

**PLANNING COMMISSION REGULAR MEETING**  
**September 13, 2022 – 5:30 P.M.**  
**Hybrid Meeting**

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

**Beginning:** 5:00 PM

**Location:** City Space

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

**Staff Present:** Patrick Cory, Missy Creasy, Remy Trail, Carrie Rainey, James Freas

Chair Solla-Yates called the meeting to order at 5:00pm and began by asking commissioners about timeframes for a retreat. It was determined that Saturday Oct 22 was a day when all were available, and staff will work on logistics to see if that can come to fruition. Chair Solla-Yates then asked for questions concerning agenda items. Commissioner Russell asked for details on what the CDBG project would accomplish and Ms. Atak provided the project details. Commissioner Stolzenberg asked if the funding requested will cover the cost of the project. It was noted that amount will make up the difference of the project when adding what is already budgeted.

The meeting moved to questions about the Mount View PUD application. Commissioner Russell asked general questions about PUD zoning. Commissioner Schwarz asked about stormwater comments that had been made by the public. Ms. Creasy clarified the state requirements for nutrient credits and how the applicant was the party with the decision making as to how it would be addressed. It was asked how the multiuse path would continue as it appears to dead end and it was noted that it would connect to the portion of Otter Street already in place. Brennen Duncan, traffic engineer, provided clarity on the sidewalk waiver request for River Vista. Commissioner Stolzenberg noted the importance of continuity of sidewalks in this area. Mr. Duncan noted the desire for connectivity and additionally noted the importance of the connection to Landonia. It was clarified that parts of Landonia are unaccepted right of way. Commissioner Schwarz noted that the public comments had referenced access to the site though the church parking lot and if that had been explored. Mr. Duncan noted that that connection did not appear to work as well as River Vista.

**II. COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:31 PM**

**Beginning:** 5:30 PM

**Location:** City Space

**A. COMMISSIONER’S REPORT**

**Commissioner Russell** – No Report

**Commissioner Stolzenberg** – MPO Tech meets next Tuesday morning. We will be discussing the Safe Streets For All Grant. I am looking forward to more committee assignments.

**Commissioner Mitchell** – I participated in a BZA (Board of Zoning Appeals) meeting. That was a variance request to reduce a setback. We approved the setback. The applicant wanted to build an enclosed inhabitable area on top of a porch and build a story on top of that. Tomorrow, Parks & Rec will meet for the first time in a

few months. On Friday, LUPEC will meet. The focus will be on 5<sup>th</sup> Street. The county and the city will be presenting.

**Commissioner Schwarz** – I had Planning Commission training.

**Commissioner d’Oronzio** – I went to school. One portion of my morning was attendance at Shanghai for the aftermath of my transportation discussion. It is fine. They gave us the basic data dump.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – We are busy at UVA. There is a Board of Visitors meeting Thursday and Friday. You can find the materials on the BOV website for that. Construction around Grounds is very busy. We have the Ivy Corridor happening. The public realm of that is under construction. I think The School of Data Science is topped out. It is coming along very well. With The Hotel and Conference Center that is planned there is laminating the parking garage, we will soon be breaking ground in October. There is McIntire School expansion in addition Cobb Hall, they are calling Shumway Hall. That will back up to JPA and be the most visible aspect of it at JPA and Brandon Avenue. That is breaking ground in early October.

## **C. CHAIR’S REPORT**

**Chairman Solla-Yates** – The Thomas Jefferson Planning District Commission met and sent out money for new internet to rural areas. I have news from former Commissioner Lahendro, who attended a Board of Architectural Review meeting. The BAR met at the Levy Building to review material samples for the new courthouse building. During the meeting, they issued certificates of appropriateness for the new Courts Building design and demolition of the building at 210 West Market Street. Upon approval of a building permit for the new apartment building, the existing building must be documented prior to demolition. A certificate of appropriateness was denied for the following: installation of grates on the fountains on the Downtown Mall. The Charlottesville Plans Together steering committee met on August 29<sup>th</sup>. Commissioner Lahendro and I attended. We were updated on everything you have seen and the documents that you have seen. There were some interesting questions, which I have not gotten clarity on. It is worth sharing. How inclusionary zoning will interact with the medium intensity areas? How height regulations will work and the role of stacked townhouses to provide affordable homeownership. It will be good to know these things.

### **i. Report of Nominating Committee**

**Commissioner Stolzenberg** – The nominating committee has met and decided to renominate Chairman Lyle Solla-Yates as Chair Liz Russell as Vice-Chair.

### **ii. Officer Elections**

**Commissioner Mitchell** – **I move that we accept the nomination of the nominating committee as recommended – Second by Commissioner d’Oronzio. Motion passes 6-0.**

## **D. DEPARTMENT OF NDS**

**Missy Creasy, Deputy Director of NDS** – Our bylaws for the Planning Commission allow for the Commission to change the meeting that coincides with an election day. Our November meeting would be the 2<sup>nd</sup> Tuesday, which is Election Day. If you have interest in changing that, we will have to know now, so that we can do that. I know in the past, that was included in the bylaws because there were commissioners who were involved in election activities and didn’t want to miss those. The last couple of times I have asked commissioners about

this, they have been Ok with keeping it on Election Day. We will have to adjust if there is a concern with having a meeting on Election Day. Chairman, I know that we had talked about making the announcement about the BAR individual so that they would have that individual for their meeting next week. Is that still a possibility this evening?

**Chairman Solla-Yates** – Commissioner Schwarz will be representing the Planning Commission on the BAR.

**James Freas, Director of NDS** – On September 27<sup>th</sup>, you will have a joint meeting with City Council to discuss the zoning rewrite project, in particular, the Diagnostic and Approach Report. That meeting is about getting your feedback and reactions so that we can move forward into the drafting phase. That is drafting the zoning ordinance itself and the map. Be thinking about what questions you might have. If you are inclined, share those questions in advance. It will help us immensely. We have a building code official after a 2-year hiatus. Mr. Chuck Miller started with us on August 29<sup>th</sup>. He has been with us for a couple weeks. He is already making great strides in getting us caught up on plan review. He is already making a big difference. Brian Haluska has moved into our Support Services Manager position. In that role, he will be overseeing our customer service functions, our new online permitting system, and our data services functions. He has formally moved into that position and demonstrating improvements in that and helping us prepare for the reopening of City Hall on October 3<sup>rd</sup>.

**Commissioner Stolzenberg** – Given how much there is to discuss at the work session, is it a typical work session that is 2 hours? Are you making any provision or backup plans if we need extra time like another work session?

**Mr. Freas** – Our goal is to keep it within that work session. We have spoken about it being a 2-hour work session but understanding that it likely could go beyond 2 hours with the active engagement of Planning Commission and Council. We need to hear from you guys to move that project forward. This is an essential meeting for that process. Should we follow up on that question?

**Commissioner Mitchell** – It would be helpful that we know what the structure and the flow of that meeting will be.

**Commissioner Stolzenberg** – What decisions need to be made? At the last work session, we went for about a half hour about critical slopes and entrance corridors, which are 2 of the main decisions to be made.

**Mr. Freas** – In advance of that meeting, we are going to provide a sheet that shows all the places where we have made changes from the draft you have. We are going to give you the pages that have changed as opposed to the entire document. There will be a cover memo. We are going to do a brief presentation. The primary purpose is to hear from all of you and your colleagues on Council. Our presentation will highlight what we see as the most important questions, particularly those arising out of the public comments we have heard.

**Commissioner Stolzenberg** – Will we get that public comment?

**Mr. Freas** – The piece of the packet that you will have in advance is a summary of all the public comments received.

**Commissioner Stolzenberg** – My last question is about what the other commissioners have said and whether we should share that with each other.

**Mr. Freas** – We can provide those comments.

**Chairman Solla-Yates** – Something that I have found helpful is having questions shared in advance and going around the room.

**Mr. Freas** – I don't think we are limiting the conversation with that set of questions. That can provide a structure that will easily get us through the first 2 hours.

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

**Peter Krebs** (Preston Avenue) – I work for the Piedmont Environmental Council. I wanted to speak in favor of the CDBG project. I was on the CDBG Task Force for Belmont-Carlton. This type of work is the type of projects that we discussed in that context. The lower Avon area is also a priority community. It checks that box as well. You will hear more from staff about the project. It is part of a planned Greenway system that will connect lower Avon Street to 5<sup>th</sup> Street coming out around Willoughby. We know it is difficult to get across town. Imagine getting from the Habitat Houses on Avon Street over to 5<sup>th</sup> Street, you would have to walk up a big hill. This is a direct connection. We already know about their planned improvement (bike/pedestrian improvements) along Avon Street and 5<sup>th</sup> Street as well. This is also part of a gigantic gesture we are working on between south 6<sup>th</sup> Street, Willoughby, 5<sup>th</sup> Street Station, and all the way to Biscuit Run and Southwood. This is a small but important piece of a large puzzle. Please vote in favor of that. I did mention the previous CDBG project, which was a Franklin Street sidewalk project that is being handled a different way. I understand that element of it. It is still an important project, especially with what is going on with Carlton and Broadway. Let's not lose track of that Franklin Street sidewalk. It is great to hear you talking about Safe Streets. The county is very excited about it. TJPDC is excited about it. We know that working together is the best way because that is how we live. It is also more appealing to funders to see localities working together.

## **F. CONSENT AGENDA**

1. Minutes – August 31, 2021 – Work Session

**Motion to Approve – Commissioner Russell – Second by Commissioner d'Oronzio – Motion passes 5-0 with one abstention (Commissioner Schwarz).**

## **G. FY 2022-2023 CDBG SUBSTANTIAL ACTION PLAN AMENDMENT TO THE CONSOLIDATED PLAN**

**Erin Atak, Grants Coordinator** – The city receives grant funding from the US Department of Housing and Urban Development each year. The funding that we will be talking about is the Community Development Block Grant (CDBG). As part of the public participation process, the Planning Commission must provide recommendations with all CDBG activities brought forth by the Task Force. For FY22, CDBG was awarded \$414,907 on May 13, 2022. The request for proposals that the CDBG Substantial Action Amendment is what the Planning Commission will be reviewing today amounts to \$178,394.34. On September 21, 2021, City Council set priorities for FY22 for the CDBG Program. The request for proposals was based on City Council's CDBG priorities, the 2018 Consolidated Plan and HUD CDBG national priorities. For the RFPs, they went through an extensive review by the CDBG Task Force. As a result of the competitive RFP process, today's discussion will be focusing on the areas that the CDBG Home Task Force reviewed as a result of that competitive RFP process, which includes housing and priority neighborhood public infrastructure. Under the competitive RFP process, all applicants were required to undergo a mandatory technical assistance meeting with the Grants Coordinator prior to applying to the city. During these sessions, all applicants were able to meet with the Grants Coordinator, go through the grant requirements, and talk about their potential CDBG program. I met with four interested applicants. We received two applications at the end of the RFP period. The other two applicants realized that the CDBG would be better suited for them in the upcoming RFP season for the next fiscal year. We will probably see them again. The city did impose restrictions on this RFP cycle with regards to

timeliness and having ‘shovel-ready’ projects. Anyone who did not meet that requirement or who had outstanding balances with current CDBG funds were considered ineligible to apply. This was shared with the Task Force and all applicants prior to the RFP window. The CDBG Task Force has recommended the following activities for approval into the Substantial Action Plan Amendments. The first one under priority neighborhood public infrastructure is the Charlottesville Parks and Recreation. Estimated benefits for that activity includes construction of the bicycle pedestrian ADA accessible bridge to connect Jordan Park to the developing Moore’s Creek Trail between Avon Street and 5<sup>th</sup> Street at \$171, 655.34. Under housing, the Arc of the Piedmont was recommended for HVAC replacement of their Shamrock Group Home. Estimated benefits include replacing their 30-year-old HVAC system in the group home benefiting up to 7 developmentally disabled individuals. The funding recommendation is \$6,739.

**Commissioner Stolzenberg** – A commenter earlier mentioned that it would connect to Willoughby. Is 5<sup>th</sup> Street near Willoughby? I know there is a rock hop across Moore’s Creek. Are there any plans to make a bridge across there?

**Chris Gensic, Trail Manager** – At the moment, we don’t have plans to bridge Rock Creek. This is a developing system. There is a sewer line that gets you to 5<sup>th</sup> Street between Brook Wood and Willoughby. You meet the sidewalk and bike lanes there. Should we ever cross over the Willoughby side, that would be something that gets you to Willoughby directly. For now, this is one piece of the puzzle. We are working our way up the stream.

**Motion – Commissioner Russell – I move to approve the CDBG Action Plan as presented – Second by Commissioner Mitchell. Motion passes 6-0.**

Council was called 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, (iii) Hearing, (iv) Discussion and Motion

- 1. ZM22-00002 – Mount View PUD** – Shimp Engineering, on behalf of Mount View Baptist Church, Mount View Properties, LLC, and Route 250 Houses, LLC, (collectively, the “Owners”), the owners of the properties, has submitted a Rezoning Petition for 908 St. Clair Avenue, 1133 Otter Street, 1221 Landonia Circle, and 1201 Landonia Circle, also identified on City Real Property Tax Map 49 as Parcels 65, 72.1, 72, and 73 or Tax Map Parcels 490065000, 490072100, 490072000, and 490073000. (the “Subject Properties”). The Subject Properties have frontage on St. Clair Avenue, Otter Street, Landonia Circle, and River Vista Avenue, and contain approximately 3.4 acres or 148,100 square feet. The petition proposes a change in zoning from R-2 Two-Family Residential (current zoning) to Planned Unit Development or PUD (proposed zoning) subject to certain proffered development conditions (“Proffers”) and the development plan submitted by Shimp Engineering on behalf of the Owners.

This rezoning would allow the creation of a PUD referred to as “Mount View PUD” comprised of two blocks (“Block 1” and “Block 2”) and containing up to 72 dwelling units at an approximate density of 22 dwelling units per acre (DUA). 60 multifamily residential units in six (6) structures up to 35 feet in height are proposed for Block 2. The opportunity for additional permitted uses is proposed for Block 1 including the possibility of 12 dwelling units; which may be single-family, two-family, or multifamily dwellings; daycare facilities, outdoor parks and playgrounds, art studios/workshops, consumer services

businesses up to 2,000 square feet, and retail uses up to 2,000 square feet. However, no additional uses beyond the existing house of worship in Block 1 are proposed at this time. The following characteristics/amenities are proposed in the development plan: 60 multifamily residential units within six (6) buildings that are three (3) stories in height, including one (1) partially exposed basement story, vehicular access provided from both Landonia Circle and River Vista for Block 2, a central open space located within Block 2 and accessible from Block 1 via pedestrian facilities, a multi-use path 10 feet in width connecting the improved area of Otter Street with Landonia Circle within the Otter Street right-of-way, and landscaped screening buffers adjacent to neighboring properties on River Vista Avenue and Landonia Circle. The general usage specified in the Comprehensive Plan for the Subject Properties is General Residential.

The Proffers state that: (1) four (4) residential units constructed within the area of the property shall be Affordable Dwelling Units accessible to residents with income below 65% of the area median income with affordability provisions guaranteed for 10 years through recorded covenants; (2) three (3) residential units constructed within the area of property shall be Workforce Affordable Dwelling Units where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA and reserved for rental to residents with income below 80% of the area median income with affordability provisions guaranteed for 10 years through recorded covenants; (3) the required Affordable Dwelling Units shall be constructed prior to the issuance of the certificate of occupancy for the 55th residential unit; (4) after a period of 90 days of marketing the Affordable Dwelling Units and Workforce Dwelling Units, if no lease agreement is executed with a tenant meeting the household income requirements then no household income limit restrictions will apply; (5) construction entrances for site development and construction on the Property shall not be permitted to connect to River Vista Avenue; and (6) a screening fence shall be installed in the location shown on the development plan and may be comprised of masonry, composite, painted or stained lumber, or alternative material as approved by the Director of Neighborhood Development Services, with chain link and screening mesh specifically prohibited. This screening fence shall be a minimum of six (6) feet in height unless a lesser height is agreed upon by the Owners and owners of adjacent properties where the screening fence is installed along the common boundary line and a record of said agreement is provided to the Director of Neighborhood Development Services. If at the time of construction of the screening fence an adjacent property owner has erected a fence along the common boundary line, the screening fence requirement may be waived in the location where the adjacent owner's fence is constructed, and the screening fence must be constructed prior to the issuance of the first certificate of occupancy for a residential unit within Block 2, with the limits of Block 2 depicted on the development plan.

Information pertaining to this application, including the staff report and materials submitted by the applicant, may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in the rezoning application may contact NDS Planner Carrie Rainey by e-mail ([raineyc@charlottesville.gov](mailto:raineyc@charlottesville.gov)) or by telephone (434-970-3453).

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

**Ms. Creasy** – Kelsey Schlein of Shimp Engineering, PC, acting as the Owners' agent, has submitted an application pursuant to Section 34-490 seeking a zoning map amendment to change the zoning district classifications of the above parcels of land. The application proposes to change the zoning classification of the Subject Property from "R-2" (Two-Family Residential) to "PUD" (Planned Unit Development) subject to proffered development conditions.

Under Section 34-41, City Council may grant an applicant a rezoning request and should consider several factors set forth within Section 34-42. When evaluating a proposed PUD, in addition to the general

considerations laid out in Section 34-42, City Council and the Planning Commission should also consider certain factors specific to the construction of a PUD, as specified in Section 34-490.

### **Comprehensive Plan**

The proposal does meet some goals of the Comprehensive Plan by providing additional housing options within the neighborhood and in proximity to Burnley-Moran Elementary School and commercial properties on Long Street (Route 250 Bypass). However, staff is concerned that while the proposed development includes multiple smaller buildings, these buildings are not “house-sized” in relation to the surrounding neighborhood and no improvements are proposed for existing streets such as River Vista Avenue beyond the entrance to the development.

The 2021 Comprehensive Plan Future Land Use Map designates the Subject Properties as General Residential. General Residential allows additional housing choice within existing residential neighborhoods. Form should be compatible with current context, including house-sized structures with similar ground floor footprint area and setbacks as surrounding residential structures. Up to 3-unit dwellings including existing single-family splits, accessory dwelling units (ADUs), and new housing infill are noted as uses. 4-unit dwellings are also permitted if the existing structure is maintained. General Residential recommends allowance of additional units and height under an affordability bonus program or other zoning mechanism. Staff finds that the proposed number of residential units do not meet the limits of the General Residential category and the proposed ground floor footprint areas are larger than those of surrounding residential structures.

### **Streets that Work Plan**

St. Clair Avenue, River Vista Avenue, Otter Street, and Landonia Circle are all designated as Local Streets in the Plan. Local Streets are found throughout the city and provide immediate access to all types of land uses. Local Streets do not have priorities and Neighborhood A or B design element priorities, as laid out in the Streets that Work Plan, should be evaluated when determining design elements.

Staff is concerned that the proposal does not include completing the sidewalk network on the southern side of River Vista Avenue (where the development is located) or providing pedestrian access from the development to Long Street (Route 250 Bypass) via Landonia Circle and therefore does not meet the recommendations of the Streets that Work Plan. The PUD Development Plan does propose on-street parking on Landonia Circle in line with the priorities noted in the Streets that Work Plan. A multi-use trail is proposed for the Otter Street right-of-way, which can subsequently be considered for acceptance as a public facility by City Council if applicable standards are met.

### **Bicycle and Pedestrian Master Plan**

The 2015 Bicycle and Pedestrian Master Plan designated St. Clair Avenue as a proposed shared roadway bicycle facility. The Master Plan also recommends sidewalk installation on the western side of St. Clair Avenue. No improvements are proposed for St. Clair Avenue in the PUD Development Plan. However, the proposed multi-use trail in the Otter Street right-of-way would provide a connection from the development to St. Clair Avenue.

### **Sec. 34-42(a)(4)**

The Subject Properties and most of the surrounding properties are currently zoned R-2 Two-Family Residential District. The R-2 district was established to enhance the variety of housing opportunities available within certain low-density residential areas of the city, and to provide and protect those areas. The R-2 district consists of quiet, low-density residential areas in which single-family attached and two-family dwellings are encouraged.

Staff finds the proposed physical characteristics of the PUD generally align with the allowable characteristics of the surrounding R-2 Two-Family Residential District. The proposed maximum height aligns with the allowable maximum height in the R-2 district. Staff is concerned that the setbacks for the PUD are smaller than is permitted in the R-2 district, but the PUD Development Plan proposes dispersing the multifamily residential units throughout Block 2 in several smaller buildings of a scale more like the neighborhood and proposes landscaped and fenced buffering to minimize the impact of reduced setbacks on the surrounding community.

Staff finds the proposed multifamily residential use is not in line with the purpose of the R-2 district but does align with some objectives of the PUD district such as promoting a variety of housing types. Staff is concerned that uses such as daycare facilities, which currently require a Special Use Permit (SUP) in the R-2 district, would be permitted by-right in the PUD and would not be subject to the additional review provided by the SUP process. The City Traffic Engineer has noted that most of the generated traffic shown in the Traffic Impact Study (Attachment D) is created by the proposed daycare facility use.

Staff is concerned that the by-right development of a daycare facility could create unmitigated impacts to the surrounding neighborhood. The additional non-residential uses proposed in the PUD Development Plan are generally limited to Block 1 and are of a smaller scale but may still impact the neighborhood. Section 34-501(a)(2) requires any non-residential uses proposed (such as art workshops, consumer services, and general retail uses) to be at least 75-feet away from the perimeter of the PUD. However, these uses may impact neighborhood traffic patterns regardless of their location within the PUD development.

The Traffic Study indicates River Vista Avenue and Landonia Circle can effectively handle the increase in traffic. The City Traffic Engineer has noted that most of the traffic impact for what the Study shows is driven by the daycare use, not from the residential uses. The City Traffic Engineer finds that the surrounding streets could sustain the development including the daycare facility, but notes the daycare is the main traffic generator in this scenario.

### **PUD Standards of Review**

Staff does not find the proposed development to be designed in a particularly innovative arrangement with regard to building placement, open space, or environmentally sensitive design. While proposing the multifamily residential units within several smaller buildings better fits the context of the surrounding neighborhood, staff notes most of the proposed residential units are separated from the central greenspace by surface parking lots and include minimal building-adjacent greenspace for residents.

The proposed multifamily residential use is not harmonious to the surrounding residential neighborhood and no transitional use is provided between it and the existing single-family and two-family dwellings adjacent to the proposed development. However, a portion of the development is adjacent to commercial property fronting on Long Street (Route 250 Bypass) and does provide a transitional use between the commercial area and surrounding residential neighborhood.

However, staff finds that while the proposed buildings have a larger footprint than the surrounding homes, the townhouse style layout with façade and roof differentiation, lower building heights and topography changes, and additional screening minimize the apparent size of the buildings and better align the proposed development with the patterns of existing development.

### **Non-standard road design**

The applicant is proposing street improvements to the River Vista Avenue and Landonia Circle public rights-of-way in the vicinity of the development. Staff notes that the PUD Development Plan references at least one street that may be difficult to design and construct in accordance with current City standards. At the present time (and without the benefit of specific engineering details) it appears that it would be difficult for a street to be



constructed in compliance with the development standard in City Code 29-182(c) (maximum allowable street grade is 8 percent; however, the City Engineer can vary or grant exceptions to the requirement--not to exceed 10 percent--after following the process in 29-36).

By city ordinance this determination will not be made until the time a site plan is submitted for review and approval by the City. (The PUD Development plan only sets out a conceptual layout for proposed streets, see City Code 34-517(a)(3)(d) and (e), not a design-for-construction plan). According to the City Attorney's Office, if City Council were to approve this PUD Development Plan and Proffer, the legal effect of that approval is that the landowner can pursue the necessary development approvals under the provisions of the current zoning/subdivision ordinances. (Va. Code 15.2-2307)

Council approval of a PUD and related proffers does not guarantee approval of any particular design plan, if--when officially submitted--they do not comply with the applicable zoning or subdivision ordinance standards. In these circumstances, the landowner/developer assumes the risk that, if construction plans cannot be prepared to provide for street improvements that meet applicable grades, then the burden will be on the landowner to either amend the PUD Plan/proffers or identify some other solution.

The applicant has applied for a sidewalk waiver request for River Vista Avenue in order to construct sidewalk on only the western side of the street. The sidewalk waiver request will be heard by City Council along with the rezoning application. However, staff is concerned that no improvements to the existing River Vista Avenue sidewalk network are proposed. The existing network on the southern side of River Vista Avenue, where the proposed development is located, includes multiple gaps where no sidewalk exists. Staff is also concerned that no pedestrian connection through Landonia Circle to Long Street (Route 250 Bypass) is provided. Staff believes the development as proposed does not provide adequate external connections to facilitate pedestrian access to and from the development.

## **Proffers**

Affordable Housing proffer summary (Alex to cover instead?): The Owner shall provide affordable housing within the Property. 3 dwelling units shall be For-Rent Workforce Affordable Dwelling Units reserved for rental to low and moderate-income households having income less than 80% of the Area Median Income (AMI), where the monthly cost of rent, including any tenant paid utilities does not exceed 125% of the Fair Market Rent (FMR). 4 dwelling units shall be For-Rent Affordable Dwelling Units reserved for rental to low and moderate-income households having income less than 65% of the Area Median Income (AMI), where the monthly cost of rent, including any tenant paid utilities does not exceed the Fair Market Rent (FMR).

The Affordable Dwelling Units shall be reserved as such throughout a period of at least 10 years from the date on which the unit receives a certificate of occupancy from the City's building official. Notwithstanding the household income limits identified, if, after a period of 90 days of marketing an available Required Affordable Dwelling Unit no lease agreement is executed with a tenant or tenants having a household income equal to or less than those limits identified, then no household income limit restrictions for prospective tenants for the available unit shall apply throughout the duration of the lease agreement between the landlord and tenant and any subsequent consecutive renewal periods thereof.

Staff Analysis (Office of Community Solutions): Staff would like to see assurances that an allowance for any tenant-supplied utilities (i.e., those utilities/services not provided by the landlord) will be subtracted from the proposed rents. Staff would like to see a longer Rental Affordability Period. Staff would like to see assurances that vouchers will be accepted.

An acceptable marketing plan on how to market the designated affordable units should be provided to the City's Office of Community Solutions prior to the certificate of occupancy of the proffered units.

When completed and occupied, the owner shall provide an annual report on affordability compliance for the affordable unit(s) on a template provided by the City's Office of Community Solutions.

If an affordable unit is not leased in 90 days to an eligible tenant, then no household income limit restrictions for prospective tenants for the available unit shall apply throughout the duration of the lease agreement. We have the following concerns:

- There are no assurances or presumptions on the extent and seriousness of marketing these affordable units.
- There should be no timeframe to find a qualified tenant and enter into a lease agreement. If a unit is proffered to be affordable, it should remain affordable for the entire affordability period.
- The marketing plan should clearly identify how the owner has a current waitlist of qualified tenants and/or will be working with partner entities to identify a pool of qualified tenants well before completion of construction.

The applicant noted reservation of right to make changes to the affordable units. The city would consider the changes if they are reasonable and would not result in the segregation of units or reduction in the size of the unit(s).

Based on these comments, the Office of Community Solutions finds the proffer is not consistent with either the Charlottesville Affordable Housing Plan, nor the Comprehensive Plan. We recommend that you reject the proffer in that it does not guarantee affordable units, and/or does not provide for affordable units for a significant length of time.

Construction Entrance summary: Construction entrances for site development and construction on the Property shall not be permitted to connect to River Vista Avenue.

The City Traffic Engineer does not believe prohibiting construction traffic on River Vista Avenue will cause a negative impact on the community. Some construction activity on River Vista Avenue will be required to construct the entrance into the development. Staff agrees this proffer may limit impacts to the surrounding neighborhood during construction.

Screening Fence summary: A screening fence shall be installed in the locations shown on the PUD Development Plan (adjacent to properties to the north of the development) and may be comprised of generally opaque materials approved by the Director of Neighborhood Development Services. The screening fence shall be a minimum of 6 feet in height unless a lesser height is agreed upon by the Owners and the owners of adjacent property where the screening fence is installed along the common boundary line. If, at the time of construction of the screening fence, an adjacent owner has erected a fence along the common boundary line, the screening fence requirement may be waived in the location where the adjacent owner's fence is constructed. The screening fence must be constructed prior to the issuance of the first certificate of occupancy for a residential unit within Block 2.

Staff agrees a screening fence will provide additional buffering between the proposed development and surrounding neighborhood. Staff is concerned the provision to allow waiver when an adjacent owner has constructed a fence will not be sufficient to ensure adequate buffering. Staff is also concerned that the fence may not be constructed until the first certificate of occupancy, as installing the screening fence earlier in the construction process will provide buffering from construction activities on-site.

### **Staff Recommendation**

Staff finds the proposed development, as presented in the application materials, could contribute to some goals within the City's Comprehensive Plan and provide additional housing options in a development that seeks to minimize impacts on the built form of the neighborhood through a series of smaller buildings. However, staff

recommends the Planning Commission recommend denial as the proposed uses do not align with the Future Land Use Map of the Comprehensive Plan, the affordable dwelling unit proffer does not meet the Comprehensive Plan or the City's Affordable Housing Plan, and the proposal does not provide sufficient connections to the larger public pedestrian network and nearby CAT bus stop.

**Commissioner Mitchell** – I want to talk about the recommendation from staff. The recommendation is to deny the application. The way I read the report, there are 3 broad reasons for denial. The first reason is that it is not consistent with the FLUM (Future Land Use Map). The second is that the affordability component is not consistent with the proposal from the housing group. It is not consistent with the Comprehensive Plan. The third is that there are connectivity issues as it relates to pedestrians and CAT. The report does a really good job of 'walking us through' the reasons. Pages 16 through 20 does a really good job of walking us through why the affordability component isn't consistent with what the HAC, Housing Allowance Program, and Comprehensive Plan does. For the public and in layman's terms, if you could 'walk us through' why it is not consistent with the FLUM. Is it the density that this is going to drive? The next question is if we could find a way to make this consistent with the affordability objectives of the Comprehensive Plan, could we then allow for increased density considering a housing affordability overlay? What can the applicant do to improve the connectivity? When the applicant presents, it would be good enough to offer rebuttals and their perspectives on these 3 concerns, that would be helpful to me.

**Ms. Creasy** – With the first question, we are looking at the Future Land Use Map that was recently approved. I outlined what is called for under General Residential. We also take into perspective the location. The area where this parcel is located is an area that is completely General Residential, except for what is fronting on Long Street. That is in a mixed-use corridor. We don't have any medium residential in this area because the thought pattern for putting that in had to do with being on major corridors. There is one a couple of blocks over off Locust and Calhoun. In this area, there currently is not very good connectivity. There are some proposals as part of this that could lead to some better connectivity. If you look at where we are now with the site, the connectivity and reaching the site did not meet any of the principles for a higher density because of those pieces.

With affordable housing, what they have proposed is what they are choosing to propose for affordability. That is what we have to evaluate at this time. It was evaluated based on the plans that we, as a community, have been working through from an affordability standpoint. There is no guarantee of affordability with some of the language that is included in there. The length of affordability was a concern because it was short. The criteria that they have used for the percentages of affordability are not in line with the plans that we are moving forward with. It is their opportunity to provide this language. We have all these new studies and all this new information we have put together as a community. It made sense to evaluate this proposal based on that and provide you with that data moving forward. We don't have anything currently that would be an overlay for a different type of affordable housing. In this case, there is a lot of guidance in our current housing documents. They could potentially use some of the material from the documents that we have put in places as a community to create an affordable situation with the information that they currently have.

With connectivity, if you have been to the site, it is a complicated site. There are a lot of things that didn't come together. On paper, it looks different than when you are there. We had Mr. Duncan (traffic engineer) talk earlier about the sidewalk. We can have him review that again if we need to and review some of the entryway concerns.

The next one is the applicant rebuttal. They will have a lot of things to share with us once we get there.

**Commissioner Mitchell** – The affordability overlay is not explicit in the Comp Plan. I thought that it was implicit or an implied desire to have an affordability overlay and allow this additional density if affordability was brought to bear.

**Ms. Creasy** – There are a lot of criteria that have been discussed through the diagnostic, which you guys will be talking about in a couple of weeks and within the inclusionary zoning information that you will be talking about. That is going to ‘feed’ into the codes that would move forward for the zoning aspect of things. There is a lot of interest. We talked about the General Residential where some of the criteria there was allowing for bonuses for affordable housing if you keep and maintain the current existing units. There are a lot of criteria that are going to be built into the new code that will allow that to be everywhere that is zoned a certain way rather than just in certain areas.

**Commissioner Russell** – The Comp Plan does mention ‘affordable housing overlay’ one time. It is a sub-strategy. What I remember was the consultant not thinking an overlay would be as effective but wanting us to use inclusionary zoning as the tool. I have not listened to all the steering committee meetings. I had stopped listening when the steering committee started questioning the inclusionary zoning. Does it do enough? I think we will be talking more about the overlay.

**Commissioner Stolzenberg** – Under General Residential, it says ‘allow additional units and height under an affordability bonus program or other zoning mechanism,’ which is the same concept as we were talking about the overlay. The question is whether this is more than you would expect as a bonus. It gets weird because this is one big lot versus many small lots. It is not supposed to be subdivided.

**Commissioner d’Oronzio** – I have worked through the balance of the affordability piece.

**Commissioner Stolzenberg** – I was going to ask what the mixed-use heights were. It is 5 stories up to 8 stories at key intersections. That is to the south. I did have a question for the Office of Community Solutions report. There was one part of that discussion of affordable housing talking about whether utilities would be included. The proffer says, ‘means a dwelling unit where the monthly cost of rent including any tenant-paid utilities does not exceed the amount for the 2 one-bedrooms.’ Is that enough? Are you looking for more?

**Alex Ikefuna, Director of Community Solutions** – After everything is added up, it is within the affordability of the tenant. Based on the inclusionary zoning, the project that is happening right now, the recommendation is the affordable housing plan. If you add everything up and it is above 60 percent AMI, it is extremely difficult for those beneficiaries out there. What the applicant is proposing is that it is going to make it difficult and create challenges for those people out there that are going to be benefiting from the program.

**Commissioner Stolzenberg** – What do you mean by difficult?

**Mr. Ikefuna** – The ability to meet the rent requirement is going to be a challenge.

**Commissioner Stolzenberg** – The rent is less than 30 percent of the income that the limit is set at? Are you saying that the range is too small? It would be hard to find someone between the 60 percent or so that the rent is affordable to and 65 percent limit.

**Mr. Ikefuna** – When it goes above 60 percent, it becomes challenging. If you listen to the comments at City Council, you know what we are getting is that 60 percent range. The deputy city manager currently is preparing to go to City Council to change that affordability target instead of 80 percent AMI to be 60 percent AMI and below.

**Commissioner Stolzenberg** – In the standard 34-12 regulations, the income limit is 80 percent. The rent is fair market rents, which is a little under 60 percent AMI. If you lower the limit to 60 percent, are you saying that you’re targeting rent lower than fair market rents? Would that continue to be the rents we are targeting?

**Mr. Ikefuna** – We are targeting the rent to be at 60 percent AMI.

**Commissioner Stolzenberg** – Fair market rent is 58 percent.

**Mr. Ikefuna** – That and below. The level where the applicants who are looking for housing can use the vouchers. This application did not refer to any acceptance of vouchers.

**Commissioner Stolzenberg** – When we did 209 Maury four years ago, we did a Comprehensive Plan amendment to change the map along with the zoning code. This seems like a case where that would make sense. It is General Residential. We heard from several other churches that they wanted to provide housing. We switched them to high density. This is a big mostly vacant lot. We have heard from many people. It came through in the Comp Plan that we want to maximize the use of vacant lots so that there is less change within already built-out neighborhoods. I could see a decent argument for changing this to medium density residential. Is that something we would consider for an application like this where it wouldn't comply with the FLUM? Is that extra overhead where we can maybe consider that in our heads but not bother with the paperwork or fold it into any amendments, we make next year? Why did we do it that one time and not other times?

**Ms. Creasy** – In the other situation, there were areas that were similar land use. It would be an island. That would probably be a difficult conversation.

**Commissioner Stolzenberg** – You can make an argument that the plan calls for transition zones. This would be a transition from 5 to 8 stories. I don't want to make that argument here. I want to understand when we would consider a Comp Plan amendment. Did the applicant at 209 Maury propose a Comp Plan amendment?

**Ms. Creasy** – The code does allow someone to recommend amendments during certain periods of the year. I believe that met that timeframe. They submitted that as part of the request.

**Chairman Solla-Yates** – What is house size? Specific to this area, the homes fronting on Landonia are duplexes. They have a larger footprint on the ground. Is that a house?

**Ms. Creasy** – We don't have a definition in the zoning ordinance that says house size. It is more the compatibility with the surrounding area that ends up being the focus. The evaluation of what is currently within the area, not just in one portion, but surrounding the site. It is a different size.

**Commissioner Russell** – The duplex you are talking about is 2000 square feet. That is about what the other houses are.

**Councilor Pinkston** – As things evolve with the new zoning rewrite, will PUDs still be a thing that we do?

**Ms. Creasy** – That is a good question. That is one of those items that we will be evaluating as part of this review.

**Councilor Pinkston** – I can see why there would still be some value in having that tool. In this case for example, Commissioner Stolzenberg was trying to make the case for how this might be 'feathered' into a high intensity. I can see why one might want to make that argument. At the same time, this is like a donut hole. What do we want to do with this donut hole? How can we make the most use of it for the whole community? I assume there will still need to be some sort of mechanism like that. The questions of how you would connect a PUD to the surrounding area would be something we would have to think through.

**Vice-Mayor Wade** – A lot of my comments have been addressed. What I heard is that staff is recommending denial. My comments were concerning the conditions, particularly about the affordable housing and marketing. It seemed really complicated. I was a planner for many years. What I tried to do when I wrote them is because we were reading conditions in proffers that were done many years before. We must assume that whoever is reading them now is not here. The way they are written there is so much wriggle room in there. It seemed like you could have an elephant to shuffle in there. I didn't understand the marketing. I can tell 4 or 5 people in the community about affordable housing somewhere and it will be filled. You can tell people that they have units. You can market it in certain magazines, and nobody would know about it. I also have concerns about the longer

period that came up. I understand the concerns about the pedestrian connections, and you must be there. As we are seeing now, we are going back and filling in the gaps and trying to address it with the schools. A lot of my concerns have been covered.

**Councilor Pinkston** – With respect to the affordable housing piece, has anyone tried to do a conversion of what is in this document, the PUD, the housing language there. What would be expected with the new inclusionary zoning? It would be interesting to know what new inclusionary zoning would be required in this case in terms of bonus.

**Commissioner d’Oronzio** – I believe it was 16.

**Commissioner Stolzenberg** – If this was General Residential and a road was built through it and subdivided, what would be the by right?

**Commissioner Russell** – It was 16 lots. That could be 16- 3-plexes. If you include an affordability bonus in all of them, the maximum would be 30 units with 5 being affordable on block one. The big one would be 50 units, including 10 affordable. That is the one project we are looking at tonight with the block one with the smaller church lot having 30 units with 5 affordable units. That assumes the church is not there.

**Ms. Creasy** – This is the back of the napkin using the few criteria that are set in the code and raw land. We know there are lots of circumstances that come into play. Those are potential numbers. There are circumstances that aren’t considered as part of that.

**Commissioner Stolzenberg** – That is figuring out the General Residential by right scenario. If you imagine a situation where we are looking at this rezoning in a year after we do the inclusionary zoning ordinance. For a multi-family development, the IZ report would say 10 percent affordable at 60 percent AMI at 99 years.

## ii. Applicant Presentation

**Justin Shimp, Applicant** – I appreciate the effort that was made of the 3 factors. We have some compelling information that says that this meets General Residential. We think that we make a strong case. With the affordable housing, I would like nothing better than for Charlottesville to have an ordinance that we all like. We have been going back and forth project by project to get something that we try to get that makes sense. I feel that it gets more complicated, not simpler. I know that is in process. For the moment, we are working with what we have. We started this project 18 months ago. The submittal of the affordable housing information we put in was in February or March. Some of the latest inclusionary zoning came out a couple weeks ago. If our material doesn’t match that, we haven’t seen it. We are open to other discussions about how to make that work. The questions that came about illustrate how it is best handled in an ordinance that is easily enforced across all projects and is simpler for applicants, landowners, engineers, and for those submitting these plans to work through. I have one final comment on the affordability. It was said by staff that our proffer is written such that after 90 days, the unit would not be affordable. That is not the case. The rent is locked in. There is a marketing period, which is only marketable to somebody at the 80 percent or below AMI. When that marketing ends, the rent is still stays the same. Somebody who makes more money could apply for the unit. The origin of that is a concern that if you have these affordable units, what if no applicant comes along in 90 days. It seems that shouldn’t be the case. We left that in there because it is not clear to us if there is a city department that has a list of these people to help get those tenants in line. Moving forward, that is something we can work on revising or maybe even removing. That is the reason it is there. The rent would change. If no qualified person comes forward that makes enough money, we would still be able to rent the unit out to someone else.

## Next Slide

This is a rendering of the project. What you will see is the layout. We have larger buildings set towards the commercial buildings that are behind. At the bottom of the page is the Bank of America building. You will see

the church to the left of the page. The residential neighborhoods are at the top of the page. If you look between the 2 large buildings that back up to the bank, there is that pathway in between that goes down to the shared use path. There are 2 sidewalks. Each of those sidewalks go to courtyards. Those are units that have a first level courtyard. Each unit has a little side patio that feeds off the side there. We have been creative and trying to figure out ways that every unit has a nice little space to it, whether it be a small unit or one of the 3-bedroom units.

### **Next Slide**

The site context is important in thinking about what part of General Residential and that transition zone makes this make sense to us for the different typology of houses we have here. Everything in the brighter color is a non-single family residential type use: school, River Road, Rivanna Terrace Multi-family, The Hudson on River Road, and Pantops Mountain. This site is positioned next to some residential but also adjacent to a lot of other uses, not single-family residential.

### **Next Slide**

This is a useful map. Look at the 1500-foot radius from that 250/River Road intersection. What you see is that concentration of zoning that is not single-family. That was part of the inspiration for pushing to a higher density and a different unit type. There is a bank next to us. There is some residential. Within eyesight of this is the bypass, River Road, and all the commercial uses. It is a different location than any General Residential. With the very top of this page, it would feel weird to have that kind of development up in those neighborhoods. The proximity to what is really a major intersection, we would have 5- to 8-story buildings in the future. It makes sense to make something a little higher intensity, a little more buffering, and provide housing that can be connected to a lot of places.

### **Next Slide – Concept Plan**

Here is a more detailed CAD lined drawing of our concept plan. The things to highlight here are what you heard about in the proffer presentation. Adjacent to the lower density is the screening buffer and a screening fence. At the bottom of the page is that 10-foot multi-use path. That is part of our connectivity. We do get people, even without further offsite improvements, from the neighborhood up to St. Clair on a shared-use path. Otter Street is not perfect but also has low traffic as far as getting up to St. Clair. We have some thoughts about the connection that the city is interested in.

### **Next Slide – Access to Parks & Schools**

This is a connectivity map of where you can get to from here as part of our inspiration for what this planned density was looking at. This is a convenient location by car and even on foot. You can get around with the number of parks. You can get around to the Rivanna Trail and get over to the school. It is around 10 minutes to the school and 10 minutes to the Northeast Park. The orange lines are potential future sidewalk connections. Those are the 2 missing pieces that the city engineer pointed out.

### **Next Slide – Access to Public Transit**

We are zooming in more but focusing on that connectivity. You can see all the bus stops within the 5-minute walk of the site. We have easy access to those bus stops from the property, minimally using that shared-use path and the Otter Street connection, possibly connecting through River Vista.

### **Next Slide – Density in the Right Direction**

We look at this site and the General Residential framework laid out in the Comprehensive Plan. This description is what the Comprehensive Plan lists. It notes the 2.5 stories, 3-unit dwellings that we discussed plus the additional unit for affordable. It says, ‘consider ways to support townhomes in this category on a site-specific basis.’ That is why when you zoom out and look at this site in the context of being a block off Long Street. This is not your average General Residential location. To us, that says that this should be geared that direction. We

took the idea of a townhome; what if we divide that up. Instead of being a \$600,000 townhome, it is a series of rentals that are much more affordable and gets more density to a broader public. We looked at a couple of adjacent lots. What if the zoning has changed and this is General Residential. You take any of these parcels and have an 0.121-acre lot and allow 3 units by right. That is essentially the kind of density we are calling for in the General Residential looking at examples of these lots. If you take our project and divide that out, we have the 72 units maximum, including the future phase. That is 22 DUA. It is not different than what type of density you are envisioning in the Future Land Use Map. If you look at the context of the site-specific location, the provision for townhomes, the thought that these structures could be townhome form, serve a broader population being divided up into residential smaller units, that made a lot of sense.

#### **Next Slide – Townhouse Form in Local Context**

You see townhomes frequently mixed within single-family residential. In Albemarle County, if you are in R-4 or R-6 zone (middle density), you often see it. There are some townhome structures on Park Street that don't ruin anything. They're nice. Riverside Village is a project that we did in Albemarle County. In that picture on the left of Riverside Village, the units that have their back to you. Those houses are duplexes. The unit across the street is 6 units. It is a townhome over a basement apartment. Those 6-unit buildings are smaller 2-unit buildings across the street. With regards to the size of a home, it can vary a lot. This is a situation where that form of townhome is like what we are proposing. It fits in that neighborhood beautifully. If this was to be built by right in the current R-2 zoning, the structures that you see on the lower side of that page are what you would get, massive duplexes. To think that a large footprint is not going to happen in the current market, it is. How many people are going to be living there is the question. One more neighborhood in the city is Cherry Hill. It is a mix of some small lots, single families, and some townhomes. The townhomes and single families can coexist together.

#### **Next Slide – Comprehensive Plan Analysis**

In the Comprehensive Plan looking at these broader goals, the language speaks to having the townhome type structure. We hit the accessibility. We can maybe improve that in one way. We want to explore that. We really work with the grades on this to get this density in a way that it does not seem like large structures.

#### **Next Slide – Designing for Creative Density**

Here is a breakdown of what we want to do. This is a 15-unit building that looks like a 5-unit townhouse row. What you have in this picture (yellow) is a stacked townhome structure with firewalls on each side. It is a flat unit on each level. Those are 2 bedrooms. At the end, that unit is a 3-bedroom unit. Below that are 2 efficiencies. On that lower level, those efficiencies walk out on grade. They have patios beside them with those walkways connecting them. Each of those units has a nice, private patio accompanying it.

#### **Next Slide – Designing for Varied Density**

This is a project out in Crozet. These were the affordable units. They were stacked units. These were the affordable units for that project. They are about 5 years past their limit. They were 10-year affordable. They still rent for affordable rents today. They were structurally designed to be an affordable unit. After the period of affordability was over, they have stayed that way. It is something we are trying to do here. Ultimately, the affordability people want is at a low scale. It is going to require subsidy. You can create structures that don't cost a fortune to build and don't require government loans. You see all the apartment complexes. They all have pools, clubhouses, and all these amenities because they must. The financing mechanism requires them to do that. Inherently, you are required to build luxury apartments because that is how you finance them via HUD-secured 40-year loan. The small builders who are doing these projects don't do that. They don't have the access to that. They also don't do the alternative, which is LI HTC and your tax credit, which gets you that affordability. This townhome product allows you to build a structure that does not have to have a lot of luxury amenities and does not have elevators. With some creative thinking, it provides accessible efficiency units that will be affordable for the affordability period. They will stay affordable through their lifetime. That is what we



must be thinking about to get enough housing supply here structurally, so we don't have to restrict it. There is adequate supply where rents don't increase 10 or 15 percent. This kind of density with this kind of unit is a good way to approach it.

### **Next Slide – Massing Diagram**

Design Develop made a nice model for us. This is looking from the commercial side. You can see the 3 stories on this side. That is the premise of this. From the commercial side looking up, you have 3 stories. From the residential side looking down, it is 2 stories.

### **Next Slide**

This is the view from the church looking down. The closest units are 2 stories on that side. The basement at grade exiting towards a shared-use path is on the right side there. The upper side is the same. The structures up on the residential side are 3 townhome units. They are about 66 feet wide and 40 feet deep, which is about 20 feet narrower and 10 feet shallower than that duplex at Riverside Village. That is 20 percent smaller in footprint than the market wants to see. The smallest buildings are residential and the larger building back up to the commercial.

### **Next Slide**

You are looking from the entrance up towards the church. This is that little section of units on the far right of the page.

### **Next Slide**

This is at the ground level. You can see the church steeple in the background. On the left side, you can see the 2-story nature of those buildings. That is the same feel you would have if you were in the residential neighborhood on River Vista looking down towards those units. It is a 2-story townhome.

### **Next Slide – Perspectives**

These are a couple of rendered views. This is the uphill side of those units. That is the 15-unit building. Down to the left would be that little patio space where the efficiencies are located. All the units have some sort of outdoor space (porches or outdoor patios).

### **Next Slide**

This is a close-up view of the 3-story side. You will see these will be the walkout on grade. The accessible units will be across this level. That would include all the efficiencies that would be accessed from that ground level accessible side. It would take people on fixed income who need accessibility and affordability. Those units are structurally for them.

### **Next Slide – Proffers: Affordable Housing**

We will go over one change. The city code is a little funny about what proffers can be amended or introduced during a meeting. What we did here, from discussions after this was submitted, was that there is essentially a problem with using the FMR or 125 percent FMR because the voucher pay rates aren't tied to that. They are tied to a rate set by the Housing Authority. Our proposed amendment is that instead of having three at 125 percent and four at FMR, we would do all 7 at the CHRA payment standard. It is simple. If somebody has a voucher, they qualify for one of those seven. That number might change each year. Our rent will be set by what CRHA says is the payment standard for that year. We thought that was cleaner. A comment was that under the current standard, if the payment standard dropped 99 percent of FMR, the voucher holder would qualify for the unit. We wanted to avoid that. The intention was always for those people to be able to access these units. At one time, we understood that 125 percent was voucher eligible. It is for certain funding but not for all of it. To simplify everything, if most of the vouchers come from the CRHA and the payment standard is whatever it is, we will accept that as the rent limit. That is the amended proffer. We have a possible solution to the off-site

sidewalk. With the way the city code is written, we may need to bring that up between now and City Council. I don't know if we can introduce something new now. For the sake of discussion, I am not introducing this as an actual proffer unless I am told that I can. We are open and willing to fill in those 2 missing pieces of sidewalk on River Vista. Those comments didn't come to us until the staff report. They were mentioned earlier by some of the neighbors. It has been on the radar. We went out there and looked at our survey. We have had some surveying work done since the beginning of the project. I think that is buildable. We will have to talk about how that can be integrated. We would like to move forward tonight with the understanding that is a concern. We are prepared to address it. We may not be able to include that proffer officially tonight.

#### **Next Slide**

This is an illustration of where the screening fence was specifically proffered in yellow highlights. There was some language that people had a question about. We said that if the neighbor had a fence and they don't want us to build one, we wouldn't have to.

**Commissioner Stolzenberg** – Are you going to put this up before construction or at the end of construction?

**Mr. Shimp** – It could be done at the beginning. We are not going to hit it. It could be done at the beginning.

**Commissioner Russell** – What about Phase 2?

**Mr. Shimp** – We don't have any proffered fences or screening on that side of it.

**Ms. Creasy** – There was a question about a change to the housing proffer from what is currently provided to a different criterion. The other question had to do with whether they could add a proffer without advertisement.

**Javier Gomez-Jacome, City Attorney** – In both cases, they are substantial changes and relative to what we advertised as would be going forward. This would be something where we would want to defer, amend, and then re-refer for a hearing with the changes that were made. They are reasonably substantive, relative especially to how we put this forth in our announcement.

**Mr. Shimp** – The Planning Commission can make a motion on the recommendation that is before you. Proffers can be amended. A new public hearing would be needed before the City Council. That is how we understand it. We are not sure if they are understanding the Planning Commission. This is what is expected to get fixed. Does it need to go back to the Planning Commission or does a new public hearing suffice with City Council so that those items would be re-advertised? That would be our preference.

**Ms. Creasy** – The Planning Commission can provide a recommendation. Proffers can change within the code limitations. Council can hold an additional hearing. They can choose whether they are going to take an action or whether they are going to kick it back to the Commission. That is the process.

**Mr. Jacome** – If it was put forward as recommendations from the Commission, that would then be heard in final form by Council. I would be Ok with that.

**Commissioner Mitchell** – The recommendation that we make needs to be based on the application as it exists tonight.

**Ms. Creasy** – That is correct.

**Commissioner Mitchell** – I wonder if Mr. Ikefuna can tell me what he thinks about the amended proffer on the affordability.

**Mr. Ikefuna** – The focus of the city, even with the inclusionary zoning that is going on at 60 percent, that is the target. The proffer change being proposed stays close. There are several issues that we listed, which the applicant hasn't addressed. They include the affordability period. Ten years is going to be fast. The city is looking for a much longer affordability period with options to renew if possible. The marketing plan hasn't been discussed. It is easy to say that we can talk to CRHA. It is more than that because we must reconsider this timeline of 90 days. After 90 days, if you don't hear anything from anybody, that is it. In the opinion of OCS, that is not it. We don't think that the 90-day requirement makes any sense. It doesn't help the city in terms of meeting the affordability period. This alone is just part of the overall staff recommendation. There are still several issues here that the applicant needs to discuss.

**Commissioner Russell** – Amending it to be the amended proffer statement as presented, would that potentially mean that those 7 affordable units could always be rented by or only rented by people at 80 percent AMI? We never get that deeper level of affordability. The way it is right now, we are trying to get a definitive decision on that. That is what it is because it is easy for those people at that income level to find a house to rent. Most of the people that need housing are at 60 percent AMI or lower.

**Commissioner Russell** – My question is related to how you are factoring in that DUA and whether it is considering blocks one and two.

**Mr. Shimp** – We count the whole density over the whole project.

**Commissioner Russell** – How would it factor? You are factoring that whole entire site where the church is. There is just more open space. Most of your development is more skewed towards that 29 DUA.

**Mr. Shimp** – Keep in mind we have a lot of 400-square-foot units among that 29. That also skews the number up. That is a positive. It is a number worth comparing. You need to look at the whole acreage. If we got rid of those efficiencies and made more 2 and 3 bedrooms, it would be back in line. Is it a better project? I don't think so.

**Commissioner Schwarz** – Looking at your setbacks that are listed on the plan that you have given us, in comparing that to the massing plan of where the buildings are, I am curious why there seems to be a big difference. You have small setbacks. What you are describing is that building out seems to be pulled back much further from the property lines. If the buildings truly are going to be pulled back further from the property lines, why are you requesting small setbacks?

**Mr. Shimp** – The side setback is 5 feet, which is the current R-2 setback. Our structure height doesn't exceed the R-2. Our structure size, in many ways, is not that different from a height adjacent to a property standpoint than what would already be there. The other setbacks are 20 feet.

**Kelsey Schlein, Applicant** – We have 10 feet off the property boundary. You were talking about the 2-story mass in the presentation and how the 2-story mass is adjacent to River Vista. The buildings that we have behind the homes that front on River Vista are further than 10 feet. We could increase that setback a little. Another issue with the setback is that we could increase it more, but we do have porches and covered porches on all of these. We could increase it more. We are accommodating for the porches with the setbacks that we have provided.

**Commissioner Schwarz** – When we approve a PUD like this, the actual construction needs to closely match what has been presented to us with the 3D renderings and the site plan.

**Ms. Creasy** – They are giving development criteria. They are basically creating the zoning for the site. This is what is referenced for that review.

**Commissioner Russell** – In the past, we have said, in general keeping with renderings shown on slides.

**Commissioner Schwarz** – The main mass of the buildings is significantly further back than 10 feet. I can see where they have porches and things sticking out.

**Commissioner Stolzenberg** – Would the green space be open to the public?

**Mr. Shimp** – Technically not. It is not dedicated to the city. Hopefully people get along. In an official sense, no. It is a green space for the neighborhood. They will all be maintaining it.

**Commissioner Stolzenberg** – With Landonia Circle, the engineers have told us that it is going to be hard for these standards. Do you have a plan for that?

**Mr. Shimp** – It is difficult. It is not impossible. The issue would be that under the current regulations we would probably have to put a lot of retaining walls along the edge of the right-of-way. It can be done. Should it be done? We don't know. We would hope that we could work with city staff on the site plan and might require some amendments to code or may require us to be creative with something else. It is essentially our risk what the city attorney spelled out. There is a benefit to that connection. I think everyone in the city we have talked to agrees with that. We need to find the right solution. We may have to build some retaining walls. That is the cost that we must incur. It might become some other solution. We can get the easement from the neighboring property owners. There are other ways it can be done. We don't know how people will cooperate with that or what exact measures will be needed. It can be done. We would prefer it to be done with a different slope. That will potentially involve changing some codes or getting special exceptions that we haven't yet worked through. That is our risk.

**Commissioner Stolzenberg** – If you were to proffer the sidewalks along River Vista, I know one of the properties in that gap has a parking pad that is about the size of a car and is partially in what is probably the right-of-way that would be used for that sidewalk. How do you deal with something like that? Do you extend that parking pad back?

**Mr. Shimp** – If they extended the right-of-way, we would cut it at the right-of-way line and pour concrete right to it. A sidewalk could be constructed. We would fill in whatever gap is in there.

**Commissioner Stolzenberg** – The parking pad is moved forward. It would probably be too small.

**Mr. Shimp** – I don't see why we wouldn't do that. The developer is a local developer, who has been around 50 years. He has no need to go to the immediate neighbor and anger them over something that is as trivial as \$300 in concrete. I don't see that being a problem to resolve.

**Commissioner Stolzenberg** – These are the changes to quantity of units, rent, and income limits. Are there any other changes you were thinking about, such as duration?

**Mr. Shimp** – Communicating with the developer as we are discussing, they are open to dropping that duration. The 10-year duration is a different story. I can't think of a project that has 30-year, 99-year affordability without some kind of subsidy. If you look at something beyond 10 years, this is like a \$200,000 donation to affordable housing when you make these reduced rent restrictions on this kind of project. Could it be 11 or 12 years? Sure. It is hard to figure these things out. It would be much easier for us moving forward if there was 'it is going to be

30 years or nothing.’ We could do 30 years or nothing. By our standpoint, you could vote up or down. We have some knowledge going in. When prices are negotiated with property owners and the land you are buying, it is with certain expectations. If we say that we need you (property owner) to shave another \$500,000 off your income for the X number of years, that is what we’re talking if you extend it from 10 years to 30 years. The developer is losing more rent income. They still need to build the project. I understand those concerns. At a high level, I must ask the question: to look like we have a policy that gives clear guidance. Are all the people in need of housing in this town better off or worse off if this is approved? It is like saying ‘we don’t have our 30 years, deny it until we figure out what we are going to do about that policy.’ How much is that accomplishing? If somebody comes forward to us with some specific guidelines we can talk about, we are happy to entertain those things. It is tough to toss things out. We started pairing these numbers, this project 18 months ago. A lot of this information that came out about what you are looking for is after that time. As far as 90 days, they are open to removing that marketing restriction, such that it would stay to that 80 percent and below, and not be eligible to rent it to anyone above that.

**Commissioner Stolzenberg** – With regards to out-year rent subsidies, the time value of money is a thing. Money that is 20 years out is discounted. Your rent, as your building ages, is going to change and probably get lower. That is a bigger conversation than we will get into in depth as we talk about the IC report that came out. Moving away from the big parameters of an affordable housing proffer, we have come a long way since I joined the Commission in how these proffers are worded so they can be administered properly. For the most part, your proffer adherence to the regulations adopted under 34-12g, which provide a set of standard operating procedures for how the city should manage your units. On top of that, you make changes to those major parameters of how it works. You have been involved in a lot of these proffers over the years. Why is it that the text of this proffer has regressed to an early 2019 level? There is no discussion of how the city is supposed to administer these. Things that OCS is talking about like a marketing plan. Those things and acceptance of vouchers are all covered in the standard operating procedures. They add a lot of clarity and a lot of ease of enforcement. You have given us a vague proffer with the big parameters and none of the details.

**Ms. Schlein** – In this amended proffer, we are just changing an amendment to the rent cap, the income limit, and how for those 7 units. Everything else in the proffer, the reference to the declarations approved in a form by the city attorney, which that standard declaration references the SOP. All that language that we presented within our proffer statement that we presented months ago on this application we would like for that to stay today for enforcement. We don’t want to do a regression for how these are enforced and evaluated. In presenting this payment standard, it was just new information that we received over the past few weeks. The 125 percent with the CISRAP vouchers isn’t always secured. That is a city-funded program. That funding might not be funded every year. Using the payment standard might be a simpler mechanism to ensure voucher accessibility.

**Commissioner Stolzenberg** – I don’t mean this stuff. I mean the original proffer statement. I would disagree that saying the written declaration of covenant would be approved by the City Attorney would require adherence to 34-12g. As far as I understand a proffer, unless you write it in this proffer, it does not apply. Unless you are saying, ‘I will be subject to the standard operating procedures,’ I don’t see how the City Attorney can require you to put that into your covenant.

**Ms. Schlein** – It was never our intent to forego any type of marketing plan or to forego many of the items that are brought forth in the standard operating procedure. We will be happy to clarify that in this proffer statement.

**Commissioner Stolzenberg** – Let’s get into those specific things that aren’t mentioned in your proffer statement. Standard operating procedure requires you to do a mix of units commensurate with a mix in your project. Are you proposing that these efficiencies that naturally rent at roughly affordable rates are the ones that will be affordable?

**Ms. Schlein** – In this case, we are proposing a mixture of units. It would be roughly proportional. It would be a mixture between efficiencies 1, 2, and 3. That is what we have discussed.

**Commissioner Stolzenberg** – For us to enforce it, it needs to be in the proffer statement. Prior to providing them with the 55<sup>th</sup> CO, we typically see that they are provided as you build it. If you were to balance out on this project by 10, you would seem to not have to provide any affordable units altogether. That would seem like a problem to me.

**Ms. Schlein** – It was more intended that in block 2, which is where the primarily residential units are concentrated, the proposed maximum buildout there allows for up to 60. The design that we have worked up is 59. Prior to that project being completed, all affordable units would be provided on the property within block 2. That was where the 55 number comes from. In our mind and presenting it that way, it was an assurance that the affordable housing would be provided when this project came off the ground. I hear what you are saying. That is something that we can clarify. I know it is in the standard operating procedures. It calls for not concentrated in a particular building or not concentrated on any one floor. It covers all those assurances. That wasn't the intent in presenting the 55. It was to ensure that they were constructed if the church units never came online.

**Commissioner Palmer** – The only thing I didn't hear mentioned when I was reading through some of the public comments was a statement about stormwater and how you are treating that on the site. The comment was that it would be great if more of the stormwater was handled on site. I didn't hear anything in your presentation about whether it is or isn't.

**Ms. Schlein** – There is a provision in state code. That code specifically says that operators executing land disturbance activity (developers), shall be allowed to utilize off-site options. It doesn't say 'may.' It says 'shall.' We have had this experience in other localities where we have explored stormwater on site as part of a rezoning or special use permit action. That was found to be unenforceable because of the word 'shall' in that section of code that allows for offsite options. It is something that we have looked at. That is the section of code that we are looking at and evaluating our options.

**Mr. Shimp** – Albemarle County told us that this is essentially unlawful to proffer that we would have onsite. We couldn't use credits. I have had 2 projects in the last year where we had to do some sort of onsite water quality. You get a quantity benefit from that too. If we have good soils that work, we may do an infiltration system here That would treat water quality onsite. I am 'miles away' from knowing if that is feasible on the site. There are circumstances. Even if you are permitted to use the credits, you must use onsite treatment of quality because you get a benefit to your quantity component of that. I don't want to say that we won't. We shouldn't proffer it. I couldn't tell you right now what we are going to do. We still must do soil borings.

**Commissioner Stolzenberg** – Are those permeable pavers guaranteed?

**Mr. Shimp** – It is called out in the plans.

**Chairman Solla-Yates** – Why is the church doing this?

**Mr. Shimp** – What we know is that the church and the developer have known each other. They got together. The church has this land, and the developer was interested in doing a project. The money for them will be useful in renovations and the ongoing expenditures of the church and helping their church grow. They are also interested in the daycare component. I talked about that in the traffic context. The PUD gives them a by right daycare, which we know is very needed. There are concerns about that being a special use permit. We have tried to help some small operators start daycare. It is hard enough to start a daycare without having to go

through zoning. We felt that is something that if somebody in the community wants to do that, we should make it as easy as possible. The church did have an interest in changing their zoning to permit that use.

**Commissioner Stolzenberg** – Your use matrix seems to be based on an old R-2 use matrix where family day homes (6 to 12) are by special use permit only. That was changed in 2020 thanks to Chairman Solla-Yates. You have those by special use permit in your use matrix PUD. Would you be willing to change that? It seems weird in a 3-bedroom if they want to have a family day home or 6 kids to be the only ones in the city who couldn't do it. I have received assurances from Lisa Robertson (City Attorney) that you were allowed to do that tonight.

**Mr. Shimp** – We should change that. Childcare is a big problem. We should make it easier, not harder for people to run those small businesses.

**Councilor Payne** – My thought is like other projects that have come before us. The criteria we should be evaluating the affordable housing component on is the inclusionary zoning, which we now defined. We should try to stick to that at 10 percent of units at 60 percent AMI or less for 99 years, which is what is in the inclusionary zoning report based on a market analysis of what was financially feasible. If it was accurate that is not feasible for a developer, then we should rip up our inclusionary zoning report. I am expecting their market analysis was not that far off. The affordable housing proffers are not meeting that standard yet. Overall, it is obvious that this density fits in with General Residential and residential uses. This is the kind of density and project that, if our zoning rewrite encourages, then it would be a success. I want to figure out how we can get to 'yes.' The affordability proffers are not quite there yet.

**Councilor Pinkston** – Is the focus tonight on Phase I?

**Ms. Creasy** – We have the non-church building phase. That is where the details have been denoted. They did provide some general parameters for Block 1 with the church building. Those parameters would be included in this PUD zoning.

**Councilor Pinkston** – Is the 72 units just in Block 2? Is that for the whole site?

**Ms. Creasy** – It is 60 for the first block and up to 12 for the second block.

**Commissioner Stolzenberg** – Are those specified separately?

**Ms. Creasy** – They are going for a specific number. They have noted 60. We would likely hold them to the 60 in the one block.

**Councilor Pinkston** – Phase I/Block 2 would have 60 units. Seven units are being put forward as affordable by those criteria. That is for Block 2 in terms of the units. Block 1 might not have any affordable housing. The maximum number of units is 72 on this whole site. If they do 7, that is 10 percent.

### iii. Public Hearing

**Kristin Szakos (Otter Street)** – I am here to speak in strong support of the Mount View Housing Development proposed for the lot beside my house. I served 8 years on City Council and sat through many of these meetings. During my time on Council and at Planning Commission meetings, I watched repeatedly in frustration as countless good proposals for denser housing in the city were denied because they were not perfect. The result of those years of denials and zoning that encouraged large houses on individual lots is a crisis and an unsustainable shortage of housing. Developments have been pushed further and further out into surrounding counties to house people who work, shop, and play in the city. The resulting traffic as people commute to those distant homes

morning and evening creates congestion and environmental degradation and a reduced quality of life for the people forced to spend their non-working times in their cars. This project is not perfect. It offers what I hope will be one of many responses to that crisis. We need housing. We need middle-range affordable housing and affordability at all income levels. We need to be courageous and bold in responding to the trend that is making Charlottesville a boutique city where only the rich can afford to live. I agree with staff recommendations on longer affordability and an assurance of Section 8 vouchers. I hope the applicant will agree to those conditions. I agree with my neighbors, who urge the applicant to handle a majority of stormwater on site rather than relying on credits. Runoff from this parcel uphill and so close to the river needs to be carefully handled. When our family moved to Locust Grove 30 years ago, it was one of the only city neighborhoods we could afford. The small houses and short setbacks had created a community of working-class families who helped one another, talked to one another, and walked their children to school. We love Locust Grove. We want it to be a community where people can live near where they work, be less dependent on cars, and enjoy their diverse, friendly neighbors. This project will help preserve the character of our neighborhood by providing a mid-range affordable option in a community served by transit, sidewalks, and good schools.

**John Hossack** – Please recommend denial of this application to City Council for the following reasons. The revised application appears to consider concerns previously shared. Upzoning to the PUD in this setting undermines the need for medium intensity residential in R-2 and General Residential in the new FLUM. If you upzone, as proposed here, it creates a question as to whether the classifications in the new Comp Plan mean anything. It undermines the basis of the proposed upzoning currently underway. It creates the impression that exceptions are approved to do whatever, wherever, and whenever. The architecture is demonstrably inconsistent with adjacent established homes. It is up to 35 feet tall and lacks the qualities of adjacent buildings. 35 feet might be permissible in medium intensity residential neighborhood. Part of the current wording would be by right. This development serves as a warning to residents of medium intensity residential neighborhoods that apartments of similar height may be approved by right, more likely in an uncoordinated design. Medium intensity residential has low representation among lots owned by the Planning Commission and Council members. It is problematic that the church has its parking spaces empty 160 hours a week. It would inconvenience the church very little. Stormwater should be handled on site and not payment in lieu. It is incredible to have the developer write their own traffic impact study. It is too conflicted to do this job properly. There is little evidence that city staff at the time to vet it. They left the experience of adjacent residents does not match the statements in the impact study. 250 and adjacent streets are overloaded in the peak hours. Eastbound is backed from Free Bridge to Locust. The Planning Commission and Council would be wiser to get a long-term and medium-term transport plan in order before approving developments such as this. They have allowed the adjacent county to travel all over this neighborhood by the constant inaction. Ongoing dangerous conditions undermine the focus on pedestrian and bicycle alternative transport.

**Elizabeth Alcorn** (Calhoun Street) – In the current form, I am encouraging the Planning Commission not to support it. We have a serious traffic problem in the neighborhood. The traffic engineer just looked at the donut hole and did not look at the donut. I live on Calhoun Street, which was mentioned by the developer as being a thoroughfare going to the park. It is a thoroughfare for county residents to use as a bypass against and away from 250. During rush hour, we have heavy traffic cutting through from 29 north, John Warner Parkway, and Rio Road crossing North Street past the park and down Bellevue. Calhoun and Bellevue are small streets. We have 12 feet on Calhoun Street between parked cars. We also have a bus going through there. One of my neighbors had her car totaled while it was parked on Calhoun Street because of the narrow width of the street and the traffic. Until this problem is fixed, there should be no development going on in the neighborhood. If you fix the traffic, I encourage no access from vehicular traffic from this development onto River Vista or Otter Street. All traffic should exit 250. 250, River Vista, and Otter Street should be reserved for pedestrian and bicycle traffic due to the traffic problems that are already existing in Locust Grove. The other reason this project should be denied is because of stormwater runoff. You are 1000 feet from the Rivanna River. This neighborhood has inadequate stormwater facilities. We have failing stormwater and lack of gutters throughout



parts of the neighborhood. We have clogged storm drains that are not being maintained. St. Clair has been on a map for stormwater improvement. It has not happened. Until stormwater and groundwater in the neighborhood are dealt with, any developer should be required to deal with all stormwater on property. The city has inadequate stormwater facilities for these old neighborhoods. We need to continue to provide neighborhoods with stormwater improvements and traffic improvements.

**Brandon Collins** – I urge you to take no kind of action on any of this. The proffer on affordable housing needs serious attention. It is good to consider why proffers are there. If you had a robust and amazing affordable housing plan for this development, it would offset the number of concerns that came from the staff about the design and development of the property. I am not a big fan of the staff chiming in on how people should build things on their properties. They had a lot there and very little discussion on that this evening. One way we can say that we can be comfortable with this is to hear that this is going to provide a deep amount of affordability in terms of the income levels that are served, the number of units, and the length of time these things are affordable. Looking to the inclusionary zoning is a good step in the right direction. As a proffer, what you are looking for is for something above and beyond so that you can do something above and beyond what is allowable. In several ways, this whole proposal isn't ready. We should be supporting the development of this area and greater density to provide affordable housing for all income levels. We can do better. It is insulting to hear that a subsidized property is somehow providing luxury housing because of federal requirements. If you are operating the property as you propose and accepting vouchers, you will be receiving a subsidy. Whether you are or aren't, it is going to be the same amount of money as it is for low-income communities that provide additional amenities.

**Elizabeth Hand** (907 St. Clair) – I am across the street from Mt. View Baptist Church. With what happens with this proposal, I will be watching. My comment is coming from a resident of the neighborhood but as a follower of Jesus Christ. Within my heart, there is a great love for our neighbors and a great desire for their wellbeing. I don't want my opposition to the proposed rezoning to be construed as a rejection of growth in our neighborhood, community or a rejection of people who need affordable housing. My issue with this proposed rezoning is that the number of units is several times higher than the surrounding community. Many people have already made the comment that if you were to look at medium density or general density, you would be looking at something slightly less than this and not completely outrageous compared to the rest of the community. In terms of the number of units proposed, it is not consistent with the neighborhood. My main concerns have already been addressed in letters sent to the Planning Commission and City Council. The density was slightly too high to match with the surrounding community, no addressing of the stormwater treatment on site, and the lack of clarity on the affordable housing. Traffic is a serious problem. In terms of walkability and pedestrian friendliness in our community, Burnley Moran Elementary School is across 250. They enroll 275 students. Of those 275 students, 45 of those students can ride to school on a bus. They prioritize those students. There are over 60 students on the wait list for the bus line. The remaining 230 students, despite efforts to delineate the crosswalk, 83 students arrive to school walking. Everyone else is in their car. That is another indication that the traffic situation makes it unfriendly and terrifying to pedestrians. We must focus on this before trying to develop any further.

**Josh Crown** (North Avenue) – I have been in this house about 14 years. This neighborhood has seen almost no new housing being built at all, even though we are 1 mile from the Downtown Mall. It is one of the least walkable neighborhoods in the city. That is because there are no retail amenities, no non-residential uses in the neighborhood are allowed. It is almost 100 percent single-family residential. That makes it unwalkable. Our neighborhood, looking ahead, is never going to become walkable until we can increase the density to support non-residential mixed uses. Lack of density is what is holding back walkability in our neighborhood. The pedestrian connection recommendation in the staff report was confusing. There are a lot of problems with pedestrian connectivity. If new housing is being denied because it is now walkable, those are the kinds of things that will create the incentive to improve connectivity. It is like we are being stuck in a mid-century car centric

world when the neighborhood has a lot of potential and should be allowed to grow and prosper. I am hearing a lot of technical details about why this project isn't perfect that I don't pretend to fully understand. From a layman's perspective, it seems if we wait around for perfect projects to appear, we will never build anything. The housing crisis will get worse. On a high level, we make it so difficult for normal people to live in a home in a place they like in a community that they want to be a part of. It is frustrating. We should let the builders do what they do.

**Stuart Walton** (1212 River Vista) – I would ask that the Planning Commission not to approve this as it stands now. I have zero problem with the quality of the building. I don't think it matches the neighborhood as it stands now. My request for denial at this time is because I feel this development has been pushed through too fast without some major details being worked out. I know that Josh and Kristin spoke to getting hung up on small details. The connector to River Vista is right beside my house. All I hear are reasons why this shouldn't happen. Exceptions to the rules are being made. That is why we are here. It is zoned R-2 for a reason, but we are going to forego that rule. The grade of the road going from the development up to River Vista is beyond what is allowed. That rule is set for a reason. It is a safety standpoint. You are saying that we're going to forego that rule. The term was that the city engineer will grant an exception. I don't want any exceptions when it comes to safety. When it comes to parking on River Vista, I don't have a driveway. A lot of houses here don't have driveways. If we do, it happens to be one car. Each house might have multiple cars. River Vista is a 1-lane road. What I am hearing is that we are going to forego or overlook rules that involve safety when you have a 1-lane road because there are so many cars parked on the road. I believe there are 60 parking spaces for 72 units here in this development. The overflow parking is not going to fit on Landonia. It is going to spill over to River Vista. We are putting more cars in a tight area and overlooking rules on safety. I don't want to downplay the need for affordable housing. These things must be addressed prior to the approval of this development. These details cannot be overlooked before approving this. There are too many things at stake.

**Adam** – A lot of this meeting was impenetrable to me. This is troubling to me from the perspective of a democracy and community development. It is difficult to get here and wait 2.5 hours through a meeting and try to understand it. We are overwhelmingly committed to the promise of having denser development with affordable housing. This is important for environmental reasons and issues of equity. The promise, with respect to environmental sustainability and equity is predicated in many ways on issues of accessibility and connectivity. These are things that allow us to be less car centric. These are things that allow people who cannot afford cars to get to places of work either on foot, bike, or through mass transit. This is not necessarily an easy place to live in terms of walkability. Sidewalks are only on one side of the street. All these things make it difficult. There are many streets around here because of the parking on both sides, they are effectively 1-lane. Getting down the road is akin to waiting to take turns to go under a bridge. We have slower traffic by accident of lack of design. I am not sure how I feel about this. Part of the issue that happens is there is currently no bus service for kids going to school. Even when there was bus service, the kids would have to walk up to Locust. Now, they are having to be on the street as cars are trying to push off to the side to take turns. While I am committed to the goals of the project, I have a hard time supporting it in the absence of more substantial and public facing information about the traffic impact. There was a mention of proffers for connectivity and extending sidewalks. In the absence of a more substantial plan on that front, I have a hard time supporting this.

**David Hershman** (Calhoun Street) – It interesting to hear my neighbors weigh in on this. We have had some meetings with the city. We appreciate Brennen and Carrie having 2 meetings with us as the neighbors. What I want to bring up is a little different observation of what we talked about. Someone referred to the back lot as a vacant lot. It is really the backyard of the church. That church has an existing parking lot, which is not used efficiently. If they do a daycare, there would be a lot of drop-offs and pick up. More asphalt and more paving results in more runoff. Equally important is that it gets hot. This is part of our climate dilemma. We are creating so much asphalt and heat island for the city. Looking to the future and as we change zoning and development patterns, we need to look at more efficient use of impervious cover. In this case, there was a refusal, even with

some of the neighborhood weighing in, that maybe shared parking or a more efficient use of the impervious surface could be designed into the project. The impervious surface is replicated to serve the development in the back and continued inefficient big swath of impervious cover up front next to the church. We are just creating more. We need to get creative with this. We want density, housing to be more affordable. We don't want to cover everything with asphalt. Creative solutions are there. It takes a willingness and a design approach that would allow that to happen. In this case, it doesn't seem to be happening.

#### iv. Discussion and Motion

**Commissioner Mitchell** – Our city has a housing problem. We don't have enough houses in the city. This application and the site that relates to this application would go a long way to address the housing problem that we have. It is a wonderful site to develop. What I also like is that we can increase the density in that area, build a nice development, and not tear down a lot of trees. Our city's canopy would not be negatively affected. I like that about this a lot. We need to vote on the application that has been presented, not the application we want it to be.

**Ms. Creasy** – That is correct. It is what is before you this evening.

**Commissioner Mitchell** – I like the fact that we can increase the density and address the housing problem with this application. We need to get the issues fixed to the infrastructure. We need to get the issues fixed with affordability. My tendency at this point will be to vote against this. If my colleagues agree that we should vote against this, Council still has the opportunity later to address the issues that need to be addressed such as the infrastructure issues, the proffer, and the sidewalks that the applicant would be willing to address. The applicant also suggested that they would be willing to work with staff to address some of the affordability issues. I would ask Council that if we deny this, to direct staff and others to work with the applicant to address the infrastructure issues and the affordability issues.

**Commissioner d'Oronzio** – It is a good spot for higher density. I agree that we have infrastructure and material issues with the site. We can't work through the site engineering problems while we are trying to approve at this stage. It would be nice if we could, but we can't. In terms of handing that off to the site plan and the engineering issues, that if we move forward, we are assuming that it is all going to work out. If it doesn't, they don't build. With the sense of the perfect being the enemy of the good, I do have empathy for that position too. As a larger issue, for the next year to 18 months, we are going to be dealing with the same series of questions that we are dealing with here. We have an existing set of rules that is changing. We think they are going to change in this way, but they haven't yet. We have a 'foot in each world' and we are trying to 'muddle through' and make it work. Our options are to 'muddle through' and make it work or go on sabbatical for a year. Maybe in 6 months, I am going to feel better about that second option than I do at this moment. It seems to me that we are going to have to make a bunch of decisions with rules that we don't quite know. I have a belief that increased density forces and defines the services that follow it. I am reluctantly positive but with the same caveats that Commissioner Mitchell mentioned. If there are these revisions, Council will need to take that finer point.

**Commissioner Russell** – One of my struggles and issues with this application is the framework that we are being asked to review it. We are being asked to review it as a PUD. I don't think it meets a lot of those objectives as outlined in city code. I like some of the things that it is doing. When you look at the site, this PUD is trying to 'shoehorn' its way in by ignoring the church parcel. I am not convinced that there is any real intent for that Phase 2 to ever be acted upon. The point about the daycare uses for the church, and I understand the issues that parents have with daycare in the city. I certainly see the need. It is a shame that there is no better or more viable process to make that easier for businesses. That is maybe something we can consider. I agree that we need to find solutions for smaller developers to be able to help contribute in a way that is economically viable to the affordable housing picture. I also understand that our affordability non-profits can't compete with

market rate developers for acquiring land. How do we balance the flexibility to keep open parcels and projects that might be great candidates for deep affordability projects and LI HTC tax credits. I feel hesitation in this plan and perhaps undermining the work and the intent of what we are doing with our Comprehensive Plan in trying to convince the public, especially in General Residential neighborhoods, that infill development can work within existing neighborhoods, contexts, and scale. I am not sure that we would be doing that in this. Maybe it is not necessarily about getting the most out of the site. That was something you mentioned earlier, Councilor Pinkston. Getting the type of development and the affordability we want and need for this community.

**Commissioner Schwarz** – I don't have a whole lot to add that hasn't already been said. Councilor Payne summarized my thoughts. Let's try to make this work. It makes sense. It seems like changing the Future Land Use Map to show medium intensity there as a transition from the corridor intensity that was shown along 250 seems to make sense. The big holdup seems to be the affordable housing. Our Comp Plan has affordable housing as part of it. We have the inclusionary zoning report, which is the best that we currently have. My understanding is that it is about 10 percent of the units are supposed to be at 60 percent AMI or less for a period of 99 years. We need to hold future development to that. I recognize the concerns with traffic and parking. That seems to be a concern that we have everywhere. We are in the middle of a reckoning on traffic and parking. We don't seem to take it seriously. It is about time that if we are going to get our Comp Plan to work, we will have to take it seriously. I would vote denial just on the affordable housing component.

**Commissioner Stolzenberg** – I agree with what has been said so far. I have no problem with this density. The scale is very appropriate. Two stories adjacent to the nearby homes is eminently reasonable. We need to make the most of our vacant lots. We have language in the Comprehensive Plan to that effect. We have language in the Comprehensive Plan about transition zones, transitions, height, and intensity. This provides that from that 5- to 8-story area next door. Whether in the exact text of the Comp Plan or the Future Land Use Map, this fits the text of General Residential. Whether it would be appropriate for an amendment that we don't want to do the paperwork or whether it makes sense to have that transition zone because it is at an edge between 2 different designations, those are open questions that probably don't matter. As a PUD, it is great in a lot of ways. I remember watching the community meeting in Albemarle County for Montclair in Crozet, which is the same sort of family-sized townhomes or family-sized multi-floor 3-bedroom units on top of efficiencies, which are naturally rent for less and are more affordable. I remember thinking that this is great and innovative. I would love to see this come to the city. There is no way it works in our existing zoning. PUDs are for making innovative things work. This is a great example of that. From a connectivity perspective, it is a great commute without getting in your car. It is going to be possible for people to go downtown without driving day-to-day. I appreciate finishing off those interrupted sidewalks, which is a scourge in this city. This is a bad case of how easy it is to fix it. I would note that while thinking about finishing sidewalks, staff noted your connection down to Landonia doesn't go all the way. There is a 20-foot chunk at the bottom. Maybe you should think about finishing that too without having to walk in the street. From the 'nuts and bolts' perspective, if you put all the affordable housing parameters aside, you basically agreed that you would fix all those things. You must fix it. I am disappointed in you guys after these years of back and forth on how these texts work. You didn't include the basic language. With the parameters, the payment standards thing is reasonable. It makes sense for helping people attach vouchers. Giving a preference or heads-up to CRHA, so that vouchers can try attach is a good idea and should be in our SOP. How that fits into our IZ ordinance, the parameters, in terms of duration, doesn't. In terms of rent, it does. It is at about 60 percent AMI. That income limit is where things get 'squirrely.' This is going to need to be a bigger discussion. If you set the rent at 60 percent AMI and the income limit at 60 percent AMI, only people exactly at 60 percent AMI can find that unit or people lower can, but they are cost burdened anyway. You probably want a little bit of flex room in there. I don't know how we figure that out in the long run. I am glad that we're not going to do it the way the county originally did where you reset after 90 days. Half their affordable homes were sold at market rate. I appreciate the rents are set at levels that 60 percent AMI can afford. From that perspective it is all right to move forward.

**Chairman Solla-Yates** – I went to the site yesterday. It is hot on that parking lot. There are no trees. In many ways, this is an exciting site. It is accessible from McIntire Park to there and to Riverside. It is obvious that something can fit well at this site. I am not sure that this is perfect. I don't think anybody thinks this is perfect. This is going in the right direction. I hear efforts to put it further towards the right direction.

**Councilor Payne** – The perfect being the enemy of the good argument, while I understand why it is necessary, because of the status quo. If we accept that we are all working in good faith to try to make it happen. Nobody is secretly throwing out any reason they could because they don't want anything approved ever. That argument can get a little simplistic for the fact that it is at this stage. When Council votes on it or the only time we have the leverage and power to make it any better. Regardless of what you do, Council is going to be working with staff to try to figure out how to make it work. I still share the same concerns I had earlier while also wanting to get to 'yes.'

**Councilor Pinkston** – I agree with what Councilor Payne had to say. The situation with traffic on Calhoun is factual. In a city this old and with the history that we have had, we want to do something progressive, new, good, and worthwhile in this location. We are being tripped up by the fact that we have not kept up with our traffic or sidewalks. It is hard when you are trying to vote on something like this. You see the value of the project. There are very real things that are mentioned. When the design is worked out, it won't be an issue. The traffic is an issue. More work will have to be done on this proposal with staff. In general, it is a good project in a good place. I look forward to further conversations on it.

**Vice-Mayor Wade** – I feel the same way. This dialogue this evening was very helpful. I walk in this area a lot with neighbors. This dialogue was very good. With the comments and the feedback, we got today, we can get from Ok to good if these changes are done before it comes to Council with working with staff and input, we got. I can attest to the cut-through traffic on Calhoun and Bellevue and those streets. That is a longer-term issue that we need to address. This is not going to assist it with that. This input and dialogue were helpful for me.

**Motion – Commissioner Mitchell – I move to recommend denial of ZM22-00002, as it exists today, on the basis that it is not consistent with the Comprehensive Plan. Second by Commissioner Russell. Motion passes 4-1 with one abstention (Commissioner Stolzenberg).**

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

*Continuing:* Until All Action Items Are Concluded

The meeting was adjourned at 8:50 PM.