

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	June 6, 2022
Action Required:	Consideration of an application for a Special Use Permit
Presenter:	Matt Alfele, AICP, City Planner
Staff Contacts:	Matt Alfele, AICP, City Planner Jeff Werner, AICP, Historic Preservation and Design Planner
Title:	SP22-00001 – 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue, request for a Special Use Permit.

Background:

Aspen Topco II Acquisitions, LLC (Contract Purchaser) represented by Mitchell/Matthews Architects and Planners has submitted an application requesting a Special Use Permit (SUP) pursuant to Code Sec. 34-420, 34-353(3), and Sec. 34-162(a), which allows increased residential density, additional height, and modifications to parking and setbacks for properties located at 2005/2007 Jefferson Park Avenue and 104 Observatory Avenue (collectively referred to as “2005 JPA,” or the “Subject Properties”). The Subject Properties are identified as Tax Map and Parcels 170104000, 170103100, and 170103000, respectively, and owned by Norman Lamson, Trustee of the Gadiant Land Trust Agreement. The Subject Properties have street frontage on Jefferson Park Avenue, Observatory Avenue, and Washington Avenue, and a by-right density of 21 dwelling units per acre (DUA). The applicant is looking to increase density to 70 DUA, increase height from a by-right 45 feet to 75 feet, reduce the rear-yard setback from the required 75 feet to 36 feet, and reduce the onsite parking by 22% from what is required under Sec. 34-984. The SUP is required in order to accommodate the development being proposed for a 119-unit multifamily building with underground parking. The Subject Property is zoned R-3 (medium-density residential with an Entrance Corridor overlay).

Discussion:

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on May 10, 2022, on this matter. In addition to the Public Hearing, the Planning Commission, in the role of Entrance Corridor Review Board (ERB), also deliberated on this proposal. The Planning Commission and City Council had the following comments and concerns:

- Although parking along Washington and Observatory is controlled by permits, the current regulations allow anyone to park during the evenings and weekends. Thought should be given to amending the code to make permit parking in this area 24/7.
- Concern was raised regarding the limited sight distance cars have when turning on to JPA from Washington and Observatory. This issue can be alleviated during site plan review according to the City’s Traffic Engineer.
- Trash storage and removal is a concern, given the large size of the project.

- Concern was raised related to massing and scale of the building and the impact it could have on the surrounding neighborhood.
- Concerns were raised with the Streets That Work guidelines for only three (3) feet of planting space between the sidewalk and JPA. Consideration should be given to five (5) feet of planting space in order to better accommodate streetscape trees.

The Planning Commission and City Council had a long conversation related to this project. They recognized the need for more dwelling units in the City, particularly in the University area, but expressed concerns with the massing and scale of the building and how this project would relate to the existing homes in the neighborhood. It was determined that most of the massing and scale issues could be addressed and mitigated when the project comes back to ERB for design review and a Certificate of Appropriateness (COA). The inclusion of affordable housing units on-site was also a major point of discussion. Pursuant to Code Sec. 34-12, the applicant must either provide affordable housing units, on- or off-site, or pay into the City's affordable housing fund. City Council would prefer affordable housing units over a cash-in-lieu payment, or a larger payment to better reflect the true cost of building affordable units. The overall takeaway from the Public Hearing for both City Council and the Planning Commission was that a by-right development on the Subject Properties would not meet the City's needs, but the SUP request could be adjusted to create a better development.

Link to the recording of the Public Hearing. <https://boxcast.tv/channel/iweiogrihxlennvn2sxqx>

Much of what the ERB discussed is reflected in the notes above. Regarding specific design elements, the ERB expressed that the impact of increased height (primarily, the building's *massing*) is a concern at the side elevations, along Observatory Avenue and Washington Avenue, respectively, which must be addressed during the design review. The ERB acknowledged the impact can be mitigated during the design review process. However, they sought to clarify whether *having to mitigate* an impact established it as adverse or if *being able to mitigate* an impact established it was not adverse. In brief, they discussed whether the recommendation to City Council should stress the adverse impact or the positive result of mitigation, with staff suggesting the latter. Ultimately, as represented in the approved motion, the ERB concluded the increased height will result in an adverse impact, but the impact can be mitigated during design review process.

The ERB voted 7-0 to find the impacts of increased height and related massing and scale will adversely impact the Fontaine Avenue/Jefferson Park Avenue Entrance Corridor; however, these impacts can be mitigated during the required design review process [and recommend staff's recommended conditions].

Staff note: The ERB discussion, as timed on the video, occurred between 04:05:00 and 04:24:00, approximately. <https://boxcast.tv/channel/vabajtzezyv3iclkx1a?b=ogmw08ocp7i5kixnkhnf>

Alignment with City Council's Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to **Goal 3: A beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation**, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

Per Sec. 34-41(c)(2), the applicant held a community meeting on December 7, 2021, and was well-attended by twelve (12) members of the community. (A City Planner was able to attend as a NDS representative). A recording of the meeting can be found at the below link:

<https://transcripts.gotomeeting.com/#/s/9e98af90f4404d2dd2a2a7d7cca2cfaff77ec76ae4c36d12fdfbebef6788c32>

Staff received a number of emails and phone calls expressing concerns with the development. Below is an outline of these concerns:

- Lack of on-street parking: Observatory and Washington Avenues already deal with a lack of on-street parking that impacts everything from trash pickup to blocking driveways.
- Parking will be inadequate for the development and impact the surrounding neighborhood.
- The scale of the building will be much larger than any of the surrounding buildings.
- The project will place too much density in one place.
- The development will remove existing trees that are part of the urban forest.
- Students living in the development will increase car traffic, and not walk or take the bus.
- The residents will have visitors, which will further impact parking in the neighborhood.
- The new development will create too much impervious surface and not be environmentally friendly.
- The setback should not be reduced.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council or can be found as attachment D to the staff report.

On May 10, 2022, the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting, allowing the public to participate online or in person. During the Public Hearing, fourteen (14) members of the public participated. Below is an outline of their comments:

- Parking, trash, traffic, and shadows cast by the building will be major issues.
- Pedestrians will cross JPA across from the Subject Properties, regardless of whether a crosswalk is located there, potentially creating a dangerous situation.
- Removing the large existing trees will contribute to climate change and potentially create a “heat island.”
- The proposed development will alter the charm and character of the neighborhood.
- The proposed development is too large and does not match the scale of the neighborhood.
- Fire and Rescue will have problems getting down Observatory Avenue.
- The development will create much-needed student housing close to the University.
- The proposed development needs more affordable housing units but would help address some of the City’s housing needs.
- More housing is needed in this part of the City and this development will help with that.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this Special Use Permit.

Recommendation:

The Planning Commission voted 4-3 to recommend the application be approved.

Alternatives:

City Council may approve, deny, or indefinitely defer the requested Special Use Permit:

(1) Approval:

Suggested motion: *“I move the RESOLUTION Granting a Special Use Permit for Property Located at 2005 - 2007 Jefferson Park Avenue and 104 Observatory Avenue, City Tax Map 17 Parcels 103, 103.1 and 104”*

(2) Denial:

“I move to deny the special use permit requested within zoning application no. SP22-00001”

(3) Deferral:

“I move to defer Council action on zoning application no. SP22-00001”

Attachment (1):

Proposed Resolution for approval

RESOLUTION
Granting a Special Use Permit (SUP) for Property Located at
2005/2007 Jefferson Park Avenue and 104 Observatory Avenue

WHEREAS Norman Lamson (“Landowner”) is the owner of certain land identified within City real estate assessment records by Parcel Identification numbers 170104000, 170103100, and 170103000, respectively, currently addressed as “2005/2007 Jefferson Park Avenue and 104 Observatory Avenue” (collectively referred to as the “Property”), and the Landowner, through its authorized representative, proposes to redevelop the Property to accommodate a 119-unit multifamily building with underground parking, and to facilitate this redevelopment the Landowner seeks this Special Use Permit to increase density to 70 DUA, increase height from a by-right 45 feet to 75 feet, reduce the rear-yard setback from the required 75 feet to 36 feet, and reduce the onsite parking by 22% from what is required under Sec. 34-984 (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Secs. 34-420, 34-353(3), and 34-162(a) which allow the requested increased residential density, additional height, and modifications to parking and setbacks for the Project; and

WHEREAS the Property is located within the R-3 zoning district, a district in which, according to the Use Matrix set forth within City Code §34-420, the Project as proposed may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the Landowner’s application materials submitted in connection with SP22-00001, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on May 10, 2022; and

WHEREAS the Planning Commission considered and recommended approval of this application at their May 10, 2022 meeting; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the City Staff Report, comments received at the public hearing, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, THAT a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

- (1) Not more than seventy (70) dwelling units per acre (DUA) shall be permitted within the area of the Property.
- (2) The rear-yard setback applicable within the Property shall be thirty-six (36) feet, and a twenty-five (25) foot buffer shall be provided within the rear yard, to include mature trees and shrubs at the time of planting consistent with the plant materials prescribed for an “S-3” buffer (as listed in City Code §34-871, as in effect on the date of approval of this SUP). The S-3 buffer, and plant materials, shall be detailed within the final Site Plan. Within the rear setback Landowner shall consider construction of a multipurpose path (for bicycles and pedestrians) linking Washington Avenue and Observatory Avenue within the rear setback, in order to

establish the block-level scale of the Project as represented within the Application Materials.

- (3) The Landowner shall construct within the Project shall a new seven (7) foot sidewalk with a three (3) foot curbside buffer along Jefferson Park Avenue in accordance with the City's Streets that Work plan.
- (4) The Landowner, in consultation with the City's Traffic Engineer, shall develop a Master Parking Plan for the site related to the reduction of onsite parking by 22% from what is required under Sec. 34-984, as in effect on the date this SUP is approved. This Master Parking Plan shall be provided as a component of the final approved site plan for the Project, and any subsequent amendments of the Master Parking Plan shall be made in consultation with the City's Traffic Engineer and a copy provided to the City's Zoning Administrator to be maintained within the zoning file for the Property. The Master Parking Plan shall indicate how available parking spaces will be distributed within the Project, how residents of the Project are informed of their parking opportunities, any offsite parking options for residents, and other potential issues associated with parking.
- (5) The Landowner shall upgrade the pedestrian crossing of Jefferson Park Avenue at Harmon Street during construction of the Project, to provide residents within the Project safe access to public transit options. The Landowner shall work with the City's Traffic Engineer to determine the scope of improvements.
- (6) The arrangement of the buildings within the Property shall be generally consistent with the design presented within the Application Materials for SP22-00001.