notes that the intent of bringing this forward to the Commission at this point is to provide awareness and background information. It does need to be included in a future work plan and this provides some background as to how one could potentially move forward with the process. The BAR is currently working on a guideline update process of their own.

Commissioner Mitchell: When this is discussed, would it also be an appropriate time to talk about moving the ERB to the BAR?

Ms. Robertson: The City could appoint a separate Entrance Corridor Review Board, it could be added to the BAR members, etc., but an ordinance change would be necessary. If the Commission is interested in discussing it, the members of the BAR should be engaged and have discussions through staff with City Council.

Mr. Werner: Last year the BAR saw one of the highest number of items and it is steadily increasing. Regardless of where the ERB goes, many members of the Commission have dealt with Entrance Corridor discussions for a long time and the input would be invaluable.

Commissioner Heaton: Notes that he does not think the ERB needs to be moved to the BAR.

Chairman Green: How many projects overlap and go to both BAR and EC?

Mr. Werner: So far there have not been that many, but it needs to be looked at more closely. Depending on how the Comprehensive Plan gets revised, it will instruct what we may or may not do with the guidelines.

Chairman Green: It would be helpful to come back with suggestions from staff about what the industry standards are and let the Commission comment on them so that we aren't creating the guidelines. Additionally, as we are trying to be more business friendly and create economic development, it's important to not make applicants go before two different governing bodies to get something done.

Mr. Werner: Notes that it's helpful to solicit feedback from the Planning Commission outside of meetings as well.

Chairman Green: How does that work for transparency?

Ms. Robertson: You are allowed to take a poll and take individual members' opinions on specific items.

Chairman Green: Is this something that can be added as a 30 minute discussion during the work session?

Ms. Creasy: It would have to be deemed a special meeting in order to take a vote.

Chairman Green: For instance, the Gallery Court Hotel was on the regular agenda in January. If we have projects that can be discussed in a more informal setting during a work session, they usually turn out better. It may be more appropriate to do something like that if someone is only looking to get feedback from the Commission or the ERB.

V. Adjournment

8:40 pm – Chairman Green moves to adjourn until the second Tuesday in March 2019.