

**PLANNING COMMISSION REGULAR MEETING**

**May 10, 2022 – 5:30 P.M.**

**Hybrid Meeting**

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

*Beginning:* 5:00 PM

*Location:* Hybrid Meeting

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

**Staff Present:** Patrick Cory, Missy Creasy, Remy Trail, Brennen Duncan, James Freas, Robert Watkins, Brenda Kelley, Matt Alfele, Sam Sanders

Chair Solla-Yates called the meeting to order at 5:00pm and began by asking for questions concerning the 2005 JPA application. Commissioner Mitchell asked information on the development process of the Entrance Corridor application and background was provided. Commissioner Lahendro expressed concern that there were items in the EC report that did not line up with the Special Use Permit report. Matt Alfele provided information on the special use permit report.

Clarification was provided by staff that the Harris Street application has been deferred by the applicant and will not be heard this evening. Ms. Creasy provided further logistics for the meeting this evening.

**II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman.**

*Beginning:* 5:30 PM

*Location:* City Space

Commissioners gave reports on meetings that they attended in the time between the last Planning Commission Regular Meeting and this meeting.

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

No Public Comments

**B. CONSENT AGENDA**

1. Minutes – July 13, 2021 – Pre-Meeting and Regular Meeting

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

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

**C. Entrance Corridor Review – Recommendation on SUP for 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue (will be discussed with SP22-00001)**

Mayor Snook called Council to order.

**III. JOINT MEETING OF COMMISSION AND COUNCIL**

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

*Format:* (i) Staff Report, (ii) Applicant Presentation (iii) Hearing, (iv) Commission Discussion and Recommendation

1. **SP22-0001 – 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 properties located at 2005 and 2007 Jefferson Park Avenue and 104 Observatory Avenue, identified by Tax Map and Parcels (TMP) 170104000, 170103100, and 170103000 (owners, Norman Lamson, Trustee of the Gadiant Land Trust Agreement) (the “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 of 45 feet to 75 feet, a reduction of the 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 fall 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. Additional information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the Special Use Permit application may also contact NDS Planner Matt Alfele by e-mail ([alfelem@charlottesville.gov](mailto:alfelem@charlottesville.gov)) or by telephone (434-970-3636).

#### **i. Staff Report**

**Matt Alfele, City Planner** – You will be holding a public hearing for a special use permit at 2005-2007 Jefferson Park Avenue and 104 Observatory Avenue; collectively referred to as 2005 JPA or the subject property. The applicant is Aspen Topco II Acquisitions LLC, which is the contract purchaser. They are being represented by Mitchell Matthews Architects. The applicant is requesting a special use permit pursuant to Code Sections 34-420, 34-353, and 34-162a, which allows increased residential density, additional height, and modifications to parking and setbacks. The subject property has street frontage on Jefferson Park Avenue, Observatory Avenue, and Washington Avenue and a by right density of 21 dwelling units per acre. The applicant is looking to increase density to 70 dwelling units per acre, increase height from a by right of 45 feet to 75 feet, reduce the rear yard setback from the required 75 feet to 36 feet, and reduce the on-site parking by 22 percent from what is required under Section 34-984. The SUP is required to accommodate a development being proposed for 119 units of multifamily dwellings within one building with underground parking. Some key elements of the proposed development include underground parking with one access point on Washington Avenue, improved streetscapes for JPA, Observatory, and Washington, 119 units within one building in the shape of a U placed on top of the underground parking. The 119 units would be a mix of bedrooms with no more than 4 bedrooms per unit. Based on the application material, the total bedroom count would be around 390 bedrooms. The building would be a 7-story structure fronting on JPA that cuts into the grade to become a 5-story building in the back. A required contribution to the City Affordable Housing Fund is just under \$500,000. The proposed SUP has generated a lot of interest and feedback from the community. Planning Commission and City Council have received a lot of these comments directly. Additional comments can be found as Attachment D in the staff report. The massing, height, traffic, parking, and impacts on quality of life are some of the main concerns that staff has heard from the surrounding residents. Parking and traffic on Observatory Avenue are one area of particular concern. As part of the applicant’s request to increase density, the applicant is also requesting to reduce the on-site parking by 22 percent. Under Section 34-94 efficiency one-bedroom and two-bedroom units need to provide a minimum of one space per unit. Three and

four-bedroom units need to provide two spaces per unit. The applicant's materials do not call out the final count for each type. It is indicated as studio one-, two-, three-, and four-bedroom units are being considered. If built out to the max of 119 four-bedroom units, 238 on-site parking spaces would be required with a 22 percent reduction. The minimum parking required in this configuration would be 186. The application materials indicate the final space count will be 125. This indicates that some of the units will fall under the requirements of only needing one space per unit and not two. Under the current plan, all parking will be provided under the proposed development with one access point on Washington Avenue. Due to current regulations, the proposed development would not be eligible to obtain on-street parking permits in zone one. This means that residents and guests, as the proposed develops, will not be allowed to park on Washington or Observatory within the restricted hours set out in Section 15-208, which states "the restrictions go into effect Sunday 12:01 AM to 7:00 AM, Monday through Saturday 12:01 AM to 7:00 PM restricted parking areas designated within zone one on or after May 1, 2016. In addition to the section I have presented, I would like to point out that staff's findings as stated on page 21 of the staff report. Staff finds that the application meets General Standards 3, 5, and 6 with reasonable conditions. Please see the 6 conditions that staff has recommended in the staff report. The applicant would meet standards 2, 4, and 7. The applicant would not meet standard 1.

The Planning Commission will make two recommendations tonight after the public hearing. One is a recommendation to City Council on the SUP as the Planning Commission, and one is a recommendation on the SUP as the Entrance Review Board.

**Commissioner Mitchell** – I would like to recommend that staff remind the public what Standard #1 is.

**Mr. Alfele** – Standard #1 under the Standards of Review in looking at an SUP states that whether the proposed use or development will be harmonious with the existing patterns of use and development within the neighborhood.

**Commissioner Mitchell** – For what reason does staff feel that it does not meet that standard?

**Mr. Alfele** – As stated in the report, number 1 talks about existing patterns of development. With this part of the city, your existing patterns of development is single and two family homes with some small apartments. It also states in the report that there are other planning documents that talk about increased density in this part of the city. Standard One is clear on existing patterns of development.

**Commissioner Mitchell** – What about mass, scale, and height of the building? Does Standard One allude to that?

**Mr. Alfele** – I believe that you're referring to (page 8 of the staff report) where it talks about the description for height under our current Comprehensive Plan. It talks about 5 stories but 8 stories at key intersections. This is not a key intersection by any matrix that staff has. We feel that 5 stories would be more consistent in this area. You will hear from the applicant later for their arguments to counter. The entrance corridor presentation might go into a more detail on mass.

**Commissioner Dowell** – I just wanted to bring up the email that was received from the public about the difference in the staff report.

**Commissioner Mitchell** – That email was more related to the Entrance Corridor Review.

**Commissioner Habbab** – I have some questions about lighting and landscape. When are we reviewing those?

**Mr. Alfele** – At this point, that would come at final site plan review, which Planning Commission would review if the SUP was granted. This would come back at the final site plan, which would have the detailed landscaping and lighting plan.

**Commissioner Habbab** – The other question was about permit parking on the side streets. I know that was brought up by the neighborhood. Is that something that we can do or is being done? I think the comment was about enforcement of that. Do we know how it is being enforced right now? Is it being enforced?

**Brennen Duncan, Traffic Engineer** – The police do the enforcement. I can't even answer that question as far as their schedule. You would have to ask them.

**Commissioner Lahendro** – In the staff analysis, massing and scale come up. The analysis indicates some difficulties that they have with the massing and the scale. Which of the recommendations address the problems that they have with massing and scale?

**Mr. Alfele** – Speaking to the SUP report, the biggest concern staff had was the rear elevation with the 5-story building going down into the mainly single-family/two-family neighborhood. Staff does feel that is a concern. Staff does feel condition 6, by having a very planted S3 screening, would help mitigate that impact.

**Commissioner Lahendro** – Staff also found that it had problems with the height of the building at the corner of Washington and JPA. Is that addressed in any of these conditions?

**Mr. Alfele** – That is something that came up in the analysis. There have not been any conditions that staff has on this that would mitigate that. That is the highest point I believe in the entrance corridor. The guidelines from the entrance corridor would help mitigate that by breaking it up.

**Commissioner Stolzenberg** – One of the comments that I heard from neighbors when I took a tour of the neighborhood was that all the pipes along the street are old terracotta pipes. What is the risk to those utilities? How is that risk mitigated? How is the city, in the site plan review, adding an inspection of the as-built to ensure that there are no adverse effects on neighbors from that?

**Mr. Alfele** – When this was reviewed, the utilities department and engineering were involved in the review. They found that with the SUP, there would be no difference between a by right development on infrastructure or the SUP. Anything they felt would be handled during site plan review, they would have to provide infrastructure that would work. No concerns were raised from those departments. As far as developing the site in what is being proposed or by right development, their stance was that any development on the site would need to meet utility and engineering standards.

**Commissioner Stolzenberg** – If this is to proceed by right or under the SUP, it would be helpful to explain the specifics of it at the site plan conference. It is not a consideration for this SUP.

What is the street width of Observatory in the proposed condition? Is it the same? Is it narrower? Is it wider?

**Mr. Duncan** – I don't believe that they are touching the right of way on Observatory.

**Commissioner Stolzenberg** – All those sidewalks and that buffer are within the site as it is now.

In the staff report, it said that there would be net new parking spots, because of the removal of all the curb cuts. Do we have a number on how many on street parking spots there will be?

**Mr. Alfele** – I don't think we have a number quite yet. That would show up more at the site plan level.

**Commissioner Stolzenberg** – We heard several concerns among neighbors of either being unable to get out of their driveway if a car is parked in what is currently a legal on-street permitted parking spot across from them or in many cases of emergency vehicles not being able to get by. Recognizing that residents of this building wouldn't be able to park there anyway, does it make sense, as part of this site plan review and approval, to potentially restrict parking either on one side of the street entirely or in those congested areas to make sure that emergency vehicles can pass by, and that people can get out of their driveways? How is that determination made via street width or other obstacles when you're doing these reviews?

**Mr. Duncan** – That is a complex question. If it was a new street, it would be 100 percent on street width. We do try to not disrupt the status quo of the street too much. If we can accommodate existing parking patterns, we don't want to make it so that when a new development goes in, we take away half of the parking on an entire street. The road width along Washington is roughly 30 feet. With some spots, there is parking on both sides, which is a little narrower than what we would normally like. Normally, we would want 35 feet minimum to have parking on both sides. That is something that we could look at. It was not something that we were pushing for based on the traffic generated from this site.

**Commissioner Stolzenberg** – Because there are parts where there is no parking that are going to be removed, would it make sense to add a one-car width no parking zone across from a driveway so that people can get out? We're going to have that net new parking anyway.

**Mr. Duncan** – That is something that we do on a lot of our narrower streets if there is a particular driveway. We have always had the petition to change public parking. If somebody needs that and their driveway is going to narrow and they can't make the turn-out, we usually look at those on a case-by-case basis and request basis.

**Commissioner Palmer** – In reading through the staff report, there was a comment on the conformance with the Streets That Work plan, specifically the 7-foot sidewalk and whether this would have that or not. I didn't know if you had anything to add to that. Maybe you can clearly state what the specific non-conformance was that you're focusing on there.

**Mr. Alfele** – That is one of staff's recommended conditions. It would be to redo JPA streetscapes in line with Streets That Work, which is a minimum of a 3-foot planting buffer and a 7-foot sidewalk. Currently, the JPA sidewalk abuts the street.

**Councilor Magill** – I wanted to clarify that the permits are not in the evenings and the weekends?

**Mr. Duncan** – That's correct. The permits give you permission to park on the street Monday through Saturday. I believe that it is midnight to 7 PM. On Sunday, it is midnight to 7 AM. For the most part, it is evenings between 7 PM and midnight that is free parking for anybody.

**Councilor Magill** – Is it possible to do 24-hour permit parking?

**Mr. Duncan** – Yes. We would probably have to amend the city code that references the Zone One. Whether that is going to apply to all Zone One or if we create a sub-zone where that would apply to.

**Councilor Magill** – I would think that the neighbors would be more concerned about weekends and evening guests than they would about daytime (9 to 5) guests. When I have had issues with parking, it hasn't been

from 9 to 5, it has been in the evenings, when friends are coming over. If somebody has gone to the grocery store, they can't necessarily park when they come back.

**Councilor Pinkston** – From the scanning that I did, I can't say that I read the pages about how the traffic counts looked. It seemed like the upshot was that the intersections that were on that map would not require signaling. Is that correct?

**Mr. Duncan** – The intersections that are currently not signaled would not meet warrants to signal them. Is that the question?

**Councilor Pinkston** – That's correct. I am just confirming that.

**Mr. Duncan** – That is correct.

**Councilor Pinkston** – The other question that I had had to do around changes in terms of pedestrian crossings. I didn't see the new 'zebra lines.' Will there be new crossings/pedestrian-type protected spaces?

**Mr. Duncan** – Yes. One of the recommendations from staff for this was to improve the crossing. It is currently down at Harmon Street. Normally, we would like it to be as close to the project as possible. JPA is split grade. The travel lane east and west are at different elevations. Getting a pedestrian crossing that meets ADA grades is difficult. We have one that is pretty good down at Harmon Street. We're asking them to improve that one. Bump-outs for pedestrian safety give us a better crossing where we can make the grades work.

**Councilor Pinkston** – One of the seven criteria that you mentioned, with 3 of the 6 criteria, the criteria were met. A work-around could be deduced. There was at least (the first), in terms of its fit within the neighborhood, that was problematic. Are you able to speak from your professional experience and sense of things if this was a by right development, if the developer was able to do what they wanted to do in the space, do you feel it would still violate one? Or is that not a fair question?

**Mr. Alfele** – I understand where you're coming from. These standards don't come into play when you're doing by right. It wouldn't even be looked at because they would be doing there by right 20/21 dwelling units per acre.

**Councilor Pinkston** – It is dramatically smaller.

**Councilor Payne** – Could you remind me what this area is designated in the Future Land Use Map? What would the height be in that corridor?

**Mr. Alfele** – This is Urban Mixed-Use Corridor. This is where the height came up. It is 5 stories or up to 8 stories at key intersections. This has been one of the areas where our Comprehensive Plan Use Map conflicts with our current zoning. Our Comprehensive Land Use Map is anticipating our zoning changing. The Future Land Use Map measures in stories and not feet. The maximum height that you could do under the current zoning with a special use permit would be 101 feet at this location. The maximum height by right is 35 feet. What they're asking for is 75 feet.

**Councilor Payne** – Would it be correct that the maximum height by right under the Future Land Use Map, if this was not Entrance Corridor, would be 5 stories?

**Mr. Alfele** – That is an interesting question. The zoning is going to be one of the things that must mesh with the Land Use Map. When we look at the specific zoning regulations for these areas, areas could overlap. Because an area is designated as something in the Future Land Use Map doesn't mean that is going to be one zoned area. We could have overlaps. We could have different districts. You would probably see the max height being 5 stories in certain areas and the max height being 8 stories for more important intersections.

**Councilor Payne** – It is such a gray area because it is not complete. What is coming to mind for me is that the framework that we have adopted for that is that if we're going above the by right height, the reason we're doing that is to have an inclusionary zoning program that is going to require affordable housing as part of that. In that context, it is hard to say. There are so many gray areas. We don't know what it would settle out at. If it turned out, in theory, that in this zone it is 5 stories by right and they are asking for above that, we would want them to include a specific amount of affordable housing as part of that. We're giving it away if we ended up being in that situation once we got there. It is hard to speculate on because it is not yet finished. Is my understanding correct that around \$500,000 is being contributed to the affordable housing fund? That is the minimum requirement under the formula for what they must contribute with a special use permit.

**Mr. Alfele** – Yes. It is either providing 9 units on-site/off-site or contributing close to \$500,000 to the affordable housing fund, which they have indicated that they would want to contribute.

**Councilor Payne** – I know that it is their choice. We don't have any control over it. I would just note, for the record, that we got an affordable housing report that included data on the subtotal subsidy needed to construct a new affordable unit. I know in Virginia that total subsidy to build one new unit could be around \$300,000.

There are 17 existing units on these properties. Do we know with certainty the status of those units? Are they rentals? Are they homeowners? Could we say with any certainty whether all those renters are students? Are there any long-term renters currently living there?

**Mr. Alfele** – The applicant might be able to speak to that during their presentation.

**Mayor Snook** – My questions focus mainly on the first criterion. In talking about the key intersections problem for the Entrance Corridor, the report indicates that the intersection at JPA/Maury and JPA/Shamrock would seem to be two intersections that would qualify as key intersections. Is that right?

**Mr. Alfele** – That was done out of professional opinion. We have no guiding documents that indicate key intersections in any of our planning documents.

**Mayor Snook** – How have we defined key intersections? I am not familiar enough with the Entrance Corridor policies to understand.

**Mr. Alfele** – This is only in talking about the SUP as it relates to the Entrance Corridor. That term is coming from the Future Land Use Map, where it is talking about 8 stories. Our Future Land Use Map doesn't define what a key intersection is. Staff was using professional opinion to determine key intersections.

**Mayor Snook** – Presumably, that is part of what we're going to be working on this year in defining those terms.

**Mr. Alfele** – That would be helpful.

**Mayor Snook** – You're left at this point to try to figure out what you think we might, someday down the road, want to be adopting, which I know puts you in an awkward position. You seem to have focused or

coalesced around the idea that JPA and Maury would be a key intersection. I think most people would agree with that, speculating that under this policy, we would perhaps end up with an 8-story building at Maury. We're only one significant block away from a building that might be at that point. Is that part of why you're thinking that this does not do violence to the character of the neighborhood?

**Mr. Alfele** – That is one of the arguments the applicant is making with Maury Avenue being a key intersection. You would not want to jump necessarily up from 5 stories to 8 stories. You would transition as you went along JPA going from 5, 6, or 7 stories up to 8 stories. That is an interesting way to approach it. One of the key things that staff looks at is that one of the goals of the Future Land Use Map/Comprehensive Plan that we went through is increasing density and increasing density in this area of the city. This area is one that we're looking to increase density. To increase density, especially to scale under 19 units is going to create a big building. When we get to the bottom of it, you're not going to be able to have a smaller building with this level of density.

**Mayor Snook** – When we were going through the Future Land Use Map debate last year, I was struck by the fact that the one area where it seemed clear that everybody was willing to agree that we should have increased density was along JPA. There was basically no public discussion of that fact. We were hearing complaints from the North Downtown, Greenbrier. We weren't hearing complaints from JPA. Did the Planning Commission or planning staff have any discussions about that that we councilors were not privy to? Are we coming across something that you have already talked about and we're just not aware of it?

**Mr. Alfele** – That is a little hard to answer. There was a lot of outreach done. Not everyone participated in the 5-year process. There are voices that probably were not heard. I believe that we're hearing from them tonight. I can't think of a specific way to answer that.

**Mayor Snook** – What I was getting at was not whether people in the public were heard from. I am wondering whether you all had any discussions amongst yourselves at meetings that perhaps councilors weren't paying attention to where you talked about this area and the fact you were apparently expecting to be substantially denser in the JPA area. Maybe you didn't have that sort of discussion. I am wondering if there was some other substantive discussion on that that we were not aware of.

**Mr. Alfele** – Not that I am aware of.

**Commissioner Mitchell** – I think that the answer is 'no.' I know that we, implicit in our thinking that area was going to be denser. We frankly took that for granted. We didn't have a conversation about it.

**Commissioner Stolzenberg** – I must disagree with that. I think it was discussed over the course of it but also repeatedly when discussing this urban mixed-use corridor and the high intensity. Even on the September 21<sup>st</sup>, Cville Plans Together slides at the last work session prior to the joint hearing, there was a modification on page 32 of those slides that talked about high density residential heights where it is typically a 5-story maximum, considering heights up to 8 stories at select locations, specifically the JPA/Fontaine Corridor. In practice, that gets a little tricky because high intensity residential is not touching JPA or Fontaine. It is in the interior of the neighborhoods. It is Urban Mixed-Use Corridor that is along the road. Given that it was discussed, it is right there. We did have those discussions. Maybe we didn't put that word in the right category.

**Mayor Snook** – The purpose of my question was not to suggest that somehow the issue hadn't been raised publicly. I was just trying to find out whether you all had put some more 'flesh on the bones' in some other discussions or whether it was left simply as starkly and as simply as what it seems to be set out. I tried to pay



attention to most of your meetings. I didn't watch all of them. I was wondering if there was some discussion of this in some meaningful way that I had not seen.

**Chairman Solla-Yates** – From my perspective, there are pieces of the Comprehensive Plan that talk about this indirectly but no specific area that says this is exactly how it is going to be.

I had a lot of questions from the public about the trip generation study. To my knowledge, this is different from how we have looked at student apartments before. We looked at a bit more of a generic suburban use. This is a new approach by looking at it as a student housing use near the University. Can you talk about what that means and how that is different?

**Mr. Duncan** – The Institute for Transportation Engineers has a manual that they put out and update regularly. In the most recent update of that, they added a more specific section for off-campus student housing close to a university. It does act much differently than other apartment complexes as far as their trip distribution and when those trips are being made. We had a meeting with the applicant before they did their transportation analysis. They brought this up. They asked if we were OK if they used this. They shared that with me and the city. We agreed that, in this scenario, it seemed to make sense. That is why we used that as opposed to a general mid-rise, high-rise apartment complex.

**Chairman Solla-Yates** – Do you believe that this approach could apply to other areas near the University?

**Mr. Duncan** – Yes. I think the more applications that we get that would surround the University, it would probably make sense. This application is an obvious one being as close as it is to the University. We will have to look more closely and maybe set some parameters for future applications, such as how far away you use this. For this one, it was a no-brainer.

**Jeff Werner, Preservation Planner** – Most of my time is spent as staff for the Board of Architectural Review. I am also the staff for the Entrance Corridor Review Board. It is in that capacity that I am here tonight. Having remote discussions about architectural design issues is extremely challenging. In the last 4 years, I have reviewed with the BAR almost 350 projects. Tonight, will be the 23<sup>rd</sup> and 24<sup>th</sup> projects that I have reviewed with the Entrance Corridor Review Board. It is a different dynamic here than we normally have.

Per code 34-157, when a property that is subject of an application for a Special Use Permit is within an entrance corridor, the ERB shall review the application and make a recommendation to City Council as to whether the proposed use will have an adverse impact on the corridor. If so, to suggest reasonable conditions that would mitigate that impact. It needs to be noted that regardless of what occurs with the Special Use Permit, there is a section of city code, 34-309, that requires that any subsequent development of this site that requires a site plan, the design review still goes through the ERB. There is a later piece of this project that must go through the design review. Regardless of what has been presented conceptually from the Special Use Permit, your recommendation to Council is not an approval of design nor a denial of design. Does the Entrance Corridor Review Board, which is the Planning Commission, believe during the design reviews process that the process can produce a result that mitigates the impact of any increased height? I know there is another question that has come up about the staff reports. In the prior staff report and in this current one, the suggested motion did not change. It is that the impacts I first said, "could be mitigated through the application of the design review." In this one, I am recommending that the impacts can be mitigated during the required design review. In both cases, I leaned on the Design Guidelines as giving the city a tool to come up with a design that ultimately affects any of the impacts from this increased height. Regarding the increased density, I have said before how a building is used is not a function of the design guidelines. What the BAR and ERB looks at is the exterior. In that regard, increased density does not have an adverse impact. With the increased

height, this is where some of this re-evaluation came from. You must acknowledge that this is what the Comprehensive Plan now says. There were some prior planning documents. Things have been revised. The Comprehensive Plan vision for this corridor is that it transitions to an area of higher density and mixed use. That is facilitated by allowing taller and larger structures than the current built form. Increased height is allowed by Special Use Permit. That use has been anticipated. It is not prohibited. Anticipating the increased development, including taller buildings, the city established design guidelines for the entrance corridors, which include recommendations that address the related height, massing, and scale of the building. My recommendation to you is that the application and design guidelines would mitigate the increased height. I would suggest that there is not an adverse impact. Regarding the rear reduced setback, that is not visible from JPA. It is not relevant to having an impact on the corridor. Regarding the reduction of off-street parking, the design guidelines are based on big, open parking lots, and how we screen them, prevent them, and not have them. Here, we have parking that is going inside the building. At any level, we don't see the parking. It is a positive relative to how the guidelines view them. Since the onsite parking is not visible, we're not addressing that as an adverse impact. During the later design review and approval of the CoA, you will consider the design elements, the materials, the colors, and the landscaping and a whole range of things that come with the design review of a project like this. For a recommendation that you make to Council about this Special Use Permit, my suggestion to you is because the design review can mitigate the impacts, those impacts are not adverse. I did come up with 3 suggestions. They're broad. There might be some elements of this design that you possibly want to memorialize. There certainly might be more. You have designers on the Planning Commission bringing to the table some additional thoughts. Are there elements that the ERB would recommend Council consider as you memorialize it, but not locking in this design would be the wrong way to go. To explain the first condition, it had been discussed. That idea of breaking up this building in a north-south connection and spending some time looking at the topography over there and looking around town, what were the examples we have had? This is not like the places we don't like. There are a lot of places in the city, which have block lengths that are similar. What do we have in the sense of it being a block? It fits in with what we see around town.

**Commissioner Mitchell** – I am going to attempt to repeat what we're expected to do, what our recommendation needs to be based on the criteria that we use to make a recommendation. If I get it wrong, you can redirect us so that my colleagues know what we're deliberating. We will see this again even if we approve this if we suggest that this SUP will not have an adverse impact on the entrance corridor. We will see this again. Is that accurate?

**Mr. Werner** – This has an entrance corridor overlay. Whatever happens there will presumably require a site plan. You will see that design. Within entrance corridors, I have a lot more flexibility than what we have with the BAR. There is a threshold. If it is a new building, we bring it to you. If it is not, there is a lot that we can do administratively. Assuming a new building goes at this site, you will see it regardless of the Special Use Permit. At that point in time, you're acting like the BAR. You have design review oversight. That is what it emphasizes. With that iterative process for this project, we will have to think it through and work it through. That is the intent of the process. That is to get to a design that meets the guidelines and solves the problem for the applicant and resolves the design issues for the city.

**Commissioner Mitchell** – What we are being asked to adjudicate/question is that we're being asked to answer/the recommendation that we're being asked to give to Council is whether we believe that this SUP will result in an adverse impact on the entrance corridor. If we do believe that it will, do we believe that there are mitigating actions that we can take to reduce the negative impact on the EC. That is the net of the question we're being asked to answer and make a recommendation on. Is that accurate?

**Mr. Werner** – It is whether you believe that whatever impacts there are, can be addressed adequately during the design review that is a positive. If you believe no matter the design review process, it will not address

these impacts, that is the negative. Putting in there whether it is an adverse impact goes back to the basis of my recommendation. Whether you want to call it an adverse impact or not, the design review process will resolve those.

**Commissioner Mitchell** – With the three mitigating conditions that you have recommended, at what point should that impact our thinking? Should that impact our thinking tonight? Should it impact our thinking if we see this again?

**Mr. Werner** – With the BAR, we talk about the discipline of the process, where you don't come in with a project at this scale and then one night after a 20-minute presentation, you get approval. There must be some discipline going into that process. If you didn't adopt any of these tonight, that is fine. They can still come up later. Even the smallest amount of predictability will let me know where you stand, even if it is precarious. That will help the applicants and their team know where they stand on things. You may disagree with some of these things. If there are some things that you feel very strongly about tonight, tonight is the opportunity to express that. A special use permit is not a wish list. It becomes something that is the condition of the approval. You can establish things that we can have a hard line if you hold it up during the design review.

**Commissioner Mitchell** – If we elect to recommend approval of the SUP and we think the 3 mitigating strategies would help make the implementation better on the entrance corridor, should we also include staff's recommendations in our SUP approval?

**Ms. Creasy** – You have that opportunity. Usually, the conditions with an SUP are specific to what is going on. Those conditions are broader. If you all feel that those are things that Council needs to hear when they're looking at that report, you could, with the ERB, with the corridor review adverse impact. That is the terminology that is used in the code. That is why that is coming forward in that manner. We try to be consistent with that. You could note one way or the other. If it was going in a positive direction, you could note that these are items that we would like Council to consider as this moves forward.

**Mr. Werner** – You want some specificity. You don't want to design this thing now. It is going to encumber them. You all may want to establish some bars that must be met.

**Ms. Creasy** – This process is complicated in the code. It is something that the people, who are reviewing the code for us are looking at. We have expressed some strong feelings on trying to streamline this and make it more straightforward. We have the code that we have right now. The window of the decision that the ERB needs to make tonight is very narrow. Can the design guidelines address any adverse impacts? Or can they not? It is a 'yes' or 'no' question. Then the 'weeds' of what that is, is a later step if other things happen in the process.

**Commissioner Mitchell** – If we decide to move forward with this and recommend approval, we should not get into the design things that Mr. Werner has recommended. We should wait until we see it again.

**Ms. Creasy** – Yes. It will come back again. Because of all the elements involved with a project of this magnitude, the questions have already started about things. We're going to have those discussions down the road. It is 'the cart before the horse' situation. We're trying to help you narrow down to the question being asked right now. You can think about the questions that will come later and the questions right now. Then continuing through the process depending on how things go.

**Commissioner Lahendro** – When you said something about the north end of this project site wasn't as much of a concern because you couldn't see it from JPA, the entire site is included in the overlay map for the entrance corridor. It needs to be considered. It needs to be a part of our consideration.

**Mr. Werner** – There is no ‘how-to’ manual in the design guidelines. Looking back at past staff reports, relative to an entrance corridor, if you can’t see it then it is not of issue. It is very different when we have something within a historic district. Relative to an entrance corridor, the past practice has been ‘it is back there. It is not visible from the entrance corridor, so I am not addressing it.’ I went with that. I followed my predecessor. It was very wise.

**Commissioner Lahendro** – Do we or do we not consider a review of what is going on at the north end of this project site as part of the entrance corridor review?

**Mr. Werner** – You all can. I think it is best to look at the project in total. If it is something slightly around the corner but it is important to the design, raise it. It doesn’t preclude you all later. You all can approve or deny that design. It still must meet the standard that you will have established. That is appealable to Council. You have your look at this the next time. It will not be perfunctory. It is going to be very detailed and very involved. If you do feel that there are elements towards the rear of the site, I don’t think there is anything wrong with expressing that.

**Commissioner Russell** – I am confused by that as well. Are we viewing the building? Specifically, one of the design principles is human scale, asking to consider the impact of spaces created as it will be experienced by the people, who will pass by, live, work, and shop there. Do you believe that human scale is achieved on Observatory and Washington?

**Mr. Werner** – It is in the context of when this entrance corridor guideline was written and how that place was seen. It is very different from where it is now within the Comprehensive Plan.

**Ms. Creasy** – We don’t have a full design on the entrance corridor side of things at this point. It is a challenge to know one way or the other. We have a conceptual design that would be refined if it moves forward through the process.

**Commissioner Russell** – Are we thinking about conditions on the whole building? Are we thinking about conditions on the entrance corridor? We could talk more about that. I don’t have a question other than not exactly being on the same page. It is not exactly knowing how we’re evaluating this.

**Mr. Werner** – Do you believe that the entrance corridor design guidelines allow you the tools to mitigate any impacts? One of the nice things about this project is that entrance to the garage is at the rear of the property. It pushes that thing back. We’re not getting curb cuts along there. I know that we’re not addressing the design that they have presented. They have that variation in the material at the base. They have some landscaping on the walls and terraces. There are things happening on those side streets at that eye level. If you want to address certain things that you see, tonight is the night to do it or to make a recommendation. Council may say ‘no.’ There must be some specificity. It is up to you all in the design review process. That is your chance to get it right. You do not have to get the design right tonight.

**Commissioner Stolzenberg** – The number one recommended general guideline in this sub-area is to put utilities underground that are now located within median. Given that the view of the building is obstructed by the utilities and the utilities restrict the size of trees that could help obscure the view, would it be reasonable to make putting those utilities underground in the median a condition?

**Ms. Creasy** – No. They are off site.

**Councilor Payne** – What went wrong in the design review process and the site plan process with The Standard? That came to mind because I think there are potentially a lot of similarities. The Standard was a company that operated internationally. It has a portfolio of hundreds of student apartments. The city made a mistake in how that process unfolded. Something went wrong where there was a massive undisturbed block shadowing over Westhaven, lower residential community. It doesn't feel human scale even on the sidewalk. What went wrong that led to that? This is a company that operates nationally that has billions of dollars in total financing, has a portfolio of hundreds of properties. Student apartments are a major part of it. My concern is about the scale, massing, and human scale. We need to avoid repeating the mistakes that happened at The Standard in terms of it not being human scale and shadowing over a residential community. In that context, we could have gotten that same amount of housing but designed in a better way. My concern is not only for the residents that it is not human scale, but let's think big picture and long-term. When that happened at The Standard, people associated density on West Main with that project and what happened there. There was a de facto downzoning throughout that whole area. We need to make sure that we're confident that we can get density that works. We can achieve that. I am not sure how much confidence I have in our existing processes. I don't know if anything has changed to repeating those mistakes. I don't say that with any intention of trying to block density increases here. How do we get to 'yes' and make it work?

**Mr. Werner** – I have talked with Councilor Magill about this some time ago. The density of Altamont Circle and that block is extraordinary. It is a wonderful model of what you can achieve. It is extraordinary in the amount that is there. It is a successful example. It would be great to replicate that. With The Standard, that was before my time. I watched it happen. I can't really address it. One of the things that the BAR talks about is what went wrong on West Main. One of the things that we look at gets back to the idea of the block, how you break that up, how you create that break. With what is going on facing to the north, I don't know. There are a lot of questions that could be addressed. We're hoping this summer to revise the design guidelines for the entrance corridor and BAR districts.

**Chairman Solla-Yates** – I like this block analysis. It is smart, innovative. I have seen it before. It is a good analysis.

## ii. Applicant Presentation

**Erin Hannegan, Applicant** – There are a few points that we want to reiterate as you consider the application tonight. When we last presented informally in the fall, the project was generally well-received. Most of the comments were focused on the aesthetics and the architecture. We have incorporated some of those comments into the application that you're seeing tonight. We know that we will be back in front of you to go through the entrance corridor review process with you and more of those aspects of the project as the project develops in the future.

### Next Slide

This first page shows that 2005 Jefferson Park Avenue is in the middle of the Jefferson Park Avenue neighborhood. We pulled some census data that is at the top of the page. The points that we want to share with you tonight and stress is that this neighborhood is 93 percent renter occupied, 79 percent is non-family, and the median age 21.5. All those things tell us what we already know. This neighborhood is predominantly a student rental neighborhood.

### Next Slide

We're putting student purpose-built housing in a neighborhood that already is predominantly student rental housing. This zooms in on the site. The site is outlined in the red-dashed line. The point is that we are one block away in each direction from the trolley stops. There is one at Shamrock Road and one near the corner of Maury

Avenue. Based on our interpretation of The Streets That Work Plan and the language that is in the Comprehensive Plan, we believe that those reports are trying to identify Maury Avenue and Shamrock Road as key intersections, as it relates to the Comprehensive Plan language and The Streets That Work Plan. Those are marked with the red dots. The site fronts on Jefferson Park Avenue and has frontage along Observatory Avenue and Washington Avenue. Observatory is a dead-end street. Washington Avenue is a through-street and connects from Stadium Road to Jefferson Park Avenue. We have placed the garage entrance along Washington Avenue, so as not to impact the dead-end street.

#### **Next Slide**

This slide is important because we have researched the GIS data on your website. Based upon analyzing the owner addresses and the parcel addresses, we have identified what parcels are renter-occupied in the neighborhood and adjacent to the site and what parcels are other uses or owner-occupied. There is only one contiguous parcel with our parcel. That is to the rear. This one house is the entire width between Observatory and Washington Avenue. It is renter-occupied and has been for 20 to 30 years. All the parcels that are across the 3 streets, except for one, are also renter-occupied buildings.

#### **Next Slide**

This is the existing zoning map. Our site is here. It is R-3 zoning. It is only permitted to have 21 dwelling units under a by right condition. That equates to 35 units. We are asking for 70 dwelling units per acre. The by right height is 45 feet. Under an SUP for our density range, we're permitted to ask for up to 101 feet. We fall in the lesser middle height range even though our density is higher. When you look at the rear setback request, we don't believe that the 75 feet was 'extravagant' in our view. That's why we're asking for a rear yard reduction as part of this SUP process.

#### **Next Slide**

These are photos of some of the surrounding structures in the neighborhood. It is extremely varied in height and architectural character. Another point we want to note is that most of them do not engage at all with the street. The precedent is for very little engagement with the street with all these existing conditions. Even some of the new structures that have been built do not have much street engagement. We have a very different vision for the project as proposed.

#### **Next Slide**

This is the existing survey of the site. You can see that there are 6 buildings that are shaded red. Those 6 buildings have 17 units in them combined. There is a 37-foot drop across the site from this corner to the corner at Jefferson Park Avenue and Washington Avenue. It is the equivalent of 3 stories. It is a very dramatic grade change across the site. That is important because the height that is perceived on Jefferson Park Avenue is not going to be the height perceived at the rear of the site. We're basically slipping the lowest two levels below grade, and it disappears into grade as you get towards the rear of the site.

#### **Next Slide**

This is the new Comprehensive Plan. The zoning designation for our site is Urban Mixed-Use Corridor. The further definition is higher intensity mixed-use development for this area. That is exactly what we're trying to do: a higher intensity development. Mixed-use is not allowed under the current R-3 zoning condition. There is only an ancillary use permitted. We will show you how we're addressing that with the idea that there is a transition occurring right now between the zoning ordinance that we have and must work under and the Comprehensive Plan that we're trying to strive towards.

#### **Next Slide**

This is the detail. The only detail that is provided about the urban mixed-use corridor that you can see is down here. The uses are commercial employment, residential, and active ground floor uses. With the height, it is 5

stories, with up to 8 stories at key intersections. It lists key intersections as intersections of downtown, industrial, mixed-use, or neighborhood corridors in The Streets That Work Plan. That is where we got our definition of what a key intersection is. In a moment, we will look at The Streets That Work Plan and show you which of those are mixed-use streets and which ones are neighborhood corridors, and how that creates a key intersection on the plan.

#### **Next Slide**

This is The Streets That Work Plan. This is an enlargement of that area. It is a mixed-use B street, which is this pink-dashed line. That definition is here in the middle. It was in the packet. The round dashed and solid lines are neighborhood streets. The intersections of a neighborhood street and mixed-use street, in our opinion, creates that key intersection. There are 3 in this sub-area of JPA. They would be at the intersection with Maury, at the intersection of Shamrock, and at the intersection with Emmett.

#### **Next Slide**

This is the adjacent designation to the rear of our site. The adjacent designation (brown) is higher intensity residential. You defined that designation as up to 5 stories. The point that I want to make here is that if all the mixed-use urban corridor was intended to only be 5 stories or mostly 5 stories with only tiny spots of 8 stories, it would probably would have fallen into these 2 areas. It probably would have merged into one zoning designation. There isn't a significant difference between higher intensity residential and the mixed-use corridor when it comes to height unless you look at the 5 up to 8 stories as a variable between key intersections.

#### **Next Slide**

Here we have overlaid on an aerial the Comprehensive Plan in purple, brown, and yellow. The purple is the mixed-use corridor, the brown is the higher intensity residential, and the yellow is general residential on the other side of the railroad tracks. Our site is again dashed in red. Those same key intersections that we just discussed would be at Maury Avenue and Shamrock Road. In our opinion, based on the language that is in your Comprehensive Plan, 8 stories would be created around these key intersections. The blocks immediately adjacent to these key intersections would be 8 stories in height. All the conversations that I have listened to throughout the Comprehensive Plan process have all talked about creating a transect, creating transitions. Not having harsh jumps between zoning designations and allowing height to be one of those elements that helps with the transitions between things. If we start here 8 stories, and we know we're going back to 8 stories here, then there is a transition laterally along Jefferson Park Avenue, where a block away, we're stepping down to 7 stories. That is what we are proposing: 7 stories in height. Perhaps it gets down to 6 stories before it returns up to 7 stories and 8 stories at the intersection. There is a greater distance than between Shamrock Road and Emmet further up JPA. It would probably decrease the whole way to 5 stories before ascends back up to 8 stories. This would create that rolling topography of a building height throughout this landscape. Simultaneously, we would also be doing this perpendicular to the corridor. The tallest areas of these blocks and of these buildings would be along the corridor where we have 7 stories along Jefferson Park Avenue. At the rear, as it transitions to the adjacent zoning designation, we would be meeting the height of that zoning designation. At the rear of our site, we're proposing 5 stories. In the adjacent designation, it proposes 5 stories. We would be equivalent in height. That is a key difference between what the current zoning ordinance does and some of the problems that were created at The Standard and the differences between The Standard and Westhaven.

#### **Next Slide**

This is a roof plan. The purple-shaded area is the roof. The yellow shade is a podium level that caps the top of the parking. The red-dashed line is the property line. These lighter dashed lines are the setbacks. The front yard setback is on average along the street. Since we have 2 corners, the side setbacks are both 20 feet. The zoning ordinance calls for a 75-foot setback which is here. We're asking for 36 feet. We're proposing that we would create 25-foot buffer along the rear. Mr. Werner talked about this. All of you asked about this potential

connection at the rear of the site. I believe that our client is open to that idea. There might be a bike and pedestrian path that moves across the rear of the site. How it works would have to be defined later because of the topography changes that are occurring from this side of the site dropping in grade. It is also how it moves through that S3 buffer. We would have to work that out. We're open to that idea. The garage, as has been mentioned, is up here on Washington Avenue. It is a significant distance from the intersection. A lot of neighbors have been concerned about trash. Trash will be stored inside the building but pulled out onto the street on trash day. The main entrance is at this corner where it is connecting closest to the topography and intersection of JPA and Washington Avenue. At the other corner of Observatory and Washington, we have a series of terraces to try and engage with the street. That is where we have created a small space that could be an ancillary use space. Its size is to work with the current zoning ordinance as well as potentially become that mixed-use component in the future as things change along the street. The density is created on the street to support more commercial uses. Something that we heard from you in a previous meeting was that you wanted a better streetscape on Observatory. We have added small stoops, porches, some with steps and sidewalks, depending on the grade changes. Four of those that would be private porches to just those 4 apartments that they enter, some of the neighbors didn't like those. We're open to being either way. We feel this provides that engagement, pedestrian activity, and helps modulate the street condition. It would be an advantage in the long-term when additional development happens on the adjacent parcels. It is a U-shaped building that opens towards Jefferson Park Avenue with the 2 narrow ends facing Jefferson Park Avenue. The pool condition is elevated from the sidewalk. It is up 2 stories above the parking garage.

### **Next Slide**

This is a diagrammatic section through the site. This purple-pink color is our proposed building. The orange is the maximum building envelope that could be requested under a special use permit. Under a special use permit, we could ask for 101 feet in height. That is to the top of this orange box. We are well below that at 26 feet below it. We are asking for a height of 75 feet. That is taken from an average grade plane. There is a significant drop in the topography across this site. Since the two wings don't meet the street, you're looking at the one wing in the background. This is the profile for one half of the building. That is the other wing beyond, on the other side of the courtyard. The current zoning ordinance requires 75 feet. We're asking for the reduction to 36 feet. We think that is reasonable, especially once the Comp Plan is translated and the ordinance includes the setbacks for the adjacent parcel. If the setback on the adjacent parcel is in the range of 15 feet, you potentially have a 50-foot building to a building condition at the rear between 2 buildings of equivalent height at 5 stories. This is showing 55 feet or approximately a 5-story building on this side, which is what your Comprehensive Plan calls for. These 35 feet is what the by right height is currently on that parcel behind the site. We're proposing this S3 buffer between the 2 buildings to help mitigate the 2 conditions as they may currently exist. One other item is that we have applied a hypothetical bulk plane like discussions that came out of the West Main Street zoning conditions. The zoning ordinance was rewritten at one point to include the bulk plane for the transition between the higher density components along West Main Street to Starr Hill neighborhood behind it. The bulk plane is a reasonable zoning tool to try help mitigate the transition from one zoning district to another. We have illustrated how we would be under a hypothetical bulk plane in this instance. We're cognizant of the conditions and situations that you have talked about in the past in other zoning districts and how they might apply in this district if that was incorporated in the future.

**Kevin Riddle, Architect –**

### **Next Slide**

I am going to discuss the following slides that show you something of the architecture and landscape that is being proposed here and the overall presence of the building on the corridor. This is the front elevation of the project along Jefferson Park Avenue. Based on suggestions made by commissioners in our last meeting, we revised the building where it meets the ground, extending masonry around the lower lobby and parking levels to emphasize the horizontal and give the building a solid, legible base in a durable traditional material. The



building's wings extend upward from the base. These will likely be clad in fiber cement panels and siding. The Washington Avenue wing is the more prominent of the two on the right of this illustration. It is where the entry of the building will be located that you see at the bottom. On the left side of the image is the Observatory wing, which is set back farther from the street. What you see in between, that is closer to the rear boundary. That is where the 2 wings link up. They're bridged together by corridors and more apartments.

#### **Next Slide**

Here is another diagrammatic cross section. This one is taken parallel to JPA. You take the last illustration and move into the building. That is where we are looking now. Observatory is on the left and Washington is on the right. The proposed building is filled in pink. The orange box represents the maximum building extents that would be permitted with an SUP. Across either of the avenues that flank the project. The dashed red lines show building heights between 5 and 8 stories that through the Comprehensive Plan, the city aspires to allow in this district. The proposed building is consistent with these heights.

**Ms. Hannegan** – Under an SUP, it would potentially be 9 stories, 101 feet permitted on both the left and the right, given that they are the same zoning designation, if we follow the example that we provided about the 8 stories being the closest to those key intersections. We envisioned that the left-hand side might be 8 stories. Once you get past Washington Avenue, the next block over might be somewhere between 6 or 7 stories. That is what these 2 dashed lines represent. The current zoning ordinance would allow 101 feet. You get another story on both sides now.

**Mr. Riddle** –

#### **Next Slide**

Along Observatory Avenue, where this elevation is taken, you can see how the existing grades tend to benefit the project. As you move up Observatory Avenue away from JPA, the parking levels are eventually completely submerged. By the time you reach the rear of the building, its perceived height has diminished from 7 stories to 5 stories. A 5-story building is only 1-story taller than what is currently allowed by right in the R-3 zone. To the right in this image close to JPA, you see the corner common space. It is near the street level. It opens to Observatory Avenue. It includes outside terraces that help transition this corner of the building to the sidewalks. Above this masonry corner is that recreational deck that has the pool. This would be used by the tenants. In the background, (a little faded) you're seeing the other wing of the building that is along Washington Avenue, where it projects closer to JPA.

#### **Next Slide**

Here is another section diagram. This one zooms in closer to the project where it sits at JPA. You can see that there is a relatively significant distance between the buildings, over 100 feet that is created by the width of the avenue. On the opposite side of the street, the Comp Plan envisions buildings up to 7 or perhaps 8 stories. That is comparable to what we're proposing.

#### **Next Slide**

Along Washington Avenue, you see a secondary pedestrian entrance close to the corner with JPA. As you travel up the avenue toward the rear of the building, you can see the entrance and the exit to the parking decks. That is well away from the intersection with JPA. It is over 200 feet away. On this side of the building, the grade does not rise as sharply as it does on Observatory. This façade, at its base, is distinguished with greater exposure of the masonry base.

#### **Next Slide**

This is the rear of the project, the rear elevation. The parking levels here are fully buried along most of the façade. Only 5 stories rise from grade.

**Next Slide**

Here is a partial site plan. This is zooming in on the project where it meets the entrance corridor. The building wings are shown in a lavender fill with a heavy black outline. To the left of the entry wing, you see the recreational deck. That is above the parking levels. It is shown in a light beige. It has the pool and the courtyard. As you come forward between the base of the building and the trees, we have a variety of paved terraces. The one on the left is the one that is near Observatory. It can be accessed from the sidewalk and transitions to a space within the building. The longer terrace on the right wraps the Washington-JPA corner and allows entry into the main lobby. We expect there to be a lot of plantings and a lot of street trees. With the more specific architectural questions are ones that we plan to hash out during the entrance review process.

**Next Slide**

We're getting into the perspective views. This is the proposed building seen from the other side of JPA. The corner terraces extend at the corner of Observatory and JPA. They provide outside space for tenants and friends. They also ease the building corner and gradually bring it out and down to grade.

**Next Slide**

This is a front-on view of the building. It is also taken across the street. It is looking toward the main entry that is there in the white volume. Jefferson Park Avenue can be a bustling street, heavily populated with traffic and pedestrians. We think this is the right environment next to which we would concentrate most of the building's communal spaces. Terraces are at various levels invite outside meetings and gatherings. The entrance is heavily glazed at the portion at the front of the Washington wing. It brings light and visibility into upper-level lounges. To the left of the entry wing above the masonry base, that is where the deck is located. All of these can contribute to the main thoroughfare's vitality.

**Next Slide**

This looks at the project at the intersection of Washington and JPA. Here you can see the masonry base extending around the corner, helping ground the taller residential wings. Low sight walls and plantings at this corner help create a gentler transition to the sidewalks.

**Next Slide**

Here we're getting closer to the front door. The entrance terrace can be accessed from the sidewalk at multiple locations on level at about the middle of the site. We will also have several stairs that come up from the corner. One is around the corner, and you can see the other one leading right up to the front door. You can also see in this image the way that the wing along Observatory Avenue there in the background, the way it recedes back from the street, enhancing variation in the building's presence on the corridor.

**Next Slide**

We're now on the entrance terrace close to the Washington Avenue corridor. We're looking toward Observatory along the length of the terrace. We envision potential here to create an exterior refuge with multiple spaces to rest, study, eat, talk, and gather. In contrast, consider what is typical along Jefferson Park Avenue elsewhere. There is not much like this. You walk between this building site and UVA, and you will see multiple nearby properties that have front yards designed less for people and more for their cars. Between 1709 and 1723 JPA, a stretch that is over 400 feet long, all have asphalt drives and parking spaces in the front yard between building and sidewalk; no engagement whatsoever. Even in some of the better cases, it is rare to find more than a grass lawn that is divided by a single walk that leads up to a single stair and the front door. A terrace like you see here, generous with plantings and seating space, engaging activity at the building with activity on the street represents an improvement over what is typical elsewhere on the avenue.

**Next Slide**

We're going back around the building to the side along Observatory Avenue so we can focus in on the porches that you see there. This was a suggestion made by several commissioners in the last meeting. We have included these porches. They allow points of contact with the avenue. The building feels more accessible because of them, less sealed off from its surroundings. They enhance the apartment base with a bit of human scale.

**Ms. Hannegan** –

**Next Slide**

This building might be taller than its current neighbors. It won't be out of character with the future implementation of the Comprehensive Plan and the implementation of the vision that has been in the works for over 20 years for this neighborhood. We believe that we can address any of the architectural character, components of it with you later through the entrance corridor review process.

**Commissioner Dowell** – I heard you talk about the bulk plane. Does that represent the shadow that this new building will propose on the existing neighborhood?

**Ms. Hannegan** – No. We haven't done sun studies to date. The bulk plane is set by creating a setback from the rear property line and then a height related to the by right or adjacent by right condition and then a 45-degree angle from that. It has nothing to do with how the sun hits the building at all.

**Commissioner Dowell** – That would be one of my concerns. As Councilor Payne already mentioned about The Standard. That was one thing I think that we dropped the ball on; how that building is going to overcast or shadow on the existing neighborhood. That would be one of my concerns.

**Commissioner Habbab** – Did you consider any step backs? I know you did the bulk plane to establish that. Did you consider any along Washington Avenue where it is 7 stories next to the small, detached homes?

**Ms. Hannegan** – The step backs are hard to do with a residential project, particularly this construction type with bearing walls. In addition to that, those single-family houses that are there are not going to be there for long probably. It depends on the owners. There is R-3 zoning along that corner adjacent on Observatory Avenue that already has a 5-story structure on it. They are all rental properties, except for one. Even though they might appear to be single-family residential dwelling units, most of them are multifamily student rentals cut up into apartments with multiple occupants inhabiting each of those structures. That is based on the GIS data and the census data.

**Commissioner Habbab** – Can you explain to what the extent of the parking is on the first two levels when it wraps around that corner from the habitable space on the front at JPA? Is it to the face of the brick? Is there some space there on Washington Avenue?

**Ms. Hannegan** – (referring to page 30 of the slides) This is the ground level plan. The parking comes all the way up to the front wall at the lowest level. This portion of it is all below grade. Even along JPA, a portion of this is below grade. This corner is where we have the lobby entrance condition. (Next Slide) At this level, this is where we have an amenity space that can be converted into the future mixed-use ancillary use component. That is where it connects to those terraces. We're up a story and the parking is below this condition along there.

**Commissioner Lahendro** – Along JPA, you showed a nice perspective of terraces and activity going on along that side of the building. Have you considered what the staff's recommendations to provide a 7-foot-wide sidewalk and at least 3-foot-wide buffer would do to the availability of terraces there? You probably aren't going to push the building back.

**Mr. Riddle** – You're right. We do have a fair amount of room there.

**Ms. Hannegan** – We have talked to the client about the sidewalk condition, the buffer, and the sidewalk. In previous discussions they were Ok with that condition of creating that along JPA of adding the buffer and the sidewalk, making that wider condition. What it will do is that we will have to adjust the dimensions of what we currently show for the street trees and the terraces. We will have to work through that. Do we push the building back a little bit, squeeze all those dimensions a little bit and remain hopefully under that bulk plane, which is one of the key components for us trying to achieve compatibility with the rear condition?

**Commissioner Lahendro** – If the staff's recommendations were accepted, it doesn't negate the kind of public uses or outside uses along JPA. You would still be committed to providing some of that.

**Mr. Riddle** – I don't think that it would. You see that we're showing a fair amount of a decent planting buffer between sidewalk and terrace. If the buffer does have to get a little wider, that existing buffer we're showing could absorb some of that. Maybe the terraces get a little narrower. We could potentially be looking at the building budging a little. We certainly don't want to lose those.

**Commissioner Russell** – I have a question about the trash. You mentioned pulling the trash out on trash days. I don't understand how that would be possible. Are you talking about individual trash cans or a dumpster? Can an individual trash serve that many residents?

**Ms. Hannegan** – They can. I am not sure that we have gotten into the trash calculation yet. That is a very intense calculation to determine how often the pickups occur, what size containers you have, and all coordinated with what is available locally. It is a big component. I think that we have done a preliminary calculation to size the trash room that is inside the building to keep all that trash inside until trash day.

**John Matthews, Applicant** – We take the trash in all those buildings very seriously. They are one of the things that we look at very early in the process, that trash room, dumpers, compactor, and all that work. We would probably use a series of totes. With the size of those totes, we might have room inside the building for 4 or 5 of them. They would be wheeled out and picked up. Depending on the trash generation, once, twice, or three times a week. It is not an afterthought. We think about that at the beginning of the process. We have the trash under control. It won't end up on the streets. It won't be sitting out there unpicked up. It will be taken care of.

**Commissioner Stolzenberg** – My question is about understanding the inside of the podium and how that relates to the street and parking. When you last saw us, you were proposing that this would be fully parked at one or the amount required by code. As recommended, you are requesting a parking reduction. Help me understand what happened to the square footage associated with where the parking would have gone. Is it going to additional units? Has it disappeared? Is it reducing the amount of excavation?

**Ms. Hannegan** – Yes. Because it is underground, there is no ability to change that parking into units. I know that might have been the hope when it was suggested to reduce parking. Because it is all underground and it is at the back of the site where we're at the end of the circulation condition of the ramps in the garage, you basically have less excavation at that point.

**Commissioner Stolzenberg** – I do have a 'hang-up' about the southwest corner and how it relates to the street with that retaining wall where that terrace is. Underneath that terrace, inside of that brick masonry, is that excavated space used for parking?

**Ms. Hannegan** – It is not. It is in the setback. It cannot have any occupiable space in it. It is allowed to be a terrace. You can't put occupiable space in the setback.

**Commissioner Stolzenberg** – Behind the terrace within the building footprint, is that parking?

**Ms. Hannegan** – That is parking at the lowest level. In the second level, that is where we have that amenity space that is sized to be an ancillary use. Towards the middle of the building, it is the fitness center, which is an amenity for the residents.

**Commissioner Stolzenberg** – You couldn't have the terrace lower to be closer to grade because it would be adjacent to parking unless you were to turn that into commercial space and then excavate further in to replace those spots.

**Ms. Hannegan** – That would interrupt the ramp condition. We would have even less parking.

**Commissioner Stolzenberg** – When I look at this from the JPA perspective, I see 2 towers. The one on the east is right up to the sidewalk. The one in the back is recessed. If I go all the way to the back, it reaches up to the setback there. Help me understand why you want that kind of cutout space to be at that southwest corner by JPA rather than in the rear of the site.

**Ms. Hannegan** – There are a couple of reasons. One of them has to do with the fact that it is an entrance corridor. We were paying attention to how it relates to the entrance corridor. Knowing critiques about building faces, street walls, and everything that has been discussed in the past, trying to provide thin volumes as it comes to the street, and a rather deep setback is pulling that wing back creates that deep setback. Pulling the other wing at Washington Avenue out to the street helps define and create a clear point of entry, the main condition of where one would enter the building. There is a prominence given to help identify which location one should arrive at when they come on site. A third reason would be that the pool location being at the southwest corner is better for that outdoor space to have sun than putting it in shadow right behind the building on the north side.

**Mr. Riddle** – With that kind of heavy activity that could be happening up there, it feels like it would be better oriented towards JPA than back into the neighborhood where presumably we would rather have the building get quieter.

**Ms. Hannegan** – We didn't want to put the pool at the rear and put all those people at the rear, creating noise adjacent to the few single-families that are still there.

**Commissioner Stolzenberg** – Those second two make a lot of sense to me. You want it to be in the sun. You don't want to create noise in the rear, especially on the Observatory side. The first is a little bit ironic. Because of entrance corridor guidelines being on the corridor side, we're pushing the massing back to the interior of the neighborhood. I understand why you did it.

**Commissioner Palmer** – This is more aesthetics at this point. I wanted to think about the aesthetics of the bike parking. I noticed that you have a bike room on one of the lower levels, which is great. There are other considerations for the exterior that I didn't see in the site plan or materials yet: exterior bike parking, space for scooters, both the scooter shares. Our students use a lot of moped-type scooters. Since we're talking about aesthetics, how might you understand how those would be accommodated on the site?

**Ms. Hannegan** – We have plenty of space in the garage that is narrow space based on the dimensions that we will be able to accommodate scooter, moped parking within the garage volume concealed from view corralled in that condition.

**Councilor Magill** – I wanted to clarify that this will mean that the current buildings will be torn down.

**Ms. Hannegan** – That’s correct.

**Councilor Magill** – That is 3 4-bedroom townhouses, 2 3-bedroom townhouses, 1 2-bedroom, 1 3-bedroom apartment, and a 6-bedroom house built in the 1900s.

**Ms. Hannegan** – It is a 6-bedroom at 2005 JPA, 104 Observatory is a 4-bedroom, 108 Observatory has 3 units (3-bedroom, 2-bedroom, and 1-bedroom), 106 Observatory has 2 units (a 3-bedroom and 2-bedroom), 110 Washington Avenue has 5 units (3 4-bedroom and 2-3 bedroom), and 2007 JPA has 5 units (4 uninhabitable, 4 2-bedroom and one efficiency).

**Councilor Magill** – The 2005 JPA would be torn down.

**Ms. Hannegan** – That’s correct.

**Commissioner Dowell** – For the units that you just spoke about, are students currently living in those properties?

**Ms. Hannegan** – To my knowledge, I have been told that at least one unit has a UVA professor in it. All the other units I believe are all students.

**Commissioner Russell** – With the treatment of the ground level/basement level windows, are those faux windows? Are they louvered? What is going on in that brick façade on Washington Avenue?

**Ms. Hannegan** – I think that we show 3 that are faux conditions. I think that treatment has been used elsewhere along JPA on garage areas. Should that not be what you want, we can address it in the entrance corridor review process to change it to something else or do something differently.

**Councilor Payne** – Of the properties there, are any owner-occupied non-rentals?

**Ms. Hannegan** – No. Everything is a rental property on site.

**Councilor Payne** – Is the color scheme that you put up just for the presentation? Is that the color scheme that you’re planning to go with for the property?

**Mr. Riddle** – We’re still evaluating. I would consider it preliminary.

**Councilor Pinkston** – No questions for the applicant. I thought that it was a very good presentation. I especially liked the engagement with the fact that we’re still working our way through what our Comprehensive Plan is going to entail when we get to the detailed zoning. I thought that the piece going from Maury to Shamrock and the way that the elevations would grade-aided was helpful.

**Mayor Snook** – This proposal had been about to be heard about three months ago. What happened?

**Ms. Hannegan** – One of the properties (2007 JPA) changed hands. It was bought by the owner of the other parcels. That change in ownership required us to delay for the advertisement conditions to happen correctly. That was the delay 3 months ago. Last month, we delayed because the staff report was so extensive. We got it right before the meeting. We felt that it was too extensive to try and absorb all of it and reflect on all of it in a short time frame.

**Mayor Snook** – Having had a chance to reflect on it, has that caused you to change anything in the project?

**Ms. Hannegan** – It led us to creating some of the slides that Councilor Pinkston just referred to of trying to describe to you how we went about designing the project in our interpretation of the Comprehensive Plan as it relates to the building height and the conditions for the design that we're proposing.

**Mayor Snook** – That is a presentation issue rather than going back and reworking this piece of the design?

**Ms. Hannegan** – That's correct. We had already reworked it from all the comments that we received from our informal meeting in the fall and had incorporated those comments. Whether those porches are on Observatory Avenue, or they are not there, we have heard it both ways from two different sides. We can go either way. We would prefer to keep them.

**Chairman Solla-Yates** – There has been quite a bit of public comment and concern about this project. Can you talk about how that has informed your thinking about the design and possibly operational going forward should this be approved?

**Ms. Hannegan** – We found that a lot of the public comment received overwhelmingly had to do with parking and traffic. Those two things go hand in hand. The less parking you have, the less traffic the project is going to generate. We believe that the parking reduction (not that the traffic was an issue before the reduction) only helps with decreasing the amount of traffic that the project could create. There has been a lot of talk about permit parking. The client, Aspen Heights, has already started creating a parking management plan. We just put together a draft just ahead of this meeting. They are working on that knowing that is potentially part of the conditions that you would like to see. In addition, they are cooperative with the idea that students would not be allowed to get permits to park on those streets. Observatory Avenue and Washington Avenue would be not allowed. They suggest alternatives like going to UVA and getting a permit to park at the JPJ lots, which is where a lot of first-year students store their cars. Those lots are empty. We did have some data about the parking conditions on the side streets. On Washington Avenue, the city will issue 61 regular permits and only 32 are used by residents. They will issue guest passes as well. 32 of those are permitted by the city and only 6 are used. On Observatory, 72 are allocated. Only 16 have been used or applied for. 36 guest passes are allocated and only 11 used. The neighbors haven't utilized the permit parking that is available to them through the city. I agree and understand that the quantity of passes does not align with the actual parking spots available on the street. We have also calculated that, given the reduction of curb cuts along the length of the parcel along Observatory, which I think is 380 feet. Let's say that you take some out near the corner, there is the potential to have at least 14 to 16 spaces along that side of the street. Right now, you only have 4 or 5 because of the multiple curb cuts and the driveway widths are mostly 2 cars wide.

**Commissioner Mitchell** – The parking is little confusing. The idea that Councilor Magill suggested that we restrict the parking 24 hours unless you have a permit seems like something that we ought to give some thought to. Would we be able to make that a condition in the SUP? Or would there have to be change in the ordinance before we can make that a condition?

**Ms. Creasy** – That would be a completely different process. This building would not be eligible for any of those permits. That is not a consideration. Because it is not 24/7, there are things that could come into play. That would have to be a separate discussion.

**Commissioner Mitchell** – I believe the idea was to make the parking permits available just to the residents who live alongside, not who live inside the building.

**Ms. Creasy** – This building would not be eligible for permits.

**Commissioner Dowell** – I was 100 percent behind you. After hearing that we have so many spaces that are allotted to that area that are not being utilized, I will have a hard time with it being 24-hour permit parking being that we're not using it to its full capacity for our city residents.

**Chairman Solla-Yates** – Is it that they are not being utilized or that they haven't been given to the residents?

**Mr. Duncan** – This goes back to our city code. The generic permit allocation is for residential permit passes and two guest passes for every parcel. That is where those larger numbers, as far as how many permits the city would give out. A lot of these parcels do have driveways. They may not need them. I don't have a number for you, as far as how many actual parking spaces are available on those 2 streets. It is roughly 800 feet from one end to the other end of Washington; minus the no-parking for driveways and that kind of stuff, you would roughly have 40-ish parking spaces on either side. I would say 50 or 60 actual parking spaces on Washington.

**Commissioner Lahendro** – With the intersections between Washington, Observatory, and JPA, as I recall from my site visit, it was a challenging intersection, especially if you are wanting to cross the median strip and go towards the hospital. Can you comment on the safety of those intersections? Is there any data on accidents?

**Mr. Duncan** – I don't have the data on accidents. I can look that up. There are sight distance issues when vehicles are parked in that area between Washington and Observatory that makes it more difficult. We can look at restricting parking within 40 feet of that intersection to give those vehicles a little more sight line. For the vehicles coming, it would be westbound on Jefferson Park Avenue. It is a little bit of geometry though. There is a slight obtuse angle there. Jefferson Park Avenue turns right at Observatory, probably about 10 degrees. With the sight distance, when you're coming out there, you're looking back over your shoulder. If there are vehicles there, it is more difficult than at other intersections to make that maneuver.

**Commissioner Lahendro** – As I recall, there was a topographical change too. JPA is coming uphill towards those intersections from east to west.

**Mr. Duncan** – That's correct. Observatory is higher than Washington.

**Commissioner Stolzenberg** – Is that the sort of thing where we can make a condition to put concrete bulb out there to daylight that intersection? Is that something that you can do as part of the site plan process?

**Mr. Duncan** – That is something that we can do as part of the site plan process when we're looking at the sight lines. It is probably something that I would do as part of the site plan. There is no parking within 20 feet of the intersection by code. It would be removing one parking space there to give some additional sight line there.

### iii. Public Hearing

**Nina Barnes** (Gildersleeve One) – The JPA Neighborhood Association has written a letter expressing our opposition to this special use permit application. I would like to return to some of the points that we made in the letter. The city's guidelines for special use permits state that the Planning Commission must consider whether the proposed use for development will have any potentially adverse impacts on the surrounding neighborhood. Adverse impact might include traffic or parking congestion, undue density of population, massing, and scale. This project has adverse effects in all these ways. The massing and scale are far out of proportion in relationship to the surrounding neighborhood. A 5- to 7-story building that takes up half a city block would loom directly across 1- and 2-story houses on Observatory and Washington. It would deprive these homes of sunlight. This massing and scale conflicts with the city's entrance corridor guidelines, which specify that new building design



should be compatible with those structures that contribute to the overall character and quality of the corridor. A density of 390 students with 400 residents from the planned developments on Stribling Avenue and Maury Avenue will increase the parking and traffic congestion on the JPA corridor. This project will not add to the city's inventory of affordable housing for families. It aims to provide luxury apartments for students at market-rate. This building would have a negative environmental impact. It would enlarge impervious surface and reduce ground water absorption. It would reduce the tree canopy. This project would add to parking and traffic congestion.

**Lindsey Daniels** (2205 JPA) – I am coming to you from my single-family renter-occupied home. As someone, who went to UVA and stayed here, I have lived within a square mile of this site. I will tell as someone who has lived here, I walk through there every day. I want to correct the applicant on a couple of things. Less parking does not mean less traffic. Less parking means that there is less parking on street. There currently is no permit for parking on JPA needed. If you look on Google Maps, you can see it all the way down JPA. JPA and JPA Extended are used up by cars. If you have a whole bunch more people living there, there is going to be more taken up there. The city could change this by changing this to permit parking or maybe doing what other higher density places do in doing something like a park mobile. As it is right now, there are a lot of people who live on JPA who have that issue with parking. I would like to correct something about first-year students. They are prohibited from having cars at UVA. They are not parking at the lot that she said. For students who live off grounds, they are not allowed to park at the Stadium. If these people were getting permits, they would be getting permits somewhere that is over a mile from this spot. What does key intersection mean? I would assume that means somewhere that has a crosswalk. I don't agree with the key intersection definition that is presented here. I would assume that the traffic coming onto JPA would have to stop. They currently do not. If you look on Google Maps, you will see that there is someone jaywalking in the pictures. This would need to be considered. If a crosswalk can't be put in, something else needs to be done. The closest intersection is not going to be where the students cross. The trash is a serious concern. I would say to go look at 1800 JPA. They have dumpsters and they must be used there. If you are looking at the pictures that the applicant used, the parking lot at 1800 JPA is where they took the picture. The JPA facing part of 1800 JPA does not look like what they perceived in that picture.

**Ellen Contini Morava** (225 Montebello Circle) – As soon as residents of the JPA Neighborhood learned of this project, we pointed out how its mass and scale conflicts with Comprehensive Plan Guidelines stating that new development should have forms and scales that are respectful of the surrounding neighborhood and how the height conflicts with entrance corridor guidelines recommending reduced height near lower-density uses. Residents brought up the negative impacts this development would have on traffic, parking, the environment, and the quality of life of nearby homeowners. The city staff report of March 30<sup>th</sup> affirmed these issues stating the unbroken east and west elevations exceed what is typical within this corridor, exceed what is typical in Charlottesville and a height of 75 feet exceeds the recommendation for this location and results in adverse impact. The developer asked for a postponement of the SUP review but made no changes to their proposal. It looks like they used the time to lean on city staff to change their report. The revised report replaces the passages that were critical of this proposal with text that favors the developer and suppresses any pretense of listening to the community's input. The new report compares this building with other massive structures in the city, such as Memorial Gym and the Water Street Parking Garage and finds 'no adverse impact on the entrance corridor.' There is no paper trail documenting this. Why did city staff become complicit with a developer? This application treats the rezoning that is proposed in the Future Land Use Map as if it was already in place. The revised city staff report appears to go along with that. As Mr. Freas has told us, 'the existing zoning controls.' The 2021 draft Comprehensive Plan projects rezoning to take 1 to 3 years using a deliberative, community, collaborative, step-by-step process. This application not only aims to short-circuit the rezoning process, but even request a height that is 2 stories higher than the 5 stories suggested by the Future Land Use Map for the JPA corridor. If this SUP application is approved, it will not only harm the community, but it will also set a

precedent for building more such structures in the neighborhood, thus undermining the collaborative rezoning process that the city has committed to. We urge you to reject it.

**Cecilia Cain** (UVA Housing) – I am the UVA Student Council President. I wanted to give a student perspective on this project. In Charlottesville, UVA students feel that we don't have enough housing options available. It means a couple of things. It means that rent is high for students, especially close to Grounds. There are not a lot of options for lower rent for students. We don't have a lot of options in terms of where we're placed in the city, especially for students with budget constraints. Students don't want to be displacing low-income Charlottesville residents. When people don't have unlimited budgets, that is the impact of people being in the city. We don't have a diverse pick of landlords. We must put with exploitative policies and poor treatment with landlords that don't have incentives to treat student renters well. There is little reasonably priced housing near UVA Grounds within walking distance. Most students don't have cars or don't need cars. They don't typically drive around Charlottesville. When we do have cars, they are either stored in garages or it is to drive back and forth from Grounds. That is why I am in support of this project because it is within walking distance of Grounds. It would limit overflow from students into the rest of Charlottesville encroaching on affordable housing communities. The special use permit is consistent with the Comprehensive Plan, which has support from many UVA student groups, including every Class Council, the UVA Workers Union, and UVA Student Council. Students want to protect affordable housing in the city. We also support the contribution that this would bring to affordable housing. We want to stop encroaching on low-income and historically black neighborhoods. I fully support this project. I hope that we can continue to trend towards high-density housing closer to Grounds and investments in affordable housing in the city.

**Ann Benham** (116 Observatory) – I wanted to say something about the traffic report. The data analysis was collected August 28, 2021. That was a Saturday, not a weekday. A weekday is a more typical day. I would object to the acceptance of the traffic report on that basis. That was incorrect to do that on a Saturday. I oppose this development because of all the issues that others are describing and because of the following environmental concerns. Six buildings and over two dozen mature trees will be removed to make way for a massive U-shaped building. The impervious surface area of our neighborhood will be enlarged. The removal of the trees will further reduce the city tree canopy that has been declining for years, a decline the city claims it wants to reverse. The tree removal with a large increase in impervious surface area is a recipe for increased heat island effect in our neighborhood, not to mention higher energy costs that go with increased AC use. According to the Union of Concerned Scientists Killer Heat Report interactive tool, by 2036, the projected number of days over 90 degrees for Charlottesville is 84. If this proposal passes, a precedent will be set to build more high-rise, high-density buildings in the JPA neighborhood if all the green space and smaller dwellings of the JPA area continue to be replaced by high-rises, as some seem to favor. Has the city considered the likelihood of power blackouts being imposed due to high AC use in future hot summers? A few neighborhood concerns and questions unaddressed by the city or by the developer. Why doesn't the city consider the impact to the side streets as much as the impact to the entrance corridor? For example, the huge concrete wall that will present across the street from my house is overwhelming and will not be softened by a few tree saplings.

**Matthew Gilliken** (726 Orangedale) – I am speaking on behalf of Livable Cville. We advocate for policies to build an inclusive Charlottesville area with affordable housing, sustainable transportation, and healthy neighborhoods welcoming to all. I am speaking in support of the 2005-2007 Jefferson Park Avenue special use permit. This is an important project that should be approved. The key to fixing Charlottesville's affordability crisis is building more housing. The rental vacancy rate in Charlottesville is very low, possibly below 2 percent. There simply aren't enough homes to meet our needs. Rent continues to rise as a result. Increasing the supply of rental homes will help shift power to the nearly 60 percent of city residents who are renters and away from landlords. Every part of our city needs more places for people to live. The JPA corridor is a perfect spot to add capacity. The Future Land Use Map and Comprehensive Plan call for this type of density along JPA. Housing with good transit, bike, and pedestrian access to key locations like UVA. By meeting student demand there, we

can prevent students from sprawling into nearby neighborhoods like 10<sup>th</sup> and Page and Fifeville and worsening displacements of long-time residents. This is the location where students, who are nearly all renters, have said that they went to live. UVA Student Council sent an excellent letter about the Comprehensive Plan that more student housing should go along the JPA corridor. Allowing more housing where students want to be is consistent with the city's affordable housing plan, which expresses the need to 'increase the supply of housing and slow the increase in housing costs, while protecting lower-income and other marginalized communities.' Another key to address in our housing crisis is subsidizing affordable housing. The developer is planning to contribute nearly \$500,000 to the Charlottesville Affordable Housing Fund as a condition to build. This will help fund groups like CRHA, LEAP, AHIP, PHA, and Habitat for Humanity in the work to address local housing issues, while the increased real estate tax revenue from the property will help fund other city services including schools. Approving this development will signal that the city wants more housing along the JPA/Fontaine corridor. We think that is a good thing. We call on the Planning Commission to recommend approval and for City Council to follow through on the commitments made in the Comprehensive Plan.

**Megan Bushy** (126 Observatory) – I am here today to protest all the special use permits that have been presented to the city for 2005 Jefferson Park Avenue. My family and I are residents of Observatory Avenue and have lived here for over 15 years. We didn't buy the property as an investment. It was a decision made in good conscious to live close to where we work and recreate. I work for UVA, and I walk to work. My husband works for Blue Wheel Bicycle downtown where we are part owners. He rides his bike to work. We are a family of four. Our community on Observatory Avenue is unique. We have 15 houses. Nine are occupied by homeowners. This does not include the 2005 Jefferson Park Avenue. This is the largest percent of owner-occupied houses in the JPA neighborhood. When you're here, you can feel the difference. We are active in our yards and use our surrounding amenities to the fullest. We are also close to a lot of green space like Observatory Hill and the Reservoir. Many of our residents have lived here on Observatory Avenue for 25 years. I am here to stress how important it is to keep the charm and character alive and for the JPA entrance corridor to UVA and the city of Charlottesville. Why does this apartment complex need to be any bigger than the current zoning allows by right? We oppose the special use permits for increased dwellings per acre, amounting to 119 units total. This equals 390 occupants. These 390 occupants are going to come with their vehicles. I know a lot of people have said that they don't. If you have been on JPA during the week, you know that there are a lot of cars and a lot of congestion. This will reduce the green space. It will increase the traffic and the production of trash. We oppose the special use permits for increasing the height from 45 feet to 75 feet, for reducing on-site parking by 22 percent. This increase in height is to accommodate more dwellings, thus increasing the population. Decreasing the parking requirements will clog our streets. We oppose the special use permit to reduce the rear setback. Current zoning calls for 75 feet. The special use permit reduces it 36 feet. We would like the entire 75 feet to provide a vegetative buffer of native plantings to protect the charm and character of our 100-year-old homes.

**Ethan Van Berkel** (102 Kent Terrace) – I am an upcoming resident of the JPA neighborhood. I am speaking in support of this rezoning, not just as a student of UVA, but as a community member of Charlottesville. The student housing and general housing situation in Charlottesville is in a dire situation. There is not enough housing for the student population. Even with the University's current housing creation programs, there is not enough space for every student to have a reasonable housing situation. I recently went through this dreaded leasing process. I had to deal with predatory landlord companies. Some were unwilling to talk to me in person. I had to sift through thousands of houses that were in poor visible condition. Housing is a human right, regardless of the status of the occupant. Students are members of the Charlottesville community too. The JPA corridor is perfect for this type of rezoning. Students prefer this corridor due to its proximity to the engineering and STEM buildings on Grounds and it is cheaper and more laid back compared to The Corner and 14<sup>th</sup> Street neighborhoods. The approval of these rezoning requests will have trivial impact on the community. JPA is vastly consistent of a student population. We must provide for the students, as they make up most of the neighborhood. Building here in JPA rather than in other areas, such as south of the train tracks in Fifeville or in

areas, such as the Downtown Mall, will decrease the pressure needed of student housing around UVA Grounds and across Charlottesville. This project will not single-handedly solve the student housing situation. It will serve as an example that Charlottesville welcomes progress. Please realize that students rarely drive. I will not be bringing a car next year. I know many people who won't. There is no reason to. We walk to class. I drive home once or twice a semester. I would like to point out that a lot of the street parking on JPA is not used by students, I have noticed a lot of UVA Health and UVA employees, who park there. The apartment complex about to be approved is close to classroom buildings. Students drive less than the average Charlottesville resident. Students are community members regardless of their temporary nature. I have asked around in the planning school. I have noticed an overwhelming sense of support with these types of projects I aim to represent. I would like to point out that this is a long public hearing on Tuesday night, and we are during exams, there are not a lot of students here. I am here to represent those students. What affects the students in Charlottesville will affect the city. A vote to pass this rezoning is a vote to support Charlottesville and its residents.

**Jay Brown** (110 Shamrock) – I am opposed to the special use permit because of the size of the construction and the setback. The applicant was less than generous to the neighborhood in pointing out the least special buildings along JPA. The Woodard Property at Emmet Street is a beautiful apartment building. It is 5 stories. The building at 1815 is a wonderful place. It is all within 5 stories and the setback is terrific. With the building of 1602 Valley Road, there is a nice setback. It is all within 5 stories. The nice properties can be built in our neighborhood at 5 stories. They are here already. There is no need for a special use permit to permit the applicant to build something that is much higher. Staying in compliance with the current zoning is fine. Great properties can be built in compliance with the current rules.

**Bailey Maro** (109 Shamrock) – I am an urban planner, a renter, and a former student at UVA. I am here to speak in favor of the project with a caveat. This development provides a significant number of dwelling units for students near the University, which is much needed given the squeeze that the Charlottesville student rental community is experiencing. The Commission is quick to dismiss student concerns because of the transient nature of student renters. Student renters are a vital force in Charlottesville's economy especially in this section of town with the commercial node at JPA and Maury. Aspen is a well-known student housing provider in the southeast and Midwest. It is safe to assume that this development's units are going to be marketed towards students. However, Aspen's student developments are often marketed as luxury living with rents often going over \$1000 per bedroom in some of their other developments. From the staff report, I disagree with the Office of Community Solutions comment preferring that on-site dwelling units be provided for non-students versus the cash and lieu contribution because this is a development that will be for students. I am disappointed by Aspen's decision to make a cash and lieu contribution rather than provide on-site affordable units. This is going to result in pushing students, who can't afford luxury units, further away from their classes. This exacerbates equity issues in Charlottesville housing, those who can't afford to live near the amenities that they need are inconvenienced with longer commute times, living away from transit, food, commercial opportunities. Without affordable units for students, students of lesser means are pushed away from living near the University, encroaching on long-term rentals and homeowner occupied neighborhoods elsewhere in the city. Given the current rents of around \$500 per bedroom in the existing housing on Washington Avenue, more needs to be done to ensure that the new units that will replace them are affordable for the market that will be renting from them. This development moves Charlottesville in the right direction as outlined by the Comprehensive Plan, this being a higher density mixed-use corridor. It only serves a small subset of privileged renters.

**Marilyn Poling** (123 Observatory) – My main concerns are parking and traffic. There have been assertions that 390 bedrooms and 125 parking spaces won't be a problem. My observations of student-rented houses and small apartment buildings on Observatory Avenue is that there is one car per student. Observatory is narrow, and any parking related to the 2005 JPA project would make the passage of fire trucks and rescue squad vehicles impossible. Even if there are required permits between the hours of midnight and 7 PM, that means it would be just fine for there to be no access for fire trucks and rescue squad between 7 PM and midnight and a longer

period on Sundays. If permits were needed for 24 hours per day, 7 days a week, how strictly and consistently could they be enforced? Would it be strict and consistent enough to prevent all residents and their guests from ever parking illegally? Would enforcement be towing or ticketing? How often would the street be checked for illegal parking? Would it be checked during the night and day? A party with guests parking illegally could happen during an evening when a fire truck or rescue squad vehicle is needed immediately. This happening once could have fatal consequences. With traffic, the outlet from Observatory Avenue to JPA is dangerous. There is no visibility to the left when cars are parked along JPA. Any increase in traffic caused by the 2005 JPA project will increase the danger in exiting from Observatory Avenue. I would like to take exception with something that was just mentioned tonight. That is the developer's hope or plan that homeowners will just go away in the future. I couldn't afford to buy another house somewhere else in Charlottesville. The effect on my life would not be trivial.

**Crystal Passmore** (Forest Ridge Road) – This is a great project to move forward on. It will put students where students want to live. UVA students will generally try to live near the school. This will allow more students the same opportunity. It is very expensive to live in the city. Moving farther from Grounds is not a trivial act. It would be nice if homeowners in the area recognize that other people, especially students, have these same desires. I don't know where people who oppose this project think the students will live if not in this building and more buildings like it that will hopefully be built. Students are being forced to live further and further out in Charlottesville, forcing them to drive. The terrible traffic near Grounds is most likely from people, who live over a mile away, not people, who live close who park their car a mile away. I have had this experience when I lived on Grounds. My car wasn't even a mile away. It was a half mile away. I never used it. The people who drove on campus were the people who lived in the outer counties. I want people who are concerned about trees to think about where these students will live and where new housing will go if not near campus. There are plenty of trees being cut down in Albemarle to make new subdivisions. People don't consider what happens if you do nothing. What happens if you do nothing is that people drive into the town more, live farther away, drive farther, more people own cars. Some of the things that they're complaining about are the results of not allowing this kind of housing. This is a great project to move forward.

**Caleb Sika** (Wertland Street) – I am a 4<sup>th</sup> year at UVA. I want to express my support for the development under the caveat of the affordable housing provision and with cash in lieu of the affordable housing provision. Earlier in this meeting, somebody mentioned the cost of affordable housing being about \$300,000 per unit. Nine units would be standard in a subdivision like this. I understand the need for a business to run. If they are charging luxury rate rents for student housing that is close to the University that is much needed, more supply in the market is good for students. It will give more students a place to live. It will prevent students from pushing people of the local community out of their current homes. That doesn't represent the inclusionary zoning that the city has tried to prioritize in its Comprehensive Plan. The 2018 needs assessment is quoted as needing 3318 affordable units. That was in 2017. It is projected to be over 4000 by 2040. Out of 116 units, we can afford a little more than \$500,000, especially for a large developer like this current client. I do want to express my support for them. If they are asking for more floors in terms of more units, that is more revenue. If that is over \$1000 a month per bed, a few affordable units could be included. That wouldn't have too much of an impact on their bottom line or their investors. I would express more of a push that I would hope to see being encouraged by the city and Planning Commission towards the developer to include these things if it is approved.

**William Schaaf** (113 Washington) – We are missing some of the basics outside the structure with regards to traffic, particularly on Washington Avenue and entering onto JPA. The contours of the roads make it challenging for cars to see. If you have ever lived next to a dumpster, the noise for garbage distribution is challenging at best. The fact that our houses will not exist in the future is an amazing prediction on the future and tends to serve the needs of the developer more than the needs of the community. We love Charlottesville. We have invested and owned there. We're proud of it. We hope that the Commission will take a serious look at the impact of traffic and parking. To think that the students are going to pay the rental price of those apartments

will not have an automobile somewhere else with guests that will come and visit them is naïve. I doubt I can never stop the project. I want it in scale and magnitude. It should be scaled to the existing regulations in effect today.

#### iv. **Commission/ERB Discussion and Recommendation**

**Commissioner Mitchell** – This is a difficult project. The project is not in harmony with the existing conditions. The scale and massing are concerning. If we do nothing, we're allowing a by right development to happen. We would still lose the tree canopy. We would still have the issue with the integration of the new water, sewage, and infrastructure into the existing water and sewage infrastructure. Those are issues that are going to be there. Something is going to be built on this property. We need more housing in Charlottesville. We need more housing in Charlottesville that is closer to UVA, so that the housing that is farther away from UVA can be used by the rest of our citizenry that probably cannot afford housing that close to UVA. \$500,000 is not as much as we would like. With a by right development, we wouldn't get anything. At least, we're getting something with this. We're getting 119 units that we desperately need in that neighborhood. I am worried about the shadowing effect that this would have on the people that currently live there. I am worried about the lack of harmony with the existing conditions.

**Commissioner Dowell** – I am very torn. We do need more housing in the city. Are we going off our rules and regulations that we already have in place? Are we going off the rules and regulations that are coming? If we're going off rules and regulations that are coming, then I have a question for information and clarification about the statement that Councilor Payne made. If that is the case, how would this negatively impact what group you were talking about that is requiring the affordable housing initiative. That is where I am having some concern. If we're going to go off future endeavors for this project and this SUP, we need to go off future endeavors for everything related to this. I am very concerned about the massing and scale of the building. It seems to be marketed only to UVA residents. I am aware that we only have students living in this area. The University of Virginia needs to be responsible for housing their students. They take the tuition from these students. They need to house these students. If the students don't want to live in their housing, that is something UVA is going to have to 'step up their game' on this. We do need housing. This is not going anywhere towards our affordable housing. My question for Commissioner Palmer is whether UVA has capped enrollment. If UVA has not capped enrollment and they don't have housing for each student that they enrolled, this will create more housing. It is not going to lift the burden on the other housing stock we have in the city. We need to decide if we are going off what our land use or what our constituents already are at present. Are we going off what our future is working towards? That is going to make a huge difference in how, not only how I think the Planning Commission presents their recommendations to City Council, but it is also going to make a difference on how City Council is going to pass or have their vote.

**Commissioner Habbab** – I appreciate that the parking lot is hidden from view, utilizing the topography to hide all the cars. They're doing that through terracing and adding that public amenity to JPA and the surrounding side streets. I support all of staff's SUP recommendations. The application is not meeting the #1 standard. Nothing would meet it if we were going to follow the Comp Plan's new Future Land Designation in that neighborhood. The thing that gives me doubt is that transition to the surrounding neighborhood, I would have liked to see more set step backs leading to the surrounding neighborhoods to mitigate that shadowing effect a little bit. I am disappointed in the cash in lieu. I acknowledge that is something that we cannot control.

**Commissioner Lahendro** – I agree with a lot of the staff analysis comments that talk about the form and the height problems/issues. It is stated many times in here. Trying to find ways to mitigate the inconsistency between what is proposed and the surrounding neighborhood. I don't believe the suggested remedies do much to take care of that. I read in our Comprehensive Plan, that we just adopted, Goal #7 – Land Use, Urban Form,

and Historic and Cultural Preservation, that for entrance corridors, we are to ensure that the quality of development in Charlottesville's designated entrance corridor overlay districts is compatible with the adjacent neighborhoods' historic, architectural, and cultural resources. I am not in favor of sacrificing a long-term neighborhood for providing student housing for the University. The people who have lived here, the single-family detached homes in this neighborhood, we can't pretend that they're not there because the Future Land Use Plan is anticipating that they're not going to be there. They are there. They have been there for some time. They deserve to be respected. The project, as presented, is too large for this context.

**Commissioner Russell** – I agree. I would want to see the design of the entire building respond better to the lower density surrounding it. Commissioner Stolzenberg, to your point, the entrance corridor guideline applying to the street and not the sides; in this case, the sides are serving as a primary too. The same design principles that we utilize in the entrance corridors are translatable to Observatory and Washington. They want to have that same human scale and relationship with the building as well as not to be overshadowed and feel inhumane. This could be done. It would be sacrificing some of the density. It would have to step back. Where would that space go? The idea of doing sun studies was interesting. I am still concerned about the issue of parking on both sides of the street, certainly on Washington. I was out there. It is a very narrow road. Councilor Payne's point about the unfortunate timing of this project coming before us, when we don't have the affordable housing overlay in place, I don't think we can rule on it under that context. We can't look at it like that. We must view it in current time. It is interesting to note that, in the future, we would hope that affordability could be achieved through a bonus that we can't ask for here.

**Commissioner Stolzenberg** – Thinking about the Future Land Use Map and potential future zoning versus our current regulations, it is important to note that what we're looking at here is not a rezoning, it is not doing something in advance of this comprehensive rezoning we're planning on doing. It is a special use permit under our existing zoning. The question is whether the factors in issuing a special use permit are met here. The big sticking point is #1-whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood. A 5-story building in the rear elevation is not identical to a 2-story single-family detached house. Harmonious is not defined in the code. The question before us is whether a 5-story building can coexist next to smaller buildings, including detached houses, whether it is sacrificing the neighborhood to have a 5-story building down the street. I would note that there is a 4.5-story building at the head of the street that this building does transition down in apparent height as you get away from the corridor. We have talked a lot about this idea that we have seen where the school district saw more children enrolling in schools because families were moving into houses in 10<sup>th</sup> & Page and in Fifeville that had previously been occupied by students. We have talked a lot about this idea of how this will pull those students into a smaller footprint and help those other neighborhoods that are seeing students sprawl out. It just doesn't apply to those other neighborhoods further away. It also applies here on Observatory Avenue and Washington Avenue in a microcosm. We have heard from members of the community how they enjoy living on a street and in a neighborhood where students and homeowners can coexist and how many of them live in houses that were rentals. If you pull students out of those detached houses and into purpose-built student housing, those houses may open up. There might be opportunities for more homeowners to move in. Contrary to the idea that it would force out homeowners, this project is not displacing any homeowners. There are no homeowners on this parcel. We're adding more student housing. I happen to know people who lived in 113 Washington. When a group of people moved out, another group moved in. The house is typical of those along Washington. It is not in very good condition. It is quite expensive for students. As we heard from some students, they need more opportunities for housing. The process of finding somewhere to live is brutal. This will have benefits for, not just students, but also in creating opportunities for non-students, UVA employees, and people who want to live in town in a walkable neighborhood. With massing and materials, we can make improvements. The extended corridor review process should be an interesting time. We can make it better. It does need some work. With purpose-built student housing off Grounds instead of on Grounds, they end up in the same place. They're paying less at these luxury off grounds places than they do off Grounds. I lived in Lambeth in a 3-bedroom

apartment. In a 3-bedroom apartment, you live in double occupancy. There are 6 people in a unit. That is \$4040 a month for 9 months. You're paying nearly \$5000 a month for a 3-bedroom unit. Even the most expensive off Grounds housing is cheaper. We get real estate taxes from that. This building is a \$250,000 assessment. We would be pulling in \$300,000 a year in taxes that we wouldn't get if it was on Grounds housing. For the parking reduction, I appreciated the logic of doing it. I suggested it in the first place. It doesn't allow more above ground area to put more units in is disappointing. I had a question of what the public benefits are. The reasoning is that it reduces traffic because you have fewer cars. I am sympathetic to that argument. If there is somewhere for students to go, kids will bring cars. If there is nowhere to put them, having a car will be an inconvenience and possibly expensive. They won't bring it. Students don't drive very much. They mostly use those cars to go to the grocery store and to drive home from holidays. While I am sympathetic to the traffic argument, it is not going to have a negative effect on the rest of the city to reduce the amount of parking. I don't know if that line of reasoning is going to convince everybody else. It would be great if we could see a more tangible public benefit to that request. While reducing the amount of excavation is great, the disruption in the surrounding neighborhood is going to save you money. There are many things that I can't ask you for. It would make my life about arguing that parking reductions are great and benefit everybody easier if there were more concrete things that I could point to.

**Commissioner Palmer** – With Commissioner Dowell's question about enrollment caps, that is a difficult question in the sense that we are a state institution. There is always a negotiation at a higher level on enrollment numbers. We're currently not in an era of required enrollment increase time. If you look at our official projections, they're flat. Historically, we tend to grow about one percent. That is more students accepting their offer than anticipated or for a variety of reasons. In terms of UVA housing and building more housing, we're currently building and planning on Grounds housing. As we have acknowledged, it is never enough. Those decisions are financial. UVA housing is self-financed. They must pencil it out. They only have a certain amount of debt capacity. There are institutional and strategic reasons to build or not build student housing that come and go depending on institutional priorities. We are taking our first steps towards providing some affordable housing to the community through the affordable housing initiative. One of the sites that has been advertised or that we have identified is the Piedmont housing site, which is down Fontaine from here. In terms of having affordable housing close in the future, that will be a place where the University is trying to provide something. In terms of this project, you guys have hit on the main aspects of it. If we assume that students are primarily living, there and their comings and goings are primarily not car related. It is bike, pedestrian, and bus, it is important that this development conforms with Streets That Work and provide those wide sidewalks. It is great to have the inside bike parking. When it gets down to site planning, it is probably important to have a lot of exterior bike parking and space for scooters. Students or people coming to the development don't know where to put their bikes if they're not familiar with the site. If you are on a scooter, you're dropping it. If it is one of those 'For Rent,' you can't take it inside. To avoid them accumulating on sidewalks, it would be important. In thinking about that rear setback, whether it is 45 feet or 35 feet or 75 feet, anything the developer can do to make that an open and public space, I like the idea of the bike path through there. I saw on some plan a dog park. As you make those things open to the community, that might help the residents of Observatory Avenue enjoy that space better and get some benefit from it as well.

**Councilor Payne** – I visited the site yesterday. When you look at the site, it is very clear that density already exists in that corridor. This is a corridor where density is a positive thing. It can and will be a positive thing. I am starting from that premise. Density will be a positive thing here and should proceed. When I look at the presentation, I do worry about the massing, the scale, and the setback. I worry about that building casting a shadow over the neighborhood and being unharmonious. There is a lot more that could be done to mitigate that. I agree with the direction of staff's recommendations. I don't know if it goes far enough. That is important for 2 reasons. One is to have a good project. As I mentioned with The Standard, when that project went up, what was the longer-term consequence? There was a de facto downzoning throughout that area. If we're not able to prove to the community that we can do density in a way that is harmonious, human scale, and successful, there are



going to be long-term consequences. We may think that none of us on the Planning Commission or Council may decide we want to downzone a neighborhood or completely change course on the direction of our zoning rewrite or Comprehensive Plan. It is important that we take the time to get these things right. I worry that there will be consequences if we don't. The final thing that I will say on the affordability component; other have touched on this. This is frustrating for me. I don't know the path forward. This happened with another SUP where we're in this strange situation where we're evaluating decisions with the Future Land Use Map and Zoning Rewrite in mind. If we're using that in our evaluation, that will include our framework of inclusionary zoning and affordable housing overlays, which are critical to the success of that plan for affordable housing. I have a concern. If we ended up in an area where the zoning rewrite is 5 stories by right and going up (for example), we're 'giving away the farm' compared to what the situation would be otherwise. We assumed that we're doing our current requirements for units in inclusionary zoning, and we didn't even strengthen it. That difference between 9 units on-site or off-site is around \$3 million of subsidy de facto for affordable housing compared to \$500,000. It would probably be stronger than that. That makes a difference. It makes a difference across time for the people who are going to be building this thing, the people who are going to be serving these students at UVA. Those are things we should consider when we have already accepted that density is positive and is going to happen. We need to take the time to figure out if we can push further on those details. It is going to make a significant difference in people's lives. What is the delta between the value of this property before we have rezoned it and after we rezone it? What is the profit that this developer is going to generate before we rezone it versus after? We have made some bad decisions in the past. We created so many obstacles that they built by right. It was similarly profitable. We get a CVS or a by right office space instead of housing. Could there be another case where if we didn't evaluate what that delta is, we 'give away the farm' in terms of the amount of value being generated to them and they're only contributing only \$500,000 to the affordable housing fund compared to millions generated by the SUP being approved. That is important for me to evaluate. This is a company that operates nationwide, has a portfolio of hundreds of properties, billions of dollars in financing, build these luxury student apartments. That is a company that can contribute more. I understand the situation we're in where we don't want to shoot down density. I have a structural problem with the fact that you have a major, national developer with billions of dollars building luxury student housing contributing 0 affordable housing units and a drop in the bucket to the CAHF. People have a right to be angry that that is a structural problem. I understand the limitations on how we approach that.

**Councilor Pinkston** – We have said that this is the kind of development and density that we want (the Future Land Use Map). We're trying to catch up with the zoning to make that happen. Is one thought for the developer to press Pause when we have that all worked out? That would be on them to decide. I am torn because Commissioner Stolzenberg's points were well made. We need to assess this in terms of what the rules are currently. What we're hoping for in the city is what the consultant laid out tonight in terms of how we want JPA to ultimately look like. She did a really good job. We're kidding ourselves if we're not thinking of that corridor as looking something like what is being proposed. We must help ourselves. The arguments are in favor of more housing even if it is luxury, having that housing closer. All those things push towards wanting this development to happen. I am not able to fully articulate how we square that with point #1. Is it harmonious? I think harmonious is in the eye of the beholder. In terms of how the design was laid and that you have 7 stories in the front and 5 in the back, I thought that there was some care and attention to trying to integrate in the neighborhood knowing that it is highly likely over the next decades. That area will become denser with buildings that are taller.

**Mayor Snook** – I have been struggling with the question of the first criterion, the harmonious criterion. One of the problems that we have known about Euclidean zoning is that it doesn't accommodate change. It doesn't allow for us to go gradually from a little density to more density. It allows us to say: 'We're going to rezone the entire block or entire neighborhood.' It doesn't let us go bit by bit. The first project that would get us going in the direction we want to be going in is always going to be not harmonious with what has happened before. Think about a key change. Are we going from a C Major to F Sharp Minor? Are we going from C to G, which

is a more natural change. It makes a big difference. Once we start on that kind of a key change, the next project is now harmonious with something. It wasn't before that. If we're going to make a change, we must be willing to reconsider what it means to be harmonious. We need to look at UVA. Commissioner Stolzenberg touched on something that is vital to remember. When those apartment complexes on West Main Street went up that we love to hate, one of the consequences was that about 800 more units became available in the surrounding neighborhood. Families and kids came in. The school enrollment went up dramatically. The Weldon Cooper Center couldn't figure out what was happening. They started extrapolating to huge numbers from the population growth. It wasn't that at all. It was a discontinuity. What happens there is that we must recognize that the housing market is segmented. There is a lot of crosstalk between the segments. Even if you're going to talk about this being a luxury student housing project, I think that it is fair to say that any student housing project is going to have some impact on the demand and the supply available in other segments of the housing market. The economic people would talk about cross price elasticity of demand. From one category to the next, they can measure it in various ways. It is thought to be 0.5 to 0.6 to 0.7, depending on how you're going to slice your quintiles. It does happen. We know that UVA has consistently grown at about 1 percent a year. They will tell you that they don't have a plan. It is probably true. They don't have a plan for it to not happen. They certainly don't have a commitment for it to not happen. In the 80s, when we were discussing this with university, they kept saying that more people accepted than what we were thinking. We have 100 more students coming than we thought we were going to have. After the 3<sup>rd</sup> year, don't you get somebody in the admissions office who can count. It has been something that has happened year after year after year. We must figure that it is going to keep happening. UVA has said that they are going to plan for housing 2<sup>nd</sup> year students. Last time I talked to somebody in the administration, they that is at least 5 years away. There is no present plan right now for that to happen. The housing demand is still going to be there. If we get more units, it can only be good. Whether there are accommodations that need to be made to make this project perhaps less of a jarring impact on the surrounding neighborhood and streets, I haven't thought about it deeply enough to know. It is not my area of expertise. I will investigate it more between now and whenever it gets to Council. I am more broadly concerned about the economics and the philosophy of why we're doing what we're doing.

**Councilor Payne** – We all agree that no SUP would be worse than an SUP and broad agreement that we need more housing stock, including for UVA students. Are our only options no SUP or what is in front of us right now? Do we have no leverage to try to get to a better project and no room to try to get to yes that resolves some of these issues in a better way? Could we have still gotten to yes on West Main and had that same number of units but not had as much of a giant monolithic wall facing Westhaven and dealt with some of the issues with the sidewalks? I think we could have. I also think we had leverage to do it. I also think we have leverage here. I don't want that to mean no SUP. Are you saying no to the need for student housing and density? There is room for improvement.

**Chairman Solla-Yates** – In preparing for the rezoning, I read the 2003 rezoning process documents. What struck was that it was this conversation. The 'big cry' was where will the cars go. We didn't have a good answer in 2003. The answer was not to do anything. We didn't do anything. We didn't solve any problems. We are where we are/where we were. It is my hope that we will not stay where we are. We will find a way to move forward.

**Chairman Solla-Yates gavelled the ERB (Entrance Review Board) to order for the Entrance Corridor Review of the SUP.**

**Commissioner Stolzenberg** – From an entrance corridor perspective, there are many questions about materials that we're going to eventually hash out. I think everyone would agree the real question is about massing. I think everyone would agree that the JPA frontage/elevation facing JPA is good. There is concern about the prominence of the east tower. It is divided up. On the left side, it is missing and set back. On the Observatory and Washington sides, we have that long block. We have 310 feet on the sides. That is going to be that 150-foot

solid mass in the back at 5 stories. The biggest concerns are going to be those side elevations, the one on Observatory out of respect to the community and the homeowners who live there. With that back elevation, 5 stories and 150 feet is less concerning. The comparison to The Standard and Westhaven is less than apt. The Standard is much longer (380 feet versus 150 feet). It is at 6 stories and on a ridge. You get an additional 25 to 30 feet in elevation change from the hill going down to Westhaven. Visually, it is much larger and prominent. A better is the Queen Charlotte Apartments between Jefferson and High at 2<sup>nd</sup> Street Northeast. If you look at the north elevation there, it is fairly articulated in terms of having gables. There is no screen like we're proposing. It is 200 feet long. It is one-third longer than we're discussing in this project. It is 4 stories. This is 5 stories. It is higher. It is 80 feet to the single-family houses across the street, the north side of High Street. This is about 90 feet from the north end of the building through the 36-foot screened buffer. The next parcel up is the Virginia Outdoors Clubhouse. It is renter occupied. People don't seem as concerned with it. The next house up is owner occupied. It is about 90 feet with that screen and 5 stories. Queen Charlotte comes across as a large building on that block and awkward to walk past. It is not inharmonious with or ruining those single-family houses. With that rear façade, the conditions are appropriate. It is those side elevations that we're going to have to hash out in the long run. Is it possible for the adverse impacts to be mitigated? I believe that the answer is yes.

**Motion to Approve the Certificate of Appropriateness – Commissioner Stolzenberg – I move to find the impacts of increased building height and related massing and scale can be mitigated during the required design review process and therefore will not adversely impact the Fontaine Avenue/Jefferson Park Entrance Corridor. Relative to mitigating those impacts, I recommend the conditions from the staff recommendations. Second by Commissioner Mitchell.**

**Discussion following second by Commissioner Mitchell**

**Commissioner Russell** – I agree with everything that you (Commissioner Stolzenberg) say. My read on that is that because those side elevations do adversely impact the corridor. It is an adverse impact but can be mitigated. In my opinion, we want to send a message that it is not OK the way it is. It needs to be changed. It can be changed.

**Commissioner Stolzenberg** – I have a process question. Mr. Werner made it sound like those were basically the same thing. Is that about sending a message? Does it create any substantial differences in the process going forward? I would be OK withdrawing the motion.

**Ms. Creasy** – The code is specific to the adverse impact. If there is an impact but it can be mitigated if that is communicated in your vote, then you're OK. It is like the Gallery Court application. We had a similar conversation.

**Commissioner Dowell** – How are we going to mitigate those impacts as far as the massing and scaling goes? How are we going to mitigate impacts when we don't even have a shadow study done? How are we going to mitigate impacts when we had a traffic study done on a Saturday?

**Commissioner Stolzenberg** – I noticed that the traffic study date was a Saturday. It turns out that date was wrong. It was a Tuesday. It was the 31<sup>st</sup>.

**Commissioner Dowell** – I am not saying that it can't be. I am saying that it will be easier for me to make my decision. I am not understanding how we're going to mitigate the scale of this building. I am trying to understand.

**Commissioner Mitchell** – This is not the final entrance corridor review. We must do another review.

**Commissioner Dowell** – If I am going to say that these impacts can be mitigated, I would like to get an idea of how you would do that. I don't see how you can mitigate mass and scale if they're not going to change the mass and scale. This is the big issue.

**Mr. Werner** – You all have answered the question. This is the same thing we had with Gallery Court. We had said to mitigate the impact. There was no adverse impact. There was a lot of pushback. That is why there is that alternate in there, alternative statement. This is the difficulty of this situation. You are approving a conceptual thing that will be a certain height. What the form, design, materials, and colors of that will be are up to you all to decide. Speaking hypothetically, you could in the design review process say that you want this separated into 2 buildings. You have that ability to push and hold the design. It is hard to express that because we're looking at something conceptual. It is difficult to decouple from what we're seeing as a lightened design. The design guidelines allow a lot of flexibility. You can change this design. You can do that when it comes to you. There are a lot of ways to mitigate the perception of height and scale. You can't change what it is. You affect that perception with the design. If you, as a group with discipline, can apply these guidelines and be firm about certain things, it can be done. It is up to you when that process begins.

**Commissioner Dowell** – The key point that I was looking for is that we can mitigate the perception of the massing and scaling. That is what I am looking for. I don't get how you can change the scaling of a building or the size that they have already promoted. I was trying to figure out how that works.

**Ms. Hannegan** – With the traffic study, a cover sheet had the 28<sup>th</sup>. The backup sheets have the date of the 31<sup>st</sup>. While someone reference the one date, the data was from the 31<sup>st</sup>, which was a Tuesday.

With the massing and scale, we hear you tonight. We have heard this entire conversation. We're willing to continue to look at ways to mitigate the massing and the scale of the building as we work through this with you in the entrance corridor review process. I don't know what that will entail. Whether that means removing units, other aspects of the building change, we will work through that with you at the later date.

One other item that I would like to mention is the wording of staff's three conditions. The first states 'to establish the block level scale of this project, consideration should be given to dedicating and constructing within the rear setback a multi-purpose bike and pedestrian path linking Washington Avenue and Observatory Avenue.' We would not want to dedicate land because it would reduce the parcel size and change the setback location. The language, if you can change it to an easement to create that bike and pedestrian path rather than it becomes city property and causing other problems with the form and shape of the building.

**Commissioner Stolzenberg** – Does staff agree that dedicating implies making it right-of-way and causing problems?

**Mr. Werner** – I am fine with whatever word Ms. Hannegan prefers to use.

**Commissioner Habbab** – My concerns with the other points are whether we will limit ourselves in the ERB review if we say that we want the façade and elevations to remain consistent. What if we decide we want to make (hypothetically speaking) Washington Avenue one story less or something like that?

**Commissioner Stolzenberg** – I agree with that point. I wanted to raise this to the earlier point. I think we can handle the intensity along JPA even though this is where the entrance corridor is focused so they backed it off. There is the pool. If we were to theoretically move some things up or even flip the whole thing around to use in front. I am not saying that is the recommendation. You can see that as a way where it would reduce the impact on the rear neighborhood. I wouldn't want to preclude any option like that.

**Commissioner Russell** – We want to leave some leeway for some creative solutions to these adverse impacts.

**Commissioner Stolzenberg** – The question is whether ‘generally consistent’ would fall within that. Maybe that is a reason to make adjust part of the entrance corridor review motion and not put it as an SUP. We can change it as we do our entrance corridor review rather than having to go back to Council.

**Commissioner Stolzenberg withdrew the original motion offered.**

**Motion – Commissioner Stolzenberg – I move to find the impacts of increased height and related massing and scale will adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor. These impacts can be mitigated during the required design review process with the following recommendations. Second by Commissioner Russell.**

- To establish the block-level scale of this project, consideration should be given to constructing within the rear setback a multipurpose (bike/ped) path linking Washington Avenue and Observatory Avenue.
- Organization and arrangement of the buildings shall be generally consistent with the conceptual design presented for the SUP request.

**Motion passes 7-0.**

**Chairman Solla-Yates gavelled the ERB out of the meeting and reconvened the Planning Commission meeting back into order.**

**Motion – Commissioner Stolzenberg - I move to recommend approval of this application for a Special Use Permit in the R-3 zone at 170104000, 170103000, and 170103100, collectively 2005/2007 Jefferson Park**

**Avenue and 104 Observatory Avenue to permit additional density with the following listed conditions.**

- 1. Up to seventy (70) dwelling units per acre (DUA) are permitted on the Subject Properties.**
- 2. Modification of rear yard setback to thirty-six (36) feet with a twenty-five (25) foot S-3 buffer.**
- 3. A new seven (7) foot sidewalk with three (3) foot curbside buffer shall be constructed along Jefferson Park 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....**
- 5. The pedestrian crossing of JPA at Harmon Street will be upgraded to provide safer access to transit options. The applicant will work with the City’s Traffic Engineer to determine appropriate improvements.**
- 6. The rear setback will include a twenty-five (25) foot wide S-3 buffer with mature trees and shrubs at time of planting. As a S-3 screening buffer is only ten (10) feet wide per code, additional trees and shrubs may be required to create an adequate buffer. Staff will determine appropriate screening in line with this condition at final site plan review. Second by Commissioner Mitchell.**
- 7. To establish the block-level scale of this project, consideration should be given to constructing within the rear setback a multipurpose (bike/ped) path linking Washington Avenue and Observatory Avenue.**
- 8. Organization and arrangement of the buildings shall be generally consistent with the conceptual design presented for the SUP request.**

**Discussion following the Motion to approve the SUP.**

**Commissioner Lahendro** – I can't support the motion as it is now. I believe that the rear setback is not warranted. We should keep it to provide a better buffer. If we want to get canopy trees along JPA, a 3-footwide curbside buffer is not enough. We need at least a 5-foot buffer. Those are my two strongest disagreements.

**Commissioner Mitchell** – Is a 5-foot buffer feasible?

**Ms. Hannegan** – I am presuming you're talking about the grass stretch adjacent to the curb. The street trees that we show are going to 'skip out' to compress that other buffer down to very little.

**Commissioner Lahendro** – I am suggesting that the street trees need to be along the street.

**Bryan Cichocki, Timmons Group** – Any amount of grass strip that we add along JPA is going to make it harder to achieve that streetscape. It seemed like a lot of people enjoyed, in the presentation earlier. Another 2 feet may not sound like a lot. As things pencil out, the room is going to come from somewhere. We will make it more difficult to achieve that.

**Commissioner Lahendro** – The suggestion is also that, instead of putting the trees next to the building, that the trees go in the buffer next to the street.

**Mr. Cichoeki** – Part of that planned buffer is to also make up a little bit of gray between the streetscape elevation and the elevation of the entry. There might be more green space adjacent to the curb of JPA with the trees placed there. It may be a harsher massing of hardscape material from there to the building. It will be more difficult to break up with some more green areas to soften and create those spaces for the public environment.

**Commissioner Stolzenberg** – Are you saying that it is bad because the trees are on the building side of the sidewalk?

**Commissioner Lahendro** – The whole idea of having a buffer is to put the trees between the sidewalk and the street.

**Commissioner Stolzenberg** – Earlier, we talked about how we want to daylight that intersection by blocking parking near the intersection. I was suggesting that a bumped-out curb would be a great place to add a tree and potentially micro-mobility corral for bikes or scooters. I might go as far as to get rid of all the parking and add a lot of trees.

**Commissioner Russell** – If we approve this degree of density, height, modifications to parking, and setbacks, do we have any leeway to achieve the things that we want to achieve to mitigate the adverse effects. Has it maxed out the site? Would a lower, scaled-down plan be more successful? Do we approve with a lot of conditions? Or do we say 'no, come back and try again?' Is that where we are?

**Commissioner Stolzenberg** – My understanding is there is nothing about us giving it entrance corridor review and prescribing mitigation that says everything needs to be allowed that they were given during SUP approval. If you say that you must make it 2 buildings, then you lose units. If you say that you must make it shorter, you lose height. We should try to preserve as many units as possible. Housing is a public good.

**Commissioner Russell** – Are we doing our due diligence and assuring the public that will happen and their concerns will be met. I don't think height is an aesthetic thing. With the height and setbacks that they are asking for, do we agree?

**Commissioner Habbab** – I am Ok with the rear setback. If we’re talking about the setbacks, I don’t see a problem with the rear setback change that they requested to 36 feet, including the S3 buffer and potentially that pedestrian/bike path. I don’t think that conversation was resolved on that 5-foot tree, sidewalk buffer. Where are we with that? Are we going to have enough space to have big trees?

**Commissioner Lahendro** – With a 3-foot buffer, you would have to use silva cells and do special things to make enough ground available for the trees.

**Commissioner Russell** – There is something in the plan called a bio-retention. Does that support a big enough tree that would ever get that big? They are retaining something.

**Commissioner Stolzenberg** – They will be required to have canopy trees as part of the ordinance. The front setback is not small enough to get away from that. You’re going to have this 3-foot buffer, but you can’t put trees there. It is going to be grass or landscaping. Without the 5-foot buffer, the trees would be in those tree wells on the building side of the sidewalk.

**Commissioner Dowell** – The trees aren’t a big issue for me. The ordinance says that we will have to have trees. I am sure that we have people here on the Tree Commission. For me, my big issue is whether we are giving up any chance of 9 additional units that we could be getting instead of one and a half if they pay into the affordable housing. That is a bigger issue if we’re going to approve an SUP.

**Motion passes 4-3 to recommend approval.**

2. **SP22-00004 – 923 Harris Street** - 923 Harris Street LLC (the “Owner”) and Shimp Engineering (the “Applicant”) have submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 923 Harris Street, near the intersection of Harris Street and Cynthianna Drive identified by Tax Map and Parcel (TMP) 350112000 (the “Subject Property”). The property is currently zoned IC Industrial Corridor. The Comprehensive Land Use Map for this area calls for Business and Technology Mixed Use which recommends light industrial/production uses along with allowing for other commercial/residential uses and buildings up to 6 stories in height. Pursuant to City Code Sec. 34-458(b) and 34-480 the Applicant and Owner submitted a request for increased density from a By-Right 21 Dwelling Units per Acre (“DUA”) to 54 DUA. The Applicant is proposing a multifamily building with 7 units and as the Subject Property is approximately 0.13 acres with road frontage on Harris Street, the SUP, if approved, would allow for the construction of the 7 units on the Subject Property. Additional information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the Special Use Permit application may also contact NDS Planner Brian Haluska by e-mail ([haluska@charlottesville.gov](mailto:haluska@charlottesville.gov)) or by telephone (434-970-3186). **THE HEARING FOR THIS ITEM WILL BE REPEATED JUNE 2022 DUE TO AN ADVERTISING CONFLICT.**

#### **IV. COMMISSION’S ACTION ITEMS**

1. **Entrance Corridor Review – 1150 5<sup>th</sup> Street Southwest – new convenience store and gas canopy**

Commissioner Dowell left prior to the start of the Entrance Corridor Review for 1150 5<sup>th</sup> Street Southwest. Commissioner Dowell did leave a comment regarding her concern of the heavy traffic at the location prior to leaving the meeting.

Chairman Solla-Yates called the Entrance Review Board to order.

## i. Staff Report

**Jeff Werner, Preservation Planner** – This is a request for an entrance corridor Certificate of Appropriateness for the construction of a convenience store, the gas service canopy, the associated landscaping and site work at 1150 5<sup>th</sup> Street Southwest, which is within the 5<sup>th</sup> Street Southwest entrance corridor. Per city code, the Planning Commission serves as the Entrance Corridor Review Board and is responsible for the site review process. You're responsible for the design review process within an entrance corridor. Most entrance corridor projects are reviewed administratively. When it is a new building and construction, we bring it to you for a more formal evaluation. For this request, aside from any deferral that occurs, your options are to approve the CoA, approve the CoA with conditions, or to deny the CoA request, with the understanding that the ERB's actions are appealable to City Council. A final site plan has been submitted and is currently being reviewed by staff. The design CoA must be approved for that site plan to act on that site plan. There are a few more steps that must take place. We don't get into traffic in the aesthetics side of things. The project site is 3 parcels. It totals 4.27 acres. It is zoned Highway Corridor with an entrance corridor overlay. At the southwest corner of the site is a former fast-food restaurant. That building will be razed and replaced with 1.5-story convenience store. There will be a gas service area beneath the 2-story canopy and a brick dumpster enclosure on the side. There is an existing 800 square foot fiber optic transmission building that is at the rear of this project site. That will remain in place. The store will be red brick, have white banding and trim. It will be a flat roof. It features a parapet with a faux Chippendale railing. I did have some issues with this. This is essentially a replica or identical to what they constructed at Pantops. There is a central entrance, which is flanked by frame porches of standing seam metal roof that is under an open truss supported by red brick piers and metal columns. That entrance is within a 2-story brick tower. The gas service station is at Wawa standards. It is beneath the gable. The original request was for a shed roof design. I said 'no.' We are going with the gabled roof that is more typical of this area. They were willing to do that. Vehicular traffic will continue to use the east entrance off 5<sup>th</sup> Street Station Parkway. That is that little side road. There are 2 entrances coming off that side road. One will from the west will be closest to the light, As currently proposed, a new access point will be off 5<sup>th</sup> Street. The existing sidewalk off 5<sup>th</sup> Street Station will be retained. There is a connection to the Rivanna Trail that will be retained. There is a lot of the landscaping happening at the site. There is a tree preservation area on the east side and north boundary near the stream. I have received no public comments. I have had some inquiries about it. I haven't received anything about the design aspect of it. My recommendation, as presented, is that it is consistent with the criteria of the entrance corridor design guidelines and code provisions. I am recommending approval of the CoA as submitted, with one suggestion/condition to address proposed street trees beneath the overhead utilities. It is something with the site plan that we're working on. Having this as a condition establishes how we're going to resolve that.

## ii. Applicant Presentation

**Ashley Davies, Riverbend Development and Applicant** – We don't have a formal presentation. The reason for that is the staff report was thorough. I appreciate staff adding the information about the landscaping as well. We can make sure to work that out in the best way on the site plan. We feel what is proposed is straightforward. It is like the design at the Pantops location.

**Commissioner Habbab** – On the parapet where we have those gray metal pieces, can you repeat your thoughts on that?

**Mr. Werner** – There is a provision with EC Standards about not wanting something that is not real. There is that challenge within the entrance corridor where the provisions clearly state that this is auto-centric, auto-



oriented. We're getting what we want there. I have difficulty saying that I want architectural purity in a building that is a gas station/convenience store. The railings serve its purpose. It conceals the mechanical units at the top. It is not ugly. There is a lot that has happened with the applicant. They have been good to work with. We have talked about lighting and some other things. We're in a good spot.

**Commissioner Habbab** – With the signage with the gas prices on it, is that something that is under our purview?

**Mr. Werner** – Yes and no. All signage in any project goes through zoning. It is stated on the drawings that the signage is conceptual. By you approving, this does not let them come back and say 'you all said I could do it.' Whatever they show on there must come back and be consistent with it. That is another process that I work with zoning on. We have the guidelines for signage. In entrance corridors, it is different from throughout the city. It is not as strict as the historic districts. We do review those. You don't need to worry about them.

**Commissioner Habbab** – It would have been nice if you could set that on top of the stone pedestal instead of the stone columns. It could be lower.

**Ms. Davies** – We will be putting together a full signage package for the site that has yet to be submitted. We are limited on this site where a monument-type sign could go. In terms of the location, that is important to us. We would ask zoning review that future package. Signage is incredibly limited within the entrance corridor. It is the most restrictive in terms of square footage. With our future tenants here, they're trying to have fair consistency with other similar uses in that corridor.

### iii. Commission/ERB Discussion and Recommendation

**Motion – Commissioner Stolzenberg - Having considered the standards set forth within the City's Entrance Corridor Design Guidelines, I move to find that the proposed design for the Wawa Wawa at 1150 5th Street SW is consistent with the Guidelines and compatible with the goals of this Entrance Corridor, and that the ERB approves the CoA request as submitted with the following condition:**

- **The street trees will be revised as necessary to comply with City Code Article VIII - Improvements required for developments, Division 2 - Landscaping and Screening. To the extent permissible by Sec. 34-868(d), the trees along 5th Street shall be appropriate for locating beneath overhead utilities.**

**Second by Commissioner Russell. Motion passes 6-0.**

## V. ADJOURNMENT

The meeting was adjourned at 10:55 PM.