

Minutes

PLANNING COMMISSION REGULAR MEETING
April 12, 2022 – 5:30 P.M.
Virtual Meeting

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

Beginning: 5:00 PM

Location: Virtual/Electronic

Members Present: Commissioner Stolzenberg, Commissioner Russell, Chairman Solla-Yates, Commissioner Lahendro, Commissioner Mitchell, Commissioner Habbab, Commissioner Palmer

Members Absent: Commissioner Dowell

Staff Present: Patrick Cory, Missy Creasy, Erin Atak, Matt Alfele, Dannan O’Connell, James Freas, Remy Trail, Javi Gomez Jacome, Alex Ikefuna, Sam Sanders

Chair Solla-Yates called the meeting to order at 5:00pm. He provided the following statement concerning the 2005 JPA applications: The applicant for 2005 JPA EC and SUP has requested deferral of the applications at this time and a formal review will not take place this evening. As this was advertised for public hearing and it is anticipated that public will be here for that purpose, an opportunity will be provided following the actionable items. Following the three remaining public hearings, there will be an opportunity for public members to share comments up to 3 minutes regarding the 2005 JPA applications. Commissioner Stolzenberg asked why the deferral was requested and staff noted that the applicant would like to consider additional feedback on their application. Commissioner Russell asked if there was a charge for a deferral and it was noted that there is not.

Chair Solla-Yates returned to review of remaining items on the agenda. He asked if there were questions concerning CDBG/HOME. Commissioner Russell asked for information on the Community Solutions office. Ms. Creasy provided information. With no additional questions on that item, discussion moved to the Maury application. Commissioner Stolzenberg asked for additional information on the sidewalk buffer and whether bike facilities could be added – perhaps by widening the right of way. Mr. Alfele noted there is limited right of way and the recommendation provided is what is outlined in the Streets that Work Plan for this type of roadway. Widening the right of way would be a challenge.

Commissioners moved the questions on the 14th Street application. This site came forward for an SUP in 2010 and background on that process and outcome was provided. Clarification was also provided as to how the assessment of the property is listed in the on line system as the current site is condominium. Commissioner Stolzenberg asked for clarification on the definition of an Inn and that was provided. It was confirmed that a manager must be on site in that circumstance.

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 Russell – No Report

Commissioner Stolzenberg – It was a busy month. We had our MPO Technical Committee meeting. That was an interesting meeting. We discussed our upcoming work plan for FY23. A couple of interesting things are in that plan. One will be our 2050 long-range transportation plan to set the stage for the projects that we're going to pursue over the next couple decades: the One Map Project is to create a unified map for the city and county, a boundary analysis because the census could change the MPO boundaries, and a transit governance study that will look at ways we can have a regional transportation authority; hopefully getting the General Assembly to give it taxing power since we already have the authorization to do it but no power to raise revenue. That will be a study to set the stage for regional governance of CAT and JAUNT. At MPO Tech, we made a recommendation for an alignment on the Rivanna River bike/ped crossing MPO submission for smart scale. We recommended that it cross at Chesapeake near Riverview Park with nice sidewalk facilities and bike facilities to get downtown. I believe that the stakeholder committee made the same recommendation. Our elected decided not to do that. MPO policy pushed for the Woolen Mills or wool factory alignment. We also had a HAC allocation subcommittee meeting where we reviewed staff committee responses to the Charlottesville Affordable Housing Fund notice funding availability and allocated some funds to some good organizations. We had a HAC policy subcommittee meeting where we discussed various tax relief programs in the city. We have General Assembly authority for but do not use yet. We're starting to get boards eventually making a recommendation to Council on ways that we can improve that. Apparently, Council has reformulated the HAC. I am no longer on it. We do not have a Planning Commission representative. I guess I will not be participating in any future discussions on that policy proposal if they continue.

Commissioner Dowell – Not Present

Commissioner Habbab – The Citizen Transportation Advisory Committee met on March 16th. We elected a Chair and Vice-Chair. The Chair is Lee Condor and the Vice-Chair is Paulo Chen. We went over some updates from the MPO Policy Board. The updates were the projects that we were applying for smart scale. The MPO is applying for 4 projects. The first is the 5th Street Extended project at the Harris Street area. The second is the Avon Street bike and pedestrian infrastructure. The third is the roundabout at District Avenue, which is at the intersection of Hydraulic and Cedar Hill. The last project is the Rivanna River bike path bridge.

Commissioner Mitchell – I attended a couple of meetings. One of the meetings was with the LUPEC group. LUPEC is Charlottesville, Albemarle County, Rivanna Sewage Authority, UVA, and UVA Foundation. Our focus is to discuss land use issues and environmental planning issues. There were two presentations and two conversations that took place. One was related to the removal of clean fill/dirt. It seems that the removal of dirt is quite a problem for developers when developers are doing new construction. They need to find a place to put it. The Rivanna Solid Waste Authority is running a pilot program to help them think through how we might best do this. This pilot program is happening at the Ivy Landfill. What they want to do is figure out how best to address the challenges and make a little money on

addressing the challenges that they have. The pilot program started at the end of January. It runs until the end of May. By March 15th, about 15,000 tons of dirt had been deposited at the landfill. Between January and May, they're busy. They have generated about \$50,000 in revenue from tipping fees by allowing developers in the area to deposit dirt in the landfill. They are projecting, by the time the pilot program ends, 50,000 tons landfill dirt will have been moved from one point into the Authority's landfill. They have estimated that this could probably generate over \$1 million over the next 5 years in revenue for the Solid Waste Authority. There was an interesting question that was posed in the meeting. We're taking all this dirt in. Should we sell the dirt to people who want to buy the dirt? The question was unanswered. It is something that people are thinking about. The other piece was also interesting. We had a conversation with Albemarle County about their planning and community development organization and their work plan for next year. Our team is incredibly busy and understaffed. We are not unique. If you guys read through the PowerPoint presentation that I sent you, you will see that they have a lot of stuff going on. We don't need to feel sorry for ourselves. They are also challenged with staffing issues and the amount of work that they have. There were a couple of things that interested me that we might want to think about doing. They did a force stabilization program. That resulted in them recognizing the need for 75 FTEs. Those FTEs have been approved. They onboarded 71 of those FTEs. The other thing that they talked about is that they are going through a re-engineering of their processes. They're going to 'marry' a new software to these re-engineered processes. The objective is to reduce the number of touches that an application must have before it gets to the Planning Commission and goes to the Board of Supervisors. The other objective is to increase the input. They expect to have significant gains and more touches by installing this new software. The overall project is called the Camino Project. What they're doing is replacing the software and processes that have been in place for 20 years. I think Ms. Creasy and Mr. Freas have something like this on deck for us. The other meeting was with Parks and Recreation. You have been reading about the community engagement at Tonsler Park. You are aware of what is happening at Darden Towe. We have funded a significant amount of the Capital Budget to the improvement of Darden Towe. We're waiting for the CAP from the county. We're looking to improve the facilities at Belmont Park. The replastering of the pool is underway. A bid went out in mid-March to allow us to use the pool and use it in a way that is safe. We should be getting responses to the bid by the end of March. The most interesting thing was the Dogwood Festival. The Dogwood Festival has been moved. It is now going to be in the K-Mart parking lot.

Commissioner Lahendro – I attended two committees. The Board of Architectural Review met on March 15th. We had two Certificate of Appropriateness applications approved. We had many preliminary discussions of potential projects. Those projects are the new residential building at 1301 Wertland Street, window replacements at 32 University Circle, a rear addition at 1901 East Market Street, and a mural at 111 14th Street. Mr. Freas joined us to discuss the zoning ordinance revision process. At the Tree Commission meeting, we did get news that a new urban forester has been hired for the city. Steve Gaines will be joining the Parks & Recreation as the urban forester in a week or so. The final tree canopy study was submitted. We will be sharing that with the Cville Plans Together consultants and steering committee. Our RELEAF subcommittee has arranged an environmental career day at Charlottesville High School on April 21st. There will be about 25 professionals and vendors associated with the environmental issues there. It will be held outside. On Arbor Day (April 29th), there will be a program around the elm tree at Sojourner's Church (corner of Monticello and Elliott) in Belmont. We had a presentation by city utilities staff on its energy saving trees program. Mr. Freas came to the Tree Commission meeting. Laura

Hildebrand was also there from Utilities. The two of them were very gracious and generous in sharing their time with the Tree Commission to discuss issues of tree preservation and protection.

B. UNIVERSITY REPORT

Commissioner Palmer – My month has been busy. I don't have a whole lot to report. I mentioned a few months back that my colleague, Mary Hughes, had retired as long-time landscape architect for UVA. She started in 1996. The reason that I am mentioning her publicly is because tomorrow is a celebration on The Lawn to plant a Founder's Day tree in her honor in front of Pavilion III. I wanted to publicly acknowledge that, having worked with her for many years.

C. CHAIR'S REPORT

Chairman Solla-Yates – The Thomas Jefferson Planning District Commission met on April 7th. The issue most relevant to this body was that we allocated \$1.8 million in grant funds for affordable housing, \$640,000 for three Habitat for Humanity chapters for 32 new units to be built throughout the Thomas Jefferson Planning District Commission region, \$660,000 to the Charlottesville Redevelopment and Housing Authority for 48 units at the second phase of the South First Street Redevelopment, and \$500,000 for Virginia Supportive Housing for 80 new permanent supportive housing units as part of the Premier Circle project. I would like to note that there was a Code Committee meeting this morning talking about possibly allowing some missing middle housing in Virginia requested by Lyle Solla-Yates, which is going to committee.

D. DEPARTMENT OF NDS

Mr. Freas – We are doing a project looking at the 5th Street Corridor and making safety improvements for that corridor, hoping to culminate with a smart scale application this summer. There is an upcoming workshop public meeting on April 25th from 11AM to 1PM and 5PM to 7PM. There will be two opportunities for people to join and participate in that meeting. On May 24th, the Planning Commission will be hosting a work session on this topic in conjunction with City Council. That will go back to Council at the end of June and then onto smart scale application. The other big project is our zoning project. We are probably about 2 weeks behind schedule at this point. There are a variety of reasons for that, with our consulting team in terms of getting their analysis and data and the work that they're doing together. We anticipate that by the next meeting, we will probably have released the first report. Before then, we will have shared with you guys what we anticipate the schedule looking like going forward. We met this morning to walk through this. I am still processing news that is fresh 'off the press.' We will be releasing new schedule information to get this back or keep it on track for our overall goal of seeing the zoning adopted by roughly this time next year. Hopefully, by March of next year, we're fully adopted. That's what we have been aiming for. I don't see any reason to push that back.

Ms. Creasy – I wanted to let you know that at Council's 4PM meeting on April 18th, which is next Monday, there will be a presentation on the Climate Action Plan. We know that is something a lot of you have quite a bit of interest in. There will be some good information presented. I am sure that we will be intertwined in that in different ways as we move forward. I will note that meeting on April 18th with Council is going to be hybrid meeting. They are trying out some new technologies and methods of

moving forward. We will be shortly behind them with moving towards that. I don't have details for you quite yet because we will be doing some regroup following the Council meeting. As soon as we have something set, we're going to let you know and let the public know how we will be moving forward.

Mr. Freas – Potentially, if this plan comes together, we would be looking at a hybrid meeting for the Planning Commission for the May meeting.

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

Bill Emory – On March 3, 2008, following an interview for the Planning Commission, the Council asked me if there was anything I wanted to mention. I argued for the usage of maps specifically GIS, advocating for the city to integrate data into the city's GIS system to track items like where CIP monies were being spent, where was the population density, where was the affordable housing, and where were the sidewalks. I advocated for harder use of GIS being a Planning Commission priority. GIS mapping is a tool for planners, policymakers, and city staff to acquire an up-to-date portrait of the city. GIS provides a means to drive strategic planning based on existing ground conditions. GIS can provide a graphical representation of need and accomplishment like radar and weather. I trust that you heard Mr. Sander's reflections regarding tracking outcomes from the \$47 million spent on affordable housing in the past decade. How much money has gone to who? How many of the units are still affordable? City records are a hot mess. Mr. Sanders mentioned more than a half dozen deficiencies listed by the \$165,000 HR&A report, when corrected will enable more accurate tracking of our affordable housing in the future. The final report from HR&A will be delivered April 20th. I would add the urgent need for a map with GIS functionality.

F. CONSENT AGENDA

No Items

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

III. JOINT MEETING OF COMMISSION AND COUNCIL

Mayor Snook called City Council to order for the three public hearings.

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

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

- 1. Community Development Block Grant (CDBG) and HOME funding** – 4th Year Action Plan, FY 22-23: The Planning Commission and City Council are considering projects to be undertaken in the 4th Year Action Plan of the multi-year Consolidated Plan utilizing CDBG & HOME funds for the City of Charlottesville. In Fiscal Year 22-23 it is expected that the City of Charlottesville will receive about \$433,471 in Community Development Block Grant funds and about \$84,576.88 in HOME funds from the Department of Housing and Urban Development HUD. CDBG fund`s will be used in the City to address neighborhood improvements in the Ridge Street neighborhood, economic

development activities, housing activities, and public service projects that benefit low and moderate income citizens. HOME funds will be used to support the housing needs of low and moderate-income citizens through homeowner rehabilitation. Report prepared by Erin Atak, Grants Coordinator

i. Staff Report

Erin Atak, Grants Coordinator – As an entitlement community, the city receives grant funding from the US Department of Housing and Urban Development each year. We received the two federal grants: the CDBG and Home Grants. For FY22, the CDBG program has an estimated total of \$433,471. The Home Program has an estimated \$84,576.88. Right now, we won't know the exact grant amount until May 2022, when HUD sends us the grant award for the city. On September 21, 2021, City Council set priorities for FY22 for the CDBG and Home Program, which included the following:

- Access to affordable housing
- Workforce development
- Micro enterprise assistance
- Access to quality childcare
- Homeowner rehabilitation
- Down payment assistance

This year's request for proposals were based on City Council's priorities for CDBG and Home 2018 to the 2022 consolidated plan, which is a game plan for CDBG and Home, Charlottesville's Affordable Housing Plan, and HUD CDBG and Home national priorities. It is important to note that the RFP this year went through an extensive review by the CDBG and Home Task Force. Today's discussion will be focusing on the following areas that the CDBG and Home Task Force reviewed as a result of the competitive RFP process. The three umbrellas that the Task Force looked at:

- Public services
- Economic development
- Housing

In September 2021, City Council approved funding and projects for the Ridge Street neighborhood. It is recommended that funds be awarded again for Ridge Street so that these activities, sidewalks, sidewalk improvements for 6th Street Southeast, and Ridge Street can continue in those areas. Council also approved the administrative and planning portion of the budget during that same time period to be set at the 20 percent of the entitlement grant. That portion of that budget pays for all the CDBG and Home citizen participation, environmental reviews, staffing, studies like the HR&A housing review, and design to be carried out under the grant. Under the competitive RFP process, all applicants were required to undergo a technical assistance meeting with me prior to applying to the city. During these sessions, applicants were able to meet with the grants coordinator, walk through the grant requirements, and talk about the CDBG and Home programs. Under the Home portion of the grant, I met with six potential applicants. For the CDBG, I met with eleven interested applicants. For the Home side, we ended up receiving two applications. For the CDBG side, we ended up receiving six applications. We did impose some new restrictions this year for the RFP process, with regards to timeliness and having shovel-ready projects. Anyone, who did not have a shovel-ready activity, or had outstanding balances with CDBG and Home funds was considered ineligible to apply. These two new restrictions were shared with the CDBG and Home Task Force during the deliberation process. The reason why we imposed these restrictions was that in the past we had several difficulties with sub-recipients having problems finishing their activities with their contractual obligations. In order to maintain compliance with HUD regulations, new contractual

and compliance standards have been put in place under HUD guidance to bring the city and sub-recipients up to standards with other Virginia entitlement agencies. During the deliberation process, CDBG and Home Task Force recommended the following activities for funding. Under the CDBG grants for the economic development umbrella, two sub-recipients were recommended for funding: Community Investment Collaborative and the Local Energy Alliance program for Workforce development and the Micro-Enterprise Scholarship program. Under the public service umbrella for CDBG, the Literacy Volunteers of Charlottesville-Albemarle and Public Housing Association of Residents were recommended for funding. Under the housing umbrella, Local Energy Alliance Program was also recommended for funding for their solar home energy maintenance program. For the Home grants, Local Energy Alliance Program (LEAP) was also recommended for funding for the assisted home performance program. Once the city receives the actual entitlements award towards May, all funding recommendations will be adjusted accordingly for the pro-rated percentage of the actual award. No agency will increase more than their initial funding request. Because several sub-recipients are in the process of completing their 2021 contracts, if they have trouble completing their 2021 contracts by the end of June 30, 2022, their 2022 contract awards may be subject to reprogramming if they are not able to fulfill their HUD obligation by the end of this year.

Commissioner Mitchell – I have served on this board these guys are representing. I have walked through all the applications. It is a thorough process. It would be a mistake for us to second guess anything they recommended. We should approve what they're asking us to do. They have gone through every application and vetted them thoroughly.

Commissioner Habbab – Is there a risk that some organizations won't be able to receive the funding?

Ms. Atak – Right now everyone is on track. As far as the 2021 contracts right now, everyone did meet their 65 percent spend goal. Everyone is on track for spending right now. I am not worried for this year. We did a good job with making sure everyone is meeting their timeliness spending.

Commissioner Stolzenberg – What is the LEAP solar roof program?

Ms. Atak – They are going to benefit approximately 7 beneficiaries in the CDBG priority neighborhoods. They're going to be patching up leaks, holes, and any rotten sheathing on roofs. They're going to be placing solar rooftop installations on roofs.

ii. Public Hearing

No Public Comments

iii. Commissioner Discussion and Motion

Motion – Commissioner Russell – I move that the Planning Commission recommend that City Council approve the CDBG and Home funding fourth year action plan FY22/23 as presented by staff. Second by Commissioner Lahendro. Motion passes 6-0.

2. **SP22-00002 – 209 Maury Avenue** – FMC Investments, LLC (Owner) has submitted a Special Use Permit (SUP) Application for the following properties: Tax Map and Parcels (TMP) 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 (Subject Properties). Pursuant to City Code Sec. 34-420 and 34-162(a) an application has been submitted requesting increased density from a by-right 21 Dwelling Units per Acre (DUA) to 43 DUA, modifications to yard requirements to match the layout proffered in ZM19-00002 and approved by City Council on December 2, 2019, and reduction to required onsite parking to ½ the spaces required under Sec. 34-984. The applicant is proposing to modify a site plan currently under review to allow more residential units without altering the footprint or layout of the development under review. The Subject Properties are approximately 1.60 acres with road frontage on Maury Avenue and Stadium Road. The properties are zoned R-3 Medium Density Residential. The Comprehensive Land Use Map for this area calls for Higher-Intensity Residential which recommends multi-family developments up to 5 stories in height, 13 plus units per lot, and affordable units depending on zoning allowances. Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in the Special Use Permit 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 – The applicant is requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-420 and Sec. 34-162, which allows residential density up to 43 Dwelling Units per Acre (DUA). The Subject Properties have street frontage on Maury Avenue and Stadium Road and a by-right density of 21 DUA. In addition to requesting increased density, the applicant is also requesting modifications to yard requirements to match the layout proffered in ZM19-00002 and approved by City Council on December 2, 2019, and reduction of onsite parking by ½ the spaces required under Sec. 34-984. The applicant is proposing to modify a site plan currently under review (attachment D) to allow more residential units without altering the footprint or layout of the development. The Subject Properties were rezoned from R-2U (Residential Two-Family University) to R-3 with Proffers in December 2019. The original plan called for a residential development with 33 units. The new proposal calls for the same configuration but removes the parking under building 2 to accommodate additional units. The total units on site would not exceed 64 units. Staff recommends approval with conditions. These conditions can be found on page 16 of the staff report.

Commissioner Habbab – I have a question about the possibility of a crosswalk at the southern end of the property and if that is something that goes against the traffic engineer’s recommendation.

Mr. Alfele – That would be considered a mid-block cross, which is not recommended.

Commissioner Lahendro – Could Mr. Alfele discuss the staff recommendation about requiring a sidewalk and planting buffer along Maury Avenue as well as what is already being proposed on Stadium?

Mr. Alfele – On Stadium Avenue, there is no sidewalk. Under the original site plan that is under review, the applicant is being required to put in a sidewalk. The sidewalk typology for Stadium at that location is a 7-foot sidewalk with a 3-foot planting buffer. As the original development was a by right development, there was a section of sidewalk being proposed to be replaced on Maury to match. They weren’t replacing all the sidewalk. Staff’s condition for the SUP stems from the planning document Streets That Work.

There is a typology for Maury Avenue there. That typology makes sheltered sidewalks with a buffer 7-foot-wide sidewalks the highest priority for this type of street. What staff wants to do is make sure that the sidewalk going in on Stadium, which would go in under a by right project, would match and go into the same type of sidewalk and buffer on Maury Avenue.

Commissioner Lahendro – Is it fair to say that the pedestrian traffic on Maury Avenue is greater than that on Stadium?

Mr. Alfele – Yes. I think that is a fair statement.

Mayor Snook – I was not on Council in December 2019. I am curious. What is being proposed or requested here any significant deviation from what was approved in December 2019? Are we getting suckered by having had the first approval one time and come back two years later and change the deal?

Mr. Alfele – With the original rezoning, one of the proffers was to proffer the layout. The layout is not changing. The only thing changing is that there was going to be parking under Building 2. The applicant is now turning that parking into residential units. The density is increasing. The location of the buildings, all the proffered language (includes keeping the existing manor house), the landscaping, the affordable dwelling unit proffer is all staying in place. The only change is parking. Parking is now changing to residential units. The density would probably not be as high as the 68 units for the mere fact that the bedroom count will probably change a little bit. You're probably going to have closer to the same units but maybe less bedrooms in this configuration.

Commissioner Lahendro – The amount of parking is reduced. It is not being put somewhere else?

Mr. Alfele – Correct. The parking is being requested to be reduced. You are losing that parking that was going to be sheltered parking.

Mayor Snook – Was the amount of the parking an issue 2.5 years ago?

Mr. Alfele – Parking in this area of the city is an issue. That is one of staff's recommendations; that a detailed parking plan, which would include the condition: "The applicant will work with the city traffic engineer to develop a master parking plan for the site. This plan will be kept on file with the city and maybe updated from time to time with the authority of the traffic engineer. The plan will indicate how the developer will distribute available parking spots on site, how potential residents conform to their parking opportunities in any possible parking agreement for residents." We're suggesting a condition that a parking plan be worked out and that plan be kept on file.

Councilor Magill – There is an SUP with this?

Mr. Alfele – That's correct.

Councilor Magill – With the increase in units, will that cause more affordable units?

Mr. Alfele – It won't through our code section because it doesn't trigger the 1 FAR. The original proffer called for a percentage. I believe that it was 15 percent. That would still go with it.

Councilor Magill – If I recall, this proffer also said that they didn't have to be on this site. I remember this meeting back in 2019. As I recall, they could provide those units in other places. I want to make sure those aren't being considered in places that proffers have already come to us and we're not double counting some of the affordable housings to 2 separate projects.

Alex Ikefuna, Community Solutions Director – That's correct. They are proffering 6 units for up to 80 percent AMI. The Habitat units would be at 60 percent AMI or below what is proposed. They are looking at accomplishing this off-site at Flint Hill. If you recall the Flint Hill development, it is a PUD. They are looking at providing these 6 units at the Flint Hill development.

Commissioner Mitchell – These off-site units are going to be inside the city?

Mr. Ikefuna – That's correct.

Commissioner Mitchell – They will not be inside UVA's complex. What has always worried about this project is that these students don't need affordable units. We need more affordable units in the city. These affordable units would be in the city where we need more affordable units.

Mr. Ikefuna – That's correct.

Councilor Magill – How many units are being proffered with the Flint Hill project outside of these 6 units?

Mr. Ikefuna – I think Flint Hill is 8 units.

Councilor Magill – Eight units is what was proffered for the Flint Hill approval?

Mr. Ikefuna – That's correct.

Councilor Magill – There should be a total of at least 14 units at Flint Hill to meet both proffers?

Mr. Ikefuna – That's correct.

Commissioner Mitchell – With the CRHA, are we happy with that?

Councilor Magill – As long as there are at least 14 units. There are so many moving parts.

Commissioner Habbab – I want to ask Mr. Ikefuna if they had anything to share with us. I read their concerns in the packet. What is the status of the Flint Hill PUD? Is there any information from Habitat that we have regarding an agreement? One of the options that they could exercise is cash in lieu for the affordable units in the proffer. It said \$2 per square foot based on the habitable area of the development. I was wondering how many units that gets us if they decide to go that route. A general thing I am

considering is that we can't adjust the proffer at this point. Is that correct? They can't come back and adjust it.

Mr. Ikefuna – Once it is approved and acted upon, they can't come back and adjust it.

Commissioner Mitchell – We still have some power here when it comes to the site plan.

Mr. Alfele – When you say site plan, are you talking about the SUP? Are you talking about the actual site plan?

Commissioner Mitchell – I am talking about both. Your power is the SUP. You still have powers to make this thing work for the city?

Mr. Alfele – If City Council were to approve the SUP, the applicant would need to amend the site plan under review. There currently is the by right site plan that is very close to final approval. When you say make it work, they would need to meet all regulations under site plan regulations. I want to make sure I am not missing what you're wanting answered.

Ms. Creasy – I am not 100 percent. We will move forward with whatever is approved, the outcome of this. We will move forward with the site plan review. It will have to adhere to the guidelines and the requirements that come forth as part of this as well as those that are already in place for the rezoning.

Commissioner Habbab – I would still like to know what how many units the cash payment would yield.

Commissioner Stolzenberg – I might have some information that would be helpful to Councilor Magill and Commissioner Habbab. It is \$2 per square foot with no inflation adjustment. The documents say 65,000 square feet. That would be \$130,000. We received some information from Habitat as part of the housing advisory committee allocation subcommittee review. They indicated that they are planning on 16 units at Flint Hill. I should mention that they are asking for CAHF funds to purchase those lots to build those units. They would then build with other funds. The developer has 3 choices. They can do on-site affordable units for 15 percent of floor area at 80 percent AMI, off-site for sale ADUs at 80 percent AMI, they can give it to Habitat, or they can give us \$130,000. Those are the choices here.

Mr. Ikefuna – With the cash in lieu of actual units, it is never enough to build the actual units. The amount of money is never enough to build the actual units. When the state granted the city the authority to enact this proffer policy, the state was very rigid in terms of giving the city the flexibility to prefer actual units in lieu of cash payments. The cash payment is never enough to develop the conventional units. Based on the Maury Avenue proffer, the project would be completed before the proffered units are developed. You need to know that. The proffer was designed such that once the developer gives Habitat the units, they are fulfilled, they are proffered. With the Planning Commission and City Council, I want you to understand that this project can be completed without the completion of the proffered units.

Commissioner Mitchell – This application can be developed before any of the proffers are delivered?

Mr. Ikefuna – That's correct.

Commissioner Mitchell – If this application is developed for the proffers that are developed, how do we go back and retain the proffers that people have offered us for affordable housing?

Mr. Ikefuna – The proffer will eventually be developed. Because it is not being developed on site on Maury Avenue, it is being developed offsite.

Commissioner Mitchell – There is this proffer out there. They said that they are going to develop in Charlottesville affordable housing. How do we enforce that housing gets developed after the site is built?

Mr. Ikefuna – We will have to monitor the development to make sure the development of the proffer is developed. That’s why we have staff. We also have some kind of covenant right now that has been developed with the City Attorney’s Office.

Commissioner Stolzenberg – They must fulfill the proffer. We’re talking about different things. They must fulfill the proffer. The only way they can finish without building the units is to fulfill the proffer by selling or transferring the lots to Habitat. Habitat still must own the lots. Habitat could sit on the lots for a long time. That will have fulfilled the proffer?

Mr. Ikefuna – That’s correct. They will build the proffer. That proffer may not be completed when the Maury Avenue development is completed. That’s what I wanted to bring up to the Planning Commission and City Council.

Commissioner Habbab – The building permit is tied to the proffer. The proffer could be considered complete once they give Habitat land.

Commissioner Stolzenberg – If the lots are transferred to Habitat, that is pretty good. The worry would be if the Habitat deal falls through, they would have to provide other on-site units or build their own 80 percent AMI offsite units or give us cash. What I am hearing is that if they were to do that, they would have to do that before their building permit was approved.

Mr. Ikefuna – Unless it was part of the approved proffer.

Commissioner Stolzenberg – We have learned a lot since 2019 on how to frame these proffers correctly. We got to a ‘yes’ in 2019 because the lot is being transferred to Habitat and trusting that Habitat will build them because Habitat’s whole charitable mission is to build houses. Nothing really changes in it based on whether we get a few more affordable units. The percentage stays the same. I am not any more worried about it than I was in 2019. It is not the worst written proffer that we have seen.

ii. Applicant Presentation

Charlie Armstrong, Applicant – The issue before you tonight is pretty straightforward. We’re going back into the zoning issue that was debated at length over several meetings in 2019. The Commission and City Council, at that time, decided that the proffer was good and approved the rezoning. The answer to some of the specific questions is ‘yes.’ It will create more units by approving this SUP if we have more

density on this site. It does create more affordable units. Those would be off-site. We like the idea of doing them with Habitat at Flint Hill. We need to get Flint Hill through the approval process and built. That is something that is in process now. That is the way to create the most impact with these affordable units. We're going to do as many there as we can. The math earlier was correct that Flint Hill has 8 required affordable units. We are doing 16 with Habitat there. These would partially fulfill that depending on how many units we end up with at this site. We may need to find more sites for more units than the additional 8 that we have available at Flint Hill. That's a possibility. What we're asking about here for this SUP is not changing any of the zoning that we talked about and decided in 2019; just the ability to put more units in the same buildings that we proposed with our plan in 2019. Removing that parking structure creates more space for those units. Students don't drive as much and don't have as much of a demand for parking. We agree with staff's suggested condition about making sure there is a defined parking plan for that. It does not change any of the layouts that were approved with the zoning. It is the same mass; just creating more opportunity for residential space and less opportunity for car storage in those same buildings. We also agree with staff's recommendation for the 7-foot sidewalk and buffer strip along Maury Avenue. That is heavily pedestrian traveled for 6 days a year during football season but at other times too. We also agree with the conditions about the maximum density there and the yard requirements, which I think are in keeping with what was proposed with the rezoning.

Commissioner Russell – I am assuming that you must have more bedrooms and that means more studios or two bedrooms. Do you still plan on having a mix of units available?

Mr. Armstrong – We do. It would be an increase in the number of one-bedroom and two-bedroom units and probably fewer of the larger units. That's not fully resolved yet. We're working on that architecture now. Overall, I don't think it changes the bedroom count. Staff mentioned that.

Commissioner Russell – I was thinking that more studio apartments might be more expensive, a little less efficient.

Commissioner Stolzenberg – I am confused why it doesn't increase the bedroom count. What is the extra square footage being used for? Can it increase the bedroom count?

Mr. Armstrong – It can increase the bedroom count. We will look at what we can fit in there. The only additional residential square footage that we're adding is what was that parking structure. The rest of the residential square footage is staying pretty much the same. That's really the only opportunity to increase occupiable space. That's what it will be. We will fit as many as we can in there.

Commissioner Stolzenberg – You're filling in what was the parking garage with more units or more habitable space. Is it reasonable to say that will all be new and added? Separately, with the rest of the space, you're already build, you might make them smaller units so the unit count will go up.

Mr. Armstrong – That's a fair possibility.

Commissioner Habbab – I went there today. There are a lot of existing trees. Some of it is bamboo. I don't know if it is on this property. It did create a nice, shaded sidewalk. Are we planning on shade trees along that?

Mr. Armstrong – The bamboo is on this property. Our intent is to fully eradicate that as much as we can on our property. It is badly invasive. There will be a lot of new landscaping per the requirements of the zoning and anything else we can fit. There will be a lot of buildings occupying the space. It won't be woods by any means. It will meet and exceed the landscape requirements of the site plan or the zoning ordinance. Wherever we can fit stuff like that, and it provides shaded sidewalks, we will. There are some utility conflicts there that I know of. We would have to work around those.

Commissioner Lahendro – Looking at the landscape plan in the submittal package, they're calling for maples and scarlet oaks along the sidewalk. They are canopy trees along the streets and some of them at the property line.

Commissioner Palmer – I was curious if the applicant had thought about how you're going to use the existing structure there, the historic house.

Mr. Armstrong – We're under construction renovating that house right now. One of the proffers that we made with the zoning in 2019 was that the house be preserved and that it not be demolished. It needed some TLC. It had seen a lot of years of partial occupancy. It is getting renovated right now. It will be at least one residential apartment on the upper floor and some communal space for the residents on the lower floor as well. There are other limited uses that are allowed in R3. That's our intent right now.

Commissioner Lahendro – In 2019, you were proposing or thinking about doing this as an investment tax credit project with the Department of Historic Resources. Is that still the case?

Mr. Armstrong – We haven't completely ruled anything out. It looks hard to do. We have gotten it nominated or qualified to be one of those projects. The requirements about some of the interior spaces are very stringent. I don't know that we can fully accommodate those. The exterior won't have any major changes in any case. I would love to get that tax credit money. I'm not sure we can.

Commissioner Lahendro – I was very optimistic. I was on the state review board when you got it deemed eligible for the national register for the purpose of doing the tax credit project. I was delighted to see that and hopeful that was going to go through. There are some good safeguards to protecting the interiors of the house with those tax credits. I am a little worried about the interior of the house.

Commissioner Stolzenberg – I had a question about the crosswalk at Price. Mr. Alfele, you mentioned that it was a mid-block crosswalk because the property doesn't go all the way to Price. Is it feasible to get a crosswalk at Price? Is that an off-site improvement that we couldn't do as part of this?

Mr. Alfele – That would be an off-site improvement.

iii. Public Hearing

Brent Lee – I am the owner of 2307 Price Avenue, which is the south side adjacent property. I have met with the developers. My concern is about the privacy issue and security. We are adjacent to this property. The building will be elevated looking directly into our backyard. I understand from what I just heard that

this request does not increase the bed count. It is not going to change the density of the apartments. I would like to request that we put in some natural evergreen screening. We have proactively put in 12 trees in our backyard to hopefully build that up over time. I am concerned about the privacy issue and noise with the increasing density if there are going to be more people residing in the spaces.

Joy Johnson – I am a public housing resident and the chair of PHAR. I want to express about the proffers and where the affordable housing may be built. Defining affordable needs to happen. Even with Habitat, and Habitat works very well with our public housing residents, we still have a lot of residents, who will not be able to live in the units that you build by that proffer. Even with a Section 8 Voucher, they would not be able to do that. I won't name the developments that have been built that was supposed to provide affordable housing. Even with trying to relocate some of our residents from the flood, they weren't even eligible to be able to even use the vouchers to rent those units. There is a population of people, even when you build those units in the city, they will not be able to afford it. You need to define affordable so that we can have people from 0 to 50 percent. I have spoken with the applicant about affordability several times. He said that it doesn't work. There is no way that it can work to be deeply affordable.

iv. Commissioner Discussion and Motion

Motion – Commissioner Mitchell – I move to recommend approval of this application for a Special Use Permit in the R-3 zone at 170018002, 170018000, 170018001, 170018600, 170018500, and 170018400 collectively 209 Maury Avenue to permit additional density with the following listed conditions.

- 1. Up to forty-three (43) dwelling units per acre (DUA) are permitted on the Subject Properties.**
- 2. Yard requirements shall be:**
 - a. Front yard: thirty-one (31) feet.**
 - b. Side yard (Corner along Maury Avenue): twenty (20) feet.**
 - c. Side yard (western side): twenty-two (22) feet.**
 - d. Rear yard: Twenty-five (25) feet.**
- 3. A new seven (7) foot sidewalk with three (3) foot curbside buffer shall be constructed along Maury Avenue in accordance with the City's Streets That Work Plan.**
- 4. The applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....**

Second by Commissioner Stolzenberg.

Discussion following Motion

Commissioner Stolzenberg – To the question from Mr. Lee about a landscaping buffer, am I correct in understanding that according to the screening section of the code, a S3 buffer would be required here because we rezoned to R3, and it is on the border of low density?

Mr. Alfele – That is correct. There is a S3 buffer that is required when a multi-unit development abuts a low-density residential district.

Commissioner Stolzenberg – With the landscaping plan with a bunch of trees there, that is a S3 buffer?

Mr. Alfele – I would need to doublecheck on the plan. The one drawback to R3 is that you can do a fence as opposed to the screening as one of the options.

Commissioner Stolzenberg – Given that the only thing we’re considering here is replacing some of the parking with more units, which proportionally increases the property. It is a ‘no-brainer’ that it must be done. Across the street, we have student housing with no parking. I don’t think the parking reduction is concerning. I would say that it is desirable to limit the number of cars that students can have. I would rather see there be more bedrooms here so that more students can fit here than for space to be filled with the extra kitchens because they don’t have the share units anymore.

Motion passes 6-0.

3. SP22-00003 – 207 14th Street Northwest - William Chapman (Contract Purchaser/Applicant) is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-158, to authorize a specific land use (Hotel) at 207 14th Street NW (“Subject Property”) having frontage on 14th Street NW and 15th Street NW. The Subject Property is further identified on City Real Property Tax Map 9 as Parcel 701 (City Real Estate Parcel ID 090070100). The property is currently developed with a 21-unit multi-family residential building. The Subject Property is zoned Business (B-1). The applicant proposes to redevelop the existing residential building into a 19-unit hotel with one residential apartment (4 dwelling units per acre). In the B-1 Business zoning district, hotel uses with 100 or fewer rooms are allowed with an approved Special Use Permit, while multi-family residential units are allowed by-right with residential density up to 21 dwelling units per acre (DUA). The Future Land Use Map for this area calls for Higher Intensity Residential, and no density range is specified by the Comprehensive Plan. Information pertaining to this application may be viewed online at www.charlottesville.gov/agenda. Persons interested in this Special Use Permit may contact NDS Planner Dannan O’Connell by e-mail (oconnell@charlottesville.gov) or by telephone (434-970-3182)

i. Staff Report

Dannan O’Connell, City Planner – William Chapman (Applicant and Contract Purchaser) is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-158 to allow for a hotel use on the Subject Property. The Subject Property is currently developed with a 21-unit multi-family condominium use. The Applicant wishes to renovate the existing building to accommodate a 19-unit hotel with one residential apartment.

The Subject Property is currently zoned B-1 (Business). Under the B-1 zoning classification, hotel uses with 100 or fewer rooms are allowed with an approved Special Use Permit, while multifamily residential units are allowed by-right with residential density up to 21 dwelling units per acre (DUA). The current condominium apartment use is a legal non-conforming use, with a DUA of 84. The conversion from apartments to a hotel use would reduce the DUA to 4.

The surrounding area is a mix of residential apartments, single-family detached dwelling units, and hotel uses, predominantly serving as student housing and lodging for nearby UVA, along with commercial retail and restaurant uses. Staff does find that the proposed use is harmonious with the existing patterns of use within the neighborhood. The recently adopted 2021 Future Land Use Map designated 207 14th Street for higher intensity residential. Higher intensity residential is described as multi-unit housing with 13 or more units per lot along with limited ground floor commercial uses with building form and height determined by historic and neighborhood context. Affordability and increased intensity in this district are emphasized to meet the affordable housing plan goals. The proposed redevelopment does meet some of the 2021 Comprehensive Plan goals regarding sustainable reuse of existing buildings, protecting the existing identity of city neighborhoods, and retaining successful businesses and jobs. The proposed new residential density does not easily fit within the future land use category of higher intensity residential, which is geared towards multi-family apartments and mixed-use. The proposed change of use would also result in a reduction of available rental housing within the city in this area. However, the existing apartment use is non-conforming in nature and located in an area of dense residential apartments geared towards short-term student housing. For parking and traffic, the subject property currently has 15 off street parking spaces, which does not meet the current zoning requirement of 21 spaces for the 21 condominium uses. The applicant is proposing to remove 6 off-street parking spaces fronting 14th Street, replacing them with a drop-off and loading area for hotel use. Valet parking would be provided via the nearby 14th Street parking garage for the hotel guests. City code does require one off-street parking space per guest room for commercial hotel users. The code does allow for off-street parking to be used to meet this requirement. Given the requirements of our ordinance, the existing site can provide the required parking spaces for the hotel use and one residential unit via the existing 9 off-street parking spaces combined with off-site valet parking. Although trip generation figures were not provided, the change of use is not expected to generate significantly more traffic than the existing residential use. Overall, staff believes this change of use, the hotel would be appropriate for a transitional district that is B1 business and would eliminate an existing non-conformity for the established apartment use. We recommend that a request for hotel use could be approved with the following conditions.

1. The applicant shall submit an amended site plan depicting parking, landscaping, and utility line changes.
2. Automatic fire sprinklers, alarms, and appropriate means of egress shall be provided within the building in accordance with applicable requirements of the Virginia Uniform Statewide Building Code.
3. The applicant shall submit a signed lease agreement verifying off-site parking to Neighborhood Development Services prior to site plan approval.

Commissioner Mitchell – Losing housing units is hard for me. I would like to understand from staff why we approve this downsizing in housing and approve the hotel? Why is this a legal, non-conforming use as it is today? I don't want to get involved in a taking issue. If they have a right to do this, let's help them do this. Why is this a good thing for them to switch from an apartment where the rent is being paid to a hotel?

Mr. O'Connell – I cannot comment on the last SUP that was passed over 10 years ago. I believe there was some concern about losing housing units downtown at the time that was approved. I believe there was one consenting commissioner to the approval of that SUP. However, it is a matter of 21 total units. It is a relatively small number of dwelling units given the size and the density of the area. The applicant can

probably speak more to the context of the building. The property is a historic structure that was originally built as a motel use in the 1950s. At some time in the past, it was converted to condominiums. The applicant is proposing to change that use back to a hotel use. It is a challenge because the zoning and the Future Land Use Map are not in concert with this. That was brought up in the staff report. This is an area of high-density housing. It is also an area of several hotel uses, including one directly adjacent to it. It is in a transactional commercial district. There are arguments to be made both ways on whether this use is appropriate zoning-wise.

Commissioner Stolzenberg – I have a question about the standards of review in the staff report for the SUP. The staff report says that items reduction in the availability of affordable housing in the neighborhood. The report says no affordable dwelling units currently exists within the subject property. I am looking at the assessment for these condos. They range from \$136,000. One of them is \$250,000. I am looking at the current owner’s website, Alcova. It says the rent for one of these one bedroom are truly studios. The studio rents for \$770 a month. That includes utilities. I look at what that is in terms of AMI, it is around the 45 percent AMI range for a one-person household. Aren’t those affordable housing units?

Mr. O’Connell – They could be based on a definition of AMI. That line was put in after consulting with the applicant, who said that there were no affordable units. I believe the intent was that there were no units participating in any kind of affordable housing program within that structure. They were all being offered at whatever rate rents were being offered in the markets. That does not capture that actual market rate is. If they were being offered below AMI, they would fit that definition of affordable.

Commissioner Stolzenberg – You can say these are naturally occurring affordable housing units.

Commissioner Mitchell – What do you mean naturally occurring affordable housing units?

Commissioner Stolzenberg – They’re not in a formal affordable program that regulates the income of people who can live there or require the rent to be that low. They are by virtue of the rent that they’re able to charge for these units affordable to people at very low income below 50 percent AMI.

Commissioner Russell – I want to echo that. The reason these units are affordable is because they’re older. People can afford to live in them.

Commissioner Lahendro – You (Mr. O’Connell) said that this is a historic building. What is that based on? Is this contributing member in a historic district?

Mr. O’Connell – Yes, it is. It is part of the Architectural Control District. I believe that the BAR did review this SUP and agreed to use permits that it would not substantially impact the neighborhood. However, the applicant does propose to remodel the façade, although not changing the structure of the building. Those changes would need to go to the BAR for approval.

Commissioner Lahendro – This was 12 years ago?

Mr. O’Connell – That was part of a separate request. The current request is basically changing the use and applying some cosmetic updates to the existing structure.

Commissioner Lahendro – The prior BAR approval was back in 2010 when the SUP was approved?

Mr. O’Connell – That was for a different request. I believe that it was substantially expanding the existing building.

Commissioner Mitchell – I wanted to ask Commissioner Lahendro how that question factors into our adjudication of this SUP.

Commissioner Lahendro – It doesn’t impact me. It will once it comes to the BAR. It doesn’t have anything to do with my evaluation and our evaluation at this point.

Commissioner Russell – I want to make sure there wasn’t a misunderstanding between what Commissioner Lahendro was asking. This was reviewed at the February 15, 2022, meeting. It is not dating back to the prior SUP. It is current.

Commissioner Palmer – In talking about losing the housing, which I agree that it is not ideal, if this was converted into a hotel, how hard would it be to potentially convert it back to housing someday? Is that possible?

Commissioner Lahendro – It was originally constructed as a hotel. It was converted to condominiums. It is now going back to hotel. One would hope that the market conditions will determine if they are such that they can’t make a living as hotel then they can easily convert back to a condominium.

Commissioner Stolzenberg – It is illegal by zoning. It is non-conforming for density.

Mr. O’Connell – That’s correct. The permissible density would be way too low to allow this building to exist as multi-family without an approved special use permit.

ii. Applicant Presentation

Bill Chapman, Applicant – I am in the business of historic preservation and hospitality. I have used conversion to hotels as a tool to fund historic preservation. My partners and I own 9 buildings on the south side of UVA and Oakhurst Gildersleeve Historic District. Some are apartments, private homes, and hotel rooms. They all took extensive renovation. We have transformed one or two streets over there from the way they looked 10 years ago. I would plan to do that at this new location, the block down the hill from this property on 14th Street. It is one of the dirtiest blocks in the whole city in terms of trash. I would like to transform that a bit because it would be in the hospitality. It needs to look good. When I first learned about the units, they did look affordable because the rents were low. I did the math later. They’re the same price on a per square foot basis with some new apartments in town. I own a building on JPA that I built 7 years ago. It rents for about \$2.30 per square foot per month or something like that. That’s the same price as the rents here on 14th Street. They’re cheap. They are also very small. It is basically people living in rundown hotel rooms. They’re not appropriate apartments. It was built as a hotel and have operated that way for a few years. It is going to be a great example of mid-century, modern architecture and preservation that doesn’t happen in Charlottesville that often. I see the conversion as a tool to

renovate. You could renovate this property and try to operate it as an apartment building. I am not sure what the financial feasibility of that would be. It is why the current owner, who has had it for 35 years, hasn't done it because it is not feasible. By the time you shut it down, renovate it for a year, and bring it back, the rent for a 300-foot apartment would be slightly above where they are currently. I don't think you could ever get that financed. There are some economic problems to this building continuing as an apartment building because it is terminal. It goes downhill forever until somebody renovates it. I do think that it could be converted back to housing one day. I am not changing the layouts. I am freshening up everything and adding new plumbing, electrical, sprinkler system. They could make apartments in the future. I am in the apartment business.

Commissioner Mitchell – What you're trying to do is admirable. I will try to get behind you. I chuckle when you say that they're not appropriate apartments when you think of the rooms that the kids live on The Lawn and on The Range with the size of those apartments and they must use bathrobes and walk to the shower to take a shower. I also think that kids at that age don't need what myself and Chairman Solla-Yates need. It is not an aggressive pushback. I can get behind this.

Mr. Chapman – I can see how there would be an argument for them serving as apartments. I was echoing what I have heard about why we can't turn the Landmark Hotel into an affordable apartment building. I often hear that those aren't good apartments. I don't know the detail behind that. They could make good apartments. My statement about the economics of doing that stands. Most or all of what I am planning to do would be necessary to bring them back as renovated, safe, and modern apartments. You would still be trying to pay for that by renting out a 300-foot apartment. I don't know what the economics of that would be.

Commissioner Mitchell – I can get behind this. My concern is losing 21 units to hotels. I also hear from the football fans and the VAF that there is a positive for hotels.

Commissioner Russell – I wouldn't bet that this is all students living in these apartments. What I noticed walking around and spending some time on site is that there seemed to be a lot of people that work. We must remember that these are not just students who live in the area around the University. It seems like a great proximity to UVA Health System, UVA. So many people can't live in this community, let alone close to UVA. I caution being cavalier about it just serving students. I don't think that's the case. I hear you on the economics. I wish that this was a conversation about what we could do to make this a viable apartment.

Mr. Chapman – I agree that there is a mix of people living there. 20 to 30 years ago, it was a student apartment building that was probably the business that the owner wanted to get into when they converted it away from hotel use. I would say it is a mix of people. I don't have a lot of demographic information. Every other building, I see on the streets is a student apartment building. This one looks a little different. I don't like the future of this building because it gets older and older, there is no money being put into it. It needs it. It takes an event like this to make it happen. I feel bad about these apartment leases coming to an end. It is a terminal situation. It's probably been 35 years since it has been renovated.

Commissioner Stolzenberg – Are you suggesting that this building is in imminent need of condemnation or that there are egregious building code violations that make it unlivable? Are you saying that they aren't appropriate apartments because they are small and outdated? Will they become unlivable over some time?

Mr. Chapman – It is probably the last thing that you said is what I was thinking. I don't know anything about condemnation standards. They are extremely inefficient. There is one antique boiler in the basement cranking away, blasting out heat, very little control within the apartments, and open windows. I have run into this before with old buildings on Oakhurst Circle. They are much safer now that I have added sprinkler systems, modern wiring, and plumbing. In some cases, that came with a change of use, in some cases it didn't. This property was built as a motel. It is best operated as a hotel, especially since it needs this 'new life' brought to it for renovation. Could it go for a few more years as an apartment building? Yes. Could it go for 20 more years as an apartment building? No, not without a massive renovation.

Commissioner Palmer – I was looking at the Google Maps Street view. There is a hospitality house that the health system runs next door. It is a hoteling function. In some ways, this is complementary to that. If people were going to the hospital, they might be able to utilize the shuttle that runs between that facility and the hospital. That might be a good thing.

Mr. Chapman – I am in touch with the management of the hospitality house and told them about my plans. The woman I talked to seemed excited. They have a 2-week limit there. That's a subsidized hotel-stay paid for by the hospital. There is a limit on it. She said that people often want to stay longer. I do have one residential apartment that I am going to have furnished. There might be a good use for that.

iii. Public Hearing

No Public Comments

iv. Commissioner Discussion and Motion

Commissioner Russell – My take on it is that even if the use intensified and it was redeveloped perhaps to mixed use. I can't really support a hotel here when what we really need is affordable housing. I don't think it is a great street for a hotel. It seems wrong to me.

Commissioner Lahendro – It occurs to me that I would rather have this building be used as a hotel and take some of the pressure/the temptation a way of making residences close to the University, turning them into AirBnbs. If it would help reduce that temptation and that market, I would much rather see a building that was designed as a hotel be used as a hotel. Let our residents stay residents.

Commissioner Russell – Wouldn't we just fix the Airbnb ordinance?

Commissioner Lahendro – That's a legal question.

Commissioner Habbab – I want to echo Commissioner Russell's thoughts. I appreciate the applicant's dedication to historic preservation and to modernizing the building systems. This is currently the missing

middle housing that we're trying to develop in the city. Given our affordable housing issue, I cannot see how this would help with that.

Commissioner Mitchell – I would argue that I appreciate Commissioner Russell's and Commissioner Habbab's sentiments. Is this where we want to fight our battle? This is UVA. These UVA students are going to live there. They're not helping to offset the problem in areas where we need that problem offset.

Commissioner Habbab – I would argue that UVA students also deserve affordable housing. If they don't live there, they're going to find somewhere else to live. That's going to move them to other areas where we don't want them to be.

Commissioner Stolzenberg – Ordinarily for a hotel project, I go along with Commissioner Lahendro's point. It is beneficial to have purpose-built hotels to take off pressure on the Airbnb stock. For a hotel that's coming to us, something like a Gallery Court, if they want to come and want 5 extra stories and have even more rooms, that is great. 19 units/rooms in a hotel are not going to appreciably affect the overall hotel market in the area. There are large new hotels going up all over the urban ring. The difference between this property and The Landmark is that The Landmark is an empty husk that will take \$20 million to complete. 207 14th Street Northwest is the home to 21 people, who have a place to live, and it is affordable. Commissioner Russell earlier mentioned that it is affordable because it is old. That's true. It is also affordable because these units are small. Even if you were to renovate it, you're not going to be able to get that much more rent out of it. There is a long tradition in American society and history of housing of hotels, as they age and become less fashionable, being converted into SROs or efficiencies, and becoming that lowest tier of housing stock that can't charge that much in rent, in many cases becoming the housing of last resort. We have outlawed that over time. That has, perhaps most directly, created our homelessness crisis. In this case, I think it would be a mistake to approve the removal of these 21 homes. I commend Mr. Chapman on his work elsewhere. I don't think that this is appropriate to do it. I would also call out, to the extent that this is approaching un-livability or deteriorating over time. We do have programs for rehabilitation of structures like this. In our last CAP allocation, there was a large allocation to LEAP for renter occupied units to get energy retrofits to things like replacing that boiler and weatherizing those windows at no cost to the landlord with the only condition that there be a time where the rents don't increase because of it. That's why we have programs like that; to keep housing stock like this in livable shape. To remove 21 units at less than 50 percent AMI without a dime of government subsidy would be a big mistake.

Commissioner Mitchell – I have fought this battle. 'This is a hill that I am not willing to die on.' We do need more hospitality space in Charlottesville no matter who and understanding how hard it is with who is in town. This space is not going to negatively impact affordable housing in Charlottesville. I am not sure what we're gaining as it relates to supporting the people I care deeply about and the mission to get more hotel capacity in Charlottesville for people who are coming for UVA athletic events.

Commissioner Russell – Is that in our Comp Plan? I am not aware of it. Is the mission to provide housing for people coming in for football games a priority in our Comprehensive Plan? I don't think it is.

Commissioner Mitchell – It is part of Economic Development.

Motion – Commissioner Stolzenberg – I move to recommend denial of this application for a Special Use Permit in the B-1 zone at 207 14th Street. Second by Commissioner Russell. Motion passes 4-2.

Discussion Following Motion

Councilor Payne – I would concur with the points that people have made. This would be putting the 21 people who live there, into other neighborhoods or probably out of the community. I know that our Future Land Use Map calls for higher intensity residential. It would seem to be counter to the goals of our Future Land Use Map, Comprehensive Plan, and our affordable housing strategy. I would raise a question of whether building new hotel units would reduce the number Airbnbs in the community. From my perspective, a lot of people, especially younger people who go to Airbnbs, almost see that as a different thing than a hotel. They want an Airbnb for a specific reason beyond it being a lodging unit. I would question what impact it would have on Airbnbs, particularly with the number of lodging units.

Commissioner Lahendro – I did send you all an email clarification from Jeff Werner (Preservation Planner). This building is not a contributing member to the historic district. It can be torn down. It can be demolished without BAR approval. The only reason it came in front of the BAR was because there were improvements being proposed. Those are reviewable by the BAR within a historic district.

Commissioner Stolzenberg – Commissioner Mitchell’s point is valid. I don’t agree with Councilor Payne’s point. Airbnbs and hotels are substitutes even if they are not perfect substitutes. We’re not flooding the zone with hotel rooms with this marginal project. If Oakhurst came in and wanted to be 9 stories tall with a lot of rooms, I would have voted for it for those reasons. They are not particularly compelling to me here. To bring it back to our standards of review for special use permits, see displacement of existing residents or businesses. The proposed renovations would displace any tenants, replace 21 multifamily units and reduction in the availability of affordable housing in the neighborhood. To me those are the most important standards of review if I am allowed to rank them. This clearly has an adverse impact.

4. SP22-00001 – 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue – Aspen Topco II Acquisitions, LLC (Contract Purchaser/Applicant) and Mitchell Matthews Architects (Applicant’s Representative) have submitted an application seeking approval of a Special Use Permit (SUP) for the following properties: Tax Map and Parcels (TMP) 170104000, 170103100, and 170103000 (owners, Norman Lamson, Trustee of the Gadiant Land Trust Agreement) (Subject Properties). Pursuant to City Code Sec. 34-420, 34-353(3), and 34-162(a) an application has been submitted requesting increased density from a By-Right 21 Dwelling Units per Acre (DUA) to 70 DUA, increased height from a By-Right 45 feet to 75 feet, reduction of rear yard setback from a required 75 feet to 36 feet, and a reduction of the onsite parking by 22% from the requirements stated in Sec. 34-984. The applicant is proposing a multifamily building with 119 units and underground parking. The Subject Properties are approximately 1.71 acres with road frontage on Jefferson Park Avenue, Observatory Avenue, and Washington Avenue and falls within the City Entrance Corridor. The properties are zoned R-3 Medium Density Residential. The Comprehensive Land Use Map for this area calls for Urban Mixed Use Corridor which recommends higher intensity mixed use developments up to 5 stories in height, up to 8 stories in height at key intersections and affordable units depending on zoning allowances. Information pertaining to this application may be viewed

online at www.charlottesville.gov/agenda. Persons interested in the Special Use Permit application 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 – There is a proposal in under review. You're going to hold a public hearing for a special use permit at 2005 Jefferson Park Avenue for increased density, reduction rear setback, and reduction in parking. The applicant has reviewed staff's report: both the SUP report and the entrance corridor report and has requested to defer so they can address some of the issues in those reports. This is passed along to the Planning Commission, so you were made aware of the advertisement had already gone out. I know there are many members of the public here who are expecting a public hearing tonight.

ii. Public Hearing

No Public Comments

IV. Commission's Action Items

Continuing: until all action items are concluded.

V. Adjournment

The meeting was adjourned at 7:40 PM.