

PLANNING COMMISSION REGULAR MEETING
October 10, 2023 – 5:30 P.M.
Hybrid Meeting

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

Beginning: 5:00 PM

Location: NDS Conference Room

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

Staff Present: Patrick Cory, Missy Creasy, James Freas, Matt Alfele, Dannan O’Connell, Ryan Franklin, Sam Sanders, Kyna Thomas

Chair Mitchell called the meeting to order. No questions were raised concerning 630 Cabell or the consent agenda. Concerning the Verve PUD application, Commissioner Stolzenberg asked if there is a way to place a sidewalk on Montebello. Mr. Alfele noted there is a wall that would not allow for a connected sidewalk. Chair Mitchell clarified that the height and massing needs to be addressed tonight. Mr. Alfele also noted clarity on PUD requirements, and it is not an SUP so no are conditions allowed. Chair Mitchell asked about the density conflict in the proposal, and it was noted it would be clarified. Commissioner Stolzenberg asked about a proffer statement, and it was noted that there was not one. The applicant has chosen not to submit one. The Chair asked that a member ask legal staff during the meeting about the enforceability of the affordable housing funding notation. There was a brief discussion on the removal of the IPP request. There were several scenarios discussed. Chair Mitchell noted that there would be four actions on the Verve PUD application and the order in which those needed to occur was discussed. Commissioner Solla-Yates asked what can be done about the height/massing tonight and there was a brief discussion on ways it could be looked at. Commissioner Stolzenberg asked about the long wall - could ERB make recommendations for breaking up the wall with openings. It was noted that it would be very limited and need to conform to guidelines. It was noted that the ERB can look at building details and screening.

Concerning the Development Code and Map, the chair reviewed the resolution, text, map and corridor overlay. We have everything in front of us to make a determination. Mr. Freas noted that there are a few items for discussion this evening and provided an overview of the materials provided.

Commissioner Schwarz asked if the building on Stadium Road could be developed as a one big office building, and it could. Commissioner Habbab asked if the critical slope waiver could be tied to public good and it was noted that it needs to be tied to environmental impacts. Mr. Freas noted the new ordinance provides more support for that. Commissioner Solla-Yates asked if it could be conditional to the tree canopy provided in the document and it was noted that it could.

COMMISSION REGULAR MEETING – Meeting called to order by Chairman Mitchell at 5:35 PM.

Beginning: 5:30 PM

Location: City Hall Chambers

A. COMMISSIONER’S REPORT

Commissioner Stolzenberg – We had one meeting of the MPO Technical Committee. We mostly discussed the public engagement so far for moving towards the 2040/2050 long-range transportation plan. The outlined survey received a fair number of responses of an unrepresentative sample of the community. They did outreach at events to try to improve that. They are going to present a full report on public engagement soon. We also

discussed the VDOT pipeline projects on Ivy Road and on Barracks Road. The hope is it to make those have better facilities including for bike/pedestrian. Barracks Road will be a problem, especially at the interchange. That process is ongoing. We will eventually have proposed projects come out of them in time to submit for smart scale.

Commissioner Solla-Yates – No Report

Commissioner Schwarz – No Report

Commissioner d’Oronzio – The HAC met on the 13th of last month, 20th of last month, and the 4th of this month. All those meetings focused heavily on zoning and anti-displacement. We produced some work product that has been moved towards the Planning Commission and some interim stuff that we are working on that, depending on if and when we move forward with this, may come to us or may go directly to Council. The TJPDC met on Thursday for their monthly meeting. There is not much to report there. There are many interim updates from things, approval of prior financials, and an agreement to accept and look at a proposal for universal broadband in the counties.

Commissioner Habbab – I had 3 meetings. The first meeting was the Citizen Transportation Advisory Committee. We met September 20th. We had a presentation on community outreach results from the moving towards 2050. The public input from the outreach is being analyzed and compiled with other outreach efforts, such as the Albemarle County Comp Plan and information from Cville Plans Together to get a more comprehensive approach. We will be getting a report when this analysis is complete. There is a strong preference on prioritizing multimodal projects rather than traffic congestion reduction and roadway improvements with no preference between work or not work destinations. We also received a presentation on the Smartscale Program. It does not look favorable towards the projects that we want to look at funding like multimodal bike and pedestrian smaller projects. The next meeting was the Neighborhood Leaders meeting. We met September 21st. There were specific questions from Sam Sanders (City Manager) and Steven Hicks (Deputy City Manager) that went back and forth with the community leaders and neighborhood leaders. The Tree Commission met October 3rd. We received great news. We were awarded \$300,000 through the Inflation Reduction Act that will help us do another canopy study with on the ground analysis and inventory of both public and private properties. It will help us get another good look at our urban forest and see what direction that we are going. Work on the Downtown Mall Tree Replacement Plan will start soon. The contractor was selected, and the contract is going to be awarded. It will start 30 days after that. Invasives work will supposedly start at Fry Springs tomorrow with Goatbusters, the goat company. RX Fire (other contractor) will be mulching and doing some chemical treatment at Forest Hills, Azalea, Rivanna Trail from Jordan Park to 5th Street Station. I believe that most of that work is now complete. An RFP for invasive control contractors is out to bid. That would be for a prescribed fire at Ragged Mountain. We think that it might go to RX Fire. We have an RFP out for tree planting with a deadline for having trees planted by December 15th. It will be about 180 trees at some schools, parks, and some vacancies around town. RELEAF is going to be doing some planting in the Rose Hill Neighborhood of about 75 trees. The Charlottesville Area Tree Stewards will be planting about 20 trees at Rives Park.

B. UNIVERSITY REPORT

Commissioner Palmer – No Report

C. CHAIR’S REPORT

Chairman Mitchell – Commissioner d’Oronzio is replacing Commissioner Solla-Yates on the TJPDC. Commissioner Stolzenberg is replacing me on LUPEC. There are a couple of other openings. We’re going to

hold off on those other openings until we get a new planning commissioner. The Parks & Recreation Board met. We are beginning our work on the Capital Improvement Budget. When I last talked about this last month, the request has gone up \$1.3 million. The instructions that we're getting from the City Manager's Office for us at Parks & Recreation and all other departments is that the request should be based on a legal need or a safety requirement. That is what we have been focusing on. We have a new deputy director for Recreation by the name of Avery Watkins. We're still down 12 FTEs. We still have those vacancies. We have been getting them filled. They are still out there. We are still looking to outsource the operations of our public golf course. There are about 4 different companies that are interested in doing that. We're still working through the applications of the companies that are willing to do that. We are beginning work on the Master Plan. I believe that there is a presentation from the consultant at the next Parks & Recreation meeting later this month.

D. DEPARTMENT OF NDS

Missy Creasy, NDS Deputy Director – At this point, we do not have a meeting scheduled for October. That could change as time goes on. We will see how that goes. We have been deep in putting together materials to continue your discussion over the last couple of weeks.

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

John Hossack – I would like to discuss the matter of Commissioner Stolzenberg and the cash purchase of 1115 Park St in August for \$899K. This purchase was completed by an anonymous LLC but multiple private sources indicated that Commissioner Stolzenberg is the new owner. He has confirmed this.

There are two possible scenarios of concern.

1. He has been telling, by extension of the drafting of the zoning ordinance, that people in the vicinity of this house that their standard city plots of 0.1 to 0.3 ac are not appropriate and ought to be “by right” upzoned to as much as 6 units per 2500 sq ft. This equates to about 0.01 ac. Now, we find that the commissioner bought a 2-acre lot – purportedly for a single-family housing situation. Really, is it possible to conceive of something more hypocritical?

2. Alternatively, the house is demolished and replaced with multiple R-B compatible apartments. This would obviously add very high valuation to the property and yield very significant personal profit. Why did the commissioner think it acceptable to purchase this property, confidentially, during this upzoning discussion and before any critical final vote that may create an immediate spike in market valuation?

The purchase was made with an anonymous LLC. We were not intended to find out – until months later when a regular disclosure is filed – presumably long after the code passed out of planning commission hands.

Kimber Hawkey – This appears to be a serious conflict of interest, especially for Commissioner Stolzenberg, who has been such a radical proponent of the upzoning program. It is very upsetting to hear, given that he was one of the ones who was publishing the GIS facts for residents, who dare to speak out against the FLUM on social media, trying to shame people.

F. CONSENT AGENDA

1. Minutes – August 8, 2023 – Regular Meeting
2. Minutes – April 12, 2022 – Regular Meeting

Commissioner Solla-Yates – Motion to approve August 2023 Minutes – Second by Commissioner d’Oronzio – Motion passes 6-0.

Commissioner Solla-Yates – Motion to approve April 2022 Minutes – Second by Commissioner Stolzenberg - Motion passes 4-0, with 2 abstentions.

Meeting was recessed until 6:00 PM and the start of the public hearings.

The Planning Commission was called back to order at 6:00 PM.

Commissioner Stolzenberg – It is true. After 5 years of being on this Commission and being told by certain members of the public that my opinion should hold lesser weight as a renter, I have become a homeowner. At Mr. Hossack’s request, the City Attorney has rendered a legal opinion on my conflict of interest. He writes “It is my legal opinion that no conflict of interest exists, which would require Mr. Stolzenberg to recuse himself from a vote on the new zoning ordinance nor is he required to make a disclosure prior to voting on the proposed new zoning ordinance. I have concluded that Mr. Stolzenberg does not have an interest in the transaction within the meaning of the Code of Virginia 2.23112.” I am a homeowner like the 4 of you right now.

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. **1.ZM23-0005 – 630 Cabell Avenue** - On October 10, 2023, the Planning Commission and City Council will conduct a Joint Public Hearing for a Rezoning application for property located at 630 Cabell Avenue and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 050155000 (the “Subject Property”). Following the Joint Public Hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning. The owner, Neighborhood Investments CA LLC, has submitted a Rezoning application pursuant to Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Multifamily Residential (“R-3”) and Two-Family Residential University (“R-2U”) to Multifamily Residential (“R-3”) only. The applicant is proposing a multifamily building with up to five units through new construction. The Subject Property is approximately 0.62 acres with road frontage on Cabell Avenue. The Comprehensive Land Use Map designates the Subject Property area as Higher Intensity Residential. Additional information pertaining to this application (ZM23-0005) may be viewed online at www.charlottesville.gov/agenda. Persons interested in this application may also contact NDS Planner Dannan O’Connell by email at (oconnell@charlottesville.gov) or by telephone (434-970-3991).

i. Staff Report

Dannan O’Connell, City Planner – I am introducing an application from Mitchell Matthews on behalf of Neighborhood Investments CA LLC for a zoning map amendment for 630 Cabell Avenue. This property was recently expanded via a boundary line adjustment to incorporate 1200 additional square feet from a neighboring property that is zoned University to Family Residential. The applicant is proposing to rezone this additional area from R-2U to Multi-family Residential, which is R-3. That would make the entire subject property a uniform R-3 zoning. Multi-family Residential density of up to 21 dwelling units per acre is allowable in the R-3 district by right. Density higher than that is allowable with an approved special use permit. However, Multi-family development is not allowed within the R-2U district. Since it is not allowed, the 1200-square foot portion of the subject property cannot be used to calculate allowable residential density. The maximum number of units permitted by right in the R-3 zoned portion of the property would be 12. Rezoning the R-2U zoned portion would increase the lot acreage enough to permit one additional multi-family unit by right on the subject property. The applicant is proposing to construct a 5-unit multi-family building on the subject property adjacent to the existing 8-unit apartment complex. That would give the subject property a total of 13 units, which would equal a residential density of 21. The Comprehensive Plan Future Land Use Map designated 630 Cabell Avenue as higher intensity residential. The intent of this designation is to provide opportunities for higher density multi-family focused development. The proposed use does conform to this category. An additional 5-unit multi-family

building would increase the number of dwelling units on the property to 13, which is the minimum target of the higher intensity residential designation. The new building has a proposed height of 5 stories, which is acceptable under this designation given the height of the surrounding structures and the change in grade from the street level to the rear of the parcel. Staff finds the rezoning of the subject property would be consistent with existing patterns of development to the south, east, and west and an acceptable transition to the existing single-family dwelling to the north.

Commissioner Stolzenberg – When we had a preliminary discussion on this, there was talk of a potential setback waiver being needed. Did they decide that wasn't necessary?

Mr. O'Connell – I believe that the sidewalk waiver couldn't be granted because it was a rezoning. The applicant, currently, is not considering a waiver or a use permit for that.

ii. Applicant Presentation

Kevin Riddle, Applicant – We're presenting this application on behalf of Neighborhood Investments. Most of you recall our preliminary discussion a few months ago.

Next Slide

Here we lay out the reasons for the application. It is straightforward. There is a small portion of the site at the northeast that is zoned R-2U. It is about 1200 square feet. If that goes to an R-3 designation, it will allow the density to slightly increase. By right, the owner can have 5 additional dwellings on the property instead of just four. Because of the grades on the property, the site descends rapidly from the street down. The foundations necessary for the kind of conjoined townhouses up above, the foundations below would be retaining walls or enclosing storage space. We thought that it would be a better use if an apartment could be found down there.

Next Slide

This is an aerial view of the site.

Next Slide

This is the current zoning designations of the site.

Next Slide

This is the draft ordinance. You can see that the vision for this neighborhood is that much of this street would go to RX-3, which is basically the counterpart to the current R-3. We think that rezoning this little sliver makes sense considering future considerations.

Next Slide

This is the survey.

Next Slide

You can see the R-2U portion.

Next Slide

We have highlighted it here in red so you can see what part we're proposing to be rezoned.

Next Slide

You can see here the outline to the left (to the south of the existing building). That is the outline that we are proposing now. The existing parking behind the existing building would also extend to the south. The new

parking that we're introducing to support the new housing would be accessed from the same existing location. No new curb cuts are necessary and no new interruptions to the sidewalk.

Next Slide

Here are the conditions on site. The larger picture on the lower right is where we would propose the new building be located. The smaller pictures give you different perspectives of the existing apartment building.

Next Slide

Here are the surrounding buildings.

Next Slide

This is the level at the parking level. Residents who are living in this apartment could step out of their cars, walk up a walk into a courtyard that would be to the south of the apartment. It could comfortably accommodate 3 residents as we have it designed now.

Next Slide

This is the level at Cabell Avenue. We're up a couple of stories. There would be some steps down that would access the townhouses that are the lower townhouses. There are steps that climb up to the upper-level townhouses.

Next Slide

This is an overall site plan that gives you a roof view. You can clearly see here more of the proposed plantings and trees that would be there.

Next Slide

Here is a building section. That helps you appreciate the difference in grade that we have. Cabell Avenue is to the left and the parking level is to the right.

Next Slide

Here are some elevations to show what we have in mind. This is the Cabell Avenue elevation. You can see that the entries, while modest, they are easy to identify. The ones to the left of each of the townhouses and above would have a canopy wrapping them on two sides, making them legible. There would be doors that are there to the lower right of each volume that would access the townhouses below.

Next Slides

These are the side, rear, and other side elevations. You can see down where there would be that small courtyard that would allow those in the lower apartment to not feel quite as subterranean.

Next Slide

This is the site as it exists now.

Next Slide

This is the site with the proposed building. This is going to help, in its modest way (civic realm), to create better street engagement. We will plant trees, providing shade and comfort. The entries are reasonably legible. There would be walkways leading to them.

Next Slides

This is the site from a slightly different vantage, looking at it front on from across Cabell Avenue. Here is the proposed project.

Commissioner Stolzenberg – Looking at these elevations, they seem a little short on windows. That front elevation maybe wouldn't even meet our new transparency requirements. Is there something driving that?

Mr. Riddle – I honestly haven't checked it against what the opening or transparency regulations are in the coming draft. It hadn't occurred to me that it seemed to have too little in the way of windows. I suppose that we could re-evaluate it. As stated in the application, there is not going to be any design review of this building. It is not in a BAR district. It is not in an entrance corridor. I will check those regulations. I would not want to be out of compliance with those.

Commissioner Stolzenberg – You won't be subject to those regulations if you're doing if this is approved under the current ordinance. I am asking more as a general question as I think about transparency requirements.

Mr. Riddle – All I can say is that it looks Ok to me.

Councilor Pinkston – How many units will be in this development?

Mr. Riddle – There will be 5 units.

Councilor Pinkston – The existing structure will not be touched.

Mr. Riddle – No.

Mayor Snook – As I understand it, the part that is being rezoned is on the opposite side of the lot from where the work is going to be done. What is going on there?

Mr. Riddle – It is one entire parcel. It had been two. The owner had them consolidated. Once they were consolidated, the sliver that is R-2U, it can't be counted as a part of the total acreage toward our density calculation as an R-3 property.

Mayor Snook – It is just to get the R-3 density calculation right.

Mr. Riddle – It is to get the acreage to the point where another dwelling can be included. In our opinion, it ends up looking like a discrepancy that there is this little piece that is not zoned like the rest.

Mayor Snook – Is there a dividing line between lots that is being adjusted? Is it one big parcel? Is it already divided?

Mr. Riddle – It is all a single parcel, the one that we have been looking at in the slides. It is just a small portion of it at the northeast. It is a split zone site.

Mayor Snook – All you are doing is adjusting the boundary line of the split.

Mr. Riddle – The property boundary would remain the same. It is where we have the division between zoning districts that we propose to change.

Commissioner Stolzenberg – We're not going to go back to having a split zoning in the new map.

iii. Public Hearing

No Public Comments

iv. Commission Discussion and Motion

Motion – Commissioner Habbab – I move to recommend approval of this application to rezone the Subject Property from R-3 and R-2U to R-3, on the basis that the proposal would service the interests of the general public and good zoning practice. Second by Commissioner d’Oronzio. Motion passes 6-0.

2. CP23-00002 – VERVE Charlottesville PUD - Code of Virginia, § 15.2-2232 Review: 409 Stadium Road The applicant is requesting an amendment to the November 4, 1996 vacation of the Woodrow Street Right of Way (ROW) along with a request to zone the closed portion to PUD. Woodrow Street is an unimproved paper street that bisects the Subject Property and is used mainly for off-street parking for the existing residential units.

Several public utility lines such as sanitary, water, and gas run through Woodrow Street and will need to be relocated as part of the proposed development. Pursuant to Virginia Code Section 15.2-2232 and Charlottesville City Code Sec. 34-28, the Planning Commission will review these facilities and public street vacation to determine if the general location, character and extent of the proposed alterations are substantially in accord with the City’s currently adopted Comprehensive Plan or part thereof.

3. ZM23-00004, ZT23-09-02, P23-0055, P23-0058 – VERVE Charlottesville PUD Subtext Acquisitions, LLC (“Applicant”), on behalf of Woodrow Apartments, LLC; Woodrow Too, LLC; and 1709 JPA LLC, (“Owner”) is requesting a Zoning Map Amendment and Zoning Text Amendment pursuant to Sections 34-41 and 34-490 – 519 of the Code of the City of Charlottesville (“Code”) for properties (“Subject Property”):

Parcel Number: 160008000, 1705 Jefferson Park Avenue, Charlottesville, VA 22903

Parcel Number: 160005000, 106-114 Stadium Road, Charlottesville, VA 22903

Parcel Number: 160004000, 100 Stadium Road, Charlottesville, VA 22903

Parcel Number: 160003000, 102 Stadium Road, Charlottesville, VA 22903

Parcel Number: 160002000, 104 Stadium Road, Charlottesville, VA 22093

Parcel Number: 160001000, 409 Stadium Road, Charlottesville, VA 22903;

The applicant is proposing to rezone the Subject Property from Multifamily Residential (“R-3”) to Planned Unit Development (“PUD”) with a Development Plan and removal of the Individually Protected Property (IPP) designation from 104 Stadium Road. The application and development plan includes a commitment to affordable housing; parking requirements; a use matrix including a maximum dwelling units per acre (“DUA”); yard and height regulations; open space; and landscaping. The applicant is proposing to redevelop the Subject Property and replace the existing (62) residential units (spread between nine different buildings) with one building containing between (524) to (550) residential units. The proposed building will have a height range of (75) feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle.

The Subject Property is approximately 3.3 acres with road frontage on Jefferson Parke Avenue, Stadium Road, Emmet Street, and Montebello Circle. The Comprehensive Land Use Map designates this area in the Urban Mixed-Use Corridor. The Subject Property is zoned Residential Multifamily (R-3) (104 Stadium Road is zoned R-3H and is an IPP) 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).

For the applicant to implement the PUD Plan, they will need additional approvals from City Council. These approvals include:

Application P23-0055 - A Critical Slope Waiver per City Code Section 34-516(c) (P23-0055). Critical Slopes exist on the Subject Property along the Montebello Circle frontage and will be impacted by the proposed development.

Application P23-0058 - A Sidewalk Waiver per City Code Section 29-182(j)(5) for a portion of Montebello Circle (P23-0058). The applicant's development plan calls for fire access improvements to Montebello Circle, but due to site constraints is requesting a waiver for sidewalk along approximately 300 feet of frontage.

Amendment to "An Ordinance Authorizing the Sale of Certain City-Owned Property Located at 409 Stadium Road" adopted May 2, 2011 – The applicant is proposing to amend the ordinance authorizing the sale of city-owned property located at 409 stadium road to allow for development.

i. Staff Report

Matt Alfele, City Planner – You will be holding a joint public hearing and making a series of recommendations to City Council as it relates to a proposed redevelopment on parcels located at the intersection of Jefferson Park Avenue, Emmet Street, Stadium Road, and Montebello Circle. Although the general concept of the development being proposed is no more complicated than other multi-family developments presented to this body, the actions that need to take need to take place by Planning Commission and City Council are more intricate than other discretionary procedures brought forward in recent memory. The applicant, Subtext Acquisitions LLC, on behalf of the owners, Woodrow Apartments LLC, Woodrow II LLC, and 1709 LLC is requesting a zoning map amendment and a zoning text amendment pursuant to Section 34-41 and Section 34-90 through 34-519 of the city zoning code for properties located at 1705 Jefferson Park Avenue, 106 through 114 Stadium Road, 100 Stadium Road, 102 Stadium Road, 104 Stadium Road, and 409 Stadium Road, referred to as the Subject Property. The applicant is proposing to rezone the Subject Property from Multi-family residential (R3) to Planned Unit Development, with a development plan and the removal of the Individually Protected Property (IPP Designation) from 104 Stadium Road. The application and development plan includes a commitment to affordable housing, parking, and a use matrix including a maximum dwelling units per acre, yard & height regulations, open space, and landscaping. The applicant is proposing to redevelop the Subject Property to replace the existing 62 residential units, which are spread between 9 different buildings, with one building containing between 524 and 550 residential units. The proposed building will have a height range of (75)

feet to (135) feet and stories that range from (5) to (12). In addition, the proposed PUD includes improved pedestrian and bicycle circulation along Stadium Road, Emmet Street, and Jefferson Park Avenue and road improvements to Montebello Circle. For the applicant to implement the PUD Plan, they will need additional approvals from City Council. These approvals include Application P23-0055, a critical slope waiver. The applicant is requesting a waiver from Section 34-112b of the city critical slope ordinance as part of the plan to redevelop the Subject Property. The proposed development impacts critical slopes. The proposed development proposes critical slopes to be impacted by built structures, footprint of a building, and structured parking. Existing critical slopes area located on the property include 0.74 acres or 14 percent of the site that will be 100 percent disturbed. They also need approval of Application P23-0058, a sidewalk waiver. The applicant's development plan calls for fire access improvements to Montebello Circle. Due to site constraints, it is requiring a waiver from the sidewalk requirement for approximately 300 feet along the northern edge of Montebello Circle. Also, an amendment to an ordinance authorizing the sale of certain city-owned property located at 409 Stadium Road. This isn't before you tonight. Council needs to act on this for the development to go forward. With this amendment to that sale of property at 409 Stadium Road, the applicant is proposing to amend the ordinance authorizing the sale of city-owned property located at 409 Stadium Road to allow for development. The May 2, 2011, ordinance contains the following 3 conditions that the applicant is petitioning City Council to remove.

Condition 1 – The property shall be landscaped and maintained as a green space.

Condition 2 – The purchaser shall consent to the adjoining property, which is tax map parcel 16002000, being designated as an Individually Protected Property under the city code section 34-274.

Condition 3 – There shall be no further development or permanent structure placed upon the property, including parking facilities.

Tonight, there will be a Code of Virginia 15.2-2232 review. The applicant is requesting an amendment to the November 4, 1996 vacation of Woodrow Street Right-of-Way, along with a request to zone the closed portion to Planned Unit Development. Woodrow Street is an unimproved paper street that bisects the Subject Property and is mainly used for off-street parking for the existing residential units serving public utility lines, such as sanitary, water, and gas that run through Woodrow Street. It will need to be relocated as part of the proposed development. The November 4th, 1996 ordinance contains the following conditions that the applicant is petitioning City Council to remove.

Condition 1 – The adjoining property owners, excluding the City of Charlottesville, shall provide for storm water connections to Jefferson Park Avenue from the east side of Woodrow Street as part of the Jefferson Park Avenue sidewalk construction.

Condition 2 – All adjoining property owners, excluding the city, shall enter into a joint access and maintenance agreement with respect to the vacated area. Such an agreement shall preclude the building of additional units on the vacated area.

In addition to the actions that are being requested, City Council and BAR have already taken the following actions. On June 5th, 2023, City Council passed a resolution granting approval of a CoA to demolish the stone house and gardens at 104 Stadium Road with the following conditions.

Condition 1 – Building and gardens to be documented thoroughly through photographs and measured drawings according to the Historic American Building Standards. Information should be retained by the City of Charlottesville Department of Neighborhood Development Services and the Virginia Department of Historic Resources.

Condition 2 – Approval of a design review CoA for new construction on the parcel as an element of the proposed multi-block development to ensure that the building is not demolished without an appropriate and city approved redevelopment in the issue of a site plan and building permit for construction of such replacement.

Condition 3 – After the forgoing conclusions are accomplished, if IPP designation has not previously been removed by the appropriate actions of Council, whether before or after demolition, but no later than 30 days after demolition, the applicant requests City Council indicate a zoning ordinance amendment per City Code 34-274 to delete the property from the protected property list by zoning text and map amendment.

On September 19th, 2023, the BAR held a meeting related to removal of the IPP designation from 104 Stadium Road. At that meeting, they recommended City Council deny the request to remove the IPP. They also recommended two conditions should the rezoning move forward. I would like to note that with rezonings, unlike SUPs, they cannot be conditioned. When the Planning Commission completes the public hearing and deliberates of the proposed development, they consider the following motions in this order.

Action One – The Comprehensive Plan compliance for Woodrow Street (CP23-00002). Discussed in the pre-meeting, the proposed resolution for that section was left blank in case the Planning Commission wanted to enter their own findings. Staff has created a new resolution that fills in a finding when you get to that. Staff did not provide a recommendation but is making a recommendation now on this portion. Per code, the Code of Virginia 15.2-2232 review of the applicant’s request to amend the November 4th, 1996, ordinance vacating Woodrow Street Right of Way, which was requested as part of a zoning map amendment and zoning text amendment application ZM23-00004 and ZT23-0902, staff finds that it is not in substantial accord with the City of Charlottesville’s Comprehensive Plan.

Action Two – The Zoning Map Amendment to rezone the Subject Property from R-3 multi-family residential to Planned Unit Development with a development plan.

Action Three – Zoning Text Amendment to remove 104 Stadium Road as an Individually Protected Property from the City of Charlottesville zoning code.

Action Four – Critical Slope Waiver Recommendation.

Commissioner Habbab – With the IPP, we now have a CoA so that the house can be demolished from Council.

Mr. Alfele – The applicant has a CoA to demolish the house. There are conditions based on that CoA.

Commissioner Habbab – Did they record the house and do all the conditions that were listed in the resolution?

Mr. Alfele – I do not have that information if any of the conditions have been met.

Commissioner Solla-Yates – I have some concerns that we could add additional requirements as part of the IPP, requiring mitigation and salvage. Is that accurate?

Mr. Alfele – I don't think that you can write any conditions. It is still a rezoning. It is an all or nothing.

Commissioner Stolzenberg – Will those conditions attached to the CoA to demolish go away once it is no longer an IPP and doesn't need a CoA to demolish?

Mr. Alfele – I believe 'yes.' You're removing it, it would no longer have the IPP designation.

Ms. Creasy – It is a very good issue to bring up. There are several actions that you all take. There are several actions that Council takes. Coming up with all the different questions and permutations is very helpful as we move forward. That would be something that would move to that level and relate to the timing of the actions that Council would need to make.

Commissioner Stolzenberg – Are we on a 'shot clock' for the IPP?

Mr. Alfele – The Planning Commission did initiate the zoning text amendment.

Commissioner Stolzenberg – It is a flaw in the way that we handle demolitions of IPPs. We give them a CoA to approve them, attach conditions, and say that we need to remove it as an IPP because the house won't be there anymore. What is staff's opinion in approving this IPP now in conjunction with the PUD rather than later after there is a site plan submitted? Is it to avoid all the headaches in the meantime in that site plan review?

Mr. Alfele – It is opening a path of clarity for the applicant. You are going down a heavy lift of site plan where you still have this hanging over your head that you could not produce the development because of the IPP.

Commissioner Stolzenberg – We can say a zoning amendment takes effect at X date. Can you do it to say that it takes effect when it is demolished? It can only happen when it is demolished in accord with the conditions.

Mr. Alfele – I don't know. That is a good question.

Commissioner Stolzenberg – I did have a question about the lack of a proffer statement. While there are implicit proffers in the PUD development plan, do those still have legal effect as a proffer without that proffer statement?

Mr. Alfele – I will speak to the role when planners are looking at site plans and related to a development plan. It is sometimes referred to as a proffered development plan. The applicant has chosen not to provide a proffer statement. They are still putting forward a PUD plan of development. That plan of development includes layout of buildings, general landscape plan, a use matrix, setbacks, height restrictions, and all the things that you would find in a development plan. They have included a commitment to affordable housing at the 34-12 requirement.

It is about \$2 million. They have put on their development plan a commitment to provide a cash-in-lieu of \$4 million. I would defer to legal counsel. I don't have a good answer as far as how that statement on a development plan differs from that statement being provided in a proffer statement.

Ryan Franklin, Deputy City Attorney – I would take that under advisement to give a good legal counsel. There is currently no formal voluntary proffer that has been issued. I would look at the PUD overall with what is being presented as you move forward in your review.

Commissioner Stolzenberg – Assuming that they stick to the offer, it is for 2 times the amount that would be required by 34-12. It seems to me that looking at the use matrix here, there are allowed uses besides residential that would not be their intent. They could develop it as an office building with this form or even a 12-story parking garage with this form. Am I right, if that was the case, 34-12 would not require any affordable housing and twice of that would be nothing?

Mr. Alfele – If there is not a residential component, 34-12 talks about the residential component of a mixed-use development or residential development in just itself. I see the path that you are going down. That is a risk. It is a small risk. There are other things within the development plan that speak to it being a residential development. PUD development plans that used to come before that have been adopted were very loose on information. They were just a site plan proffered as a development plan. There has been a switch to try to get applicants to think of it more of 'you're creating your own zoning district.' You are creating these rules that when a site plan is submitted, we are using that development plan as the zoning instrument for the private property to make sure it meets those things. Even though there are other uses that I don't think would be adverse uses for that area, I don't think that they are highly likely to correspond to other aspects that are also in that development that have been put forward.

Commissioner Habbab – I remember reading the report that there was transparency with the unit counts. Do we have more clarity on that?

Mr. Alfele – When staff produced the report, there were some inconsistencies. Density was one. Density for this location has not been a concern, even on the high end. We have districts that allow 200 DUA. They put that in their use matrix. They were maxing out their density. The applicant has said that they are willing to make some of these changes to have that match their maximum density of 550, to put house of worship in their use matrix to make sure that they don't run afoul of uses that you can't proffer out in Virginia and clarifying the setbacks so that would be clear. These are the kinds of things that we, as staff, want to make sure are clear. When we get a site plan, we're not having to come before this body again to go 'we are not sure what this means.' The applicant has stated that they are willing to make those changes before this goes to City Council. In staff's opinion, these changes that they are proposing would not elevate it to requiring another public hearing. They would be made in between. Some of the more substantive things (height, massing, etc.) you need to talk about tonight might go beyond that. To what you brought up, that density can be squared and put them at their maximum density and not have the higher density in their use matrix.

Commissioner Palmer – Is this an entrance corridor?

Mr. Alfele – It is. They are not asking to be removed from the entrance corridor. Any site plan would need a CoA from the ERB.

Commissioner Stolzenberg – There is a reference in the packet about intersection improvements to Stadium & Emmet and Stadium & JPA. The applicant is in discussion about it. Can you give us an update about those discussions and how they pertain to this application?

Mr. Alfele – There is not much to give. The applicant is willing to continue those conversations. They have separated it from this application. Tying it to the application would push them way out. It would take some very intense discussions and some finding finances to do what they were proposing to improve those intersections. I don't think that they are opposed to it. Timewise, it is not going to line up with what they're wanting to do with the rezoning request.

Commissioner Schwarz – In their materials, it mentioned that the modifications they are making to the slip lane between Emmet and JPA would not allow tractor trailers. Is that going to be a problem? Do we have a truck route that we have in the city?

Mr. Alfele – The only thing that I can say is that the city traffic engineer did review it. He didn't have any real concerns along that line.

ii. Applicant Presentation

Valerie Long, Applicant – Since the work session in June, you gave us some good feedback on the design issues. We're excited to be here tonight and share those with you.

I thought that I would touch on some of the high points of the public benefits of the project. One benefit is the tremendous increase in the number of new homes that would be provided primarily for students in this location that is a prime location immediately adjacent to Grounds for high density student housing. Our affordable housing commitment, as has been mentioned, is just over \$4 million or whatever the ultimate site plan would require under the existing affordable housing ordinance. The applicant is committed to pay twice that amount. Our goal with putting that commitment on the plan is set instead of in a separate proffer statement is to keep it all in one place so it is very clear. You don't have to make sure you remember to track down where the proffer statement is. It goes with the project. It is on the face of the plans. If Council were to adopt the PUD plan and the rezoning, that statement would be binding just like all the other binding statements on that plan. I believe that the \$4 million cash offer is easily the largest from any private developer. It might even be in the range of twice or three times what others have offered. This is a much larger project as well. The project would also propose to make significant improvements to the bicycle and pedestrian infrastructure around the property, including improvements and additions of sidewalks, bike lanes, bike racks, an indoor bicycle storage room, an enhanced transit stop. The bike lanes are raised bike lanes. There is still room for street trees around it, which help a lot with the quality of the bike and pedestrian infrastructure. We're proposing improvements to Montebello Avenue, including a sidewalk along a portion of it to provide safe pedestrian access to and from the project and to Stadium Road. We will be making improvements to the road itself to accommodate the fire and rescue apparatus. That was some feedback we received from the fire & rescue staff that is necessary to be able to serve the building but will also help improve access for the fire & rescue equipment to other properties along Montebello. We are also adding curb and gutter along Montebello that will help capture a lot of the runoff from the properties to the south of Montebello that currently run over the edge of the street, run down the critical slopes, and down into that intersection. There will be improvements to the public realm. We are planning to have an on-site coffee shop or deli that would be open to the public and residents of the building that will provide a lot of engagement at the streetscape. The project includes walk up units from the street. Along Emmet Street, JPA, and Stadium Road, people would walk into their units from the sidewalk there. It would help a lot with activating that streetscape and making it a lively area.

Neil Reardon, Applicant –

Next Slide

This slide summarizes several things that Ms. Long has already covered, particularly the project proposals, height, and the affordable housing component that she outlined.

Next Slide

With the Future Land Use Map, I am noting that it is the urban mixed-use corridor. Highlighted there are the parcels that are part of this project.

Next Slide

The site is an amazing site. It is in this nook here but surrounded on the north and west by UVA Grounds.

Next Slide

This is the site a little closer. This is an assemblage of several parcels.

Next Slide

The site sits down in a bowl. This is it from the northeast. With a birdseye view, you can see it with parts of Grounds there on the right.

Next Slide

Here is the site again with a little more context from the northwest.

Next Slide

To summarize what we heard in the feedback, we heard to build to the edges of the site. The prior proposal at that time had greater setbacks, more of the density concentrated towards the middle of the site with 2 courtyards. You said to build less parking. That is a change we have made in this. You will see that. You said that this was an ideal location for high density housing. We thought that was great. That is the main component of the project. This is an ideal spot for the density. That is at the north and west of the site. Lastly, we focused on the public realm, the streetscape improvements, and building to the edge is one of the ways that we do that.

Next Slide

This is a diagram about the site in that depressed bowl and the low grade. How do we shape that site? Your feedback was very helpful for us in shaping those forces. On the lower left, you see that diagram we had before you back in June. On the lower right-hand side, this is how we have shaped that to the current project proposal.

Next Slide

This is the diagram again where we started. There were a couple of large courtyards: one on the north and one on the south. Generally, we weren't building to the edges the way we are in the current proposal.

Next Slide

You can see that we have pushed things out to the edges. This helps us define that streetscape design on all 3 sides of the project. When I say the 3 sides, on the right-hand side the western perimeter (Stadium Road), the one in the foreground (Emmet Street), and on the left-hand side (JPA). We build to those edges. What that allowed us to do is concentrate more open space on the southern and central parts of the site.

Next Slide

With respect to height, it is a varied approach. We have concentrated the density at the northwest part of the site. There are several points of modulation, where we step back the massing to what would be considered 10 stories if measured from Stadium Road on the west and a shorter component on the east where we are 5 stories above our parking podium. There are lots of grade changes with respect to the site. This varied approach comes from the northeast corner, a 2- and 3- story building to an 8- story building, to a 5- story building, and to a 12- story building at points. On the back side facing Montebello, because the grade is so high there, it ends up being about a 3- story volume at the southern, central part of the site that faces Montebello.

Next Slide

Going through the plan, building to the edges, and minimizing setbacks. You can see at all sides how we are doing that at each perimeter.

Next Slide

We're allowing for this open space in this zone in the south-central part of the site. That is where we have greater setbacks.

Next Slide

Concentrating that density and those two leaders are pointing to the parts of the project that are the tallest, the 12 stories.

Next Slide

There are unit entry walk-ups on all sides in addition to the 4 points that this is pointing toward. There are also unit terraces on the southern side of the property. Those don't face the street. These other ones do face the street. That is important for the public realm in addition to having several main building entries as well.

Next Slide

That street edge design is important. As mentioned, starting from each street, and working our way towards the building, we have a raised bike lane, a planting zone, then the sidewalk, and then the interface with the building, which usually involves a unit walk-up entry.

Next Slide

We are attempting to minimize the number of curb cuts. We have identified the best opportunities for this. You can see those 4 locations. Some of them have to do with parking access and some of them have to do with service. We have concentrated those where they most make sense, which you can see is not at the corners or at Emmet.

Next Slide

The component here is a semi-retail use as the coffee shop at the main entry here. The main entry is at the northwest corner. Our vehicular drop off and point of entry is on the west-central side of the site. We have a secondary entry along JPA about 3 levels down at JPA. That curb cut down there is the major point of ingress for vehicles to the parking.

Next Slide

This is a big project. We need a lot of bike racks. You need a lot of good public realm interface. Not only are we planning for bike racks out in the boulevard for visitors, but there are also bike racks in the building as well. We are looking at a specific entry point for residents where they can enter and exit with their bicycles. With the transit shelter location, this is currently a bus stop. This would be in that location where the bus currently stops but upgraded.

Next Slide

Here is that zoomed in in that JPA southeastern portion of the site where you can start to see how the transit shelter looks with bike racks adjacent to the sidewalk behind it and the bike lane behind it. It is important to eliminate conflicts, best practices how that is being done in modern street design.

Next Slide

One of the things we were asked by staff was to increase the width of Montebello for proper fire access width. It is just shy of 20 feet. If you look closely, there is a yellow sliver in there. That is the area where we are expanding that ever so slightly.

Next Slide

Major areas of open space concentration include the center courtyard, the western courtyard, and the southern setback along Montebello.

Next Slide

With landscaping and tree coverage, we are required to replant. We're meeting those standards with these zones that are pointed up.

Next Slide

Coming back to what we started with the site, the opportunities for the massing within that site where we were in June and where we are at today.

Next Slide

There you see the mass that they are in.

Next Slides – Renderings

This is a bird's eye view from the northwest. You can see the main entry in the lower left of the screen. That would be a major point of entry for everyone but mainly the primary route for anybody coming from UVA Grounds.

Next Slide

Zooming in a little bit on that approach, here is what it would look like with that median area, that triangular zone of green that is near where the slip lanes happen at the northwest part of the site. You're starting to see some peeling on the side of the building. It is a lot of building. You can see what we are doing architecturally here where we're tapering back creating massing and scale that breaks down this major façade that faces the approach to the building.

Next Slide

Here is what I want to focus on in getting down to the most important part of the experience in the building is that interface at the ground level. That is what people feel and take away from when they are in the public realm and experiencing a building. This is that major entry at the northwest part of the site where we would have that active coffee shop/retail use and a plaza that cascades down to the left to the east with a major canopy announcing entry.

Next Slide

Here it is again. You can see it better where we have an overhang. There is a little bit of a promenade between there and where the vehicular drop off is to the south. You can see the street design of the raised bike lane, the median of trees, and the ample sidewalk.

Next Slide

We're looking westward on Emmet. You can start to see the walk-ups on the left and that cascading terrace coming down from that major entry point where there would be that coffee shop/retail space.

Next Slide

Even further coming east and looking west on Emmet, you can see that this is heavily wooded and hilled to the right across the street. We are building right to that edge. We're holding that urban line on it, which creates a pleasant urban condition of sidewalk/boulevard that really defines the space. It is cool with the hill across the side across the street.

Next Slide

This is the northeast corner of the site where JPA meets Emmet. This is where the slip lane comes by. You can see there that we are at the curb continuing the raised bike lane. We're having a bicycle entry at this point in the building. There are also walk-ups coming as we come around this corner. We switch down in scale at this point.

Next Slide

This illustrates the undulation, the massing, and the material that happened from this vantage point where there are a lot of different volumes. This was the area where we were able to modulate the massing of the building, stepping down, and creating different volumes in the architecture.

Next Slide

This is a view straight on from across the street on JPA where you see that 2- to 3- story volume behind the trees there, a major entry point in the black part of the façade there and the major point of parking entry to the left of that.

Next Slide

I want to focus on Montebello. This is where most of the questions were from staff and a few of our clarifications. With the condition here at the southwest corner of the site, we wanted to provide an existing photograph to illustrate the grade change coming down. This is at the corner of Montebello and Stadium.

Next Slide

This is another picture of the existing conditions to set the framework for this. This is looking west on Montebello from where that circle starts. Right now, it is just vegetation. To the right of this, there is a vehicle barrier. Stormwater is coming over the top and it is heavily overgrown. There are vines growing on power lines. This area needs a lot of cleanup.

Next Slide

With the sidewalk waiver, we are proposing a sidewalk from an egress point of the southern courtyard there to the west to Stadium Road. The area to the east of there, we are not proposing sidewalk. The reason for that is that has become a very steep slope. We are widening Montebello a little bit and providing curb and gutter there in this yellow sliver on the north side of Montebello. To widen that further with a sidewalk is very difficult due to needing to modify grading.

Next Slide

In addition to the 20-foot width increase to meet that request and adding the curve and gutter, the third component that was asked for was a zone to access the side of the building for fire access. We are not going to plant that with higher vegetation and trees to keep that zone open per that request. That entire curve and the north side of Montebello is getting that new curb and gutter to handle storm water, not only from the public right of way but from the properties to the south that could be headed downhill and to the north onto this project's property.

Next Slide

There was a pinch point identified on Montebello where staff was not sure that there would be a 20-foot clear zone if the fire truck proceeded south on Montebello. It would be serving our property to the north. This is really south of this proposed property. It does maintain a 20-foot clear zone. That is what this diagram is illustrating.

Next Slide

With respect to the critical slope, there is an area here where we are mostly not modifying grading. That is pointed to there. That is that open zone that was requested for fire access. There is an area over to the right,

which we are not modifying grade at all but replanting. Both areas are being replanted, some with low level plantings, some with trees.

Next Slide

Clarifying some setbacks coming out of the staff report, these points here are where it varies. There is no continuous setback. That is the definitive number at each location.

Next Slide

What does this look like and feel like with respect to the grade changes on Montebello? You can see here where the 12-story volume is on the right, intermediate courtyard, and the 5-story volume you see in orange in the middle. What that ends up being is about 3 or 4 stories with respect to Montebello. There is a downhill zone in between it where the grade changes again. We're slightly modifying the grade there. There is about 100 feet between the face of the building. The public right of way is about 25 feet. You can get a picture here of the modulation in massing and height through this sectional diagram, including the buildings to the west.

Next Slide

This is a zoomed in version of this. This illustrates that 25-foot right of way. That now has 20 feet of pavement within it and the setbacks on each side creating a situation where there is about 100 feet between buildings.

Next Slide

This is a before picture looking eastward on Montebello.

Next Slide

This would be the proposed plan from that same vantage point. You can see the low-level plantings on the left and some of the higher trees proposed elsewhere.

Next Slides

I wanted to end on a couple of renderings.

Commissioner Habbab – How wide was the area dedicated to the street trees? It did not look consistent around the property. It shrunk and expanded.

Mr. Reardon – It is not consistent. Part of that is due to the undulating nature of the perimeter property line. It curves. What we have tried to do is work with a module of 7 to 8 feet for the sidewalk, 5 to 6 feet for that planted intermediate zone between the raised bike lane and the sidewalk, and about 6 feet for the raised bike lane. It does change. We would love for that to be more consistent. In a site plan like this, we worked with those modules. They do diminish and expand from those dimensions.

Commissioner Solla-Yates – The staff report notes 3.3 acres with no commercial usage. Why is there nothing?

Ms. Long – There are plans for a coffee shop or a deli establishment inside the building. That is one of the more technical questions or comments that we have discussed with staff about clarifying that issue going forward.

Commissioner Stolzenberg – When you say inside the building, is that not facing the street like the interior of the lobby?

Ms. Long – In the lobby, it would be accessible from the street as well and open to the public. We will clarify that.

Commissioner Solla-Yates – Can you talk about trees?

Ms. Long – There will be street trees around the perimeter. They will be in the area where the critical slopes are now that will be replanted right behind that 5-story wing of the building. That is the area that Mr. Reardon was saying would be left with lower plantings at the request of the fire and rescue department. All the standard landscaping regulations from the site plan ordinance would apply and be replanted.

Commissioner Solla-Yates – Is there any wiggle room on the Montebello side? That is part of a good transition to a lower scale area. Planting some trees there would do a lot of good.

Ms. Long – We would do as much as we can in that area that is outside of the no tree planting area that fire & rescue has asked that we set aside for no trees. With other areas, we are happy to work on details of additional plantings along that area. It is a steep grade.

Mr. Reardon – We are meeting the replanting requirement with the trees that are planted on the Boulevard (Montebello) side and the trees that are not planted on the Boulevard side. It is a mix between those two. We didn't want to overplant the backside as proposed. We did think that it was important for good urban design to have that shade canopy on the Boulevard side, on the east, north, and south or east, north, and west of the property. We're getting our tree count up using that. Then planting the slopes appropriately with a mix of ground cover, low-level plantings, and upper trees where we can.

Commissioner Solla-Yates – To my understanding, many of the concerns from the public and from staff are about design. What are the options to break up the vertical mass and emphasize width and not height on Montebello? Can you comment on that?

Mr. Reardon – With the width on Montebello, are you meaning a setback width?

Commissioner Solla-Yates – Horizontal lines instead of vertical lines.

Mr. Reardon – To be honest, we have more shaping to do of that portion of the building. There is a strong horizontal line there, not to say that there could not be stronger vertical lines there. We would very much welcome that design feedback.

Chairman Mitchell – Are you suggesting that it be something like this at Montebello? What are you asking?

Commissioner Solla-Yates – I am looking for design options to emphasize horizontality and not verticality.

Mr. Reardon – That would be the reason we started with the massing of the materiality change on a horizontal basis here at this time. As to where that happens, I don't think we would be fully committed to how it is shown today. There is some shaping there that could be done. It is a 3- to 4- story volume at this point. One of the things that we like to do is good architectural design. Don't divide that in half. That is why you are seeing that base condition right now with the tan color and a wider volume above it to try to make that recede now.

Commissioner Stolzenberg – I love the idea of raised bike lanes. It looks like it is about 6 feet in width. The guidelines for 2-way bike lanes are 12 feet with 8 feet at train points. Is this a one-way?

Mr. Reardon – That is correct. What we are doing on our side of the Boulevard is redoing that one-way bike lane. This would serve the one-way traffic on our side of the street. I have been involved in a lot of projects where it is done piecemeal, project by project. That is one of the ways to achieve a greater goal of having safer bike lanes. It is to build it as part of the project rather than try to build both sides of the street at the same time. It is a 6-foot width for one-way traffic. That one-way traffic could be described as clockwise.

Commissioner Stolzenberg – It is right next to the curb. What is the thought about putting the landscape buffer on the ‘not road’ side of it? I feel that if I was riding on it, I would be worried about falling into the street.

Mr. Reardon – They are done both ways. As a person who rides a bike to work, I have experienced both conditions. One way to think about this is that it does severely enhance the pedestrian condition when separated. Just the fact that it is more than a stripe that delineates the walking zone from the biking zone is a strong reason for arranging it the way we are. It also provides an opportunity for greater shade canopy of both and better tree health for those trees in the boulevard. For those reasons, that is why it is proposed as it is.

Commissioner Stolzenberg – It almost seems like the ideal would be landscape buffers between both. In some places, you might have the room to put that in and not others. You mentioned a few curb cuts. I appreciate the limiting of them. Are you planning on designing them as standard curb cuts?

Mr. Reardon – It is an excellent question because there is so much grade change on this site. They are at relatively flat zones pertaining to how you enter the building. The JPA one, for example, is a standard 2-way curb cut (24 feet) with the proper radii for entry points. The cross slope is minimal in these locations. It is worth noting that the service ones are less than 24 feet in width. They are a one-way exit or enter. The park share entry is an entry and an exit on its own. Those will have minimal cross slope at the points where it crosses the sidewalk.

Commissioner Stolzenberg – With the sidewalks, I see what you’re saying about there being a giant cliff there and you don’t want to build all the way around the curve. It is interesting that you are building it to the stairs to get into your courtyard. On the opposite side of the street, there is a sidewalk. It doesn’t start until another a few dozen feet past that. Is it totally impractical to build that up to where the sidewalk starts on the other side?

Mr. Reardon – There is a bunch of existing contexts there in addition to that. It is a one-way street going east and then south. There is parking on-street on the south of Montebello for a portion until you get to the curve and then again after the curve. That sidewalk is what I would call a ‘door zone’ for that parking. It is very minimal in width. I suspect that it is not very safe as a pedestrian. It is there as a buffer between the wall for a crash zone. It is strange how that happens. The limitation is adding an additional sidewalk all the way around the corner would get us nowhere. Eventually, there is a sight wall as you come around the corner with a property to the south where I describe the pinch point zone. That would interrupt the connection of such sidewalk even if it was to be possible.

Commissioner Stolzenberg – It seems like you would want to push people across the street to that existing sidewalk. I wonder if you could work with the property owner across the street. That would make me feel a lot better about the waiver. It would create that connection for all those student apartments that are on the east side of Montebello further down. They’re not walking in the middle of the street.

Mr. Reardon – A pedestrian coming north on Montebello Circle proceeding and then eventually west on their way to Grounds. What does that pedestrian route look like now and in the future?

Commissioner Stolzenberg – Right now, it ends in the middle of the street. We have your use matrix. You have some questionable things in there. You have parking garages as by right rather than an accessory use. You have surface parking lot as by right rather than accessory use. That tells me that you could build a 12-story parking garage. You might make a lot of money on football game days. What is the thinking there?

Ms. Long – We certainly don’t have any intentions to build anything other than what is proposed. That is what the PUD plan says. As we understand, the PUD ordinance is to be like a zoning ordinance. We even showed all

the same uses and tried to keep anything that was relatively consistent. Remove things that are not. If it would provide the Commission with more comfort to remove several of those uses, we are happy to do so. There is little interest in any office buildings these days. A deck there would be very expensive without the accompanying revenue from the units. They want to make sure that the deck is permitted with the multi-family units.

Commissioner Stolzenberg – For things like offices, I don't know that I feel strongly removing those entirely. You are going to have a leasing office there. Parking garages is by right rather than an accessory. You have a few things that are statutorily required that are missing. It would be great to see a 'mini mart' in addition to or rather than that coffee shop. There is a coffee shop across the street. If this gets approved, we're going to have a lot of conversations about exterior appearance.

Commissioner Schwarz – There is a note about moving the power lines. I imagine those power lines must be moved for the fire department. Are you just going to fill the substandard sidewalk with power lines?

Mr. Reardon – You're talking about the power lines on Montebello. Those are overgrown. Those will be part of a relocation plan that we would work with the utility provider. I don't think it is possible to bury them where they are right now. There are several utility relocations to work through with the utility providers sitewide.

Commissioner Schwarz – You're hearing my concern. Typically, they are moved across the street.

Mr. Reardon – Here, there may not be an opportunity potentially on either side of the street. That would be a logistical component we have not yet worked through with the utility provider. We plan to do so.

Commissioner Stolzenberg – Can you speak to the intersection improvements that we discussed? I get that the timing doesn't line up right. What are your intentions in terms of pursuing that? Are you going to get those to turn to T intersections to make life better for your tenants? Are you only going to do it if the city pays for it?

Mr. Reardon – At this point, we are interested in that conversation first with city staff and the proper process for it. There is a plan that was initially discussed about how to do that and the improvements to both intersections. Those triangular zones that are created by the slip lanes could be very much improved. Our goal would be to go through the PUD right now. On a parallel path, pursue a conversation with city staff first and then other necessary parties if that were to be a project.

Chairman Mitchell – Montebello is the piece that gives me the greatest amount of concern. That is the piece that gave NDS the greatest amount of concern. How many stories is that?

Mr. Reardon – There are 5 stories that are exposed. I would describe the first level as a garden level fully below what is Montebello. Montebello, as we are looking here, increases in height as we go east. It goes downhill as it goes towards Stadium. It is lower down there. With what we are looking at right here, it is about 3.5 stories from where that gray car is from that Montebello vantage point but 5 stories of exposed dwelling units there with windows: a story and a half being at garden level.

Chairman Mitchell – What is it at the Stadium Road intersection?

Mr. Reardon – That is about 11 stories. The staff report is consistent with that as well.

Chairman Mitchell – That is UVA on the other side.

Mr. Reardon – That is correct. It is 11 stories to Montebello.

Chairman Mitchell – We go from 5 up to 11.

Mr. Reardon – There is a different volume to the right of the courtyard. There is this open courtyard, which is down at garden level at that point from Montebello.

Chairman Mitchell – Was that a design issue, functional issue? What was your thinking?

Mr. Reardon – We wanted to concentrate the height at the north and west part of the site. That was the best place for it. We felt, after studying a variety of ways, that it was far better at those northwestern points than at the east side of the site. It is most efficient to build a portion of the building at a greater height and a portion at a lesser height. They are 2 different construction types. Concentrating the volume in one place or the other was a necessary part of the project is what we concluded. To do that on the east side was a more difficult scenario to fit it in. The site is lower on the east side. That drove it. It is about 30 to 40 feet lower over there. That, in addition to the context of greater height on the hill to the west and hill to the south and taller buildings on UVA Grounds, contextually we made the decision that was a better location for height and density.

Commissioner Habbab – What was the logic of 12 stories? Was it finances or construction type?

Mr. Reardon – It was a little bit of both. It works with the construction type in a good way. That is a ‘sweet spot’ for density on the one construction type. The 5 stories is a ‘sweet spot’ for a different construction type; that and the different components in massing. There are many things driving it. It was construction type and efficiency in funds.

Councilor Puryear – I was concerned about the height. I am still not satisfied with the answer and how they are going to address the electrical wiring issue. They are not at a point where they can address that at this point.

Mr. Reardon – One other thing pertaining to height that I maybe didn’t mention. The primary thing I didn’t mention is that we want that open space there in the southern courtyard and putting more density on the perimeter of the project is what the Planning Commission guided us towards. It was wise to create that open space on the south. Hopefully, that further elaborates on what I mentioned earlier.

Commissioner Stolzenberg – Can you say that any sidewalks you put in will have a wide enough ADA compliant path without utility poles blocking it?

Mr. Reardon – At this point, there are lots of utility poles on the site. We are reconstructing all these boulevards. Where will all that go? I wish that I could say that we’re not going to have a utility pole in any of these boulevards. There might have to be a negotiation or plan an approach where that is figured out. That is a detailed process further down the line. Our goal would be that boulevard is clean of those things. That is a project goal.

Councilor Puryear – Your goal is to put them underground.

Mr. Reardon – The goal would be to put them underground with the public realm improvements and investment in doing the public realm in a meaningful way here. That needs to be the goal for the project. We want to bury them.

Councilor Pinkston – In terms of parking, are you providing some parking? If so, what is your rationale, basis, or criteria upon which a person would be able to have a car?

Mr. Reardon – The parking is about 400 stalls proposed in the project. That is noted in the staff report.

Councilor Pinkston – With 525 units, do you have a sense of how many human beings will be in there?

Dylan Lambur, Applicant – Depending on the unit mix, it is going to be somewhere between 1300 and 1500 residents. We had some feedback earlier about parking and potentially providing less the last time we met. We brought that down from somewhere around 50 percent per bed to 25 percent. This is where we are now.

Mayor Snook – Looking at the staff analysis, they have identified a couple of things that relate to the overall density of the development and the scale of the project. Since that report was generated, have there been any further discussions or any effort to deal with that concern. I am interested in, as we look at several different regulations that this set of buildings would violate. Why a certain number? Why not something that comports with the various numbers that are already in existence?

Ms. Long – The existing zoning is R-3. The by right density is 21 units per acre. There is an option to go up to 87 units per acre with a special use permit. Given the Comprehensive Plan designation for the property for urban mixed-use in that location contemplates much higher density. We think the location adjacent to Grounds and how walkable it is to almost everything, it really can support a much higher density. I know the designers were trying to maximize the number of units and bedrooms to accommodate as many homes in the property as possible but also ensuring that there is space to provide the necessary open space and appropriate setbacks from Montebello and incorporate all the other amenities that we have described. The goal was to achieve a much higher density.

Mayor Snook – As a general proposition, I like idea of having a denser development there. The question is how much denser. If we are looking at 12 stories versus 10 stories or 550 units versus 400 units. I don't know where the tradeoffs come in terms of cost. I might be able to figure out, to some extent, where the tradeoffs are perceived by the neighborhood. A 12-story building is going to be 20 to 25 feet higher than a 10-story building and therefore more of an impact on the neighbors. Why 12 stories and not 14 stories? How did these numbers get picked? Why are those numbers picked?

Ms. Long – What we have tried to do is concentrate the massing away from where there are neighbors. The original massing diagram had much taller buildings on JPA. When we had a community meeting, the residents, who live along JPA, had some concerns about the height of the building on that side. Their comment was to move the density away. We heard the same thing from the Planning Commission work session. Try to concentrate the density away from the neighbors. Even along Montebello, the building that is the closest to it horizontally is a 5-story building at that location. There are 2 owner occupied homes on Montebello: one on the corner towards the bend in the road and another one to the south. There are student rentals on the side of Montebello closest to Stadium; not that those are not also important to be sensitive to. We are trying to provide the lowest building height adjacent towards the owner-occupied homes on Montebello and push the taller areas of massing towards the University away from neighbors, residential neighbors to the extent possible. There are a lot of challenges as Mr. Reardon indicated with the changes in grade. On the JPA site, it is 8 stories. It shifts as the grade moves. Up at the corner, there is a 3-story building with one story below grade. We tried to be sensitive as much as possible to the height of the buildings near the actual residents who live there and make it taller towards the University side where it would have less of an impact on any residents.

Councilor Puryear – What did the residents on Montebello share with you? You told us what the residents on the Oakhurst side said.

Ms. Long – They had similar concerns. The original version of the massing had a much taller wing of the building closer to Montebello.

Councilor Puryear – Is that why you lowered it?

Ms. Long – That’s correct.

Councilor Puryear – Have you spoken to them since you made that change?

Ms. Long – We had the community meeting before we made that change. That was a large driver of that change.

Councilor Puryear – You haven’t met with them since you made the change.

Ms. Long – We haven’t met with them since making the change. I believe that they might be here tonight. They will probably have some feedback on that. We have tried to be sensitive to the feedback.

Councilor Puryear – I think you should meet with them. I know that you’re happy to do it. Their homes are being impacted. If this development moves forward, you, your firm, and the architects need to feel that you’re doing the best thing by the current residents. I looked at the information that we just saw about parking. I don’t know how you came up with those numbers. If you are looking at units that are 2 and 3 bedrooms, you’re going to have at least 2 cars. You are saying that those units are going to only have one car. That is not even realistic. As much as you want Charlottesville to be a walkable city and as much as people are concerned about the carbon footprint, we need to be realistic. I am one person in a house with one car. When there was more than one of us in that home, we had more than one car. If you are looking at apartments and condos, most people have 2 cars. To say that this unit is only going to have one car and you’re going to have over 500 units in this building with 400 cars, that is not realistic. I understand your intent. When we are building and when we are considering about what we are doing moving forward, we need to be realistic as to what is happening now and what is happening by the time this building is finished. This building isn’t going to be finished in 2050 when everybody wants to be carbon neutral. It is going to be finished well before then. What are you doing? What does that mean for 2025 and 2026?

Ms. Long – Thank you for the feedback and your comments. It is very helpful. On almost every project that we work on, there is a balance between ensuring that there is enough parking to accommodate all the residents or employees, whatever the use is but not more than is needed, particularly with structure parking. The cost of each space is so significant. You don’t want to build more than you need. With this location, given its proximity, the hope is that it will be very attractive to students who do not have a car or do not want to have a car or can’t afford to have a car. They could live there and walk to their classes. They can walk to the grocery store, hospital, and to lots of other places. It will be on the bus lane. It will accommodate bicycles, scooters, and all those things. I don’t think that I even mentioned that there would be space for scooter parking. With this location, the hope is that it is the students who don’t want to have to deal with a car, pay for a car that this will be an attractive location as a result. We know that there will be students who have cars, regardless even if they put them in the garage and leave them there and only use them on the weekends. We’re trying to find the right balance to ensure there is enough but not too many.

Councilor Puryear – That is a good hope. We need to deal in practicality and reality. If there is a child at UVA that can’t afford a car, it may also dictate that they can’t afford to live in your building.

Mayor Snook – I had asked a series of questions. We worked on answers for some of them and some were supposed to be forthcoming. Why this scale?

Mr. Lambur – How we looked at laying out the site from a massing standpoint and what we were considering after our first neighborhood meeting, the feedback from the neighbors on JPA, looking at that and bringing that scale down, it was previously 9 or 10 stories. After talking to the people on Montebello, we're bringing that down to 5 stories, which is a wood structure, and pushing it back. We're somewhere around 70 feet off our own property line and then another 50 feet to those houses making sure we're respecting both neighbors on those sides. The next step is how we are creating what the Planning Commission asked for in terms of an urban, pedestrian, walkable, and active space that is pushed up to the street and is exciting for the residents. This is the gateway to Grounds. We want that to be exciting. That is why we have the coffee shop here. We want a lot of activity. How do you achieve that, while still respecting the neighbors to the east and south? What we did was take that density and push it up to where we want the activity. Part of that is 12 stories that gets us the density that we sacrifice on bringing it down to 8 stories on the east and 5 stories on the south. The other part of that is how we are building a cost-effective building. The 8 stories is a wood building. It is hard for me to say I can take the 12-story and knock 2 stories off it and add it to JPA. The building on JPA is type 1 construction. That gets significantly more expensive. That is the balancing act. We feel that between respecting the neighbors on JPA and bringing that down, that allows us to have a wood building, which is more cost-effective and pushes the density up. The feedback has always been that we want to see density, height, and activity up at that main intersection.

Mayor Snook – You're expecting to have wood construction on the Montebello and JPA side and steel and concrete construction on the University facing side.

Mr. Lambur – That is correct.

Mayor Snook – When I looked at some of the pictures that you were showing, the pictures from the northwest side, coming around Emmet Street, I found that image to be jarring. This is a look that in Charlottesville we're expecting to have to get used to, to a greater extent than we are now. I will say that, not only in relation to this project, but to what has been proposed for other areas as well. We're talking about having 8- and 10-story buildings at several places in the entrance ways to the city. I am not sure that I find that a very inviting look for the city. One of the things that concerns me, even though that angle isn't facing any residents, I have this question about whether that is a good idea. I haven't thought about it enough to have an opinion. I am seeking feedback from you all as to where your tradeoff points have come so we can begin to figure out when it gets to Council, what we think about it.

Councilor Payne is going to be participating remotely due to being sick.

Motion to allow Councilor Payne to participate remotely – Councilor Puryear – Second by Councilor Pinkston – Motion passes 3-0. Councilor Payne was allowed to participate in the meeting remotely.

Councilor Payne – With all the references to the Future Land Use Map, future zoning, and those documents, in the inclusionary zoning, there is a per unit calculation for payment in lieu. In the most conservative estimate, that payment would come out to over \$6 million. I say that being the most conservative because that would be at the lower end of the maximum units you can build rather than the highest end. That doesn't factor into the height bonus that would also likely be triggered. How did you land on that \$4 million number and what you decided to contribute to a payment in lieu?

Mr. Lambur – We understand there is an affordable housing issue. We want to do everything we can to try to help resolve that. From our perspective, affordable housing units located in a student housing project is not the most ideal situation. Based on the unit calculation that is in the current ordinance, I believe that it came out to about the \$2 million number of what would be required. We believe that doubling that helps the city and helps us do our part to contributing to resolve the issue. It wasn't based on a calculation. It was because we

understand that this is a real issue. We have talked to several different people about it. We don't feel like it is the right solution to put the units in the building. We feel that the fee in lieu could be used in a more impactful way. I don't know what the financing situation is with the city. In talking to other municipalities, with the fee in lieu situation, you can leverage that. You can leverage that 5 or 10 times. The \$4 million that we are contributing could be \$20 or \$40 million of actual development. If you look at that, we would be providing maybe 50 or 55 units in the building. If you lever that \$4 million, that gets you to 20 or 40. If it is \$150,000 a unit, you are now looking at 130 to 250 affordable units that you could potentially build with that fee in lieu. That is the rationale of how we thought about it.

Councilor Payne – I am not asking about why affordable units wouldn't be built in the development, but rather the calculation for what the payment in lieu is under the most conservative assumptions. It is below what is in those draft documents.

Councilor Pinkston – In terms of this parking piece, the number of spots that are being provided, it sounds like there was a conversation that happened at an earlier Planning Commission meeting. If you all would mind sharing about your thought process. I see the rationale. I am not going to comment on my views about this. That is not what we're supposed to be doing here.

Commissioner Stolzenberg – The earlier proposal had a staggering amount of parking. What you find, especially with students, is that the number of cars is like a 'gas.' It will grow to fit the available space for it. The more cars you have, the more trips you have, the more impact on traffic at that intersection, and the more impact on climate and on climate emissions. This is a prime spot. It is steps away from Engineers Row where all the engineers work. It is right up the hill from Central Grounds. It is possible to live there without a car. My feeling is that minimizing the number of spots would reduce that impact to the city, to everyone else, to the neighbors, and to everyone who must drive along there. It won't lead to an overflow parking impact on anyone either. All the neighborhoods around there are permit parking that these students won't be eligible for. You will often find students, where they do have cars, they tend to have one per household because they all pile into that roommate's car when they need to go to the grocery store options here. UVA does have far-flung parking options for the sorts of students who like to have a car on hand to go home over breaks. They can rent a spot from them at JPJ and take a bus right there. They don't need to be parked on site.

Councilor Pinkston – The number that was mentioned was 25 percent. According to this, it is 50 percent. The total required parking spaces, by some standard, was 782. What is being provided is 400, which is 50 percent, not 25 percent.

Mr. Franklin – I would like to give a little more of an answer to Commissioner Stolzenberg's question. It seems like what is being presented is a cash in lieu under the affordable dwelling unit ordinance. There has been no proffer statement in the staff report, which is generally customary that one is presented in applications before you. I know that Ms. Long suggested that you treat this as if there was a proffer statement here. I would recommend there is some confusion in terms of what she is relaying and what is presented before you for review. The city attorney's office would recommend that you evaluate this cash-in-lieu statement as you would for other applications with other cash-in-lieu statements for required affordable dwelling units that warrant compliance.

Commissioner Stolzenberg – What is happening here is that they are promising to double the cash-in-lieu that would be required. Are you saying that we should not consider that a binding offer?

Mr. Franklin – You would consider it as you normally would if there were applications in the past that would exceed the minimum requirement for the cash-in-lieu.

Chairman Mitchell – The proffer is that if they go by the calculations, it is going to be \$2.8 million. If you go by what is in their development document, it is approaching \$4.2 million, which is a lot more. Are we allowed to honor their development document as we consider the application with the assumption that the development document will guide what they must do?

Mr. Franklin – Is it the position of the applicant that is what you would like for us to look at the development document?

Ms. Long – That was our intention. If it would resolve any confusion or doubt, we are happy to coordinate with the city attorney's office and NDS on a specific, separate proffer statement that would state the exact same thing if that would resolve the question. Our intent was to make it simpler and have it all in one place. The zoning ordinance provides that when the PUD is approved, that becomes the zoning regulations and things are binding. Our intent was to put that right on the cover page of the PUD plan set to demonstrate that commitment. If that creates concerns, we're happy to put it in a separate proffer statement. We certainly want it to be binding.

Mr. Franklin – From the cover sheet, this is all going towards the cash-in-lieu under the affordable dwelling 34-12, not necessarily as the separate. That is why there is some confusion.

Ms. Long – The reason for specifically referencing Section 34-12 of the ordinance is because that is based on the final site plan in terms of it is based on the size of the building. There is a formula in 34-12 that is based on the final plan. Right now, we can estimate using the Office of Community Solutions worksheet for what that would be based on what they plan to build. That could shift slightly as the project goes through design review, entrance corrido, site plan, etc. We wanted to say that whatever it ends up being, we run the worksheet again for 34-12. Whatever that final number is in terms of the cash-in-lieu that would be owed, they would pay twice that. We were trying to do that so we didn't commit to a hard figure that we would end up paying less than we should if the building was slightly different.

Meeting was recessed for 5 minutes before the start of the public hearing.

iii. Public Hearing

Ellen Contini Morava (225 Montebello Circle) – City Code 34-90 defines the following objectives of a PUD district: 1. To encourage development of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern. Current zoning regulations, especially the lenient allowances of an SUP give developers lots of leeway. This project is not of equal or higher quality than other student high-rises that have already been approved through the SUP process. Its huge scale, excessive height, and unattractive appearance make it lower in quality. 2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design. We concur with a statement on page 23 of the city staff report. Staff does not find the proposed development to be designed in a particularly innovative arrangement regarding building placement, open space, or environmentally sensitive design. Objective 6: To ensure that a development will be harmonious with the existing uses and character of adjacent property and/or consistent with patterns of development noted with respect to each adjacent property. As noted by the city staff report, this project is not harmonious with the residential patterns of development along Montebello Circle. Although some properties on Montebello Circle are rented to students, others are single-family homes, and none are taller than 3 stories. Objective 7: To ensure preservation of cultural features, scenic aspects, and natural features, such as streams, trees, and topography. This project will reduce existing mature tree canopy, already insufficient in our neighborhood. Newly planted trees will take at least 10 years to provide meaningful shade. The Tree Commission is concerned about the loss of tree canopy in the city. Objective 8: To provide for coordination of architectural styles internally with the development and in relation to adjacent properties along the perimeter of the development. The proposed architectural style is not only

inconsistent with that of the neighborhood but with Charlottesville in general. Objective 9: To provide for coordinated linkages among internal buildings and uses and external connections at a scale appropriate to the development and adjacent neighborhoods. The scale of this project is vastly different from even the largest developments in the adjacent neighborhood.

Matthew Gillikin – I am here to speak on behalf of Livable Cville. We wholeheartedly support this development. This is an exciting opportunity for the city. This is exactly where student housing should go. In this corridor and in this parcel, this might be the perfect spot on that corridor for this. I want to remind you all that this is primarily about housing for people. This isn't about parking, architecture, and massing. This is about people having homes. This would probably provide about 1000 more UVA students homes than the site currently allows. That will allow people in other communities in Charlottesville to have homes. The funding that is being offered, where it settles out, will help pay for something like 501 Cherry, by the affordable housing fund contribution. There are people here at this location, people elsewhere in the city, and people who need homes that are income restricted. All those groups will benefit from this development. This is a location in a corridor that students themselves have said that this is where they want to live. That is worth listening to. They have said that they want to live here in part because it will reduce displacement in places like 10th & Page and Fifeville. By adding this much housing at this spot, it is a part of the many tools needed to help address the homelessness issues in Charlottesville. More housing will help improve our vacancy rate. It will help stabilize rents and provide opportunities for people to be rehoused elsewhere in the city as more units become available elsewhere in the city. I hope that you will support this.

Bobbie Williams (108 Oakhurst) – The 100 Stadium Road project is not compatible with the Comprehensive Plan. Goal 3: Objectives for mixed-use areas. Protect and enhance the existing distinct identities of the city's neighborhoods and places. Please note on the city staff report. Staff is concerned with the scale of the project and how it transitions to the established lower density residential neighborhood along Montebello Circle. Staff believes the scale of the development could have an impact on the surrounding neighborhood, specifically the south of the subject property. Especially problematic is the proposed height of this project. In the city staff report, the city's Comprehensive Plan envisions a maximum height of 8 stories along Stadium Road and Emmet Street that transitions down to 5 stories within the high-density residential area along Montebello Circle. Staff finds the proposed height would not conform to the city's Comprehensive Plan. The proposed rezoning does not align with 2021 Future Land Use Map as it relates to height. The proposal would allow a height that is 34 feet higher than the maximum height allowed, which is 101 feet within any of the city's zoning districts. Comprehensive Plan Goal 7: Entrance corridors. Ensure that the quality of development in Charlottesville's designated entrance corridor overlay district is compatible with the city's requirements and standards. With the adjacent neighborhood's historic architectural and cultural resources, the position of this project where the Fontaine Avenue corridor meets the major access route 29 north and right across the street from UVA, a world heritage site, makes it more of an eyesore. It will degrade the environment of nearby Montebello House built in 1820, appearing on the National Register of Historic Places. This is another example of a high-density high-rise that will not add any affordable housing. Please reject this PUD application.

Brandon Collins – I am chiming in to encourage you all to support this project. It makes a ton of sense. As a previous speaker said, it is the right project for the perfect location. It is close to UVA with high density. Charlottesville continues to grow. It rises to the challenge of providing density in appropriate areas. This project will reduce student housing pressure on other neighborhoods close to UVA, such as 10th & Page, Rose Hill, Fifeville, and allow for affordable housing development and reducing displacement in those neighborhoods. Overall, this fits the goals of the Comprehensive Plan. It is to allow appropriate development with students near UVA in areas that haven't shared any of the burden of that growth over the past 100-200 years. This is a great project. The parking strategy makes sense. It balances the future need to reduce carbon emissions. Nobody wants UVA students bringing a lot of cars. If we build more parking, they are going to fill it up. UVA students are capable of living in this prime location to access a major university that is a working university. It is not just

a historical site. It is a place where people come to learn. Thousands of people are joining our community. They should live close to their university. I encourage you to support this project.

Bonnie Riley (116 Oakhurst) – My home shares a property with the University of Virginia. Thomas Jefferson was a gifted architect and was inspired by the Greek and Roman classical principles in designing UVA a symbol of democracy, learning, and permanence. UVA is one 25 UNESCO World Heritage Sites in the United States visited by people from around the world. Across the street from UVA is the VERVE site, a proposed, colossal, charmless apartment complex that will tower everything around it. UVA's strategic plan includes housing all second-year students by 2030. Because of this, 5000 UVA students will not need off-ground housing in the not-too-distant future. Universities and colleges in the US are bracing themselves for a big decline in admissions starting in 2025. That has been named the enrollment cliff. The cause is the significant drop in the birth rate that began with the Great Recession of 2008. Many colleges and universities are already seeing a decline in college applications due to fewer young people wishing to start their lives with massive student debt. The VERVE project plans to house 1500 students. Other recently approved projects on JPA plan to house another 500 students, the UVA Brandon Avenue apartments will house 900 students by next fall. I understand that a housing complex will be built at this site. The question is how big does this complex need to be? Please carefully consider this and reduce the size of this project to be more harmonious and in keeping with the surroundings of this significant location in Charlottesville.

Natalie Oschrin (531 Caroline) – I enjoyed both presentations tonight. I applaud the Planning Commission for moving the Cabell Avenue in-fill projects through. The VERVE is another exciting project. I applaud the general mission here. What species of trees have been considered? I hope they are those with tap roots instead of fibrous roots or weak trunks, so they don't disrupt the sidewalks for as long as possible. I agree with Commissioner Stolzenberg's question about placement of the street trees. Fitting them between the bikes and the cars with peds on the inside of that offers the most protection for bikers. It would be nice to see a rendering of the street section at an elevation as if you were on the sidewalk walking down JPA in front of the building so we could see the road-tree-elevated bike lane sidewalk cross-section. That would be helpful. Great job on elevating the bike lane. Would it be possible to have that small commercial area as a convenience store? The area is a food desert. It would be nice to have easy access to the bread, milk, tomatoes, and beer that these students will want and saving them a trip to Barracks Road. That would be useful. With parking, first-year students are already not allowed to have cars on Grounds. It is not a stretch to imagine that upper class students will not want or need cars especially if great bike or bus infrastructure is offered. I did not have a car during my 4 years at UVA. Several friends and classmates did not either. Most people remember college as the best years of their lives. Perhaps, it is the only time they lived in a walkable community. That is something that we should encourage. Concentrating students at the top of JPA near school prevents them from expanding into other neighborhoods like 10th & Page, Grady, Fifeville, etc. preserving affordable housing in those neighborhoods for families and making it easier for those residents to remain in their homes.

Anne Blenheim (116 Observatory) – I am holding up this picture. Where would you rather walk? In a neighborhood that has this. It reminds me of buildings that you can see when you drive out of New York. It is a bleak and ugly landscape. You're doing harm. You are obliterating a neighborhood, important green space. If you're going to build this project, reduce the mass by a third and make the setbacks further back. You're going to destroy about a half dozen mature sweet gums on the Stadium side. It takes at least 10 years to provide meaningful shade. We're at a time of unprecedented global warming. It is not certain that trees that are planted will survive. There are many factors to consider here. I hope that the plan, as it is now, is rejected.

John Hossack – I am not reflexively against appropriate, high-density housing. In accordance with the prior speakers, I believe this project is too big and too tall.

Kevin Hildebrand (Cherry Avenue) – I happened to have lived at 104 Woodrow Street in 1979 and 1980. I was sorry to hear that the Council overruled the BAR’s determination that it should not be torn down. I realize that is a fight that has already been fought. Having seen what they are proposing to do on this site, I can understand why this English cottage would be out of scale with what they are putting around it. I had not envisioned anything near this height on this site. I was assuming something stepping up from 4 stories to 6 stories to 8 stories as you got further away from this corner. I thought that this little cottage would be the perfect amenity to the site, to be a small restaurant, small café, small market that had the lovely garden to the side that could attract people walking to and from the University, the stadium, or to class. I understand that is not possible. What I would ask is that you not eliminate the criteria that the Council established, to document this house and put it on record for future architectural concerns. I would also ask that you not eliminate the sidewalk requirement along Montebello Circle. It is a difficult condition at best now. The sidewalk there now is 2 feet, 11 inches wide, according to the applicant’s own diagrams. That does not meet any kind of ADA standard for width on a sidewalk. If there is some way that they could either widen that sidewalk to a usable width or incorporate a full sidewalk on the opposite side and somehow create that as a utility trench to conceal the overhead wiring as the University has done next to the tennis courts. At what point does the Woodrow Street property get transferred from the city to the developer for development? As I understand it, the right-of-way has not been vacated. It is still city property even though it is being used as private property. I am curious as to what process will be used to make that transfer. I want to ensure that an equitable price is established for that land. That money can be used to improve other roadways and sidewalks within the city.

Kimber Hawkey – I appreciate Councilor Puryear’s comments. The sanity of her comments starkly contrasts what we heard from the city’s traffic planners regarding the JPA projects going in, who said, despite the addition of hundreds of cars, they don’t plan on expanding the roads. Bikes, cars, scooters, trucks, and walkers will all share the road. They said that they wouldn’t do any traffic studies because they didn’t need those facts. They were implementing a philosophy. That is not only bad planning but negligent regarding public safety. Few developers have felt that affordable housing “right” for their building. For the past 20 years, we have heard about intent and all the empty promises from developers to provide affordable housing. This has not been realized. We have been left with a hotel, million-dollar luxury townhouses, and ineffective contributions to the affordable housing fund. The city says that there is nothing we can do about it. You can’t enforce intentions. What is the legally binding written commitment to which the applicant will be held accountable? Throwing money at the housing fund has been an ineffective producer of concrete affordable housing units over the past 20 years. Please remove other uses. That is how we ended up with a hotel on Ridge Street rather than affordable housing. It is impossible to have faith in proffers because the city has a history of not enforcing those legal proffers. I am wondering how this commitment is any different from previous false promises that have been made. Why is the city giving their land for UVA customers who make UVA a multi-million-dollar business? Homes for UVA people need to be provided by UVA on its own land with its own money. Years ago, Mayor Edwards downzoned these areas to protect the neighborhood from UVA encroachment. UVA has enough money and land to house its customers. It should be made to do so. We should not be greenlighting these inappropriate monoliths.

Charlie Henley (500 Court Square) – As a participant in the Charlottesville housing market, the idea of dense student housing at this site soaking up 1000/1500 students worth of demand, reducing pressure in the city further from the University sounds very good to me. Looking at the map Charlottesville, this site looks ideal among all sites as a location for dense, student housing. For the health of the overall Charlottesville housing market, it seems to me that as much student housing as possible should go in this site.

iv. Commissioner Discussion and Motions

Chairman Mitchell – There are 4 things that we need to decide on. The first is whether the amendment to the vacation of Woodrow is in compliance with the Comp Plan. We have a couple of resolutions, couple competing

resolutions that staff will guide us through. The second thing is removing the IPP from 401 Stadium Road. The third would be the rezoning PUD. The last would be the critical slope waiver.

Mr. Alfele – I want to read into the record. The two resolutions that I passed out to you had one additional change. It should state “resolution of the Charlottesville Planning Commission for Woodrow Street CP23-00002 Comprehensive Plan review in accordance with Code of Virginia 15.2.2232.” I left out some words. You’re not communicating those actions tonight. You will communicate them at your next meeting. You can deliberate on this project. It is very hard to break it up and think about it in little chunks. I know you want to think about it in whole but do think about it in the actions you need to take tonight. This first action is Comprehensive Code Compliance to amend the November 4, 1996 ordinance vacating Woodrow Street right-of-way. In 1994 City Council did close the Woodrow Street right-of-way. They put conditions on it that the plat needed to be recorded and could not be recorded until the conditions were met. What you’re doing here tonight is determining if amending that ordinance complies with the Comprehensive Plan or not. It does not change Woodrow Street being closed. That action was already taken. Does amending it to remove the conditions that would allow development of residential units in the abandoned area comply with the Comprehensive Plan? You have in front of you, in that ordinance that I handed out, staff’s findings on whether it does or it does not. Staff’s recommendation is that it does not. This will be your time to deliberate on that and then come back with a motion.

Commissioner Solla-Yates – Did you say recommending instead of communicating?

Mr. Alfele – That is correct. There are 2 actions. As this body finding whether it is substantial in accord with the city’s Comprehensive Plan. You are going to communicate your findings to City Council. You did this recently where you took action. We came back at the next meeting to make sure that we had your findings correct and communicate those findings to City Council.

Chairman Mitchell – We will vote one way or the other tonight. If we vote that it is in accord, we will have to review the same document.

Mr. Alfele – At your next meeting, you will review that. That will be communicated to City Council.

Chairman Mitchell – If we vote that it is not in accord, it will be the same thing.

Commissioner Solla-Yates – Either way, does one of these need to be read into the record?

Mr. Alfele – If you find that the findings that staff has provided are the findings you agree with, you can read them into the record. If and during your deliberation, you have additional or different findings that you want to include in your resolution, that is what you can do. What you have in front of you is to help you from what staff has found. Our recommendation is that it is not in substantial accord. We outline from the city code comprehensive land use, urban form, and historic culture, and cultural preservation, the objective for residential areas. By amending it, increased house size, contextual infill within existing residential neighborhoods by providing a large building on the property, by preserving the 1996 ordinance, and adopting the preservation of the character. By keeping the 1996 ordinance, it would be in accord. By amending the 96 ordinance, it would not be in accord.

Mr. Franklin – The primary task before you is that you’re making a decision whether the relocation of the utilities and the vacation of Woodrow Street, if these conditions were removed, based upon the approved amendment to this 1996 ordinance, would be in substantial accord or not in substantial accord with the Comprehensive Plan or part thereof shortly thereafter, which discussion will bring. You will compile a list of findings similarly as you did the last time with written reasons that you will communicate to the City Council.

Motion (Comprehensive Plan) – Commissioner Solla-Yates – I move that we accept resolution of the Charlottesville Planning Commission recommending Woodrow Street CP23-00002 Comprehensive Plan review findings to the Charlottesville City Council in accordance with code of Virginia 15.2-2232 whereas this Planning Commission held a public hearing on October 10, 2023 to conduct a code of Virginia 15.2-2232 review of the applicant’s request to amend the November 4, 1996 ordinance, vacating Woodrow Street right-of-way, which was requested as part of a zoning map amendment and zoning text amendment application, those being ZM23-00004 and ZT23-09-02 application, which was submitted to the Planning Commission for the specific 2232 review on September 26, 2023. Proper notice of this 2232 review was published as required by law, including but not limited to Code of Virginia 15.2-2204. Now therefore and be it further resolved that this Planning Commission confirms that amending the November 4, 1996 ordinance vacating Woodrow Street ROW to permit the proposed planned unit as described in ZMA application ZM23-00004 and ZTA application ZT23-09-02 is substantially in accord with the city’s Comprehensive Plan or parts thereof as amended.

- 1. Amending the November 4, 1996 ordinance vacating Woodrow Street to allow residential units within the vacated area serves the Comprehensive Plan land use urban form and historic and cultural preservation objectives for residential areas by increasing opportunities to develop diverse housing options near schools, parks, shopping districts, and employment centers**
- 2. Amending the 1996 ordinance will open up a portion of the subject property for development that is currently prohibited. This development would contribute to Chapter 5 Housing Goal 2-diverse housing throughout the city of the city’s Comprehensive Plan**

Now therefore adopted by this Planning Commission this 10th day of October 2023. Second by Commissioner d’Oronzio.

Discussion following second of motion.

Commissioner Palmer – This is a very technical aspect of the overall PUD plan. If you’re looking for a reason not to move forward with the PUD, this voting against the resolution would make sense. If you’re voting for it, it doesn’t mean you’re necessarily voting for the PUD. That is an important point. You could make the argument that vacating the right-of-way does make sense. It would be a more creative development. UVA doesn’t have a position on this. I will leave it in your hand to debate the technical aspects of that.

Commissioner d’Oronzio – Looking at that ordinance, the 2 conditions that were put into it are essentially rendered mute by moving forward with this.

Commissioner Stolzenberg – Woodrow Street is steep in parts. Do we know if it is above the 10 percent grade limit and if it would even be possible to make it an accepted city street?

Mr. Alfele – I don’t know if it is or not. Based on when it was platted, I don’t know if that would even come into consideration.

Commissioner Stolzenberg – Does that only apply for newly platted streets?

Mr. Alfele – Yes when you are creating a new street.

Commissioner Stolzenberg – There are conditions on the previous vacation resolution from Council. Is it possible to put conditions on this?

Mr. Alfele – You are only looking at the Comprehensive Plan aspect. You’re not putting conditions on it.

Commissioner Stolzenberg – We’re only looking at the Comprehensive Plan aspect of removing all the conditions.

Mr. Franklin – The proposal is to remove both conditions as presented. The consideration before you is whether accepting both those conditions being removed. That would be in substantial accord or not substantial accord with the Comprehensive Plan.

Motion passes 6-0.

PUD Application

Commissioner Palmer – There is a lot here in this large development. I will make the caveat that there is no official position by the University on this development. It is good to hear the bed count of 1500. I did want to help you guys understand on Grounds what some of our housing developments are in terms of beds. Alderman Road is about 2000 beds. McCormick Road (First Year) is about 1600. Lambeth is about 800 beds. Brandon Avenue is about 900 beds plus the private housing in that vicinity. This puts a lot of beds in one place. I will note that we tend to build buildings in a landscape and provide as much green space as we can. Understanding the constraints of this site, that may not make that possible. Compared to what we saw before, the buffer with Montebello seems to be improved. All the parking access being on JPA probably makes more sense. Stadium Road, because it is not signalized at Emmet, could be problematic if they had a lot of cars in and out of there. It is great to see the bike racks and transit and better pedestrian and bike amenities. Woodrow Street provides that quiet route that pedestrians and bikes need around that area. With that going away, it is necessary for that to be on JPA. The height is scary. The 5-story aspect of it works well in the context of the city or the area. There is no context for 12 stories. The loss of the stone building seems to be a done deal. While I think they were trying to respond to us by putting the street wall against the street, losing some green space along the public right-of-ways is a bad thing in my opinion. There is no real poracity in the building. There are no green interventions along the way. There is a strategic desire to house all our second years by 2030. I don’t know how many we already house. I think it is on the order of 50 to 60 percent. If the class is 5000, we house around 2000 to 2500 on Grounds. When you’re thinking of the number of students that this would be impacting versus what UVA is trying to do and if there would be enough demand.

Commissioner Habbab – I want to thank the applicant for bringing this before us. I know that it is a lot of work. The way that I look at parking Ok is for me. It is student housing. In our new draft, we’re taking out parking minimums. We could leave it up to the applicant. If we’re comfortable with the way that the non-proffer proffer is written, that is Ok for me. Having that greenscape on Emmet was more appropriate the way it was first presented to us during the work session. I would rather have that space in the public realm rather than a privatized terrace that is hidden from the public view. The greenscape that we have now for the fire department that was in the rear is on a steep slope. It didn’t seem like it was usable. I don’t have an issue with density. My concern is the massing with the long wall of solid almost nothing and 12 stories that face Emmet and Stadium, not as much as the 5 stories on Montebello. When you’re looking at 5 stories and it is 3 above street grade and the house next to it is on a hill, it is not as concerning as that 12 stories that you can see from that house. It will just be this wall in the distance. It goes beyond anything we have in our draft ordinance. A minor note on that is ensuring that we have enough space for trees to grow tall to maximize their potential and help hide some of that massing. I know that buffer that we have shrinks and expands. I want to make sure we have enough width there, if we decide to move forward with some sort of massing, that we can hide it.

Chairman Mitchell – It would helpful if we could look at that slide with the house to make your point.

Commissioner Habbab – I believe the 5 stories on Montebello, we can address in the ERB. My understanding is that with the Entrance Review Board, we cannot chip away at massing. Whatever is approved, we must stay

at that height. If you look at that house, you can see the difference of scale and the impact on the whole neighborhood where you have those 12 stories right on Emmet. Montebello is right there. You can imagine standing there and as far up as you can see is this wall of building.

Commissioner Solla-Yates – The number that jumped out to me as I was looking at this material and speaking with the residents about the issues is 12. That is a number that we haven't seen a lot in Charlottesville. We don't have a good place to think about that number. I am hearing that is a very economical number. That is a number that makes sense for concrete construction. I am looking at our Comprehensive Plan. Our number is 8. We allow up to 10 stories. In our most intensive areas, we don't allow 12 stories anywhere in the city in our Comprehensive Plan. It makes me worry about our Comprehensive Plan if the market realities and our policies are not 'talking.' That worries me. Seeing that disconnect between what is in our Comprehensive Plan and what is in this proposal concerns me. I worry that we must accept physical reality at some level. As a planner, that always concerns me. We need to make some space for 12-story buildings in this city if we want buildings that make financial sense, buildings that make structural sense, buildings that can provide affordable housing and decent living. If we want to do those things, we must decide on a place to put those things. I cannot think of a better place than here.

Commissioner d'Oronzio – Commissioner Solla-Yates, in his commentary on the 12 stories versus 10 stories versus the appropriateness of the Comprehensive Plan, my instinct is that the Comprehensive Plan, as we are repeatedly told, is an aspirational document, a guidance document. We have ultimate goals that these particulars underline them, like building height, are supposed to foster. In this case, one can argue that the height does assist in fostering those things. I feel that we need to be guided by the Comprehensive Plan but not commanded by it. They are guidelines. We need to 'keep our eye on the prize.' That tends to have me fall on the side that I am Ok with the height. With the parking, we need to let the people who building student housing determine what they think is necessary for parking based on their experience and practices. By way of disclosure, I lived 2 blocks from this when I was in graduate school at UVA. I had off-street parking, I parked my car, and I walked. Traffic is going to get worse whether we approve this or not. It is going to get a lot worse before we can 'strongarm' some money to improve the road and whatever traffic improvement we need. I like the idea of taking the pressure off the neighborhoods with this that seems to be a perfect fit. Is there a better place to build student housing in the city of Charlottesville? The answer to that question is 'no.'

Commissioner Stolzenberg – This is probably the absolute best site in the city to put a bunch of students to live close to where they want to be, to classes, to be able to walk like they did as a first year without a car. The density is entirely appropriate and beneficial, to displace students from the neighborhoods we often talk about (10th & Page, Fifeville, the outskirts of where students are). It will have a meaningful impact even in the JPA neighborhood. In all those buildings that are houses in form, have been for years occupied by students. There is nowhere else for them to go. The more you corral them in, the more they empty out of other places. I am Ok with 12 stories in height. I agree with Commissioner Solla-Yates. There is a reason why you see 12 stories in State College and Madison. It is how you justify jumping to that higher cost of concrete and steel without it all being absorbed in that huge marginal cost of an eighth story and you spread it out a little bit. Where this project runs into trouble is the length and not the height. It is a long building. That is also the problem with West Main buildings. It is not the height. It is the length. A building should ideally be taller than it is wide. I don't think we're going to get that far. We are going to need to do a lot of work in fixing this elevation and that big, long wall. That is within the envelope that we would be approving here. My understanding is that the ERB does have the power to do that. It is going to take some work. That is going to be both modulation and certainly in cladding choices. This corner facing The Lawn with the alternating black and white is awful. Just a note on the UVA second-year plan, there was an article in Cav Daily. One way that they are planning on freeing up the beds for second-year students is by potentially kicking off some upper classmen out of the residential colleges. It means we won't get have as many new off-Grounds beds freed up. My hope is that they go with a high building scenario plan. This will do a lot to contribute to that need. One thing that greatly concerns me in this is that in-

lieu payment amount. It is a lot lower than the new ordinance. The way we have moved the height around on this site, to push the height away from Gildersleeve Wood and away from Montebello makes sense and averages out to what we said in the Comp Plan. If this is denied, you end up building fewer units, paying more, and that height gets evened out into 8 stories. I don't see how that benefits anyone. You are making it difficult to say that this is good. You're pulling from the past requirements and not the new ones that are imminent. I appreciate the offer to go higher. With the intersections, those slip lanes are terrible. Those intersections are terrible for bike and pedestrian safety, bad for cars, and just awful. If you guys were saying 'yes' we will absolutely make those intersections good again, that would be great, but you're not. I can't rely on that. That is where your green space is going to come from. Right now, it is islanded off by these unnecessary slip lanes and streets in the way. If you free those up, that is a huge amount of green space. Another way to do that would be to vacate that and rearrange these buildings. That is not likely. I lean towards reluctantly supporting this. I am enthusiastic about it happening. I would love to see this project happen with this many units, beds, and getting places to live for all these students.

Commissioner Schwarz – This is tough. This will be more convenient than most of the dorms for the students. There is no better place to have people without cars in the city. You need to rethink that coffee shop. The only reason I needed a car in school was to go to the grocery store. That is probably the same for most students. The neighbors bring up a good point. Staff brought it up in what a PUD is meant for. This isn't special or innovative. It is just more. You won't be able to do it under the existing code. You won't be able to do under the new code. In that sense, you are creating a new zoning code. That is the need for the PUD. There is nothing that you have done that makes this a better project because it is a PUD. You have given us the benefit of a whole lot of students in one great location for students, which is why this is very difficult. Twelve stories don't bother me as much as the fact that it is 12 stories that extends for so far. It is a big, long wall. You can 'dress it up' as many different ways as you want to. It did not work on The Standard. I don't think that it is going to work here aesthetically. That is the balance. Is it worth the benefit to the rest of the city have, what is going to be a very big struggle to make an aesthetically pleasing project at an important place in the city? Do I think that there is a qualitative difference between 12 stories and 8 stories to the people that live on Montebello? Not really. It is going to be an unfortunate situation for them no matter what as being next to a large building. I like to think that being next to a large building is not a bad thing. That is not a shared opinion amongst the public. The nice thing this does is that it puts the 5 stories next to Montebello. It does create some more airspace for that neighborhood. I was hoping to have an opinion at the end of this. I am still stuck. It is a tradeoff for the rest of the city for something that is uncomfortable as you presented it.

Chairman Mitchell – I would echo what Commission Habbab, Commissioner Palmer, and Commissioner Stolzenberg said about the things that I like about it. The location is ideal. The density doesn't bother me. I am grateful for \$4.2 million going into the Housing Fund. I like what you are doing with the roads, the bike improvements, the pedestrian improvements, the curbs, and the gutters. Parking is right on target. We want to get to carbon neutral. We need to get out of cars. UVA students are the ideal people to get out of cars. I agree that a minimart or something like that where the students can get food is better than a coffee shop. The building is big. It is a lot of building. We did talk about, and staff suggested some leveling or some setbacks. I am not bothered by the 12 stories that much. I am bothered by the perception of that and the view that gives. Staff did talk about some step backs and some leveling. I had a brief conversation with the applicant about some ideas that might help with that. If the applicant is comfortable talking about the ideas of leveling and setbacks, I would like to ask the applicant to share those ideas.

Mr. Reardon – The idea that was brought about is a tapering back of the building near the southwest corner of the massing. Is that the suggestion that you would like to speak on that?

Chairman Mitchell – That is a good start.

Mr. Reardon – We would be able to explore those things. As a matter of process, I don't know that it is solvable in a public meeting. We would welcome the opportunity for that feedback. I don't know how that plays out in terms of a timeline or process with the specifics.

Commissioner Stolzenberg – The step back along Montebello isn't the thing that would help the most. That corner of Montebello is student housing. It almost seems where you want a step down is in the middle of that big, long wall so it creates 2 separate towers. I don't know if that is difficult because of where the elevators and stairs are. To me, that would almost be much more effective.

Mr. Reardon – Stairs and elevators are the challenge. That is why you are seeing the linear arrangement of that 12-story that bends along the western and northern part of the site. That is why we are where we're at right now. With separating things into 2 completely different massings that are separate from one another is a challenging way to achieve what is essentially one building.

Commissioner Stolzenberg – A question for the Commission is whether we think that these issues can be addressed during the ERB review.

Chairman Mitchell – The counsel that we have gotten from the City Attorney and from NDS is that the height is something staff wants us to make a call one way or the other tonight. We possibly could work on the architectural issues later.

James Freas, NDS Director – I believe that you can work on the architectural issues later. As we think about the new zoning ordinance, one of the things it does reasonably well is anticipate this issue of long, tall buildings being a problem and incorporate requirements within there for, not it has the option for breaking up buildings, it also has the option anticipating that there is desire to not break up buildings of including essentially courtyard features along a frontage that creates space and at least create that sense of a set of multiple buildings along the front.

Commissioner Habbab – Is that something we would be able to do during the ERB? Is that something we can't do?

Ms. Creasy – Typically, the box is established.

Commissioner Habbab – We're dealing with the materials. No step backs, no carving out of courtyards.

Commissioner Stolzenberg – There are, theoretically, materials where they can make it work. It is going to be very hard for them. If they decide to modulate, maybe it will become easier with materials of their choice.

Mr. Alfele – In the ERB capacity, you are going to be reacting to a design put in front of you. It is not necessarily doing a design with them. They are hearing some of this stuff and they are trying to meet the guidelines of the ERB. It is what they put in front of you as a final design for that CoA.

Ms. Long – Generally speaking, the concept is to make this image, the one that you have expressed concerns about the massing, look more like the view that we have shown from the opposite corner. That massing on that side is the one that you have concerns about, particularly, the buildings towards the right. The concept would be that they could work on a design that would make the northwest corner along Stadium and Emmet be more variable like that and have a few notches in the building and break up the massing that way.

Mr. Reardon – What you're looking at right now is that angle from the northeast. There are several points at which the building steps down and tapers as we go west to east along Emmet. What we would be proposing is

almost an inverse there of what you see. We tapered from 12 to 10 and down. We would be proposing an inverse tapering here where we would start at 12 and then taper down as the building proceeds southernly along Stadium. That is an achievable working solution to the concerns we have heard here tonight to move forward with a revision.

Chairman Mitchell – That does feel better. How do we do that? Do we incorporate their commitment to make those revisions? They haven't changed the box. They have switched it around.

Ms. Creasy – That is very different than what you are being presented with. Unless they have drawings that they want to exchange, it would be hard for you to understand what you are voting on.

Commissioner Stolzenberg – It gives me some pain to chop off dozens of units like that in a way that I am not sure will even help that much with the length upside. It will help some.

Mr. Reardon – When we understand the feedback, that adds to designing on the spot. That may not be the most productive use of time now. I think we understand where you are. As a matter of process, we could return to this meeting with revised drawings next month as a potential solution. We could proceed to the ERB.

Chairman Mitchell – If you would like to defer until next month, that is your option. We can proceed with voting on a recommendation.

Mr. Franklin – As a point of order, for a rezoning, it is a 'yes' as presented, a 'no,' or a deferral if you need more time to modify it.

Commissioner Schwarz – When the new zoning is passed, how far along do they have to be 'grandfathered' in?

Mr. Franklin – We don't yet know what the new zoning would be. It has been proposed. We prefer not to apply it upon what those conditions would be.

Commissioner Stolzenberg – We talked about the site plans in process that haven't gotten preliminary site plan approval will be granted a grace period where they can keep working on it. Will that also be true for discretionary things like this?

Mr. Freas – This is a question of vesting. Whatever the new zoning, will this project be vested under the existing zoning if it was to be approved? My understanding is that if it was to be approved by Council before the new zoning is adopted, it would be vested because that approval would represent a significant government action.

Commissioner Schwarz – Let's say it gets delayed a little bit and Council passes the new zoning before they get a chance to come in to present to Council. We're potentially cutting it close.

Mr. Freas – I don't know the answer. The conversation we have had to date has been about site plans that are in review process. This is different.

Commissioner d'Oronzio – The Planning Commission's review, approval, or other action doesn't quite get to the threshold of significant government action.

Commissioner Stolzenberg – If we were to make a recommendation tonight, nothing is stopping them from making changes before they go to Council in that direction of a less intense project.

Mr. Freas – If it is going in the less intensive direction, you’re advertising a public hearing that remains valid and those changes can be made.

Chairman Mitchell – We could vote tonight. If they decided to reduce it slightly, Council could accept that reduction and follow our recommendation to embrace their alterations.

Mr. Franklin – We would have to evaluate how slight, whether that would be significant enough that it would be substantial enough to defer or must reconsider. We don’t know right now.

Ms. Long – We appreciate your indulgences in our challenges. The challenge is that we have contractual obligations with the current owners and because we have already been spending so long on it, it becomes challenging. What we are happy to do is commit to making the changes that we have discussed tonight, including the modifications to the building façade to address your concerns. We have a good understanding of what your concerns are, what you are looking for. It sounded like the types of changes that Mr. Reardon described would potentially address your concerns. We must come back next month or at least that is when the action on the substantial accord review 2232 review will be finalized. We are happy to commit to making the changes we have discussed, including with the building design before we go to Council. We understand the chances of Council probably approving it as is based on your feedback and comments tonight probably fairly low. If there is a way that we could get your action tonight with the support based on the changes we have described, we are happy to do that. If that is not going to happen, we would prefer to come back in a month with our new drawings. For all the reasons you have discussed, it is a challenge. We are trying to understand how to navigate this. What would maybe help us and perhaps address your concerns would be a recommendation for approval subject to our plans being revised to address the comments. That could move it forward to Council. I don’t see that as a condition of approval. It is just a recommendation. Council would know your recommendation that it is based on that suggestion. We could move forward that way.

Mr. Franklin – The City Attorney’s Office would be a little uncomfortable with having a subject to because that seems to be a condition when this is generally a rezoning of a ‘yes,’ ‘no,’ or deferral on the complete application.

Chairman Mitchell conducted a straw poll with the commissioners.

Commissioner Palmer – Twelve stories is problematic

Commissioner Habbab – I agree with Commissioner Palmer. I don’t see it matching some of the PUD requirements of ensuring it will be harmonious with adjacent properties and encouraging innovative arrangements. I appreciate the building modifications. Until I see them, I can’t say ‘yes.’

Commissioner Solla-Yates – I don’t love the aesthetics that we are seeing tonight. I believe that the powers of the ERB could adjust the aesthetics. It could proceed tonight.

Commissioner d’Oronzio – I will almost always defer to my colleagues in matters of aesthetics when it comes to buildings. A part of the scale on this is innovative.

Commissioner Stolzenberg – The aesthetic concerns can be addressed. I know that step back suggestion is the best way to do it. The arrangement of buildings is clearly pushing things around to address the context of the neighborhood. I would recommend approval tonight.

Commissioner Schwarz – The benefit to the rest of the city outweighs some of my concerns. I would hope that they have heard the concerns.

Motion to Approve PUD – Commissioner Stolzenberg – I move to recommend that City Council should approve ZM23-00004, on the basis that approval of the proposed PUD Development is consistent with the City’s adopted Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner d’Oronzio. Motion passes 5-1.

IPP Designation Removal

Commissioner Stolzenberg – It is really frustrating to me we have this process to have conditions on demolitions, but then must remove it as an IPP, which gets rid of the demolitions. The whole timing is broken. I don’t think they’re going to demolish it, leave it as nothing without something to replace it. All this would probably be resolved if they simply proffered that they would do the conditions of surveying the house.

Chairman Mitchell – I thought I read something that there was going to be some sort of homage to the facility by using the stone.

Commissioner Habbab – Why do we need to take action on this now?

Commissioner Stolzenberg – The idea is that if they start going through the site plan review process, they will have to go to the BAR instead.

Mr. Alfele – The design review body because of the IPP would be in place. If the IPP is not removed, it would be the BAR. You go down that road of producing a site plan and still do not have all your zoning taken care of before you are producing those site plan documents.

Chairman Mitchell – By approving the PUD, we have acknowledged that this is going to go away. My recollection is that they are intending to use a lot of the stone to scatter around the building as an homage to the thing. We need to get these guys ‘a nod’ that they’re going to do the documentation that already exists in the approval that is here.

Motion to Remove IPP – Commissioner Stolzenberg – I move to recommend that City Council should approve ZT23-09-02 to remove 104 Stadium Road from the list of Individually Protected Property within the City of Charlottesville’s Zoning Code Article II, Division 2, Section 34-273(b) on the basis that approval is consistent with the City adopted Comprehensive Plan and will serve the public necessity, convenience, general welfare, and good zoning practice. Second by Commissioner d’Oronzio. Motion passes 6-0.

Critical Slope Waiver

Motion to Approve Critical Slope Waiver – Commissioner Solla-Yates – I move to recommend approval of the critical slope waiver for tax map and parcels 160008000, 160005000, 160004000, 160003000, 160002000, and 160001000 as requested with conditions based on:

Finding One – The benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope for Section 34-1120b.6.d.i and recommend conditions as stated in the packet
Second by Commissioner Stolzenberg. Motion passes 6-0

Recommended Conditions

1. The applicant shall work with the City’s Urban Forester to identify, remove, and mitigate invasive plant materials within the Critical Slopes.

2. The applicant will work with a local arborist to study and document trees within the Critical Slope area to determine if any can be preserved.

a. These documents shall be provided to the City's Urban Forester and the Neighborhood Development Services' Planner.

b. Should the study identify any tree(s) for preservation, the applicant shall work with the City's Urban Forester during site plan review to create a tree protection/preservation plan. The applicant shall perform all protection/preservation measures as identified in this plan. The tree preservation/protection plan will include a monitoring program to ensure compliance throughout the construction period. The plan shall also include provisions, such as easements, deed restrictions, or other legally binding measures to ensure preservation of the trees in perpetuity.

3. Any tree with a six inch or greater caliper that is removed from the Critical Slope area shall be replaced at a 3:1 ratio. The replacement tree(s) shall:

a. Have a two inch or greater caliper at planting.

b. Be in the general area from where the original tree was removed. Allowances for alternative locations may be granted by the Site Plan Agent if:

i. The planting location will interfere with fire safety as identified by the Assistant Fire Marshal; or

ii. The planting location will restrict establishment of a healthy mature tree canopy as determined by the City's Urban Forester.

The applicant will provide a document, within the final site plan, illustrating how the requirements of condition #3 are fulfilled.

Meeting was recessed for 5 minutes.

III. COMMISSION'S ACTION ITEMS

Continuing: until all action items are concluded

1. Charlottesville Development Code and Zoning Map Deliberation (if needed)

Mr. Freas – Let's go through the highlighted items that I had a question or would like deliberation on. We can discuss if there are any further items that commissioners would like to add in.

On page 1, the first highlighted item was a recommendation from Code Studio. We had put in 35 feet as the height where we're looking at more than one unit according to the edited item. This is in Section 2.2.2b, which would be the RA district. Code Studio's recommendation is, if there is an interest in seeing flat roofs within this district, then 40 feet is the appropriate number. If you want to leave open the possibility of a flat roof.

Commissioner Stolzenberg – The height limit is 3 stories. Does 3 stories and a flat roof really need 40 feet?

Mr. Freas – That was the recommendation.

Commissioner Habbab – Is it a roof pergala or an elevator shaft or staircase access?

Commissioner Stolzenberg – I think it is fine to encourage variation in heights.

Mr. Freas – The same issue is on page 2. It is in the RB district.

On page 7, item 29, we wanted some clarity on where we arrived at as a group on this question of entry features. There was a discussion with the Commission. If everyone recalls this section of the ordinance, this is talking about once we're requiring entrances. Do we have the entry features, or do we simply have a more general set of rules that govern providing a covered, identifiable space that is at the same floor height?

Commissioner Schwarz – Just take out the elevation from it. It is whatever the floor height ends up being for the ground floor.

Mr. Freas – The note from Code Studio on this is the different entrances. They simply provide examples and ensure the usability of the space.

Commissioner Stolzenberg – I am happy leaving the separate visualizations in there even if they are redundant and could be worked around by going with that one. The suggestion about leaving the floor height up to the individual ones.

Commissioner Habbab – Can you give me a quick summary of what we're talking about?

Mr. Freas – We're talking about the entry features.

Commissioner Schwarz – If you look at the regulations for all of those, there is a section called Covered Entry. Basically, you could do whatever you want and let it be a covered entry. None of the regulations are binding. My concern was that some plan reviewer is going to look at that and see someone do a non-compliant porch and tell them that they must fix this, when, in fact, it is compliant. If we left the diagrams in for the sake of giving people examples of what they can do, maybe you title each one of those other ones as recommended and then required on the covered entry. It should be sort of language like 'this is suggested form.' Personally, I would rather take them out because it is confusing.

Commissioner Stolzenberg – With 2.10.13, it starts with page 15 (non-redline version).

Commissioner Habbab – We have these covered entries.

Commissioner Schwarz – You could do a covered entry. It says 'if you have a covering, it must be a minimum of 4 feet wide or one foot wider than the entry itself. It must extend 3 feet out from the face of the building.' There are some regulations further down the page that describe what it must be. My recommendation is to either get rid of all of them or to mark them as 'suggested' versus 'required' so it is clear for the architect or the developer and for the plan reviewer.

Commissioner Stolzenberg – With that 3C part, an entry feature must meet all the standards of one of the following infre options. That is maybe the part that is where we introduce extra clarity. It feels clear to me. With the covered entry, if you meet the requirements of any individual one, you have met covered entry. In fact, covered entry is easier than all the others. In a sense, covered entry is the only one we need because you can do all the others. The idea is that we illustrate that you can also have a porch and a raised entry.

Commissioner Schwarz – My concern is that somebody is going to do a porch that isn't quite long enough to meet the requirements even though it does meet the requirements of covered entry. It is going to be kicked back. It is just a little confusing.

Mr. Freas – Help me understand that concern. What does that look like?

Commissioner Schwarz – I think that the porch must be a certain percentage width of the building. I know that you can make an exception. It becomes an extra step that seems unnecessary. They do a porch that isn't quite the right percentage length. It still meets the requirements of a covered entry.

Commissioner Stolzenberg – Staff says that is a porch and it is not 30 percent. It is 25 percent of the width. This says that it is a covered entry. It just looks like a porch.

Commissioner Schwarz – I don't want to assume that staff is going to do that. I feel that it might have happened in the past for similar things when there isn't clarity in the code.

Mr. Freas – It appears as I read this that the applicant is the one identifying which entry feature. I am not mandating. The language literally says, 'must see all the standards of the one of the following entry features.' The decision is up to the applicant as to which one they are meeting.

Commissioner Schwarz – If you think it is going to work out that way, that they can do a non-compliant thing that looks like a porch but isn't quite exactly as that describes but still meets the requirements of covered entry. If that is not going to be a hangup during the review, then this is a non-issue. It bothers me that there are requirements in the code that aren't really requirements.

Commissioner Stolzenberg – One suggestion for clarity would be to move covered entry to be first to show that is the broadest one.

Commissioner Schwarz – Or suggested examples. The 'fussy' one is the forecourt. I am worried that someone is not going to have the right depth or something or the right wall height. This is an unimportant thing.

Commissioner Habbab – It gives good examples of what you could do. We should leave them because of the examples that they provide. It becomes on the order of the language. We could have the applicant figure it out. They must follow the depth that it is saying. If it is a porch, it must be 30 percent. If it is not, they must label it as a covered entry by themselves.

Commissioner Stolzenberg – One clarification that would be useful is the idea of getting rid of the floor elevation requirement there since it is already in the code in each district. It is 2-1 (47, 48, 49). It is the finished floor elevation parts, just removing each of those from each of the types since they are specified in the zoning districts.

Mr. Freas – We are trying to make sure we capture this precisely on the off-chance that you guys do vote tonight so that we're very clear on what is being voted on and not at risk of voting on something and then us transcribing it incorrectly from what is decided.

Commissioner Stolzenberg – I could say 'under porch,' it is C. Under 'raised entry' it is C, 'recessed entry' it is C, and 'covered entry' is A.

Mr. Freas – I think that I have it. I am removing all finished floor elevation lines from each example.

Item 49 is Section 471b- 'applicability'-This is about transitions and where they are required. Where we are requiring transitions across a right of way across a street. This was suggested for your consideration that would not require a transition where the street is over a certain width. I am open as to what that width is. There was not one provided in that comment when it came in. The idea is that if it is a wide street, why do we need a transition across that street?

Commissioner Stolzenberg – One way to address that would be to start the transition distance at the opposing lot line. If it was next door without a street, it would start at the lot line.

Commissioner Schwarz – I don't want to do that because what the first 2 examples that come to mind are West Street where this transition is a good thing. It forces a 3-story height on West Street. With Montebello, I tried to look at that and tried to diagram it out. I got confused. We need that transition up on Montebello if we have CX-5 along JPA. West Street is 41 feet wide. When I measure Montebello, it is 31 feet. I don't know what streets CADRE was worried about. I know one person on CADRE who would have been worried about West Street. For further reference, JPA is about 70 feet wide. Preston is over 100 feet wide, and Ridge is about 80 feet wide. Those are the streets I think this might apply to.

Mr. Freas – That is probably accurate; maybe a number like 80.

Commissioner Schwarz – With JPA, we have CX-5 on one side. What is on the other side? Is that going to require a transition?

Mr. Freas – JPA is the same on both sides. Where this issue comes up is close to downtown. You see it at 6th Street. It is along one side of Friendship Court and down along IX. You have RA on one side of the street. You have 8 on the other side.

Commissioner Schwarz – I think those people would really appreciate a transition.

Mr. Freas – That is one of the examples of why we put this across the street transition in place. There are several of them around the city. We could disregard this comment entirely or we could establish a high number that makes sense from your perspective.

Commissioner Schwarz – I vote to disregard it until it becomes an issue.

Commissioner Stolzenberg – A number slightly lower than JPA seems right. JPA seems too wide to have a transition across.

Commissioner Solla-Yates – I like the number of 50.

Commissioner Schwarz – Is 50 sufficient? I think that this is probably coming out of areas that we still would want the transition to be. With Preston, we have both sides of the street that are the same.

Mr. Freas – It is a relatively rare occurrence where we have a significant differential across the street.

Commissioner d'Oronzio – Should we be making a distinction between right of way, which is how it is written because the right of way is usually larger and not necessarily a visual cue.

Commissioner Schwarz – It is easier to measure.

Commissioner d'Oronzio – If we are saying right of way, it is where the right of way is. How is it phrased here?

Commissioner Schwarz – I think that we should 'can' this until it becomes an issue.

Mr. Freas – We do have the ability to do a special exception.

Commissioner Stolzenberg – Why don't we just say 75 feet? That is probably not very many besides JPA.

Commissioner d’Oronzio – We’re trying to manufacture something here without sufficient data and contemplation.

The Commission decide to wait until later to address.

Commissioner Stolzenberg – We briefly spoke last time. There is a church that wants to expand. It is in CX-3. It is next to RB. You can do a church that is the same height and setbacks in RB. Since it is CX-3, it requires a transition. They are being punished for being in that higher zone. If they were still RB, they would have been able to do it more flexibly. The suggested language that I received is “transitions are not required when a project in the higher intensity district meets the height, building setback, and use requirements of the abutting lower intensity district.”

There was consensus on the Planning Commission for this change.

Mr. Freas – I am going to insert that where we were going to insert the other one. We are good with the language. I am going to insert it in 471b (applicability) so it will be item #3 under that table. It does work in that section based on the wording.

Commissioner Schwarz – We talked about architectural elements and vertical encroachments. I thought that we talked about those being taller than the safety barrier or parapet height. They are still listed at 3 feet. I thought that we talked about moving those to 10 feet. The section that I am looking at is for the step backs. I have a feeling that it probably didn’t get changed in the overall height.

Mr. Freas – You were looking at the step back section. Are you looking at the step back section that is being added into item #50?

Commissioner Schwarz – The vertical encroachment should be 10 feet instead of 3 feet and to carry that change into the encroachments to overall height.

Commissioner d’Oronzio – I would suggest the following change for Section 2. The first sentence stays the same. The second sentence through nonprofit organization: “a right of first refusal to purchase (because it may not necessarily be repurchasing) the home upon its first resale.” Delete the last sentence there. Continue the second sentence: “in accordance with the requirements of the ADU Manual.”

Commissioner Stolzenberg – How are we approving the ADU Manual? I recall that it was going to be approved at the same time.

Mr. Freas – It will have to be adopted by Council.

Commissioner d’Oronzio – If we should make an approval tonight, we’re going to say, ‘approved with the trailing ADU Manual.’

Mr. Freas – On the ADU Manual and the Procedures Manual, those both require Council approval. Does the Planning Commission also need to be making recommendations on those or formally as part of their recommendation?

Sharon Pandek, Legal Counsel – Not tonight. Your point is well-taken that they don’t have to be in this resolution tonight. It would be useful for them to make recommendations to Council.

Commissioner d’Oronzio – We will have some later. We will edit the ADU Manual appropriately. What about taking up any other possible things like this possible overlay that we’re talking about? Can we make a recommendation with the new district?

Mr. Freas – I met with Commissioner d’Oronzio in his capacity representing the Housing Advisory Committee today. We talked about a new district/base district that mirrors the RA district that we have proposed but tamps it down for these anti-displacement areas. It is consistent with what was proposed in the Comprehensive Plan for those areas. We don’t yet have language for that. We outlined it in good detail today. It was a conversation today. What we are trying to address is the comments raised by Council at the last meeting. Does the Planning Commission act on this conceptually this evening and provide a recommendation to the Council based on the conceptual? Do we wait and put together the language and put this as part of the Planning Commission’s recommendation tonight? Does the Planning Commission move forward? This is a decision for you guys but with legal guidance as to what is allowed of my 3 options. Does Planning Commission move forward with the resolution before you this evening and Council takes this item up? So that we’re clear, we have before us tonight the corridor overlay, which you guys had already indicated an interest in pursuing. This is a separate neighborhood overlay that is essentially consistent with what was laid out in the Comprehensive Plan for sensitive community areas.

Ms. Pandek – This is a conservative view based on procedural and notice issues. I think that you could approve recommendations tonight with respect to the zoning ordinance and the map, much along the lines of your Attachment A, as you just discussed. You could say that in addition, the Planning Commission makes the following recommendation conceptually about the district and send that up. I am thinking that is the best way to proceed with it. There is going to be a question once we get the language written whether it is within the provisions that were shipped down to you by the Council when initiated. Whether it can go forward or whether that item might have to come back to the Commission. You could make a recommendation on conceptual language. I am not sure whether it will be in a form that the Council can take it up without taking further action, including perhaps sending it back down to you. I need to see the language. I am familiar with the language. We have worked on the language on the neighborhood overlay district. I have a better feel about that one.

Commissioner d’Oronzio – We could make a recommendation on moving forward with the zoning ordinance as being presented. In addition, we have a new zoning district and/or overlay that we would like you to consider as well.

Ms. Pandek – We need to ‘flesh out’ some of the concepts. Simply saying that we also have this new district, in my opinion, is not sufficient to do anything more than take it up later.

Mr. Freas – We would describe what the contents are even if we don’t have the language if we were to act this evening. The other option is that we schedule another meeting for next week.

Commissioner d’Oronzio – Conceptually, I have difficulty saying, ‘let’s move forward with this with a pending district and/or overlay,’ which might be a significant portion of this.

Commissioner Stolzenberg – What you guys are talking about is the Comprehensive Plan sensitive areas.

Mr. Freas – That is correct, but with some modifications based on the conversation today.

Commissioner Schwarz – Let’s talk about it tonight. If we’re comfortable with it, we move on. If we are not comfortable with it, we don’t.

Commissioner d’Oronzio – What are we moving on with?

Mr. Freas – There are 2 options. There is the option tonight to include a resolution that goes on to Council that describes conceptually what that district would look like with some detail. The other option is that we discuss it this evening. If there is a sense amongst the Commission that you would like to move forward with, but you want to see the language, we would have to schedule a meeting for next week and present the language. You guys would take your vote next week.

Ms. Pandek – The third option is that it is handled outside of the current set of recommendations.

Commissioner d’Oronzio – I am opposed to that third option. We’re going to send a conception of a zoning district and/or overlay to Council having not reviewed the precise language. We’re going to recommend that they do something about it. They’re going to take it up from the word ‘go,’ and develop it, build it, and approve it, or send it back to us for consideration. We need to get ourselves straight. I want a whole code, not a code full of holes. It seems we’re leaving a substantial hold of a very important matter that has not frankly gotten the attention that it needs to get. I think we are shortchanging the process.

Commissioner Schwarz – Can we go through the rest of the items on this? At the end, we can hear what the idea is.

Mr. Freas – We have done everything that was sent by email. We have one additional item, which was a good ‘catch.’ I have noted that one, which was the architectural elements from 3 to 10 on the encroachment. We have the one here that we just did with the ADU ordinance. Are there any other ones?

Commissioner Schwarz – With 73c, Mr. Freas added in ‘due consideration will be given to the cost of compliance with proposed conditions, as well as the goals of the Comprehensive Plan.’

Commissioner Solla-Yates – I did have one issue. With 224b1 (bonus affordable dwelling unit), I thought that we agreed that the base would be 3.5. This is in the RC District. The discussion, as I recall, was that there was concern that requiring affordable units in RC would eliminate naturally occurring affordable housing. The compromise was 3.5 by right to allow some naturally occurring affordable housing.

Commissioner d’Oronzio – This is related to the stacked townhouses issue. This was also related to income.

Mr. Freas – We said 3.5 rather than 4.

Commissioner d’Oronzio – The base was 3.5. The affordable dwelling unit was 4.

Commissioner Stolzenberg – We are leaving the height limit in feet as is with the modification here and only changing the base to 3.5.

Mr. Freas – The first several pages of that document are the ones that you guys discussed in previous meetings. We have all the map changes that you guys made and decisions over the last several days. Please let us know if there is one that is not. We have 2 additional map changes for your consideration. We will talk about the first one now. The second one ties in with the corridor overlay.

Commissioner Solla-Yates – I don’t love that we have so much RX-3 facing RX-5. We have a lot of RX-5 facing RX-3 because we have that big cutout in the middle along Grady.

Mr. Freas – I am a big proponent of ‘like’ facing ‘like.’ I don’t think that differentiation is large enough that I am concerned about it.

Commissioner Stolzenberg – The historic and large Preston Court Apartments are right in the middle there.

Commissioner Solla-Yates – What I would propose is where there are long roads facing RX-5 to RX-3, just make it all RX-5 on both sides of those long roads.

Commissioner Stolzenberg – Preston Circle is a historic neighborhood with some owner-occupied houses in the northern part of that. I recall that we ‘haggled’ over it. Commissioner Schwarz wanted to add the Kappa Alpha House on the corner on Rugby and the other one behind it and a couple along Grady.

Commissioner Schwarz – It was a simple shape. It made sense. We can start going parcel by parcel if we want to. I don’t want to drag this out. You have RX-5, instead of being across the street from RX-3, it is right next to RX-3. It isn’t a big deal.

Commissioner d’Oronzio – I am not sure the RX-3 versus RX-5 is ‘dislike’ and ‘dislike.’

Commissioner Schwarz – There is a little more dislike with the RX-5 to the RA. We have a transition from RX-5 to RA. There are some owner-occupied houses in there. It is an intact neighborhood that hasn’t been overrun by students.

Mr. Freas – The first decision is: Do you want to make a change? If there is a consensus in the Commission to make a change, then let’s dive into specific parcels.

Commissioner Stolzenberg – I don’t have strong feelings. I didn’t argue the point last time too much. I feel that the Kappa Alpha House and the one behind it on Rugby would be fine as RX-5. That is where I would personally make a change.

Commissioner d’Oronzio – Are we discussing the RX-3 portion on the side of Grady Avenue? Does that go to RX-5? Is that the decision we are trying to make?

Chairman Mitchell – Why don’t we change it all to RX-5?

Commissioner Schwarz – Do the rest of you want to change it? If you want to change it, we will change it.

Commissioner Stolzenberg – We’re talking mostly about fraternity and sorority houses or apartments already there and probably won’t change. I am a little wary of trying to map it here.

Commissioner Schwarz – With RX-3, someone can redevelop the fraternity. I don’t feel strongly either way. If we want to line Grady with RX-5, I am fine with that. I just want to put in some sort of protection for that neighborhood, some sort of transition as you get further north.

Commissioner Habbab – Developers do have the bonus as an option.

Commissioner Stolzenberg – We have not created a way to tap into that bonus with in lieu payments, which would be critical for a fraternity house. I don’t know how you even do this with a fraternity house since that is all one unit.

Chairman Mitchell – It seems like there is not a strong opinion either way.

Mr. Freas – There is a parcel that the University has identified for construction of affordable housing at the intersection of 10th Street and Wertland. That property is going to be transferred into the UVA Foundation and therefore subject to our zoning. A portion of that parcel is in the campus district. The parcel is intended for the University. It would no longer be the appropriate zoning district. We’re looking at ‘heading’ this off by making all this parcel into CX-8, which is what the other map shows. You guys have already proposed this whole area to be up to CX-8. It will be one parcel. They are submitting a boundary line adjustment and they’re transferring it to the Foundation. In the way that the ordinance is constructed, there is a line in Article I that says that zoning district boundaries automatically snap to the closest parcel. We might have been able to argue that zoning district line snapped to the property line. I would want to get into that with our legal counsel. That’s what line is there, intended to do. It is to deal with an understanding that the zoning district lines are intended to run on parcel lines. They don’t always precisely match up.

Ms. Creasy – There are 2 separate things that must take place.

Mr. Freas – This last map change has to do with the overlay district. We are proposing to take Preston Avenue and Cherry Avenue. Cherry Avenue is CX-3. Make the length of Preston Avenue CX-3 and applying this overlay district. It would basically say that you must get a special exception permit to get additional height in these districts. To get that additional height, you must do 2 of the things on that list at the bottom and have a community meeting. We are setting up an opportunity for a conversation with the community and a decision by Planning Commission and Council on a proposed package of neighborhood or community-oriented benefits.

Commissioner Schwarz – If somebody wanted to do an affordability bonus, is that not part of this?

Mr. Freas – Right now, with the affordability bonus, someone could still just do that. That’s not part of this. As this is set up, it downzones the district into CX-3, which gives you all the rights and entitlements to CX-3. Someone could just do the affordability bonus and pop up to 5 as this is proposed.

Commissioner Schwarz – If they do the special exception, they go to 7 stories. They would be required to do 10 percent of the units at 60 percent AMI. They must pick 2 of these other things.

Mr. Freas – We could add that in. It is not built into this as presented.

Commissioner Schwarz – Any district that is not RA, RB, or RC 10 percent of the units must be 60 percent AMI.

Mr. Freas – That is always baked in. We have set this up as an ‘either/or.’

Commissioner Schwarz – The only thing I would want to change on this is the local art installation. I would get rid of that. Someone is going to put a mural on a building and think that they did something.

Mr. Freas – It still must be approved by Planning Commission and Council.

Commissioner Stolzenberg – It is a way to engage the community that may or may not be sufficient to have gotten you this. It is still discretionary.

Commissioner Solla-Yates – In general, specific, measurable things are things that we can fight in court. With affordable housing, 20 percent affordable units with 60 percent AMI. Affordable units must meet the requirements. There must be at least 2 affordable units as part of the proposal. I am recommending 20 percent instead of 25 percent because it is simpler math. It is more feasible. For B, just adding the sentence ‘no less than 2500 square feet.’ For C, adding the sentence ‘no less than 2500 square feet.’ For D, adding the sentence ‘no

less than 2500 square feet.’ For E, no less than 2500 square feet. For F, ‘at least LEAD certified or comparable quality.’

Commissioner Stolzenberg – I would rather make that something off the LID checklist.

Commissioner Solla-Yates – For G, ‘of durable materials and with the participation of a public art authority.’ For H, ‘of similar quality cost and/or condition.’

Chairman Mitchell – The only thing I am confused about is F.

Commissioner Stolzenberg – In this one, a vague reference to including lead certification, passive house, and low impact design elements. The building envelope is sustainable. I am thinking that stormwater things are sustainable. Those both sound good to me. ‘Including but not limited to lead certification, passive house, low impact design.’ Are we getting rid of all the low impact design references in the code?

Chairman Mitchell – Are you comfortable with what we’re giving you?

Commissioner Schwarz – If we didn’t have these square footage requirements in here, we would have the right to determine that what they are providing is insufficient.

Mr. Freas – Yes. I like the specificity. That is the right direction to move.

Commissioner Stolzenberg – Standards and Design Manual low impact development standards. Most of those are good. The H clarification doesn’t seem strictly necessary to me. Costing all these things is a little ambiguous. The idea is to just give the Council the flexibility there.

Commissioner Habbab – I feel that G should be up to the community. If the community benefits and they want something, they should be able to say that’s what they want instead of us having to rely on some certifier.

Commissioner d’Oronzio – We’re going to mark art for the ages. This art with your building is going to stay there for 100 years.

Commissioner Stolzenberg – I would like to add 20 percent at 60 percent AMI. I would also like to have an option for deeper AMI or deeper affordability levels like 10 percent at 40 percent AMI. It is twice the difference between market rate and 60 percent AMI. It gives you that incentive for deeper affordability.

Mr. Freas – It is certainly possible. I can check with RKG or our consultant for this work to run these permutations through the model to see what spits out.

Commissioner Stolzenberg – I imagine that they will say 25 percent 60 percent AMI doesn’t spit anything out. I assume the idea is we’re pushing people to incorporate some LI HTC element or PHA element into their project.

Mr. Freas – We have a friendly amendment of 20 percent on that here.

Based on the level of discussion, I am inclined to say that we need to go ahead and capture all this and bring it back to a subsequent meeting.

Chairman Mitchell – It is the right thing to do. Let’s get it right.

Commissioner Stolzenberg – Are you thinking about that on this item or because of Commissioner d’Oronzio’s item?

Mr. Freas – A little bit of both. The changes that we just made were non-substantive but not huge. I feel comfortable with this item getting to a conclusion tonight.

Chairman Mitchell – That is what I am suggesting. If we can do a conceptual recommendation of what Commissioner d’Oronzio is saying, I didn’t get a sense that you all wanted to do that.

Commissioner d’Oronzio – I am opposed to that. We need to give them a whole ordinance, not an ordinance full of holes. This anti-displacement is a big deal. It is important. Saying that we have this other idea is not the way to go.

Chairman Mitchell – Let’s meet one-hour next week to ‘crank’ out that last piece before making a recommendation.

Commissioner Solla-Yates – Can we briefly talk about what it is?

Mr. Freas – Commissioner Solla-Yates, I did not catch all your edits. We need to look at some of those. I agree with the direction you’re going in. I want to look at some of the numbers that you suggested. Let’s wrap up the corridors. Are there any other comments on those?

Ms. Pandak – Commissioner Solla-Yates, I did not understand ‘at least 2500 square feet’ if these are to be community based.

Commissioner Solla-Yates – The idea is to have something measurable. An issue that we have run into in the past is that a developer will say that they have basically done it. We say that we can’t measure it, so we guess that you did.

Mr. Freas – The notion with the neighborhood with the anti-displacement oriented towards the neighborhood, the conversation we had today was to create a version of the RA district. In that district, it would be one unit by right, it would retain the existing building bonus for an additional one unit, and it would allow up to 6 units if all the bonus units were affordable. It is the exact same model as we have put forward in the other residential districts. It has a base of one, retain the existing building bonus of an additional one, and the affordability is the same as the RA district.

Commissioner d’Oronzio – The idea of the additional one with preserving the structure is accessory units.

Mr. Freas – Our starting point is the areas identified in the Comprehensive Plan.

Chairman Mitchell – The objective is to agree on the verbiage and agree on the boundaries the next time we meet.

Mr. Freas – It was also suggested that some of the dimensional standards that define the massing of buildings that can be built within this district might also be tamped down (footprint, width, or something along those lines).

Commissioner Habbab – It gives the same concern that I had before about essentially downzoning instead of communities.

Commissioner d’Oronzio – You still have the six. You can go to six.

Commissioner Habbab – It is a negative on their generational wealth building.

Commissioner d’Oronzio – What this is informed by, in part, is that there is no debate in the anti-displacement zones about the preference. The preference is over on the side of ‘preserve my neighborhood’ over the wealth issue. I preserve the neighborhood; I am wealthy in my community.

Mr. Freas – What is meant by ‘preserve the neighborhood?’

Chairman Mitchell – Preserve the culture, preserve the composition.

Commissioner Stolzenberg – That is the tricky part. The only thing worth preserving is the four. Did you guys get to watch the Council meeting the other day? It was an interesting discussion. It was framed as we want to do something in the interim, while we do small area plans, extensive engagement, and figure out our real long-term plan. Do we take the risk of for a couple of years we don’t let people tap into that wealth or the risk of the neighborhood changed a lot in that time. The overwhelming desire is to go to the risk that you don’t tap into the wealth because that is less permanent and can be undone. I walked up 5th Street the other day. You look at houses. They have these huge additions on the back. They have undergone change under the restrictive R-1 zoning that they are in currently. In this world, the downzoning that we are proposing, or the lack of upzoning doesn’t necessarily protect any of that neighborhood change from happening. It only potentially says the form can’t change so much. Every time it does, it must be for expensive single-family housing that is going to change the makeup of the community. My worry is that it is not so simple of a tradeoff as they made it seem the other day. What we are doing is exacerbating the problem that we now have. I don’t think it matters that much. That is going to be the most economically profitable use.

Mr. Freas – I have publicly stated and agree with many of the things you just said. Those were points that I was making today. The one thing that I think is somewhat better about what we’re talking about is that at least we have created the opportunity for doing accessory apartments. One of the points you made is exactly one of the things that I have been concerned about. Under what is happening under the Comprehensive Plan approach, we have eliminated all other options but to build an expensive single-family house. That bothered me. I do believe that we should be creating options for 3-unit buildings. To take away that option is moving us counterproductively. There are 2 things that I think are better. One is that we have the accessory apartment option. It doesn’t have to be an affordable unit. Two is the idea that we’re still going up to six. That is going to be a nonprofit project. We know that because it is basically going to be 5 affordable units and 1 market rate unit. It is going to be all affordable units. It is in there as an option.

Commissioner d’Oronzio – This will provide the ‘breathing space’ for us to go neighborhood to neighborhood.

Mr. Freas – We have a toolkit that is broader than zoning.

Commissioner Stolzenberg – I would feel better if it was 2 accessory units. If it was up to 3, which if we tamp down on size standards, are going to be by nature small and more affordable. It would still be requiring the existing dwelling space.

Ms. Pandek – As an attorney, I get nervous about the use of downzoning. To my knowledge, you’re not downzoning any property that is currently zoned. When you talked about reductions, you were talking about reductions of proposed increases. That is not a downzone. Downzoning has a really specific designation under state law. When you start saying to people ‘we’re down zoning you,’ you’re not down zoning them. It makes for

anxiety that is unnecessary. I want to tell you that because it is a message, you're sending out there that people will interpret in different ways that are not necessarily positive.

Commissioner d'Oronzio – No use of the word downzoning or sensitive communities, anti-displacement zones, and level of upzoning. We're still upzoning.

Ms. Pandek – That is a better way to say it. Mr. Freas, the consultant, and I have worked closely trying to make sure that your intents are consistent with what can be done under zoning law in the state of Virginia. When I mentioned to you that something is iffy, that what we have worked hard, particularly on this quarter concept, is to make sure that it is well within the boundaries of what can be done in Virginia.

Commissioner Schwarz – The changes go from one to two if you have the existing structure up to 6. What if it was two, as a base, to three with the existing structure up to six. It is still less than RA. It would allow someone to put in a duplex if the house that is existing is kept.

Commissioner d'Oronzio – You have a decent sized lot, I buy the old house, I leave the existing structure, and I build a duplex of 1500 square feet a pop, and start charging \$3000 a side.

Commissioner Stolzenberg – You will find few decent size lots.

Commissioner d'Oronzio – The point is to be anti-displacement. We need to write it up and look at it.

Commissioner Habbab – The other concern that I have is that we're hoping that we change it in the future. If that doesn't happen, and 30 years from now, it ends up in the negative, which is not guaranteed.

Commissioner d'Oronzio – What I would suggest is to write it up, look at it, and argue about the text we have in front of us. That gives us the time to let it 'cook' for a little bit, get some data on it, and get it organized in a proper way since we have already decided that we're 'punting.'

Chairman Mitchell – If we meet, we should probably meet next Thursday.

Mr. Freas – For this section, it is at least conceptually simple and already laid out. We should be able to get it to you quickly.

Motion – Commissioner Schwarz – I move that we continue this deliberation on Wednesday, the 18th at 5:00 PM in Council Chambers. Second by Commissioner d'Oronzio. Motion passes 6-0.

The meeting was adjourned at 11:24 PM.