

Minutes

**PLANNING COMMISSION REGULAR MEETING  
September 12, 2023 – 5:30 P.M.  
Hybrid Meeting**

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

***Beginning:*** 5:00 PM

***Location:*** NDS Conference Room

**Members Present:** Commissioner Stolzenberg, Commissioner Mitchell, Commissioner Schwarz, Commissioner D’Oronzio, Chairman Solla-Yates, Commissioner Habbab, Commissioner Palmer

**Staff Present:** Patrick Cory, Missy Creasy, Jay Stroman, Matt Alfele, James Freas, Ryan Franklin, Carrie Rainey, Steve Hawkes, Sam Sanders, Kyna Thomas

**Chair Solla-Yates called the meeting to order.**

**MOTION FOR A PLANNING COMMISSION CLOSED SESSION**

**I move that Planning Commission close this open meeting and convene a closed meeting, as authorized by the Code of Virginia Section 2.2-3711(A) (8) for 1. Consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically, legal matters related to the notice and public hearing requirements for the adoption of the City’s new zoning ordinance; and 2. Consultation with the City Attorney regarding legal matters requiring the provision of legal advice, specifically discussion of legal matters regarding the proposed 0 East High Street development.**

**Motion by:** Commissioner d’Oronzio

**Second by:** Commissioner Schwarz

**Ayes:** Commissioners d’Oronzio, Schwarz, Mitchell, Stolzenberg, Solla-Yates

**Absent:** Commissioner Habbab

**Commissioner Habbab arrived.**

**Closed meeting was held.**

**CERTIFICATION OF CLOSED MEETING**

**I move that this Planning Commission certify by a recorded vote that to the best of each Planning Commissioner’s knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the amended motion convening the closed meeting were heard, discussed, or considered in the closed meeting.**

**Motion by:** Commissioner d’Oronzio

**Second by:** Commissioner Mitchell

**Ayes:** Commissioners d’Oronzio, Schwarz, Mitchell, Stolzenberg, Solla-Yates, Habbab

**Absent:**

Pre meeting ended at 5:30.

**COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:38 PM.**

***Beginning:*** 5:30 PM

***Location:*** City Hall Chambers

**A. COMMISSIONER’S REPORT**

**Commissioner Stolzenberg** – We had a meeting of the MPO Tech Committee. We mostly discussed the thresholds for scoring in the long-range transportation plan that is upcoming, moving towards 2050. That will be an ongoing discussion of exactly how to model the various needs of various road segments across the MPO area. We also discussed the ongoing debate at the Commonwealth Transportation Board about changes to the smart-scale process, which are looking unfavorable toward the city. MPO Tech will be meeting monthly until moving towards 2050 is complete. Later in September, we have our joint CAMPO and Saw MPO (Staunton, Augusta, & Waynesboro) meeting to work on issues that affect both areas.

**Commissioner Mitchell** – I did not make the LUPEC meeting. I did send you guys copies of the agenda and what they referred to as the minutes. There is a link at the bottom of the minutes that ‘walk’ you through what the presentations looked like. The Parks and Recreation Board met. We received an update on the Meadowcreek Golf Course. Our golf course is a world class golf course. I copied you guys on the update on that as well. We did 49,000 rounds of golf last fiscal year. That is up by 6000 rounds of golf over the prior fiscal year. The golf course is back. I sent you guys a copy of our CIP request. It looks like we are going to be looking for about \$3 million in new requests this fiscal year. The RFP for the Master Plan has been awarded. It has been awarded to the organization that did the work for the county as well. I copied you guys on an interesting presentation regarding Bennett’s Village. This is going to be Central Virginia’s first truly accessible and inclusive place/space. It will be in Pen Park. It will be developed by a foundation but will eventually be given to the city. We will own it and Parks & Recreation will manage it.

**Commissioner Schwarz** – At the BAR meeting in August, we discussed the Greyhound Station. There is a hotel use that is considering the site. It was a preliminary discussion. No decisions were made. We also discussed how we are going to review our guidelines. There will hopefully be some progress on that shortly.

**Commissioner d’Oronzio** – The HAC met for its regular meeting. The zoning ordinance was the topic of discussion and some more conversation regarding the land bank, but mostly about how to go about looking at the land bank. We had a special meeting on the ADU portion of it and the updated rate of change analysis. Notice of funding availability went out for HOPS, which is the operational portion of housing providing the CAHF, CDBG, and Home. The approximate funds available is about \$575,000, CAHF is \$835,000, CDBG is \$410,000, and Home is about \$112,000. The latter two are not going to be considered until early next year by the CDBG Task Force. The Office of Community Solutions held a seminar for the process of applying for these requests for the funds. There has been discussion on the task force and CAHF and in the HAC regarding that we have several well-established players and recipients. There are several organizations that are looking to get involved with providing housing. They are not prepared for the process. We are trying to level that playing field with some seminars.

**Commissioner Habbab** – The nominating subcommittee for the Planning Commission election met to elect a new Chair and Vice-Chair. The new Chairman is Commissioner Mitchell and Vice-Chairman is Commissioner Schwarz. The Tree Commission met last week on September 7<sup>th</sup>. The Tree Commission sent a letter to the Planning Commission with some comments regarding the specific items in the draft ordinance. There is still some ‘back and forth’ on an RFP for the Downtown Tree Replacement Plan. We are hoping to have something in place this Fall. Work on combating invasives continues by our 2 contractors: Goat Busters and RX Fire. You might have seen them at Washington Park. Their work is done there. Next up is Azalea Park with about 2 acres. Forest Hills is 1.5 acres. Jordan Park to 5<sup>th</sup> Street Station is about 7.7 acres starting by the end of the month. Inventory of trees planted this spring was completed. We found about 12 percent mortality rate, which is great, given our expected 20 to 25 percent due to extreme weather conditions this year. Parks and Recreation put out an RFQ for new tree installations to include about 160 trees distributed across Charlottesville and some at schools to replace recent removals. Parks included Jenkins, McIntire, Starr Hill, Belmont, and Jordan Parks and several vacancies around town. RELEAF Cville will be doing some major planting in the Rose Hill

Neighborhood, including in Burley Middle School, CRHA site on Madison Street, and Washington Park. Charlottesville Area Tree Stewards is installing over 20 trees at Rives Park.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – There is a Board of Visitors meeting later this week. Items related to planning consideration in that meeting are design approval for a central utility plant at the Fontaine Research Park. That is part of the larger redevelopments going on there. There is another approval of a scoreboard at Scott Stadium. With schematic review, not being voted on in that meeting, they will see the design for the Institute for Biotechnology, which is the large research building that the central utility plant will power and give hot/cold water too and infrastructure and parking garage that will be there to support that. We are building on an existing parking lot. We are adding employees there. We are going to need more parking. There is a parking structure planned for that site. Another smaller project that is under review is the Center for Politics, which is located off Old Ivy Road. They are doing a pavilion addition on the back so they can have seminars.

## **C. CHAIR'S REPORT**

**Chairman Solla-Yates** – I attended the Thomas Jefferson Planning District Commission meeting. There were many issues that were discussed including rural internet progress. Most substantively and most surprising to me were the changes to the smart-scale funding process, which I have tried to understand. My understanding is that the number of projects that we will be able to submit per year will be reduced. There are some potential reductions in funding for bicycles and pedestrian safety and some restrictions on where certain projects will be permitted. There are some potential changes to how different applicants will be judged based on their history, which is also probably bad for us. Staff is aware and MPO is closely following this.

- i. Report of Nominating Committee
- ii. Officer Elections

**Commissioner D'Oronzio – Motion – I move that we accept the nominating committee's work and elect these people by acclamation or vote as is required. Second by Commissioner Stolzenberg. Motion passes 6-0.**

**Chairman Mitchell** – I want to offer my congratulations to Commissioner Solla-Yates. You have led this board with finesse and patience. Two of the most the important things that you have gotten done is that you got Council to vote 'yes' on the Comprehensive Plan that we developed. The other thing that you got done is that you got us to the 'red zone' with the zoning ordinance. In football, the 'red zone' is the most difficult part of the field to navigate. We do not want to accept a field goal. We cannot tolerate a turnover. We have a new quarterback. We still have Commissioner Solla-Yates leading the charge.

## **D. DEPARTMENT OF NDS**

**Missy Creasy, Deputy Director** – We have some busy times coming up. We are preparing for a public hearing for the development code and zoning map on Thursday. We are working through lots of logistics. We anticipate that we are going to have a lot of interested parties. We are working to accommodate people, both in person and virtual. We are going to have signups begin no earlier than 3:30. Please don't come to City Hall much earlier than that. We are going to allow the other business to conclude and then move into that. Virtual participants will have the opportunity to raise their hands in the Zoom function as we typically do. We will do some alternating between in-person and virtual participants. We are not sure if it is going to be a one-to-one. There is a lot of time gap that ends up being lost between those transitions. We are still trying to work with our logistics people

to try and make that as streamlined as possible. Simple math notes that we can accommodate no more than 30 speakers per hour. That is on the very high end. We anticipate that we have a lot of interested parties. We are trying to make things as efficient as possible. We are going to remind the people that each speaker provide their name and address and you will have 2 minutes to provide feedback. You can't share your time with somebody else. Each person is going to only be able to speak one time. You either speak in-person or you speak virtually, not both. Please sign up to speak in-person or virtually. We are planning to be here until everyone in the community, who would like to speak to this, has had their opportunity. We would like everyone to have that opportunity. We want to make sure that we have limited hiccups. We can do that if we have people signing up on time. We are working through additional items. Please bear with us. This is probably one of the largest public hearings that we have been anticipating. We are doing the best we can logistically to try and make that as smooth as possible for the community and commissioners. Ultimately when we must do that again, we will work with our Council to do that. We also have some reserve times if the Commission is not ready to provide a recommendation at the end of that hearing. We have reserve times that were on the mailings that went out to everyone. We have already advertised for the September 19<sup>th</sup> to comply with meeting notice requirements. I appreciate all the phone calls and communication that I have gotten. It has been fun to talk to people throughout the community and explain this process. Most people do not focus on land use daily. We are going to take breaks every 2 hours during this hearing and a longer break at 8:00 for some nourishment. We all want to keep moving efficiently through this process.

## II. 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. **SP23-00005 – 1709 Jefferson Park Avenue** – Mitchell Matthews and Associates, LTD (“Applicant”), on behalf of Neighborhood Investments, LLC, is requesting a Special Use Permit (SUP) pursuant to Section 34-420, Section 34-353(b)(3), and Section 34-162 of the Code of the City of Charlottesville (“Code”) for the following property (“Property”): Parcel Number: 160010100 1709 Jefferson Park Avenue Charlottesville, VA, 22903

The purpose of this SUP is for increased density, additional height, modifying yard requirements, and modifying onsite parking requirements. The applicant is proposing to redevelop the Property and replace the existing (8) unit multifamily apartment building with a (27) unit multifamily apartment building. As part of the redevelopment plan the applicant is requesting an increase in density from 21 dwelling units per acre (DUA) to 87 DUA per Section 34-420; increase the allowable height from 45 feet to 70 feet per Section 34-53(b)(3); modify front yard requirements from the average calculations under Section 34-353(b)(1) to a set 18 feet along Jefferson Park Avenue and 25 feet along Montebello Circle per Section 34-162; modify the side yard requirements of 17.5 feet under Section 34-353(a) to 5 feet per Section 34-162; reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district from 75 feet to 58 feet under Section 34-353(b)(4), per Section 34-162; modify the yard screening requirement from 25 feet width of S-3 screening along all of the Montebello Circle frontage to 17 feet of S-3 screening for 60% of the frontage along Montebello Circle under Section 34-353(b)(4), per Section 34-162; and reduction of on-site parking from 38 spaces under 34-986 to 22 spaces per Section 34-162. In addition to the SUP, the applicant is also requesting approval of a Critical Slope Waiver (application P23-0049).

The Property is approximately 0.32 acres with road frontage on Jefferson Parke Avenue and Montebello Circle. The Comprehensive Land Use Map designates this area in the Mixed-Use Corridor. The Property is zoned Residential Multifamily (R-3) with an Entrance Corridor Overlay. This application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or a copy is on file in the Department of Neighborhood

Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP request may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).

Chairman Mitchell gavelled the Entrance Corridor Board to order.

**i. Staff Report**

**Jeff Werner, Preservation Planner** – This is an ERB review of the special use permit request for 1709 Jefferson Park Avenue. This parcel is within the Fontaine Avenue/JPA Entrance Corridor. Per code, when there is a special use permit for a property within an Entrance Corridor, Council refers the application to the ERB for recommendations as to whether the proposed use will have an adverse impact on the corridor. For any recommendations as to reasonable conditions, which if imposed, would it mitigate those impacts? Regardless of this SUP being approved or denied by Council, any subsequent development of this lot would still require your design review and approval of a CoA. 1709 JPA is 0.3-acre parcel within sub-area C of the Fontaine Avenue/JPA Entrance Corridor. The parcel fronts on JPA to the east and Montebello Circle to the west. A 4-story brick apartment building built in 1972 is currently on the site. The building is set back about 66 feet from JPA. Available records indicate no buildings on this site prior to the existing apartments. There is no historic designation associated with the site or the building. This property was part of several hundred acres owned by John Perry. In 1817, Perry sold a portion of his land to the Trustees of Central College, which became the University of Virginia. Perry built behind this parcel at Montebello. It is currently owned by the University. It is on the Virginia Landmark Register and National Register of Historic Places, but no associations relative to historic matters associated with 1709. The SUP request proposes residential density be increased from 21 dwelling units per acre to 87. With that, it will require allowing increased building height to 70 feet from 45 feet, allowing a reduced setback from JPA from approximately 40 feet to 18 feet, allowing a reduced setback from Montebello Circle from approximately 40 feet to 25 feet, allowing a reduced side setback from 17.5 feet to approximately 5 feet. That would only be at the northeast corner to accommodate a portion of the building. It will allow reduced off-street parking requirements from 38 spaces to 22 spaces, allowing a reduced minimum distance to low-density zoning from 75 feet to 58 feet, and allowing a reduced landscape buffer with Montebello Circle from 25 feet to approximately 17 to 18 feet. With all these recommendations and speaking as the design staff, our recommendation is a finding of no adverse impact on the corridor. That includes the SUP. The ERB doesn't review how a building is used. It is the exterior design of the building that you review. Regarding the increase in height, it is a recommended finding of no adverse impact. The visual and aesthetic impacts of the building's height, massing, and scale can be addressed and mitigated if necessary, during the required design review process. There is no finding of adverse impact on the other issues related to the SUP. Design staff recommends the following:

- In evaluating an SUP request, the job of the ERB is to review and offer comment on only the impacts that will be visible from the entrance corridor. Tonight, you are not evaluating the design. What has been presented is conceptual.
- Because the design review process will address and mitigate, if necessary, the visible elements of the project. The SUP as requested will not adversely impact this entrance corridor.

I do not have any recommendations that would go with the SUP associated with the design. Understand that the design presented is conceptual. If there are elements of that design that you think are strong and should be retained, that should be addressed. It is fine to bring that up tonight. If you have things that you feel are important relative to the design and would like them included in the SUP, you can certainly raise them. Everything can be covered when this comes in for a CoA.

**Commissioner Solla-Yates** – I see tremendous potential for aesthetic enhancement, which is exciting.

**Commissioner Stolzenberg** – It will be better than the old one. My one concern is on the garage entrance, which is not necessarily impacted by the SUP for higher density.

**Commissioner Schwarz** – I am inclined to go with staff’s recommendation on this.

**Motion – Commissioner Stolzenberg – I move to find the visual and aesthetic impacts of the requested SUP can be addressed during the required design review and, therefore, will not adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor. Second by Commissioner d’Oronzio. Motion passes 6-0.**

Chairman Mitchell gaveled Planning Commission back into order.

Mayor Snook called Council to order.

**Matt Alfele, City Planner** – You will be holding a public hearing for a requested special use permit at 1709 Jefferson Park Avenue and making 2 recommendations to City Council: one related to the special use permit and one related to a critical slope waiver. Mitchell Matthews & Associates representing the owner (Neighborhood Investments, LLC) is proposing an SUP at 1709 JPA for increased density, additional height, modifying yard requirements, and modifying onsite parking requirements. You previously heard these requirements in the last presentation. The applicant is proposing to redevelop the Property and replace the existing (8) unit multifamily apartment building with a (27) unit multifamily apartment building. As part of the redevelopment plan the applicant is requesting an increase in density from 21 dwelling units per acre (DUA) to 87 DUA per Section 34-420 plus the changes to setback and height as previously reported in the entrance corridor review. The subject property is relatively small. The existing building and supporting infrastructure, parking, walkways, retaining walls, etc. already impact most of the critical slopes on site. Impacted critical slopes are on the sides of the property. The proposed development would expand the footprint of the existing building with a new building and disturb nearly 100 percent of the critical slopes on site. Staff recommends approval of the SUP request and the critical slope request but with modifications to the parking and screening requirements along Montebello Circle as outlined in the staff report. According to the city’s Future Land Use Map, the JPA corridor is anticipated to go through a significant change in the coming years based off the stated goals of the plan. These goals include more intense mixed-use development within 5- to 8-story buildings. Staff is not concerned with the massing and scale as it relates to JPA or the properties abutting the site. Staff is concerned with how the building will transition from the more intense residential aspects of JPA to the smaller scale characteristics of Montebello Circle. Staff believes the entrance corridor guidelines will help mitigate the impact of the building but suggests removing the parking for the development off Montebello Circle and increasing the screening. Staff suggestion would be for 18 feet of S-3 screening along 90 percent of Montebello Circle’s frontage. This would allow for more screening but leave some room for pedestrian access to the building.

**Commissioner Habbab** – Based on the staff report, there is no indication of how they are addressing the affordable housing requirement.

**Mr. Alfele** – They haven’t yet chosen. They need to either provide 3 units or pay in lieu.

**Commissioner Stolzenberg** – We don’t have the Office of Community Solutions to clarify on that worksheet. I am confused how 1600 square feet is 3 units.

**Mr. Alfele** – I can only reference the Office of Community Solutions analysis.

**Commissioner Stolzenberg** – I know that with an S-3 screen, there is an option to do an opaque wall or fence. Do we feel like the condition precludes that? Do we think that is an acceptable option?

**Mr. Alfele** – It would depend on the site plan. By doing an S-3 screening, that is an option if there is something that would work as an opaque wall. That option is not available in the S-1 or S-2 screening.

**Commissioner Schwarz** – One of the conditions was to remove the 3 parking spaces from the upper portion of the site. Is that going to reduce the number of units that they can get?

**Mr. Alfele** – I will let the applicant speak about that. As far as the viability of the parking, the way you would have to park those is you would have to back in because you cannot back out onto a public city street. That makes for weird parking. Staff would like to see a better transition to the lower density neighborhood.

## ii. Applicant Presentation

**Kevin Riddle, Applicant** – The project is asking for a special use permit based on several criteria: additional density, additional height, yard reductions, a parking reduction, and a reduced distance to a low-density zone.

### Next Slide

Here is a first effort we made at doing a calculation of what would be required of this project under the current ordinance for an affordable housing contribution. The owner prefers a fee in lieu to satisfy the affordable housing contribution. This calculates that fee. We realize the city is currently reevaluating the fee method and amount as part of a potential new ordinance. However, the draft ordinance is still a work in progress. It is unclear to us now where that fee calculation will land. This is what we have now to present. We understand there is likely to be conversation about this later.

### Next Slide

This is to orient you. This is the site as viewed from the air. It has double-frontage. On its west front yard is Montebello Circle and on its east front yard is Jefferson Park Avenue. UVA is to the north and an easy walk away. A city bus stop is even closer to the site.

### Next Slide

We have this site with the current zoning ordinance overlaid. I am going to briefly talk about the request for additional density. The 87 DUA proposed here falls within the range that can be requested with an SUP. The corridor has been identified by the city for a long time as a location where increased housing and density makes sense. There is a long history of multi-family housing here, much of it accommodating UVA students who live off campus. The existing building, at 4 stories, has 8 apartments. Current by right density will allow no more than 6 apartments. It is out of compliance with by right zoning. In this 4-story structure, the structure only occupies about 20 percent of the site. We feel that the site is significantly underutilized if it was redeveloped as a by right project under current zoning. When you consider the potential adoption of the draft ordinance, density limits would not be imposed in this zone. We think the request is consistent with the decision of the future here.

### Next Slide

Here is the site embedded in the draft zoning map. You can see that the city's direction is to allow, perhaps encourage higher densities and expanded land use for properties along the corridor. Since we prepared this page, the map has been revised again. If you look at the top of the map, on the other side of Woodrow Street, the proposal is now what is called CX-5 in this map would go to CX-8. An even higher density zoning is, in the intervening months as proposed, has expanded downwards so it is now just one property removed from the host site at 1709 JPA.

### **Next Slide**

Here is the survey of the site. You know that the yard at Montebello is significantly higher by about 54 feet, around 5 stories taller than it is on JPA. It is a very steep site. There are critical slopes. They lace the property as they do many of the properties on this side of the street. We see that there would be no way forward to develop any new building here without a waiver of the critical slopes.

### **Next Slides**

In the following slides, we have photographs of surrounding buildings. To accommodate more housing, the trend has been in this corridor to build multi-family structures, 4 stories and taller. If you consider 1725 JPA, 1707 JPA, 1600 JPA, and 1620 JPA, they were constructed in the last 15 years. They all stand 4 stories and taller. These are more of the properties along the JPA corridor close to 1709. We are looking at properties that are up on Montebello close to the property. What you will see is a difference between properties that are on the west side opposite our side of the street and the east side. The properties on the west side typically have deep front yards. They have ample trees and planted screening. They also sit at elevations well above the street. On this side of the street where 1709 is located, the buildings typically sit very low. They are lower than the elevation of the circle. On this side, parking in front yards is very common. I would say most of the properties on this side have parking that goes from one side of the other in the front yards.

### **Next Slide**

We are now looking at the proposal. This is a view of the building rooftops and the surrounding site at JPA. The steep expanse of concrete paving is replaced by 3 trees, an entry plaza with built-in seating, concealed trash storage, and a single-entry drive with access to underbuilding parking. At Montebello, instead of blacktop paving across the entire width and the deteriorating structural remnants of a deck, there would be 5 trees, planting beds, and a walk to the Montebello entrance plus 3 parking spaces. This reduces parking on the street by half of the current total. It also allows a pull-off area potentially for delivery vans. You will also notice the potential for a green roof and the potential for biofilters. We have not yet determined the best way forward here, whether it would be one or the other or whether it would be some combination of the 2 to help satisfy the low impact worksheet. Our team is committed to getting to at least the 10 points on that worksheet using some combination of these, possibly counting parking reductions depending on whether city staff agrees that is appropriate.

### **Next Slide**

These are just images of the potential plantings on the site. We have tried to pick trees that would be larger closer to the street like the Kentucky Coffee Tree. They are all trees on the city's recommended list. Most would present with very nice fall color.

### **Next Slide**

Here are 2 plans. We thought these 2 plans were good to pull from the model because they are the plan levels where the building connects to each street at each front yard. The plan on the left is the building level where it meets with Jefferson Park Avenue. This is the parking level. You can see the entry driveway leading to the parking under the building. That is where we have 19 spaces. On the right, we have the apartment level where it connects to Montebello Circle. This is where there would be a second entrance into the building and exit from it. We do propose that there might be 3 parking spaces preserved here but with a much better combination of plantings and walks to replace what is currently blacktop.

### **Next Slide**

Here we see some comparisons on the left in white boxes, both in plan and section. They represent areas in which somebody might propose a building. On the left is what you can have by right. On the right is what could potentially be allowed based on the current draft ordinance. There have been a few small changes since we



prepared this slide. It is still very close to what you find in the language in that ordinance. The middle represents our proposal where our building will be located within the bounds of the white boxes both in section and plan.

### **Next Slide**

We have a section here that gives you a better impression of what the building would be like relative to some of its neighbors on either side of the street. You can see that we have calculated an average grade by the city's current calculation method. Based on that average grade, we are proposing a building that is about 70 feet tall, 70 feet above that grade. We know that when people are looking at this project from Jefferson Park Avenue, they would count, and they would say that this is an 8-story building. We would say you could decide to stand on Montebello and look at the building and say that it is a 4-story building. That is one of the reasons why we have tended to stress in our materials that we consider it a 70-foot-tall building because the extreme grades and the 2 front yards offer very different impressions depending on where you are taking in this building. We think it is fine that the building does present taller on JPA. We think it is consistent with increasingly taller buildings that provide more housing along the corridor. When we go to Montebello, we think it is appropriate that the building gets to about 4 stories tall with an upper story that has a significant step back. We think that is generally in keeping with what is on the Circle. There are several 3-story buildings already there.

### **Next Slides**

This is the elevation on Jefferson Park Avenue, the elevation on the northeast side, the elevation on Montebello, and this is the elevation as we come around on the other side.

### **Next Slides**

The next slides will show photographs of the existing site. You can see the concrete paving that is there at the front of the property that is quite steep. Trash cans are often left out there. Not only do you have 2 curb cuts, but they are also enough together you can see there is no availability for parallel parking on the street in front of the property. We see the site standing in the front yard of the 1620 Jefferson Park Avenue apartment project. That is where Valley Road converges with JPA. You can see our proposal and some of the virtues that we think it can offer, most notably the whole connection to the street in the public realm would be altered. We have an entry court, built-in seating. That entry court connects to a lobby. Above that lobby is a space that will be set aside as a student lounge and Commons area. We think that could be helpful there where it sits on the street to have this more open, more heavily glazed storefront, where you have common uses in the apartment as opposed to bedrooms and kitchens. Those face out onto the street at the location where pedestrians would enter the project. To the left of the entry court is the driveway that would lead into the parking under the building. If you look to the right at 1707 JPA, you see a project that has taken a similar strategy. That building was constructed in 2007. You can see there what has happened with 2 sycamore trees and a smaller birch tree. Within 15 years, the screening and the canopy has developed to some size. We would anticipate that there would be the same outcome on our property within 10 or 15 years.

### **Next Slides**

This is another vantage point from across JPA. Here is the project taking the place of the existing building. We have the 2 large coffee trees proposed on either side of the driveway. Since that driveway is going to replace the 2 curb cuts, it will be somewhere between 22 and 24 feet wide. It will give the city the potential to reclaim 2 parking spaces on the street. This photo is taken from the JPA median. It is roughly across from the 1707 JPA project. As you can see from the angle, you notice there is some small site stairs that lead up to the project. That is how tenants get up to the building. On a day with snow and ice, it would simply be hazardous to negotiate between the sidewalk and the stair. Even though that is devoted to parking, you rarely see a lot of cars parked there. Even in a car, it is hard to get up there.

### **Next Slide**

This slide is important. It gives you the impression that we often have buildings on streets. We are not always set back from them. We are often walking up the street. In this case, you have a lot of existing trees and screening that would already be there in addition to proposed new trees. The new connection to the building happens to be closer to the street level, with much of the building's upper stories largely obscured. You can see that the site is getting leveled off. It is more important than it being easier for cars to get onto the site. It would now be very easy for people to enter the site.

### **Next Slides**

We are on the Montebello side. We have the opposite condition here. You can see paving here instead of rising precipitously up toward the project. It goes down in a hurry. You can see the angle those cars are parked at. We feel it is a situation that is potentially dangerous in addition to being ugly. You see that we have the large beams in red that extend back to the building. They once supported a deck. It is not an exemplary project on this side. We have it with the proposed building. We think that this would be a big improvement. Not only do we have the plantings there, but we also have a dedicated pedestrian walk that leads to the front door. When it comes to the reduction of the distance between the lower density district, what we have on the other side of the street is an R-2 zone. This project is in an RX-3 zone. Currently, the zoning would require us, with a building of this size and density, to preserve 75 feet between this building and the property across the street. We think that this part of the current ordinance is a byproduct of unfortunate mid to late 20<sup>th</sup> century zoning priorities. We feel optimistic that most urban as opposed to suburban settings benefit from a better tradition of apartment buildings and smaller houses that are sometimes built near each other. You already see it in many places in Charlottesville from the Rugby Road neighborhoods to North Downtown. The city's proposed zoning aspirations, as reflected in the draft zoning do not envision imposing such significant separations between lower and higher density dwelling types.

We think this request makes sense as it allows the building to accommodate more housing while still preserving a front yard with much improved plantings and improved pedestrian access. When we get to the landscape buffer on this site, this is where we acknowledge that our request involves some compromise. Absent any other considerations, we see where the staff recommendations are coming from. We agree that it would be great to have more street tress on this side and to plant the entire Montebello yard from side to side. We have other considerations that we want to bring up. One of those considerations is deliveries. I think the staff reports envisions deliveries occurring only on the JPA side. Realistically, we think inevitably there will be some percentage of vans that will come up Montebello. The modest curb cut we have here that allows these 3 parking spaces will also allow enough room for a smaller delivery vehicle to pull off the street and get out of the traffic behind it. Not only is almost the entire Montebello yard currently a parking lot, but the paving also steeply runs down. It is inhospitable. Potentially unsafe conditions are here. It is also true if you look at the rest of the street. Parking going side to side on properties is common. By my count, there are about 30 spaces in front yards among the 7 properties that are on this side of Montebello. While we recognize what the city staff would like to see here, we feel leaving a few spaces here still gives us a better site than what is typical, not just of the existing, but of its neighbors while still allowing the owner some convenience of parking closer to upper-level apartments and the potential to allow a little more use of deliveries.

### **Next Slide**

We are trying our outdoor amenity space requirements that we want to be sensitive to. We think these provisions in the draft ordinance make sense. Our proposal is consistent with them.

### **Next Slide**

This is to fully explain the conditions, not only on the site but around the site. The site only has 2 crepe myrtle trees. They would be lost. We feel that what we are proposing in their place is a much better outcome. As you get closer to the site boundaries, we don't see too much to worry about there. At the top of the site, there is a mulberry tree. They are considered undesirable trees. We don't anticipate that this project would harm them. If

it did, I don't see that is a problem. The closest tree to the site is the birch tree. We would do our utmost to make sure that tree was not harmed during construction.

**Commissioner Palmer** – Can residents of that building get a Montebello Circle parking decal?

**Mr. Alfele** – No. Development of this size would not be eligible to get a parking decal.

**Commissioner Palmer** – It appeared from the renderings that there is no sidewalk on Montebello Circle on that side of the street. You would be adding your section of the sidewalk.

**Mr. Riddle** – We would be adding where there are no parking spaces. You will notice that the Montebello side of 1707 JPA has a potential delivery pull-off where there often end up being a couple of cars parked. It made a negligible little walk there. When I was looking at that property and some properties that are further south of it, I understood what city staff mentioned in their report. Maybe a sidewalk on the side is not needed. Grade situations would make it difficult to pull off. On the other hand, you could ask if other properties did something like this one and they reduced their parking by at least half. We would go from 29 or 30 parking spaces in the front yard down to 14 or so. If what was not parking in those yards became sidewalk, you can start to imagine some sidewalk on this site getting pieced together, which wouldn't be insignificant. While there is a sidewalk on the north side of Montebello, it is narrow. There are cars parked there. Montebello is one way, and it is quite narrow. If you ever go up there, you will see students and other residents walking down the middle of the street. To provide more sidewalk on the other side, that could be a helpful outcome. We could see there being some virtue in doing something like what we're proposing. We're not able to have a sidewalk run continuously side to side. We do introduce one where there is not a curb cut for parking.

**Commissioner Palmer** – Is there an exterior stair egress from the JPA level up to Montebello? Is that on site? Is that only through the building?

**Mr. Riddle** – It is only through the building.

**Commissioner Habbab** – If you mirror the parking spots in the planting, so you are 'nosing' into the spots instead of having to back into them.

**Mr. Riddle** – That was based on a recommendation we had from city engineering in our pre-application meeting. What they wanted us to do, if we were going to propose spaces as initially, we would put them as perpendicular. They felt it would be safer if people going one way on Montebello did have to back into the spaces because that would be a safer situation than having to back out of them on the one-way street. That was the reason we angled them the way we did.

**Commissioner Habbab** – If you substituted a loading zone for parking spaces if loading was the main driver for having something like that.

**John Matthews, Applicant** – We felt that a loading zone was bad.

**Commissioner Stolzenberg** – On one of your last slides, is that a level sidewalk on your curb cut?

**Mr. Riddle** – What we are proposing now, and we hope this remains a part of the project, is where you have an entry to the drive, the paving to be slightly elevated and striped so it is more friendly to pedestrians. It imposes a slow-down on anybody driving a car. It makes that crossing point stand out more.

**Commissioner Stolzenberg** – What is your worry?

**Mr. Riddle** – We realize that we are going to be, if this project is recommended for an SUP and approved, we would still have to engage the entrance review process. At that time, we could ‘zero’ in specifically on some of the details in the design including that one.

**Commissioner Schwarz** – If you are willing to put in the loading zone, that means those 3 parking spaces are not vital to your unit counts?

**Mr. Riddle** – I don’t think they are vital to the unit counts. We are asking for a reduction as it is in parking. We basically found as much parking as we could under the building. He wanted to find a few more spaces. We are convinced that they can’t keep this whole front yard covered in parking spaces. We ended up finding this compromise of three. The project could certainly conceivably go forward. It might make it tougher where the marketing is concerned because there are fewer spaces available.

**Commissioner Schwarz** – Did you talk about the LID agreement?

**Mr. Riddle** – I didn’t specifically talk about it.

**Commissioner Schwarz** – It sounds like we need to change one of the conditions.

**Mr. Riddle** – In addition to that condition, if we are talking about the parking spaces versus a loading zone and the extent of the planting buffer, there would be a few other conditions that would potentially need revision as well to account for those things, depending on where the conversation here goes.

**Campbell Bolton, Applicant** – The condition specifically says the LID spreadsheet points out that you will use shared parking, green roof, or bioretention. We want the opportunity to get 10 points on the spreadsheet with potentially some combination of them all, and not shared parking meaning a requirement of one of them. We haven’t worked that agreement out with city staff. We aren’t sure that we can get that approved. We don’t want the approval of that shared parking to hold the project up. Our revised condition said we will get 10 points with some combination of these, but not specifically shared parking.

**Mr. Alfele** – We could talk about this for a while. I didn’t want to take away the time from the public hearing.

**Chairman Mitchell** – You (Mr. Alfele) didn’t talk much about the critical slope. Is there anything else you would like to highlight on that beyond what is in your report?

**Mr. Alfele** – Nothing beyond what is in the report. Staff felt these critical slopes were not necessarily man-made, but they weren’t that important as far as the existing conditions that the slopes are in related to not a lot of tree plantings. There is already a building in the middle of the critical slopes.

**Vice-Mayor Wade** – I am glad that parking has been addressed. What I often get are complaints about are bikes, scooters, and things like that. I couldn’t see on the plan if there is a place in the front or easily accessible where the residents could place their bikes or scooters.

**Mr. Riddle** – With bicycles, we are going to offer ample storage for the bikes within the building. With scooters, we don’t have any part of the site set aside devoted to their parking right now.

**Vice-Mayor Wade** – We are working on getting docking stations. With this many residents, I know a lot of them are going to take the VEOs there. They will leave them on the sidewalk. People won’t be able to get around.

**Mr. Riddle** – It is a good point. To improve the JPA side to allow for the sidewalk to remain clear, there is probably room to the left of that entry drive for us to slightly revise the planting bed for the coffee tree and that access area that would lead to the enclosed trash area, to provide at least some room for scooters to be parked out of the way off the sidewalk.

**Mayor Snook** – How many people live there right now?

**Mr. Riddle** – I believe that it is 16 people.

**Councilor Payne** – To that point, is it known whether the new units would have 1,2,3, or 4 bedrooms?

**Mr. Riddle** – They are a combination. As currently proposed, the 27 apartments would have between 64 and 67 bedrooms. There are some 4-bedroom apartments, a few 3-bedroom apartments, and several 1- and 2-bedroom apartments.

**Councilor Payne** – I know that the applicant referred to 7 stories. From staff's calculations from JPA, this would be an 8-story building.

**Mr. Alfele** – That is correct.

**Councilor Payne** – I know there was a reference made to the Future Land Use Map. In the published documents available on the city website and the interactive land use map, it is currently CX-5 in the draft zoning. That would allow up to 7 stories with an affordable housing bonus.

**Mr. Riddle** – That is correct.

**Councilor Payne** – The applicant is asking for, in addition to what would be allowed under CX-5 and their affordable housing calculation in terms of payment in lieu, it does not factor in the draft affordable housing bonus or the draft inclusionary zoning ordinance. That calculation is the existing ADU ordinance.

**Mr. Riddle** – That is correct. When we are talking about the draft ordinance versus the current ordinance, we would want to emphasize that we have referenced the draft ordinance because we think it is a pretty good reflection now of what the city's priorities are. We think that it is important for our project to anticipate those and be consistent with the priorities in that ordinance. It is true that when it comes to certain specific areas, it is a little unknown at this point exactly how well it will 'jive' with it. It is still a project that we think is one where we are pursuing an SUP based on the existing ordinance. Regarding the height, we can request up to 101 feet. We are not requesting that high. We understand that for some people it looks tall from JPA. The housing that it will provide is a consideration that compensates for that.

**Councilor Payne** – I understand the situation that you are in. For Planning Commission and City Council's deliberation continue to have a lot of concern about the Future Land Use Map being a justification for approval without being selective about what is in it and excluding the affordable housing height bonus as well as the exclusionary zoning ordinance.

### iii. Public Hearing

**Ellen Contoni Morava** (225 Montebello Circle) – We have lived in our house for 35 years. I would like to say something about the SUP application for 1709 Jefferson Park Avenue. It would have frontage on Montebello Circle. The proposed building would not be harmonious with the immediate neighborhood if that includes the

single-family homes on the west side of our narrow street. It would be taller than any of the other multi-unit buildings on the west side of JPA. The building next door to the subject property is 4 stories tall. Only one story projects up on the Montebello Circle side. The tallest building on that side of JPA is 1725 at 6 stories. Only 3 stories project up on Montebello Circle. The proposed building would project 4 stories on Montebello Circle, taller than any other building on that side of the street. This height difference isn't shown clearly in the architect's drawing. The current version of the Future Land Use Map proposes to designate the west side of JPA as CX-5, which would allow a maximum of 5 stories with a bonus up to 7 stories if affordable housing is included. The structure would be taller than the maximum allowable by the proposed rezoning. As far as we can tell, it would include no affordable housing. As acknowledged by the staff report, the building would not conform to form and height requirements along JPA. Even though the proposed rezoning would allow up to 8 stories at key intersections, the staff report points out that the subject property is not located at an intersection. Restricting the height to 5 stories should be considered. This application is another example of how developers are scrambling to exploit the current special use permit process to add height and density to the projects that go beyond what current zoning would allow by right without having to include any affordable units, which they would have to do if the proposal for inclusionary zoning is implemented. The city's inclusionary zoning analysis mentions extra height, density, and reduced on site parking as bonuses that are meant to encourage developers to include some affordable housing. Why award bonuses to the developers without the gain of affordable units that are supposed to be the justification for them? Filling up our neighborhood with high-rises comes at a cost, adding to the current traffic and parking congest, loss of tree canopy, loss of a sense of community for residents.

**Anne Blenheim** (JPA Neighborhood) – I know Ellen Contini Morava to be a community member that Charlottesville should be proud to have. She has worked many years for the University. She speaks with a lot of reason and balance. She has done a lot of research. I encourage every member of the Planning Commission and City Council to weigh and consider her words carefully.

**Jennifer King** (221 Montebello Circle) – I am here to speak against approving the SUP. I am not opposed to increased density nor to supporting growth. I believe the increases should be considered in the context of the entire neighborhood. It seems that the Planning Commission has determined that the JPA neighborhood should be a student ghetto and supports developing it as such. However, the rezoning process seems to suggest support for a diversity of populations and housing types throughout the city. I continue to struggle with understanding how it is appropriate to make an exception in the JPA neighborhood to what is considered good planning for the rest of the city. I have also heard as part of the rezoning process that there should be an appropriate buffer between different levels of zoning. I don't believe that approving an 8-story building across the street from a single-family home and reducing the buffer is an appropriate buffer. Since I believe the prevailing winds of change with respect to the JPA neighborhood are not in my favor, I ask that if you were to approve this SUP, you consider two things: not providing any parking for the development on Montebello Circle and enforcing the fact those residents should not have parking permits on Montebello Circle. Restrictions on property tax increases for single-family homeowners, who would like to remain in their homes. It seems that the Planning Commission and the city are of a mind that bringing more to live in the city will encourage fewer cars and less car traffic. Allowing developers to develop properties with fewer on-site parking spaces seems to favor this opinion. Therefore, logic would dictate that it is acceptable to not have cars on site of the property being developed. They should not be permitted to park on the streets surrounding the property. If you believe in the utopia you are attempting to create, your policies should support that. I don't have time to research the hard data. There certainly aren't fewer cars on my street than there were in the past decade. There are more cars on my street in the past decade. The most recent development impacting our neighborhood was approved at 1707 JPA. There was supposed to be a handicapped parking spot behind the building. Within 6 months of development, that turned into 2 parking spaces, no longer handicapped. Additional parking lots and spaces on Montebello Circle around this development should be eliminated in lieu of walkable sidewalks or simply allowing enough space for the pedestrian, bike, scooter, and car traffic. With respect to property taxes, I am

hopeful that you have done the math and realized that the proposed zoning changes will substantially increase land values.

**Chloe Hensley** (1709 JPA) – This is my second year living in the building. I only got involved in this issue on August 24<sup>th</sup> when a sign went up in my yard. I had never heard of this project happening. I talked with Ellen. I trust her judgement. She is a valuable voice to consider in this issue. I moved to Montebello for 2 reasons. I am a 4<sup>th</sup> year at UVA. I moved there because the street is quaint. At the time, it was affordable. They have raised my rent by one-third from last year to this year. It is still roughly comparable with other units on the more affordable end units near the University. This new building would not follow the 2 reasons why I picked Montebello. I don't think an 8-story building is very quaint. I am the owner of the deteriorating deck. I live on the upper floor. I like the building. An 8-story building with a glazed front is not very quaint. It doesn't fit with the neighborhood. I would support the recommendation to keep it to 5 stories. If this is the in-lieu payment for affordable housing, I don't think that would allow me to continue living in my residence. There is a correction. It is a 3-unit apartment for all of them. More than 3 people can live there.

**Mo Van Der Sople** (608 Cabell) – I am a graduate student with the Economics Department. My rent currently takes up more than half of my monthly income. Charlottesville's tenants are being 'choked' by a lack of adequate supply. At the end of the day, that is all it is: supply and demand. The choice to vote down increases in density is a vote to make it harder for students to afford their rent. Referring to increasing student housing as a student ghetto is racist and extremely sensitive to the fact that Charlottesville's students are a big part of Charlottesville's community. The fact that we are trying to build more houses in this neighborhood is a thing that is going to attempt to decrease car traffic all around Charlottesville. Students who can live close to the University to walk to it are students that do not require cars to get to the University. I do it. A lot of students can't afford cars and would like to be able to walk but are forced to. There is not adequate student housing near the University. Voting down this proposal is exclusively a vote against low-income students and a vote for increasing the wealth of the already wealthy homeowners that sit on land that is very valuable.

**Eva** (1709 JPA) – I wanted to speak on behalf of the future tenants. Parking is a problem. We want to live in a world where students can walk to school. A lot of us have jobs. We drive to places like going to Barracks Road to get groceries. It is a benefit if you have a car. A lot of students do have cars. The parking that they are suggesting is simply inadequate for the increased density that they are asking for. My roommates have gotten parking tickets because they have been parking at their house. I want that to be noted. I feel that the parking would be a problem. The streets are getting full of cars.

#### iv. Commission Discussion and Motion

**Commissioner Palmer** –It is a good location for student housing. It is close to the University and all that. From the standpoint of this conversation about parking on Montebello, I don't know what the right answer is. As a good steward or good neighbor, focusing not just on parking, but deliveries and loading/unloading on JPA should be a goal of the project. I understand the occasional need to load or unload on Montebello. I don't see a whole lot of reason you couldn't do it off JPA, assuming this building has an elevator. The Montebello side works better for bikes and peds and putting as much of that kind of parking and use up there; it is already at a higher point. If you are walking or biking, it is much easier to get to Grounds that way. I am not sure how I feel about the height. The higher the building, the more people are going to live there. You are still constrained by those 19 parking spots. How does that work in the real world? I look forward to hearing your thoughts on the affordability conundrum given what we know about what is coming versus what exists and how an SUP fits into that conversation.

**Commissioner D'Oronzio** – The last time this came forward, I was concerned about height and the future question about picking and choosing. I was concerned about what is presumably going to be in the new

ordinance as opposed to following the current rules and trying to thread ‘that needle.’ This is a little different in that they are not really trying to play that balance. I tend to agree that density is going to pull on the affordability issue. As one of the speakers said, the more units you have closer to the University, the tighter that is. That tends to relieve pressure elsewhere. I am not sure getting bogged down in the 2 extra stories in this case is really something to have a battle about. I am persuadable. That is where I am going with the affordability. We have the payment in lieu.

**Commissioner Habbab** – There are 2 or 3 issues that we are trying to wrestle with. They are the parking on Montebello, the parking requirements, and the affordable housing. Going with the cash in lieu always concerns me. I would always prefer it if the affordable units were provided on site. If you are going for an SUP, the cash in lieu is more than the bare minimum. With the height on Montebello, I hear what the residents are saying. With the parking on Montebello, there are cars up and down on that street. It is a double-edged sword. If parking is inadequate and students do have cars, then I lean towards having them have the 3 parking spots that are on their own property to help alleviate some of that, so residents aren’t parking on the street illegally or having to impact parking elsewhere in the city. We keep hearing about parking infrastructure all the time. If they can provide more, then I am not sure that I will say ‘no’ to it. I am not sure how I feel about the affordable housing piece.

**Commissioner Solla-Yates** – There is no new zoning. Legally, the zoning we have is the zoning we have. I am a big believer in changing our zoning. I see serious problems with our current zoning. Considering the code that we have, I see good and bad in this. I am concerned about payment in lieu. I don’t think it is adequate. I don’t think we have been given decent tools by the state on that issue. I wish it was better. Given the zoning and proposal we have, I see a lot of good.

**Commissioner Stolzenberg** – I don’t have any problem with the payment in lieu for a project like this. It is the amount that seems inadequate by the adopted affordable housing plan and by the imminent soon to be adopted standards we will have under the tools that we have been given by the state and have not implemented for over 3 years. I would like to see that improved. I was confused by what the applicant was indicating regarding their intentions. Regarding form, as presented from JPA, it is entirely appropriate. I worry about that garage entrance. The continuous sidewalk where you don’t have a curb cut, a pedestrian or person in a wheelchair must navigate significantly mitigates that. On the Montebello side, it presents as a 3.5-story building. It is a 3-story building with a large setback on the fourth. It hits the same height as the house across the street. It is entirely appropriate. Nothing would stop you under the existing ordinance from filling that in and building a 3.5-story house across the street that would look larger than that. With the parking, I am torn about the parking on Montebello. Usually, we have neighbors demanding more parking. I am surprised to see people wanting to get rid of it. Generally, I am sympathetic to that. There would be a lot of value in having a scooter corral and bike parking on the top. Having that potential gravitational energy so you don’t have to get up that hill, I would want to take the elevator up and go out by that entrance. There isn’t exactly room for that now with the parking situation, I don’t see the screening addition as strictly an improvement. If you walk down Montebello, you have all these apartment buildings not presenting a front door. It is an afterthought. They are sunk down. They are a story or less. I don’t think that is an appropriate way to address the street. This proposal addresses it as the front door with a small driveway. If it could be shrunk down to 2 spaces, that would still work for a loading zone in front of them. That would be great. Given the needs of the people inside the building, some people still do want parking. I am not inclined to force them to remove them.

**Commissioner Schwarz** – I agree with the concerns about the amount of cash in lieu option. With the massing, I am not looking at the potential new zoning code that is coming up. At the same time, that zoning code would allow 5 stories on JPA and 5 stories on Montebello. They could easily split the building. This would be better than that. It is a 3.5-story on Montebello. Do we need to memorialize the step backs? I don’t see that in the conditions. They have a step back on JPA and Montebello. The massing seems appropriate. It makes sense to



put height on JPA; not to go any higher than what this is currently proposed on Montebello. This certainly could be appropriate. With parking, I am torn. If they are going to build the building anyways without the parking, all it is doing is creating more demand for services that people with no cars can use. If we are ever going to get past that threshold where people can choose not to have a car in the city, we must have enough people who can't have a car to get the services (grocery stores) that are transit. I would be fine with eliminating the 3 parking spots. It makes sense to have some sort of loading zone up there. That seems to be an afterthought. We need to be careful about making sure that we don't force a condition where somebody is blocked off the street by unloading in the middle of it. With the S-3 screening, it doesn't make sense to allow an opaque wall between Montebello and this building. I am not sure a dense vegetative screen makes sense. In our proposed zoning code, we seem to be pushing the idea of having eyes and a front door on the street. Putting a wall between the building and Montebello doesn't seem to make sense. Cram all the street trees in there that they can. I am fine with the applicant's request to change condition 11 concerning the LID Worksheet.

**Chairman Mitchell** – I am comfortable with recommendation 9, which eliminates parking and eliminates loading on Montebello. I can be convinced that loading might be something we ought to give way to. Recommendation 9 is right on target. The payment in lieu is ideal for this part of the city. I don't think it is enough. I would like to see more. I am not sure there is anything we can do about the amount right now. For the University here, payment in lieu seems to be reasonable. Can staff take us through recommendation 11 and what the applicant would like to do?

**Mr. Alfele** – There is some confusion on the LID worksheet. When you do an SUP, it requires an LID worksheet low impact development. For an SUP, there aren't any number of requirements. It is simply a required document that you fill out. You do not have to meet a number threshold. For infill SUPs, you must reach the 10-point threshold. That is one of the points of confusion for clarification. This body has had many SUPs in front of it where your LID checklist is 0. We have had very few infill SUPs in front of this body. That is where 10 comes from. What staff was trying to do was memorialize what was in the application. Staff has no concern with what the applicant wants to change it to. Trying to do shared parking, reduced parking comes out to 3 spaces they would need to share to meet how I interpret the LID checklist for the shared parking. With changing that to what they are proposing, I don't have a concern. I do think they should meet the green roof or biofilter. It is being called out in the critical slope waiver.

**Commissioner Stolzenberg** – To play the best role as the Planning Commission in giving advice, I am inclined to defer to Council to play 'hardball or bad cop' on the amount of the in-lieu payment so that we can give them a general recommendation including on these items of contention. Everyone has seen the draft inclusionary zoning ordinance. I expect they will go to Council and say something else. I would like to give an affirmative recommendation including some recommendation on those 3 things.

**Motion – Commissioner Stolzenberg** – I move to recommend approval of this application for a Special Use Permit in the R-3 zone at 160010100 and an address of 1709 Jefferson Park Avenue to permit additional density with the following listed conditions.

- 1) Per Section 34-420: Permitted Residential density up to 87 Dwelling Units per Acre (DUA) on the Subject Property.
- 2) Per Section 34-353(b)(3): Allow building height of seventy (70) feet on the Subject Property.
- 3) Per Section 34-162: Alter the Jefferson Park Avenue yard setback requirement to eighteen (18) feet.
- 4) Per Section 34-162: Alter the Montebello Circle yard setback requirement to twenty-five (25) feet.
- 5) Per Section 34-162: Alter the side yard setbacks to five (5) feet.
- 6) Per Section 34-162: Alter the landscape buffer within the Montebello Circle yard to eighteen (18) feet wide along fifty (50) percent of the liner frontage. Landscape buffer shall be S-1 as defined in Zoning Section 34-871.

- 7) Per Section 34-162: Reduce the minimum distance between the facade of the multifamily building and the boundary of any low-density residential district to fifty-eight (58) feet.
- 8) Per Section 34-162: Alter the on-site minimum parking requirement to nineteen (19) vehicular parking spaces. In addition, the applicant will work with the City's Traffic Engineer to develop a Master Parking Plan for the site. This plan will be kept on file with the City and may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents are informed of their parking opportunities, and any possible offsite parking arrangements for residents, etc....
- 9) Per 34-157(b): On-site vehicular parking shall not be permitted within the Montebello Circle yard(s) or right-of-way. Nothing within this condition shall prevent loading and unloading within the Montebello Circle yard or designating a space for such activities so long as condition #6 is met.
- 10) Per 34-157(b): The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in the application materials (sheet 14).
- 11) Per 34-157(b): The applicant shall implement measures on the City's Low Impact Development (LID) worksheet to achieve a minimum of 10 points. The applicant's checklist (page 8 of the application and sheet 36 of the application materials) notes a combination of shared parking, bioretention, and/or green rooftop; however, other measures from the checklist may be substituted with approval from City Engineering if the measures indicated become impractical as the project develops.
- 12) 34-157(b): The applicant shall construct a continuous raised sidewalk along the frontage of Jefferson Park Avenue to ensure pedestrian safety crossing the vehicular entrance to the site. Nothing within this condition relieves the applicant from adhering to standards found within the City Standard and Design Manual (SADM).
- 13) 34-157(b): The applicant shall provide short term bicycle and/or micromobility parking within the Montebello Circle yard. These elements must be located on private property and not within the City right-of-way.
- 14) 34-157(b): The applicant shall provide stepbacks that are substantially consistent with the application materials. Specifically, sheet 18 of the Mitchell Matthews drawings, 1709 JPA Progress Draft, dated July 18, 2023.

**Motion to Approve Amendments/Changes to Original Motion – Commissioner Stolzenberg – Second by Commissioner Habbab. Motion passes 6-0**

**Motion to Approve SUP – Commissioner Stolzenberg – Second by Commissioner Habbab – Motion passes 6-0.**

**The above motion does have the changes and amendments that were discussed below.  
Commission Discussion Following Motion**

**Commissioner Stolzenberg** – I would propose an amendment to the motion, to remove condition 9.

**Chairman Mitchell** – Do you want to remove all condition 9 or just the loading part? We have consensus that parking is not a good idea. We don't have consensus with loading.

**Commissioner Stolzenberg** – I heard a few people say parking was a good idea.

**Commissioner D'Oronzio** – In some respects, we have the privilege of 2 front yards here. If we can figure out some way to maximize that or if the applicant can figure out a way to maximize that, and they proposed one. I don't object to the parking being up there. I am not sure what the logistics will look like.

**Chairman Mitchell** – We have a motion that has been amended. Is the Commission willing accept the amendment?

**Mr. Alfele** – As you are looking at this and taking recommendations on conditions, I would consider looking into conditions 6 and 8. If you don't alter those conditions, it could impact parking ability if you want parking on Montebello.

**Chairman Mitchell** – It is suggested that we need to modify conditions 6, 8, and 9. Are those the ones you want to modify? If you would like to modify them, how would you like to modify them?

**Commissioner Stolzenberg** – Does staff have a recommendation for how that (Condition 6) might be modified to accommodate a loading zone and scooter parking?

**Mr. Alfele** – My recommendation would be to change the percentage. Staff would still stick with the S-3 screening. S-3 screening doesn't necessarily mean they must do an opaque wall. It gives the Director the option if a design at the site plan level is appropriate. I think you can cut down the percentage that screening needs to take up. 60 percent would be adequate to allow for things like scooter parking, the loading zone, but still allow them that percentage to take up screening for the rest.

**Commissioner Schwarz** – With the S-3 screening, the physical wall is not vegetative. A built wall is an option. The screening is still meant to be opaque in a sense.

**Mr. Alfele** – It is. If the Planning Commission feels they are looking more to engage the street and they don't want to cut it off, S-1 or S-2 would be appropriate. Be aware that leaves the planting option. There isn't an option for a wall under S-1 or S-2.

**Commissioner Habbab** – I would be for not having a wall and just planting. Otherwise, we are going to have a wall between the road and the building.

**Commissioner Schwarz** – I would be for having street trees.

**Mr. Alfele** – You want to consider some type of screening. The code requires, in that separation between these 2 different uses, it talks about a screen separation. In altering that requirement, you want to consider a screening. I wouldn't just leave it blank. That is going to default back to the code screening requirement.

**Commissioner Stolzenberg** – Is it also intended to include across a street?

**Mr. Alfele** – It is 75 feet from the façade to low density residential.

**Commissioner Schwarz** – I am thinking S-1. S-1 buffer screen requires an open landscaping scheme. It is generally to be utilized between similar land uses. Planting allowance by the S-1 designation consists of the following: understory trees, hedges, any type of planting. I want to say a vegetative screen is not required. Tell them that they need to use street trees.

**Mr. Alfele** – If the body decides the screen is not required, I would call it out. What you don't want to do is leave it ambiguous to say 75 feet. If you are reducing that requirement per this code section, I would spell it out that screening is not required.

**Chairman Mitchell** – The consequences of doing that would be what?

**Mr. Alfele** – You would still need to do street trees. As the code is written, it calls out 75 feet. It talks about screening. It is calling a separation from façade to low-density residential that is planted with additional

plantings. If you are reducing the separation, I would also address the screening by saying ‘no screenings requirement is appropriate’ if that is what this body wants to do. You need to call it out.

**Commissioner Stolzenberg** – Where Commissioner Schwarz and I are running into concerns is that a landscape screen is different than a landscape front yard and street trees. With the intent of obscuring rather than being a front yard. A lot of the homes on the street have a fair amount of screening as their front yard landscaping.

**Commissioner Schwarz** – If we were to remove the screening requirement, how much of the landscaping are we allowed to pick at as part of the entrance corridor review?

**Mr. Werner** – At the top of Montebello, there is a power line overhead. You have a steep slope and a slender side yard. There are the tree cover requirements that are in the ordinance. There is a certain number of trees that are going to go there regardless. I am looking at the top of that hill from a different view than a design. What are the limitations of what you can put there?

**Commissioner Schwarz** – Those power lines are going to be a problem. How are we going to deal with that?

**Mr. Werner** – From an entrance corridor perspective, this is top of the hill, behind the building. Is it something you must address? You certainly can address it.

**Commissioner Stolzenberg** – I am willing to say ‘at least’ and ask one screen. Any interest in mandating outdoor bicycle storage or scooter corral up there?

**Commissioner Schwarz** – I would like to include ‘the building should include these step backs at least as deep as are shown in the current application.’

**John Matthews, Applicant** – With the step backs, we would like for a little flexibility.

**Commissioner Stolzenberg** – With the bike storage, put a condition to require short-term bicycle spaces or a micro-mobility corral on the Montebello Circle yard.

### **Critical Slope Waiver Application**

**Commissioner Palmer** – The purposes to improve the environment. We are seeing a much better landscape as an outcome.

**Commissioner Stolzenberg** – We talk about conditions to require bioretention or green rooftop. We had changed it to be 10 points from either of those or others. Are we Ok with keeping the same language?

**Mr. Alfele** – Staff’s preference would be to keep the same language in the staff report as it relates more to the critical slope application.

**Motion (Critical Slope Waiver) – Commissioner Stolzenberg** – **I move to recommend approval of the critical slope waiver for Tax Map and Parcels 160010100 as requested, with conditions, based on a finding that the public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i) and Due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii) with the following conditions.**

**1. The applicant shall implement measures indicated within their Low Impact Development (LID) worksheet (page 8 of application SP23-00005 and sheet 36 of the application materials. These include:**

**a. Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be >/- 5% of impervious drainage area. 8 points or 1point for each 10% of site treated.**

**or**

**b. Green rooftop to treat >/- 50% of roof area. 8 points.**

**2. The applicant shall provide a minimum of 2,400 square feet of Tree Canopy as illustrated in their application.**

**Second by Commissioner d’Oronzio. Motion passes 6-0.**

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

**Kay Slaughter** (1508 Short 18<sup>th</sup>) – State code and local law require your review of the current project on East High for conformity to the city’s Comprehensive Plan. This includes transportation facilities, the streets, and the public parking lot. The proposed resolutions states that the widening of Caroline Street and Fairway Avenue including new sidewalks would meet the goals of the Comp Plan to improve public access to the Rivanna River, trails, and the transit stops. The expansion would violate transportation strategy 7.1 of the Comp Plan that speaks specifically to transportation projects, impacts on the floodplains, and other sensitive resources. 7.1 states that the city ‘ensure transportation projects are cited and designed to avoid sensitive environmental resources and natural resiliency features such as floodplains, stream buffers, and wetlands.’ Other documents further support this approach. Widening Caroline and Fairway and building sidewalks are transportation projects under 7.1. This new impervious surface will exacerbate flooding within the floodplain, wetlands, and stream buffers of the Rivanna and those adjoining Meade Creek, which is adjacent to the property. It goes under Fairway Avenue. Caroline and Fairway Avenue already have traffic signs warning drivers and pedestrians ‘Street May Flood.’ Caroline and Fairway are transportation projects not in conformance with the Comprehensive Plan. I urge you to amend your motion to find that none of these designated roads are in compliance with Section 7.1 of the Comprehensive Plan.

## **F. CONSENT AGENDA**

- 1. Minutes – March 6, 2022 – Regular Meeting**
- 2. Minutes – June 13, 2023 – Regular Meeting**

**Motion to Approve – Commissioner d’Oronzio – Consent Agenda – Second by Commissioner Solla-Yates – Motion passes 6-0.**

## **III. COMMISSION’S ACTION ITEMS**

*Continuing:* until all action items are concluded

- 1. Resolution – 0 East High Street “findings” with written reasons in accordance with Code of Virginia, § 15.2-2232(B)**

### **i. Staff Report**

**Carrie Rainey, City Planner** – On August 8, 2023, the Planning Commission held a public hearing and reviewed the public facilities associated with the 0 E High development project pursuant to Virginia Code Section 15.2-2232 and City Code Section 34-28 to determine if the general character, approximate location, and extent of the proposed improvements are substantially in accord with the City’s adopted Comprehensive Plan or part thereof. Following the public hearing, the Planning Commission took a vote on this matter. Code of Virginia, 15.2-2232(B) requires that the Commission communicate its findings to City Council indicating its approval or disapproval with written reasons for its decision.

**Councilor Payne** – What will be the process after the Planning Commission takes a vote?

**Jay Stroman, City Attorney** – We received 2 appeals. Once these findings are voted on, those would be delivered to Council. Given timing constraints of the Code of Virginia, we would anticipate recommending that Council take up both appeals at its first meeting in October.

**Motion – Commissioner Solla-Yates** – I would like to propose that we pass the language as presented in the staff packet. –

**AND BE IT FURTHER RESOLVED** that this Planning Commission confirms that the general character, location, and extent of the following public facilities are not substantially in accord with the City’s Comprehensive Plan or parts thereof, as amended:

**1. Public Road A and Public Road B:** Several goals of the Comprehensive Plan underscore the importance of preserving and enhancing environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic. Public Roads A and B are dead-end streets without further connection to the surrounding public street network which violates Goal 1 of Chapter 6 of the Comprehensive Plan, which stresses the importance of street interconnectivity. The lack of further connectivity with other streets is also in violation of Strategy 3.1 of Goal 3 of Chapter 6 of the Comprehensive Plan and the Connections and Access Guiding Principle of the Comprehensive Plan.

The proposed roads would also violate Strategy 5.8 of Goal 5 of Chapter 7 of the Comprehensive Plan. Existing natural features which make the area of the proposed development more resilient to the harmful effects of flooding would be replaced by impervious, asphalt streets that would likely increase flooding from runoff when it rains in this area. These proposed roads are not sustainable and fail to avoid the reduction of natural resiliency features in this area of proposed development, in violation of Strategy 7.1 of Goal 7 of Chapter 6 of the Comprehensive Plan. In addition, these roads would violate Recommendation 2 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan because they Rivanna River Corridor. The roads are within the Rivanna River floodplain but offer no measures to enhance the floodplain and its natural resiliency features. The construction of these roads would not protect the natural environment on the area of proposed development, which violates the Charlottesville Plan Priority Area stressing the importance of keeping Charlottesville green. The construction of impervious infrastructure is not environmentally responsible in violation of Goal 7 of Chapter 6 of the Comprehensive Plan. These streets cut through existing plant and wildlife systems, disrupting the interconnectivity of these systems in violation of Goal 5 of Chapter 7 of the Comprehensive Plan. These roads fail to protect the existing ecological functions of the Rivanna River Corridor in violation of Recommendation 1 of the Development and Redevelopment Recommendations of the Urban Rivanna River Corridor Plan.

**2. Public parking lot within Lot B:** Several goals of the Comprehensive Plan speak to importance of protecting habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. The construction of an asphalt parking lot that crosses an existing floodplain would damage sensitive natural resiliency features in violation of Strategy 7.1 of Goal 7 of Chapter 6 of the Comprehensive Plan. The construction of an impervious, asphalt parking lot in the floodplain would violate Strategy 5.8 of Goal 5 of Chapter 7 of the Comprehensive Plan because this would damage, not preserve, natural features on the area of the proposed development. Much of Lot B is covered in grass, which can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. Installation of a parking lot will reduce the grassed area and the benefits it provides. The

construction of an impervious parking lot in the floodplain does not protect the natural environment in violation of the Comprehensive Plan Priority Area stressing the importance of keeping Charlottesville green. The construction of impervious infrastructure is not environmentally responsible in violation of Goal 7 of Chapter 6 of the Comprehensive Plan. An asphalt parking lot would reduce groundwater recharge in this area, violating Strategy 5.2 of Goal 5 of Chapter 7 of the Comprehensive Plan. This parking lot fails to protect the existing ecological functions of the Rivanna River Corridor in violation of Recommendation 1 of the Development and Redevelopment Recommendations of the Urban Rivanna River Corridor Plan.

**BE IT RESOLVED** that this Planning Commission confirms that the general character, location, and extent of the following public facilities are substantially in accord with the City's Comprehensive Plan or parts thereof, as amended:

**3. Widening of Caroline Avenue and Fairway Avenue:** Several goals of the Comprehensive Plan speak to the importance of improving public access to the Rivanna River, trail networks, and transit stops. The widening of Caroline Avenue and Fairway Avenue includes a proposed public sidewalk connection, which will connect pedestrians to the Rivanna River trail network through the proposed public trail on Lot A in accord with Goal 1 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan and Recommendation 4 of the

Recreational Activities Recommendations and Recommendation 9 of the Multi- Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan. The proposed public sidewalk will also provide pedestrian connections from the existing transit stop on Fairway Avenue to both the existing public sidewalk network and the Rivanna River trail network in accord with Goals 1 and 5 of Chapter 6 of the Comprehensive Plan.

**4. Lot A, including public trails included therein:** Several goals of the Comprehensive Plan speak to the importance of increasing public access to the Rivanna River and trail network. The public trail network proposed on Lot A will provide an additional public connection to the Rivanna River and trail network in accord with Goal 1 and Strategy 8.7 of Goal 8 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan as well as Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan.

Several goals of the Comprehensive Plan also speak to importance of protecting tree canopy and habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. Lot A is part of a larger tree canopy patch, and such patches can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. The donation of Lot A will allow the City to preserve and protect the environmental resources on the lot in accord with Goals 3 and 5 of Chapter 7, Strategy 13.1 of Goal 13 and Goal 15 of Chapter 9, and the Priority Area to keep Charlottesville green of the Comprehensive Plan as well as Recommendations 2 and 8 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan.

**5. Lot B, including public trails included therein, but excluding the parking lot:** Several goals of the Comprehensive Plan speak to importance of increasing public access to the Rivanna River and trail network. The public trail proposed on Lot B will provide an additional public connection to the Rivanna River and trail network in accord with Goal 1 and Strategy 8.7 of Goal 8 of Chapter 6 and Strategy 3.1 of Goal 3 of Chapter 7 of the Comprehensive Plan as well as Recommendation 4 of the Recreational Activities Recommendations and Recommendation 9 of the Multi-Purpose Trails and Bridges Recommendations of the Urban Rivanna River Corridor Plan.

Several goals of the Comprehensive Plan also speak to importance of protecting habitats, particularly in areas within the Rivanna River corridor, as well as floodplains and natural areas along waterways. Much of Lot B is covered in grass, which can provide wildlife habitat, infiltration of stormwater, and other ecological benefits. The donation of Lot B will allow the City to preserve and protect the environmental resources on the lot in accord with Goals 3 and 5 of Chapter 7, Strategy 13.1 of Goal 13 and Goal 15 of Chapter 9, and the Priority Area to keep Charlottesville green of the Comprehensive Plan as well as Recommendations 2 and 8 of the Environmental Protection Recommendations of the Urban Rivanna River Corridor Plan. Second by Commissioner d'Oronzio. Motion passes 5-1.

**ii. Commission Discussion and Motion**

2. Discussion – Zoning Ordinance Update

The meeting was adjourned at 8:04 PM.