

Agenda

PLANNING COMMISSION REGULAR DOCKET TUESDAY, November 12, 2019 at 5:30 P.M. CITY COUNCIL CHAMBERS

I. Commission Pre-Meeting (Agenda discussion(s))

Beginning: 4:30 p.m.

Location: City Hall, 2nd Floor, NDS Conference

II. Commission Regular Meeting

Beginning: 5:30 p.m.

Location: City Hall, 2nd Floor, Council Chambers

A. COMMISSIONERS' REPORTS

B. UNIVERSITY REPORT

C. CHAIR'S REPORT

D. DEPARTMENT OF NDS

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

F. CONSENT AGENDA

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

1. Minutes – October 8, 2019 – Pre- meeting and Regular meeting
2. Minutes – September 24, 2019 - Work Session
3. Minutes – October 15, 2019 - Work Session

III. JOINT MEETING OF COMMISSION/ COUNCIL

Beginning: 6:00 p.m.

Continuing: until all public hearings are completed

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. **ZT19-10-02 - (To establish zoning regulations within a new zoning district, “DE-SIA”) – A** proposed amendment to the Zoning Ordinance of the City of Charlottesville, 1990, as amended, to add a new zoning district to be known as the Downtown Extended Strategic Investment Area District “DE-SIA”, and within that district to regulate the use of land, buildings, structures and other premises within the district; to regulate the size, height, area, bulk, location, alteration, repair, construction, maintenance or removal of buildings and structures; to regulate the areas and dimensions of land and air space to be occupied by buildings structures and uses, and of courts, yards and other open spaces to be left unoccupied by uses and structures. The proposed DE-SIA zoning district regulations will establish three subclassifications of property: T4 (3 stories of building height by right, 1 additional story available by bonus), T5 (4 stories of building height by right, 2 additional stories available by bonus) and T6 (5 stories of building height by right, 4 additional stories available by bonus). Within the proposed DE-SIA, the term “density” refers to a combination of the area(s) of land to be occupied by buildings and structures, and the overall size of buildings with regard to height and mass. The DE-SIA regulations will differ from the current DE-Mixed Use District regulations, in that the DE-MU regulations allow only 4 stories of building height by right (with up to 5 bonus stories allowed if mixed uses are provided within a building). The uses allowed within the proposed DE-SIA district are of similar character and intensity as those allowed currently within the Downtown Extended Mixed Use Corridor District (“DE”); some uses currently available in DE may not be available in all of the T4, T5, and T6 subclassifications, in order to provide reasonable transitions between areas of different density and different street types. The DE-SIA regulations are proposed to implement the recommendations, goals and objectives of the Strategic Investment Area Plan (2013) and the Streets That Work Design Guidelines (2016) within the City’s Comprehensive Plan.

- 2. ZM19-10-02 - (To establish boundaries of a new zoning district, “DE-SIA” and classifications of property within the new district)** – A proposed amendment to the Zoning Map adopted and incorporated as part of the City’s Zoning Ordinance pursuant to Section 34-1 of the Code of the City of Charlottesville, 1990, as amended, to identify individual parcels of land proposed for inclusion within a new overlay zoning district named the “Downtown Extended Strategic Investment Area” (“DE-SIA”), subject to regulations set forth within proposed zoning text amendment ZT19-10-02. The proposed DE-SIA district includes the following lots identified by address, or by tax map/ parcel number where no address is assigned: _

T4:

201-239 Elliott Ave; 205 & 209 Monticello Road; 400-426 Garrett Street; 703, 705, 707,709, 711, 713, 715, 717, 719, 735, 737, & 741 Graves Street; and 715, 905, 909 & 915 6th Street SE

T5:

Tax Map Parcels (TMP) 280113C00 & 280113B00 located on 4th Street SE; TMPs 280103000, 280128A00, 280113001 & 280143001 located on Garrett Street; TMP 580125000 located on Monticello Road; 100, 110, 201, 215, 310 & 405 Avon Street; 102, 104, & 105 Oak Street; 105-111 & 201 Monticello Avenue; 126, 140, 200, 400-426, 505 Garrett Street; 201-239 Elliott Avenue; 203, 204, 211, 214, 218, 300, 304-308, & 307 Ridge Street; 300, 310-322 4th Street SE; 303-333, 310, 320, 455 & 522 2nd Street SE; 405 Levy Avenue; 618, 620, 624, 702, 710, 714, 716, 720, 722, 724, 734, 736, 738 & 740 1st Street South; 715 & 915 6th Street SE

T6 and OS:

201-239 Elliott Ave, 522 2nd Street SE

(collectively, the “Subject Property”). This zoning map amendment will change the current zoning district classifications of the Subject Property from “Downtown Extended (DE) Mixed Use Corridor”, “West Main East (WME) Mixed-Use Corridor or “R-2” to “DE-SIA”. The general usage specified within the City’s Comprehensive Plan for the Subject Property is mixed-use; no density range is specified. Lots within the West Main Street and Downtown Design Control Overlay Districts will remain subject to the regulations of the overlay district. The boundaries of the new DE-SIA District are as follows: Starting at the intersection of 4th Street SW and the CSX railroad right-of-way, west along the CSX Railroad right-of-way to the intersection of the CSX railroad right-of-way and an alley located between the right-of-ways for Goodman Street and Douglas Avenue, then proceeding south along an alley located between the right-of-ways for Goodman Street and Douglas Avenue to Lyman Street, then proceeding west along Lyman Street to the intersection of Lyman Street and Goodman Street, then proceeding south along Goodman Street to the intersection of Goodman Street and Graves Street, then proceeding southwest along Graves Street to the intersection of Graves Street and Monticello Road, then proceeding west along Graves Street to the intersection of Graves Street, 9th Street SE and Avon Street, then proceeding south along Avon Street to the intersection of Avon Street and an alley between Levy and Hinton Avenues, then proceeding west along an alley between Levy and Hinton Avenues to the intersection of the alley with 6th Street SE, then south along 6th Street SE to the intersection of the 6th Street SE and an alley located between 915 and 921 6th Street SE, then west along the alley to the intersection of the alley and Rayon Street, then continuing west along the northern property lines of 1001 Rayon Street and 1002 2nd Street SE to 2nd Street SE, then south along 2nd Street SE to the intersection of 2nd Street SE and Elliott Avenue, then west along Elliott Avenue to the intersection of Elliott Avenue and 1st Street S, then north on 1st Street S to the intersection of 1st Street S and the southern property line of Tax Map 27, Parcel 15, then east along the southern property line of Tax Map 27, Parcel 15 to its easternmost terminus, then north along the eastern property line of Tax Map 27, Parcel 15 to an alley located south of 740 1st Street S, then west along the northern side of the alley located south of 740 1st Street S to the intersection of the alley and 1st Street S, then north along 1st Street S to the intersection of 1st Street S and an alley between 618 1st Street S and 500 1st Street S, then east along an alley located between 618 1st Street S and 500 1st Street S to the alley’s easternmost terminus, then north to the

southern property line of 500 1st Street S, then east along the southern property line of 500 1st Street S to the southeastern corner of property located at 500 1st Street S, then north along the easternmost property line of 500 1st Street to the intersection of 2nd Street SE and Monticello Avenue, then west along Monticello Avenue to the property line between 211 Dice Street and 300 Ridge Street, then south along the westernmost property line of 211 Dice Street to Dice Street, then west along Dice Street to the westernmost intersection of Dice Street and 4th Street SW, then north along 4th Street SW to the intersection of 4th Street SW and the CSX Railroad right-of-way. A copy of the proposed zoning map amendment is available for public inspection within the Department of NDS, 610 East Market Street, 2nd Floor, Charlottesville, Virginia. Persons interested in this application may contact Planner Brian Haluska by email haluska@charlottesville.org

- 3. SP19-00006 - 218 West Market Street** - Landowner Market Street Promenade, LLC is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-557, 34-560 & 34-796 to authorize a specific mixed-use development at 218 West Market Street (“Subject Property”) having approximately 145 feet of frontage on West Market Street and 164 feet of frontage on Old Preston Road. The Subject Property is further identified on City Real Property Tax Map 33 as Parcel 276 (City Real Estate Parcel ID 330276000). The Subject Property is zoned Downtown Mixed Use Corridor (D), subject to the Downtown Architectural Design Control Overlay District and the Parking Modified Zone Overlay District. The application seeks approval of additional building height and residential density than is allowed by right within the Downtown zoning district. The specific development proposed by the applicant is a 101-foot mixed-use building with ground floor commercial space, and up to 134 residential dwelling units above the ground floor (up to 240 DUA). In the Downtown zoning district, mixed use buildings are allowed by-right, up to a height of 70 feet, with residential density up to 43 dwelling units per acre (DUA) The City’s ADC architectural guidelines state that height should be within 130 percent of the prevailing average of both sides of the block and should relate to adjacent contributing buildings; this proposed development would fit within the 130% guidelines; the relationship to adjacent buildings would be a matter for the City’s BAR to determine at a later date. The Comprehensive Land Use Map for this area calls for Mixed Use, but no density range is specified by the Comprehensive Plan. Information pertaining to this application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Comprehensive Plan Amendment request may contact NDS Planner Brian Haluska by e-mail (haluska@charlottesville.org) or by telephone (434-970-3186).
- 4. SP19-00007 – 167 Chancellor Street** – Landowner Alpha Omicron of Chi Psi Corporation is requesting a Special Use Permit (SUP) pursuant to City Code Sec. 34-420, to authorize a specific land use (fraternity house with up to 16 residents) at 167 Chancellor Street (“Subject Property”). The Subject Property is identified on City Tax Map 9 as Parcel 126 (City Real Estate Parcel ID No. 090126000). The Subject Property is zoned is zoned R3-H (Residential, medium density "Multifamily"), subject to the Corner Architectural Design Control Overlay District. The Subject Property has an area of approximately 0.138 acres, and it has frontage on both Chancellor Street and Madison Lane. The Comprehensive Land Use Map for this area calls for High Density residential development which is specified as greater than 15 dwelling units per acre. Information pertaining to request may be viewed five days prior to the Public Hearing online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 605 East Main Street. Persons interested in this SUP application may contact NDS Planner Joey Winter by e-mail (winterj@charlottesville.org) or by telephone (434-970-3991).

IV. COMMISSION’S ACTION ITEMS

Continuing: until all action items are concluded.

V. FUTURE MEETING SCHEDULE/ADJOURN

Tuesday, November 26, 2019 – 5:00PM	Work Session	Capital Improvement Program, PC Training
Tuesday, December 10, 2019 – 4:30 PM	Pre-Meeting	
Tuesday, December 10, 2019 – 5:30 PM	Regular Meeting	<u>Capital Improvement Program Comprehensive Plan:</u> Fontaine Streetscape, Barracks/Emmet Intersection Improvement <u>SUP & Critical Slopes:</u> CRHA South 1 st Street Phase II

Anticipated Items on Future Agendas

Zoning Text Amendments –Off-street parking facilities requirements along streets designated as “framework streets” (initiated May 8, 2018), Site Plan Requirements

SUP –MACAA (1021 Park Street)

SUP/EC - Barracks Road – restaurant site

Site Plan – 1617 Emmet Street

Persons with Disabilities may request reasonable accommodations by contacting ada@charlottesville.org or (434)970-3182

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

PLEASE NOTE: We are including suggested time frames on Agenda items. These times are subject to change at any time during the meeting.

**LIST OF SITE PLANS AND SUBDIVISIONS APPROVED ADMINISTRATIVELY
10/1/2019 TO 10/31/2019**

- 1. Preliminary Site Plans**
- 2. Final Site Plans**
 - a. Dairy Central Phase 2 - October 18, 2019
- 3. Site Plan Amendments**
- 4. Subdivision**

Minutes

PLANNING COMMISSION REGULAR DOCKET
October 8, 2019 – 5:30 P.M.
CITY COUNCIL CHAMBERS
NDS Conference Room

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

Beginning: 4:30 pm

Location: City Hall, 2nd Floor, NDS Conference Room

Members Present: Chairman Hosea Mitchell, Commissioners Jody Lahendro, Lyle Solla-Yates, Gary Heaton, Rory Stolzenberg, and Lisa Green

Members Absent: Commissioner Dowell

Staff Present: Lisa Robertson, Missy Creasy, Patrick Cory, Alex Ikefuna, Matt Alfele

Chair Mitchell called the meeting to order at 5:08pm. He provided logistics for how the items will move forward this evening. Matt Alfele will provide reports for both items followed by questions and then the applicant will have an opportunity to speak. There will be one hearing followed by questions and discussion. Votes will be taken for each action.

Lisa Robertson noted that the applicant for 209 Maury has provided an updated proffer statement to include affordable housing considerations. She noted the code section which allows for the timing of this modification and noted that the Commission does have the opportunity to forward the item to a future meeting if it is deemed to have substantially changed the item.

Commissioner Stolzenberg asked if the proffer was legitimate since cash is being provided. Ms. Robertson said that since the language notes that it would address the application impacts that it would be enforceable.

Commissioner Lahendro asked how to determine the proffer amount since there is not a requirement. Ms. Robertson noted that the document presents a dollar figure and percentage of square feet so it could be calculated.

Chair Mitchell asked for confirmation on how the motion should be addressed and it was noted that the motion in the report can be used and updated based on the discussion.

Commissioner Green asked if there were timing concerns if the units were to be located on site. The Commissioners then noted different ways the motions could be addressed.

II. COMMISSION REGULAR MEETING

A. COMMISSIONER'S REPORT –

Commissioner Lahendro – Attended the BAR meeting on the 17th of September. The topic of conversation at the BAR Meeting was the planned development of 218 West Market Street for increased height and density. It would have no adverse impact for the downtown ADC provided the following conditions: The building's massing will be broken up to provide compatibility with the character defining features of the historic district, provide adequate protection of nearby historic structures, provide a plan to replace the street's trees on site, improve pedestrian

access of Market Street and Old Preston, and provide pedestrian through access between Market Street and Old Preston. I also attended the Tree Commission meeting on October 1st. We discussed tree related issues that came up during the work session with City Council on September 30th. There will be a meeting between the Tree Commission and city staff to resolve those issues. We looked at a draft of an annual report on the state of the urban forest that goes to City Council in November. The planting committee reported that 167 trees will be planted this fiscal year. The data committee has completed its work to develop metrics for tracking activities of the Tree Commission. That committee will be replaced with an education committee to educate the public on the importance of urban trees.

Commissioner Solla-Yates - The Housing Advisory Committee met on the 18th of September. The two important issues for this body are the following: The policy group developed a legislative agenda asking permission to do some affordable housing policies that included the following: An affordable housing overlay district allowing by right increases in density in exchange for affordable home construction, a property tax circuit breaker, and allowing separate taxation of land and improvements similar to Fairfax and Roanoke. There was also a presentation by Susan Elliot about a new city climate protection tool that can guide the housing advisory committee and this body as well. The procurement process continues.

Commissioner Heaton – No report

Commissioner Stolzenberg – Attended the PLACE Design Task Force in the past month. The meeting was supposed to be about the mall crossings, but mostly talked about trees and the upcoming historic landscape study that will have an RFP shortly. That is a combination of a tree study and a historical cultural landscape study. They are going to be combined into one RFP. There is a tension between maintaining the historic integrity of the Mall and planting those trees in a way that they can be healthy. Our MPO Tech meeting was canceled, and we went to see the self-driving cars over at Perron Robotics. I attended the PAC Meeting, which is the coordination council between Charlottesville, Albemarle, and UVA. They decided to dissolve the body and form a new body that will meet behind closed doors. They will provide updates twice a year to each of the respective bodies. They can talk about ideas earlier in the process between the three different jurisdictions. They recommended dissolution, and that will be going back to each of the bodies for consideration.

Commissioner Green – Did not attend the TJPDC meeting this past month. I was invited to go to see some of the work that is being done on the South First Street project. I cannot wait for them to come before us and present. It was just exciting. That community has come together, and they are currently working on the plan for Phase 2. It is exciting to see, since we are doing all of the community engagement. I was energized and excited. I encourage you all to listen. The Supreme Court is taking a case from California regarding affordable housing and inclusionary zoning. We should pay close attention, since it will have a nationwide impact.

B. University Report –

Commissioner Palmer – Wanted to give a plug for the Community Bridges 5K that is on Saturday, October 12th. It is at 8:00 AM at the amphitheater. All of the money will be going to AHIP, Habitat for Humanity, the Charlottesville Public Housing Association of Residents, and the Piedmont Housing Alliance.

C. CHAIR’S REPORT

Chairman Mitchell – The parks and rec group is a juggernaut of activity. We are very lucky to have had Brian Daly run that organization all of these years. There were a couple of things that caught my attention. The Greenbrier Trail System has had storm water issues. We do not have a fix for that, but we are working on getting that addressed. They are working on a ramp design for the Kneedler Bridge. They are putting together a permit for a local flood plan, and they will be putting out a bid for the plan in the next couple of months. Work should begin

on a flood plan and ramp design by January 1. The work on the trail by Hydraulic has been delayed due to excavation that has had to be done on the slope. The botanical garden committee is meeting on Thursday at City Space. They are looking to establish a garden at the base of McIntire Park near the John Warner Parkway. They are going to be presenting how the project is coming along, the conceptual design, and the funding for the project. Met with the Fontaine Streetscape on the 17th of September. The presentation was the same as what they gave us. The public is asking for three things: better bike lanes, that emergency vehicles will be able to get in and out, and wider sidewalks. They are recommending buffered bike lanes the entire length of the streetscape. That means all of the parking on Fontaine will go away. There is only parking between Lewis and Piedmont, so there is not going to be a lot of parking that we are going to lose. When they presented to us about a month ago, we had thought that they were doing a really good job in getting automobiles up and down the streetscape. They had not thought about how people were going to cross the streetscape. They have now thought about that, and there are now going to be three crosswalks up and down the streetscape. Those crosswalks will have beacons that will help people get across the streetscape. The crosswalks will be located at Lewis, Mimosa, and Piedmont.

D. DEPARTMENT OF NDS

Ms. Creasy – Introduced the new staff, Patrick Cory, who is the new assistant to the boards and commissions. He is currently in his third week of work. We are working to get him up to speed on working with different aspects of boards and commissions and the other things within Neighborhood Development. We welcome him to our staff. We do have two work sessions coming up and these work sessions are not on the regular session days. The first session is at the Water Street Center on Tuesday the 15th of October. This session is with the consultant working on the form based code. There are going to be some questions that are going to be posed as part of those materials for you to provide some input on. This is also going to be scheduled for a public hearing on November 12th. The South First Street group is working on an accelerated time line, and they have requested a work session with you, so that they can share with you their proposals. There will be a work session on the 29th of October in the NDS Conference Room from 5 PM to 7 PM. They will be coming back in December for discretionary reviews and site plans. The development that they are working with has a special use permit, critical slope waiver, site plan, and subdivision. All of this needs to be done before they can turn in their funding application in March.

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

The following made public comments at this time.

Nancy Carpenter – The City of Charlottesville is not ready to adopt form based code. We need a comprehensive plan update with a zoning code update.

Walt Heineke – Supports what the previous speaker said. Brought up the affordable housing crisis in Charlottesville. Asked to hold off on form based code. Form based code will not make a difference in the shortage of affordable housing units.

F. CONSENT AGENDA

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

1. Minutes – September 10, 2019 – Pre-meeting and Regular meeting
2. Minutes – August 27, 2019 – Work Session

Some slight changes in the wording of the minutes were made by Ms. Creasy. After the changes in the minutes were made, **Commissioner Solla-Yates moved to approve the consent agenda as presented. Seconded by Commissioner Stolzenberg. The motion was approved 6-0.**

The Chair adjourned the meeting for a five minute recess

III. JOINT MEETING OF COMMISSION AND COUNCIL

Beginning: 6:00 PM

Continuing: Until all public hearings are complete

Format: (i) Staff Report, (ii) Applicant, (iii) Hearing

1. **CP19-00001: Comprehensive Plan Amendment – Future Land Use Map Amendment**-The Planning Commission and City Council will jointly conduct a public hearing on a proposed amendment to the 2013 Comprehensive Plan’s Future Land Use Map. The purpose of this request is to evaluate approximately 1.6 acres of land identified within City (2019) tax maps as Tax Map and Parcel (“TMP”) 17-18, TMP 17-18.1, TMP 1718.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, “Subject Property”). The Subject Property is the subject of a rezoning application (ZM19-00002) seeking to increase the intensity of uses as well as allowable density of residential uses. The Subject Property has frontage on Maury Avenue and Stadium Road. The Comprehensive Plan Land Use Map for this area currently calls for Low Density Residential (15 Dwelling Units per Acres); the proposed ZM 19-00002 seeks to reclassify the Subject Properties to the R-3 zoning district classification, which would allow multifamily dwellings and a residential density of development of up to 21 DUA by right or 87 DUA by special use permit. The Comprehensive Plan Amendment is being evaluated by staff to see if it is appropriate to change the Future Land Use Map designation to High Density Residential (Over 15 Dwelling Units per Acres) based on existing patterns of development, probable patterns of development, and other factors.

1. **ZM19-00002 -209 Maury Avenue** – Landowner Southern Property, LLC has submitted an application seeking a rezoning of six lots, collectively having an area of approximately 1.6 acres identified on the City Tax Map (2019) as individual parcels (“TMP”) numbered TMP-17-18 (having an address of 209 Maury Avenue), TMP 17-18.1, TMP 17-18.2, TMP 17-184, TMP 17-185, and TMP 17-186 (collectively, “Subject Property”). The Subject Property has frontage on Maury Avenue and Stadium Road. The application proposes to change the zoning district classification of the Subject Property from R-2U (Two-family University) to R-3 (Multifamily) subject to certain proffered development conditions (“Proffers”). The Proffers include restrictions as to: (1) the number and locations of buildings and structures relative to Maury Avenue and Stadium Road, and the location of ingress and egress points, as depicted in a drawing titled “209 Maury Avenue Application Plan”; (2) the use of space between the façade of the existing Manor House and Maury Avenue, which will be maintained as open green space; (3) landscaping for the Subject Property, which shall be done in accordance with a landscape plan for the entire area within the Subject Property, and which will be prepared by a landscape architect; and (4) require the existing Manor House to be maintained in good repair. (5) affordable housing

Mayor Walker called the Council meeting to order.

Chairman Mitchell –We have two closely related items in front us. The two items are so closely related, that I would like to do both items at the same time. Matt will come up and give us a staff report on both applications. We will ask questions from the dais and Council will ask questions. The applicant will come up and give a presentation. We will ask questions of the applicant and City Council will ask questions of the applicant. We will deliberate our recommendation and vote on each of the applications individually. Our deliberations and conversations will be in conjunction, since the applications are so tightly bound.

Staff Report, Matt Alfele - Commission, tonight you are holding a public hearing and making a recommendation on amending the 2013 Comprehensive General Land Use Plan and a rezoning request. The two hearings are related to 209 Maury Avenue and 5 unaddressed surrounding lots. The Subject property is identified as tax map 17 parcels 180, 180.1, 180.2, 1841 185, and 186.

- On June 11, 2019 the Planning Commission provided a recommendation to City Council to rezone the Subject Property from R-2U (Residential two-family University) to R-3 (Multifamily) with a vote of 4 – 2 without proffers or a development plan. At this meeting the commission also initiated amending the 2013 Comprehensive General Land Use Plan in accordance with section 34-27 of the city code. An applicant can only ask to change the Comprehensive Plan in either November or December.
- On July 9, 2019 the Planning Commission provided a recommendation to City Council to amend the 2013 Comprehensive General Land Use Plan for the Subject Property from Low Density Residential to High Density Residential (application CP-19-00001) with a vote of 5 - 2.
- At the August 5, 2019 City Council meeting, the applicant presented new materials (a proffer statement and a conceptual layout) that effected the rezoning application. City Council moved to send the rezoning request and comprehensive plan amendment back to Planning Commission to review the updated materials. The updated material that you are reviewing tonight includes the proffer statement. There is a one page general layout that is referenced in the proffer material. The proffer only references the one page conceptual layout that shows the number of buildings, the general location, and the ingress/regress points are. The proffer also addresses the majority of the land in front of the Manor House. The land should be landscaped or used for BMP, but should remain vegetative. The applicant has proposed a fifth proffer, which is an affordable housing proffer. The applicant will be handing out the updated proffers for the commissioners to review. It is written in such that it stays very close to the City's affordable language that we currently have in our code.

Detailed information can be found in the staff reports. Staff finds the proposed zoning change with proffers, will contribute to goals of the City's Comprehensive Plan such as increasing the City housing stock, good urban design, and preservation of historic structures. Staff finds that the by-right uses within the R-3 District are similar to the by-right uses in the R-2U District. The biggest differences are related to residential density, dwelling type, addition of health clinics, and education facilities. Staff finds (33) dwelling units split between two buildings is appropriate for this location.

Commissioner Lahendro – Is there an existing SUP on the historic house on Maury?

Matt Alfele – No. There was an SUP several years ago for an education facility. That SUP expired because it was not acted upon within eighteen months of when it was passed. There is no SUP.

Commissioner Lahendro – There are no restrictions for this site?

Matt Alfele – That is correct. From the City's standpoint, it is the underlying zoning R2U. The applicant has placed a deed restriction on the house. That is a private covenant, and the City would not get involved in that. The proffer language that the applicant is proposing would give more leverage to the City because that would be included as part of the zoning if the rezoning went through with the proffer language. It would be a zoning requirement of the property.

Commissioner Solla-Yates – We can accept them, but we cannot negotiate them. Is that correct?

Matt Alfele – Correct. The applicant has put together a proffer statement that you are reviewing as the Planning Commission to make a recommendation to City Council. It is not a negotiation. This is what the applicant is putting forward.

Charlie Armstrong, Applicant – Charlie Armstrong of Southern Development and Kevin Riddle of Mitchell-Matthews Architects. They are the designer for the site. What is being passed out to you has the new proffer #5 that

was mentioned. The property is R-2 zoning right now. It has R-3 student housing across Maury Avenue to the east, it has UVA dorms across Stadium Road to the north, Scott Stadium is diagonally across the intersection, and behind to the south of the property is a residential neighborhood. Ninety percent of the houses in that neighborhood are single-family detached and duplex. They have been converted to student rentals. Only two of the houses are owner occupied. The current arrangement on this block allows for about twelve duplex units as a by right use. Building permits could be filed for those tomorrow, but we feel that this is not the best thing for this location. One of the primary goals for us is to build something that keeps students from overtaking existing neighborhoods. Putting student housing where students are at the University is a priority. It helps keep other housing options for city residents. We feel pretty strongly about adding density in appropriate places, especially where students are. This is a great place for it. We had a total of three neighborhood meetings on this, since we have seen you. We have had two additional neighborhood meetings with the Fry Springs Neighborhood Association and the JPA Neighborhood. A total of about twenty-five people attended those meetings. Generally, the neighborhood is supportive of multi-family housing in this location. In one meeting, a show of hands indicated about seventeen people supportive, three people opposed, and one who was neutral. In June, you voted 4 to 2 to recommend the approval of rezoning and 5 to 2 in favor of the Comp Plan Amendment. At that time, we were proposing a simple rezoning. There were no proffers, and we didn't have a plan for what we were going to do with the property. Those were the concerns of the two people, who voted 'no,' expressed to us. We are here with proffers and a plan. We spent the last few months developing what we could do on the property and making sure it is something that works. Everyone on the Planning Commission and Council agreed that higher density at this location was appropriate. For the proffers, I will not describe #1 thru 4. Number five is additional as of tonight. It is to provide 15% affordable housing or contribute equivalent cash to the housing fund. I know that you prefer not to get new information at meetings. I hope that you will accept this additional offer with my apologies. This is above and beyond what we had planned to do. The City Attorney's office has reviewed, and that it legally works. It can be offered tonight.

Kevin Riddle, Mitchell Matthews Architects – Want to give a quick summary of some of our strategies. You can see two new buildings that will have most of the apartments. Those are located on the property inside the setbacks and the front yard that would be required by zoning. We also sought to give the original house space and give it as much as space as possible. We would re-establish the front yard. The original house would be rehabilitated and restored. We have also sought to locate the parking out of the way as possible, relegated to the sides and the back of the property. About a third of the parking is under Building 2. The rest of it would be surface parking. It would be landscaped and screened in a way that would not be prominent. If you look at the other apartments down Maury Avenue, many of those make no attempt to acknowledge the street or the neighborhood. Our effort has been to make an alternative. The plan is for these buildings to have front doors to the streets and pathways that would be inviting to pedestrians. The scale of the buildings would give them a residential character in keeping with the neighborhood. We have taken the cues from the existing house, but it is still a work in progress. We provided the renderings to give an idea of the spirit that we would be pursuing in the development of this project. We would be trying to make this development a good neighbor to the people that surround it.

Charlie Armstrong – We had an earlier version of this layout that connected the two parking areas through the space between buildings two and three. Some of the feedback that we heard was for that area to be a plaza area that would pull pedestrians to and from the street without having to go through roadways. That connection is no longer there. It would feel like a landscaped plaza for pedestrians only.

Commissioner Questions

Commissioner Solla-Yates – What is “front doors on the street”?

Charles Riddle - If you look at the plan, we would have a pedestrian path leading to an entry point to apartment building 1 there. Off of Maury Avenue, we have paths and landscaped stairs that would lead to an entry point in building 1 and building 2. Those entry points into the buildings have awnings that acknowledge the street and entry points from the street.

Commissioner Green – You want to re-zone and change the comp plan, housing, and density. Correct? We had this wonderful proposal along 5th Street and Cherry Avenue for a lot of affordable housing and market rate housing. When we rezoned that, we did not do our due diligence on the by right chart to see what other things might be allowed under R-3. Why would you change the by right chart to take out BNBs, home stays, etc.? I don't see that helping our housing numbers.

Charlie Armstrong – The main reason is that we did not feel that those were inappropriate uses. That is not what we are planning for the site. That is not what our proffers promise you. This is an apartment residential complex. Having a day care center in the existing house would not be a bad thing in our opinion. That would be a good use if we mixed a use like that in. We don't know how the house is going to be programmed. We intend for it to be a community space or residential living space. Making it exclusively living space could preclude something that would be a good use like a day care.

Commissioner Green – How does that help with the numbers that we need for housing?

Charlie Armstrong – If it was in place of some of the residential square footage in the existing house, it would take up some of it, but it would not take up all of it. The majority of the units are going to be in buildings 1 and 2. You are going to have at least 31 residential units, even if the Manor House is used for something else.

Commissioner Green – If the market was calling for it, could we put an athletic facility here?

Charlie Armstrong – It is not going to be one of those. If it was small enough to fit in the flexible space, I suppose. We are taking our cues from the R-3 District. If one of those does concern the Commission, we would consider removing it. We know what we want to do here. It might be a good thing to have mixed use.

Commissioner Green – You were here before when we had affordable housing on Cherry Avenue, and that's why we rezoned that. We had a planned unit of development, and we got a hotel. That does not give us housing.

Charlie Armstrong – And \$400,000 to the housing fund.

Commissioner Green – It did not give us units.

Charlie Armstrong – I don't know where that money went to, but I sure hope it did.

Commissioner Stolzenberg – Do you know what your plan is for the Manor House?

Charlie Armstrong – Right now the plan is for either apartment units or community space. There is a provision in the R-3 code requiring a certain amount of community space for multi-family developments. We could put a community room on the first floor and upstairs could be a unit or two.

Commissioner Heaton – In the new proffer, does the formula, in calculating the cash contribution, include the Manor House, which is already constructed?

Charlie Armstrong – It would include all residential square footage. That would include all residential constructed space.

Commissioner Solla-Yates – The idea of a day care center does not conform to my idea of traditional student housing. How are you thinking about the use of this property?

Charlie Armstrong – We are not. That does not see far enough down the road for what the future could hold. We are not planning for those right now. It has been suggested by members of the community that could be a good use. We don't have that in our plans right now. It is planned to be community space or residential space.

Commissioner Lahendro – Are there deed restrictions on the existing house that provides for its preservation? Could you review those for me?

Charlie Armstrong – They are in your packets, and they are reiterated in the proffer that we are now offering. For the deed restriction, the house must be maintained in good condition and that any changes be architecturally consistent with the existing house itself. The City could not enforce because it is a private matter. We have added a proffer that would be a zoning issue and be enforceable by the city that almost matches the deed restriction.

Commissioner Solla-Yates – We have some new language in the proffer that I would like clarified by staff. What is the timing requirement for 3-B-i?

Ms. Robertson, City Attorney – Prior to the issuance of a building permit for construction of any new building within the subject property, the landowner will demonstrate the following. A1, 2, and 3 are the three options that the developer is reserving. The developer has to make that choice before getting a building permit. If the developer chooses the rental option, the for rent ADUs have to be constructed as part of the development. They would be constructed simultaneously with the new units going on site. If the developer chooses A2, the developer has to notify the city of that election by the time of the building construction and the for sale ADUs have to be under construction someplace else. If the developer selects option 3, the developer has to make the cash contribution prior to the building permit being issued.

Public Hearing

Adrienne Dent – Frustrated at not being able to address the fifth proffer. Adrienne urged the Commission to deny the application for rezoning 209 Maury Avenue. An informed housing strategy and an updated comprehensive plan are key mechanisms for determining general welfare, needs, and desires of the community. There is little ground for spot rezoning. Staff speaks only for the enforceable parts of the applicant's plan and not to quality. You are charged with necessity, convenience, and good zoning practice. There is little enforceable substance.

Jennifer Ward – The blocks near this property are a very stable neighborhood. The neighborhood has been stable for eighty years. The idea of spot rezoning seems like an improper use of zoning laws. It would change the whole atmosphere of the neighborhood.

Bill Atwood – More discouraged than the last time in front of the Planning Commission. There are a couple of questions regarding the site plan. The drawing has four levels with four units and two exits. An apartment building normally has eighty units, and thirty-three units does not seem to be in that scope. This apartment complex should be on the other side of the street, not in the neighborhood. It is very close to transitional zoning, and we need transitional zoning. I think that you need to wait.

Genevieve Keller – The architecture of the existing house is significant architecture for the City of Charlottesville. I hope to convince the applicant to change the proffer language. The language in the proffer could be more specific. The language could allow for future additions to the existing building. I can imagine a hotel a block from Scott Stadium being a very attractive thing and wouldn't meet your goals for housing.

Commissioner Discussion

Commissioner Green – Are we making the motion first on the comprehensive plan?

Chairman Mitchell – We would need to update the comprehensive plan before we vote on the rezoning.

Commissioner Green – Is there a way to amend the comp plan without amending the rezoning?

Chairman Mitchell – Yes. We will have to vote on both. That will give Council something to work with.

Commissioner Green – I will not support the rezoning. Housing is what we need. This does not give me any comfort to think that this will be housing. As the Planning Commission, we did not do our due diligence in looking at the land use matrix when we said ‘yes.’ We were sold a mixture of types of housing and incomes of housing in a location with transportation in a place where we needed homes. When it came back before us, we did not have much choice because it was in the matrix. We got a hotel. We did not get housing. We might have gotten some money in the affordable housing. I cannot support this as it stands.

Chairman Mitchell – The matrix is associated with the R-3, not the proffer?

Ms. Creasy – Correct.

Chairman Mitchell – Is it possible, in the motion, to take out offending pieces of the matrix?

Ms. Creasy – No

Commissioner Heaton – Is Ms. Green correct in the way that she interpreted the formula?

Lisa Robertson – The applicant, during the presentation, did indicate that there will be a residential development on this site. One person is already reading the words in a way that is not clear, and suggests that it could potentially be problematic. Unless the applicant is willing to provide some clarifying language, there is a problem with clarity.

Commissioner Green – Since we are in conversation, I do not see any ambiguity in this. To be constructed is pretty clear.

Commissioner Lahendro – I keep hearing references to hotels, but I do not see that in the matrix.

Commissioner Green – That is not in the matrix. There would be nothing to say that this would be a B&B. A B&B would rent out like crazy in this location. That also does not give us \$2 per square foot. I do support an increase in density. This is a location where we can support an increase in density. I am not comfortable with what the actual outcome is going to be. There are too many questions for me as I am reading this.

Commissioner Stolzenberg – I did want to clarify the use matrix. With the last rezoning that was done on Hinton Avenue, there were changes to the use matrix.

Ms. Robertson – Changes can be made with in a proffer.

Commissioner Stolzenberg – We should commend the applicant for going well beyond the city code 34-12. Going above that only applies to floor area above 1.0. Proffers one and two are good. Proffer three is the same as code 34-12. I do have to wonder if the intent is to go above three. I am concerned about the wording that has already been raised. It is very clear that we need as many homes as possible at this site. There is good transit and the location is near the University. It does matter if we cram one hundred students in this location. Those one hundred students are going to be spreading all over the city. We are always hearing from the Fry Spring Neighborhood Association about students going further and further into their neighborhood and renting up all of the houses there. UVA keeps on growing adding thousands of undergrads every decade. There is nowhere for them to go. My initial

recommendation is that council reject the location of buildings in proffer one. There has been discussion about changing the setback and parking requirements of R-3. I do think that it is a good plan.

Commissioner Solla-Yates – Is a four story thirty-three unit B&B contemplated in R-3 zoning? Is that permissible by right?

Ms. Robertson – Bed and breakfast is allowed in R-3. There are some restrictions in the building code about the height of that type of use. It can be whatever height is allowed in the zoning district.

Commissioner Heaton – When this was before us the last time, we were talking about density. By right, this could be re-developed in another way that would increase density. It is obvious to me, with the timing of the proffers, that we do have more work to do with this application, before we pass it.

Commissioner Lahendro – I am fine with the increased density at this location. I do think that it is inevitable. I am fine with the site plan. I think that it should be broken down into a couple of buildings to help with the scale of this site and the neighborhood. I cannot support this application for rezoning because I find the protections of the historic house to be completely inadequate. I find the protections to be essentially unenforceable. I do not think that it is appropriate for this structure.

Chairman Mitchell – There are three basic objections to this application. The first objection is what is in the matrix. The second objection is the protections regarding the Manor House. The third objection is proffer number one.

Charlie Armstrong – The intent that we have is the intent that I presented to you in the presentation. If some of these uses cause concerns, we are willing to proffer them out. We had not heard this concern prior to tonight. We had stuck with R-3 as a guide. If B&Bs, health clinics, and colleges/universities are viewed by the Commission as not advisable here, that is not what we are planning to do. We will proffer those out. The language “to be constructed” is not the intent. The intent is for it to be all residential square footage that triggers that proffer. If we remove the words “to be constructed,” I think that it gets it to what we want/intend. We are willing to do that tonight or in the future with Council. The house protections were crafted by the previous owner with the expressed intent of preserving the character of the house that they know and want to stay the same. It has been looked at by other folks, who are on historic preservation committees in town, and they liked it. I think that it does what it is supposed to do. The intent is for the house to stay there and to be renovated. It is going to be the centerpiece of a new development, and it needs to act as that centerpiece for this project to be successful. If those things help, that is our intent. We want to make sure that our application matches our intent. Your objections are with the way it is captured in the application. We can add to proffer number five that will be residential development on the property.

Chairman Mitchell – Regarding your objection to proffer number one, I do believe that the proffer was in there because Council was uncomfortable with a little more specifics.

Commissioner Stolzenberg – I am not going to make this a sticking point. If you could move that back building to the side, I would not have a problem with that.

Commissioner Green – I would rather the applicant construct the proffer language.

Charlie Armstrong - We are removing the “to be constructed” from the proffer. The landowner should make a cash contribution, which shall be calculated as follows: Two dollars per square foot of the habitable residential floor area within the subject property.

Commissioner Green – That does get that minor detail worked out. The applicant might sell this. If somebody take over this, it goes with the new owner.

Ms. Robertson – Under our city code, 34-64B, Mr. Armstrong is on the record. The code allows the proffers to be modified orally. He can submit a final revised statement at a later date before Council. It would have to be consistent with representations that he made. He can work on that and we can help him craft the language so that it is clear.

Commissioner Green – The by right uses for R-2 are clearly defined. The bed and breakfast – homestay and the bed and breakfast – B&B fly in the face of everything that we are trying to accomplish.

Ms. Robertson – R-3 is not a zoning district, in which hotels are allowed. For a homestay to be permitted, somebody does have live in the unit. It would have to be a condo, a single family dwelling, or a townhouse. The only districts where the rules are different than that are the places where transient occupancy is allowed. That is where hotels are allowed by right. That is not R-3.

Charlie Armstrong – We will proffer out bed and breakfast – homestay, bed and breakfast – B&B, public health clinic, elementary schools, high schools, and colleges and universities. They are not our intent.

Commissioner Stolzenberg – With regards to the conditions of the Manor House, the conditions here and in the deed, I do not see a way where this ends up being a lot better.

Commissioner Lahendro – My concern is the accountability of protecting the historic resource and keeping it in good repair is the not the same thing as preserving the historic resource.

Commissioner Solla-Yates moves to recommend approval to amend the 2013 Comprehensive General Land Use Map for the “subject property” from low density residential to high density residential. Seconded by Commissioner Stolzenberg. The motion for approval is approved 5-1.

Commissioner Heaton – The process has resulted in some good work being done in making it a better application. The process has been perfected. I don’t think the original issues that passed this application have changed a lot.

Commissioner Green – I voted for the increase in density, and I apologize to the neighborhood. There is some preservation for some of the things that are still there.

Commissioner Solla-Yates – I believe that preservation happens from public interest and public view. I believe there is value in some public exposure to historic buildings like this.

Commissioner Stolzenberg – Putting apartments here is a great idea. The only thing that would make this greater is if it were not surrounded by a sea of parking and had more apartments there. I really don’t understand why the parking modified zone exists.

Commissioner Stolzenberg moves to approve the application to rezone the subject property from R-2U to R-3 on the basis that the proposal would service the interests of the general public and good zoning practice, given the amended oral proffers that were presented. Seconded by Commissioner Solla-Yates. The motion to approve the application is approved 5-1.

Meeting is adjourned at 8:30 PM.

Planning Commission Work Session

September 24, 2019 5:00 PM to 7:00 PM

NDS Conference Room

Members Present: Taneaia Dowell, Jody Lahendro, Lyle Solla-Yates, Rory Stolzenberg, Hosea Mitchell, Lisa Green

Members Absent: Gary Heaton

Staff Present: Patrick Cory, Missy Creasy, Lisa Robertson Alex Ikefuna, and Brian Haluska

The meeting was called to order at 5:05 PM

The following message was relayed to staff prior to the meeting from Jeff Levien regarding his absence from the work session. Ms. Creasy read the message to the Commission before the start of the work session discussion.

“Commissioners: Unfortunately I am unable to be present at this evening’s work session as I am Board Chair of AFYA, a charity focused on getting medical supplies to areas in need, and with the aftermath of Dorian we are quite busy. Tonight I am attending our quarterly Board Meeting. Accordingly, my absence is not at all a reflection of how serious I am about the collaboration process. But I am confident that the capable hands of Jeff Dreyfus, my architect, and LJ Lopez, my owner’s rep, will be able to work through any concerns you may have and I will see you all at the next hearing. With regards, Jeff Levien.”

1. 218 West Market Street Special Use Permit Application

LJ Lopez, Owner’s Rep – Two items/topics of discussion with regards to the SUP application. The two items are the parking modified zone guidelines for clarity and the street wall zoning guideline height of 40 to 45 feet. The street wall could provide some conflict with the building plan. There would be greater than five feet of fall across the site. We would like to get some guidance and clarification on this issue.

Jeff Dreyfus, Bushmen and Dreyfus Architects – I would like to go over the submission of the SUP application. What is required is massing and building elevations. We have taken a preliminary look at that. It includes Brown’s Lock and Key, the parking lot, and The Whiskey Jar. One of the initial considerations was parking and how we might park on this site. It is well suited for parking entry on the lower southwest corner of the site. It is the lowest point of the site. The parking count will be over and above the by right density. That number is yet to be determined. As we look at the building, we can see the setbacks.

Commissioner Stolzenberg – Does that take into account the building of the Vinegar Hill Theater?

Jeff Dreyfus – It does not take into account the building of the Vinegar Hill Theater. We do not have that shown at this point. There is potential development on the site of the Citizen’s Commonwealth Building. There is incredible potential for development down towards Ridge McIntire. We did a comparison to other buildings that have been approved. Those buildings include the Omni, West Second, and the Code Building. This building would not be one story taller than The Omni. These elevation studies are intended to show how the building might begin to work with how many floors could be in this building. One of the things that we found useful in working with the BAR were sun studies and how large of a shadow a building would cast on the street on the longest day of the year and the shortest day of the year. On the shortest day of the year, the shadow cast to the edge of Market Street.

Commissioner Stolzenberg – Do you have a sun study in anything other than an overhead view?

Jeff Dreyfus – I am sure that we could do that. We do not have it at this moment, but it is something that we could produce. There are opportunities in storm water management, underground piping, storm detention, and the option of green roof.

Our point in that presentation was maximum envelope. We do know that is not possible. We had previously met with the BAR. In meeting with the BAR, there was real interest that there would be elements of the building that

would be taller and narrower. These were studies that we have begun to suggest ways to break up the building mass. With the life on the street on the mall, there is possibility of carrying the cornice lines of the existing historic structures to bring entry, and more vitality to this end of the mall. This could really begin to suggest further development down Old Preston and towards the Commonwealth Building. It is an exciting opportunity to get more life further down and develop the street. It was a very productive discussion with the BAR. The BAR did vote to recommend to Council that it would not have an adverse impact on the historic district. The BAR considerations and concerns included the following: massing will be broken up to provide compatibility with the characteristics of the historic district, provide adequate protection of the adjacent historic structures, provide a plan to replace the street trees on site, improve the pedestrian character of Old Preston and Market Street, and provide a pedestrian through access from West Market Street to Old Preston. That was the BAR's recommendation.

2. Public Comment and Commissioner Comments/Questions

Gennie Keller – This is part of the last surviving fabric of Vinegar Hill. I ask that you pay some homage to the important legacy of that site. I also ask that you be proactive in that there should be some expectation that this design attitude might find its way East and West. I am addressing approach and attitude as these very sensitive areas should have another look.

Commissioner Mitchell – What did you mean by East and West?

Gennie Keller – I ask that you do some proactive planning. The position of the BAR, Planning Commission, and City Council is to react. I would ask that you consider this as you consider this project in the next weeks and months.

Commissioner Lahendro – I do think that the set back is quite important. I think that adding more affordable housing to the supply of housing would alleviate some of that market pressure. I think that this is a place that can handle more density and increase the supply of housing.

Commissioner Lahendro – Seeking the additional density and height is seen as a way by the designers to be able to provide the breaking up of the mass and getting it to be a more compatible scale and form with the historic buildings in this district. I am going to be very interested in how this building integrates the materials in the historic district. Pedestrian engagement is going to be very important all around this block. At the corner closest to the mall, there needs to be good landscaping and a welcoming approach to the mall.

Commissioner Solla-Yates – We are in a housing crisis, and we need housing. This has housing in it.

Commissioner Green – This is one of our last small parts of the Vinegar Hill community. I am not going to be happy to see it torn down. I would like to see it incorporated into the design. We do need more housing. New multi-million dollar housing is going to take pressure off of the housing market. I am not buying it. I worry about what we are doing with the Vinegar Hill part. I am conflicted with this because it is easy to knock things down and build a new stone building. Wouldn't it be better to use what we have and maintain the fabric?

Commissioner Dowell – It is a prime location in terms of height and density. I wanted to ask Ms. Keller, Did you have any ideas on how to preserve what history is unknown?

Gennie Keller – I was making an argument for undertaking this project with some appreciation and memory of it and its role. We are intentionally dismantling another part of Vinegar Hill. It is more of an attitude, and what it means for the future of this block. I would ask that you look more broadly than just this one site. There might be other ways to call attention to its past. You need to approach it sensitively and intentionally.

Commissioner Dowell – I am in favor in the flexibility in parking. This is the prime spot to make the city less mobile centric, especially with the other parking garages. I can foresee people not using their cars and putting any burden on the surrounding neighborhoods.

Commissioner Stolzenberg – I do agree with that. How many parking spaces?

Brian Haluska, City Planner – Outlined the different parking regulations with onsite and offsite. There will need to be further discussion and code clarification. It is not very clear.

Jeff Dreyfus – We are not looking to satisfy all of the parking requirements off site. The amount of onsite parking is yet to be determined. It depends on the unit count and the mix of units. Some will be satisfied onsite.

Commissioner Stolzenberg – If you are thinking of 40 to 60 parking spots onsite, all entering on Old Preston, that will be damaging to the pedestrian nature of the mall and Old Preston. Sixty cars on Old Preston is not ideal. I would like to see how much residential square footage is going to be lost with these reductions to the massing.

Commissioner Green – If this housing will go to people who already live here, I am all for it. I can promise that some of these apartments are going to be used for short term rentals. We can have an ordinance that these apartments are not to be used as short term rentals. We are not adding housing stock to the community. It is perfect for work force housing. We have gotten a list of the short term rentals. A lot of the apartments and condos are being used for short term rentals. They are coming here to vacation for the weekend. How do we address that?

Commissioner Mitchell – What do we think of the parking entrance on Old Preston?

Brennen Duncan, Traffic Engineer – There is so little traffic on Old Preston. It going to come down to the uses of the building. There is going to be more traffic at the intersection of Market Street and Old Preston than on Old Preston. This is not going to be a commuter parking lot. People are cycling through there. If the use is residential, you will see a difference, but the difference is manageable.

Commissioner Green – What about the service vehicles?

Brennen Duncan, Traffic Engineer – We do have loading zones on Old Preston that should be able to manage that. It is difficult to speak on the traffic without knowing the exact use of the building.

Commissioner Stolzenberg – What about the safety of a garage exit onto the concave part of the road? Do you see that as a potential problem with pedestrians walking along with visibility?

Brennen Duncan, Traffic Engineer – I do not see any issue with being able to see a vehicle coming out of there. Pedestrians are going to be able see cars coming out of there.

Commissioner Mitchell – Are there any other engineering issues on this project?

Brennen Duncan, Traffic Engineer – Yes, you are redeveloping this site, and this site is all impervious. Anything that they can do is going to be an improvement on that site.

Commissioner Stolzenberg – Is it possible to make the green roof accessible to the public?

Jeff Dreyfus – I think that it is something that I cannot answer. That would be up to the owner of the building.

LJ Lopez - The City has a green roof on this building, and that is not open to the public. I think that it depends on the character and quality.. They are generally not occupyable spaces. There is no foot traffic for them to function. There are offsite credits available as the design develops. I would be remiss to make that commitment public.

Commissioner Mitchell – As you think about it, I would like to encourage you to go over and see the Gleason Building and see what they did. I think what they did was awesome. I would like to see some sort of homage to Vinegar Hill on the property would be very important.

Commissioner Green – Isn't there a Vinegar Hill Park being built?

Gennie Keller - As a member of the Historic Resource Committee, it is more of a designation than anything else. Council designated that area at the west end of the mall to be Vinegar Hill Park and some directional and informational signage have been developed and designed. Language is currently being developed for the signs. The CODE building has an obligation to put it back as it was. There were some issues whether it was going to be ADA compliant. There is no funding for the park at this point.

Commissioner Green – Wasn't there a design competition?

Jeff Dreyfus – That was a firm sponsored ideas competition. There was no funding for it from the city or any private entities. It was not intended to be constructed.

Commissioner Lahendro – There is some historical resource in the bottom level of the building on the site, according to the editorial this morning.

Jeff Dreyfus – They are referring to the Livery Stable, which is part of the contributing structure. The original structure stopped short of the street. The Livery Stable is occupying space that was pull in or service pull in space off of Old Preston. A lot of the history is conjectural about the structure. This part of the building used to be where service trucks pulled in. The building has been modified with the different store fronts.

We went to the BAR initially and asked to demolish the building. It was conditioned on having an approved building permit before the demolition permit would be issued. The BAR would have to approve any plans on the site before anything comes down.

Commissioner Stolzenberg – It would seem reasonable to me that we would require a completion bond for the SUP. Is that something you would consider purchasing?

LJ Lopez – I do not know if this is a conversation for this forum. I would be happy to dialog on that outside of this.

Commissioner Mitchell – What are your thoughts and questions?

Jeff Dreyfus – We do ultimately need to be very clear about the parking requirements. We are just completing the Blue Moon Diner on 600 West Main Street. The parking requirements can be modified and required to include bike parking. You can modify parking based on the amount of additional bike parking. That is not allowed with a reduction in parking in this district. If the Commission is interested in reducing the required parking for the project, that could go a very long way in allowing more reductions with more bike parking. I do not know the correct forum for that.

Commissioner Stolzenberg – Would you prefer this as an ordinance change rather than asking for a waiver as part of your SUP? You can get all of your parking requirements waived.

LJ Lopez – We are seeking flexibility and direction. We know that there are requests for parking waivers available. In the absence of that, we have three sections of zoning code that dictate and govern parking that are in conflict with each other. Seeking bike parking is afforded and allowed in other areas of the code as a mechanism to reduce that. It is adding that item for your input and staff to consider as we navigate through those three conflicting sections. Should that be an allowable reduction in parking? Should bike parking be provided?

Jeff Dreyfus – It would be better to clarify it in the ordinance rather than for one project request.

Commissioner Solla-Yates – There was some concern regarding short term rentals at this property. Is there anything that we can do about that?

Lisa Robertson, Deputy City Attorney – It has been a few years, and you did make some changes to the zoning ordinance a number of years ago. It's a complicated issue. At the time, you chose to focus on protecting low density single family neighborhoods. There are some communities that develop restrictions on the extent to which that type of use can happen within a multi-family dwelling. You have not done that at this time. It is something if you wanted to, you can develop it as part of the upcoming zoning overhaul or as a stand-alone update to the ordinances that you have.

Commissioner Green – Our ordinance does still require it to be the primary residence, right?

Lisa Robertson. – For a single family dwelling in a residential zone, but not in your mixed use districts. In just about every mixed use district, you have transient residential use, otherwise known as a hotel. It is allowed by right. It is from one to one hundred rooms. If you want to develop regulations that deal with this kind of use in apartment

buildings, you are going to have to figure that out. You are going to have to develop a multi-family dwelling specific regulation for that use.

Commissioner Mitchell – This could not be a condition to the approval of this SUP?

Lisa Robertson. – I will contemplate that. The SUP should be focused on the specific impact of this proposed development as opposed to being an initial step towards solving a larger community problem.

Commissioner Green. – I would like for you to confer with Mr. Blair on that.

Commissioner Mitchell – This does impact this particular development. Why couldn't we stipulate that this has to be a primary living place for the owner?

Lisa Robertson. – Has the county done that?

Commissioner Green – Absolutely due to the shortage of housing stock.

Lisa Robertson. – Have you done it through a special use permit or as opposed, through Albemarle's ordinance?

Commissioner Green. – We changed the whole ordinance.

Commissioner Mitchell – How difficult would that be?

Lisa Robertson. – The last time we undertook it was close to a year. There were a lot of business interests involved.

Commissioner Green. – The county is not the only county that has changed the ordinances. If short term rental ordinances are not in place correctly, you just have this. Are we building a hotel or are we building an apartment building or are we wanting to build density? Other localities around the country have changed their short term rental ordinances. The county has just changed theirs. You can't rent out an apartment for just that reason. It needs to be in our housing stock for people to be able to live. The housing pressure starts to come off the market.

Commissioner Mitchell – Your answer is a no to the SUP?

Lisa Robertson. – I will take a further look at it. What I have heard in the discussion is not a site specific or developer specific concern but a global concern. I have not heard particulars. I am not going to give you a final answer tonight. When we looked at short term rentals previously, there were a lot of people from low income housing advocacy groups that actually opposed that type of restriction. If you had a 2 or 3 bedroom apartment, being able to rent out a bedroom in your apartment made the apartment more affordable to people living there. It is a complicated issue.

Commissioner Green. – I am not talking about people not living there renting out the bedroom, just those purchasing it for the sole purpose of being a short term rental. We do have a lot of that and that is where we are losing housing stock.

LJ Lopez – It is an interesting point you raise, Lisa, on the restriction on the current ordinance condition. The nuance here is that a lot of hospitality being constructed and hospitality being a by right use. The intent of this is apartments. I would be curious to understand what the site specific adverse impact of additional density is here in restricting that for short term rental. I am not opposed to that. However, what is being discussed is a universal city wide issue. There are other projects that are not subject to that, which disadvantages and becomes site specific against all others. I am supportive of pursuing that in the context of a universal ordinance change that addresses the short term apartment rental as opposed to site specific non-adverse consideration.

Lisa Robertson. – One issue that could possibly impact it comes back to parking. If people are coming in to use it, and that it changes several times a week, that level of traffic is very different than somebody, who might make a certain number of trips as the occupant. The issue of how many parking spaces on site versus some that will be located off site. That could have a larger impact on the downtown area, as well. Site specific impacts may relate to the arrangement of parking as much as anything else. We do have to look at what the specific plan, including

parking arrangements, are for this development whether any special use permit conditions relating to combinations of these types of uses are appropriate.

Commissioner Mitchell – SUPs should only be granted if the proposed new condition is going to make the world better than the existing zoning. The thing that would make this better than the existing zoning is that we are going to get more housing for the people who live here. That is the part of this SUP makes me feel that this is better than what exists today.

Commissioner Lahendro. – The SUP would also give us a better opportunity to get something designed that is compatible to this historic district. By getting the additional density, they are able to break it up. By right, they can put in something that is just a block and be done with it.

Missy Creasy, Asst. Director – Having an SUP as an option means that that type of use can be appropriate in that zoning area with conditions that may need to address impacts. It would be a bit broader.

Lisa Robertson. - There are certain uses, which you don't want to allow there at all unless you have a certain level of additional scrutiny. I am just asking for some additional time to consider this short term rental issue. It is a much bigger issue than one place. That is why other communities are dealing with it globally.

Commissioner Stolzenberg – Why does the requirement for owner renting not apply here? It is by right home stay. Even though it is by right isn't that still a requirement?

Lisa Robertson – Our ordinances are complicated. It was worked out after a year of negotiations with a lot of people. In places where hotels are allowed by right, there was a choice that had to be made. The choice that was made at the time was to focus on the more stringent regulations within the low density single family neighborhoods. There were a bunch of definitions that worked together to accomplish these things. It has not been written in such a way that restricts this type of use in your mixed use zoning districts in buildings that have multiple dwelling units. It was not set up this way. If you would like to do that, we can start working on that.

Commissioner Green. – If the general public hears that we are not approving a special use permit for density, we are affecting the housing stock. That simply is not true. If we are not building for people to reside in, we are not helping the housing stock.

Commissioner Dowell – Where are we with meeting the target of affordable housing, according to the housing study? Nobody is going to live this close to downtown with all of this accessibility, none of those units are going to be affordable. If we are going to have these special use projects, accomplishing what we should be accomplishing.

Commissioner Green. – The idea is that if we build more housing, people move out of the affordable unit and that frees up the unit. If people are moving in for a weekend home, there is nobody moving out of the affordable unit.

Commissioner Solla-Yates – For your information, it hasn't been updated. It will be a part of the housing strategy. It is going to be awhile.

Commissioner Dowell – If we keep approving these million dollar units and homes at the pricier end, which is fine. When are we putting in something that the average person, who works, can afford?

Lisa Robertson – Does the application specify if these units are rental or condominium?

LJ Lopez – The application does not specify, but the intent is rental.

Commissioner Stolzenberg – In the form based code for the SIA, there is this idea of earmarking some percentage of the extra tax money, and putting that toward affordable housing. Can we do that sort of thing here?

LJ Lopez – Absolutely. It is extremely relevant to this context. Increase tax value for this project can be used to finance a bond and a future city project. There is some net increase of tax revenue value with any re-development project. That is a mechanism. I think that it is entirely relevant. The SIA formalizes that more succinctly.

Alex Ikefuna, Director – Are you looking at tax increment financing for the site?

LJ Lopez – We are not look at tax increment financing.

Alex Ikefuna – The only way that we get the difference between the current tax and future tax is if Council decides to declare the mixed areas as tax increment. That is something that Neighborhood Development can look into it. There are several ways that you can do it. You need to get a developer to dedicate outside SUP requirements. Then the government will have to provide subsidy layering for an extended period of time. City Council has to be willing to provide that kind of subsidy layering for an extended period of time to bridge that gap.

3. Comp Plan RFP

Alex Ikefuna – There was a positive development today on the RFP and Comp Plan. The review committee met today, and the Procurement Department followed up with proposals to discuss and a few more questions. We are going to move into the contract phase. We still have a couple more questions with one of the proposals to address. We are looking to have the contract executed and everything done by Thanksgiving.

Adjournment at 6:40 PM

Planning Commission Work Session
October 15, 2019
Water Street Center
Form Based Code

Members Present: Taneaia Dowell, Jody Lahendro, Lyle Solla-Yates, Rory Stolzenberg, Hosea Mitchell, Gary Heaton

Members Absent: Lisa Green

Staff Present: Missy Creasy, Alex Ikefuna, and Brian Haluska

Chair Hosea Mitchell called the meeting to order and confirmed that the outcome for this evening would be feedback on the questions posed in the staff report concerning the Form Based Code. He also noted that there was a desire to talk about affordable housing.

He turned the time to Marina Khoury from DPZ Consultants to provide the report. Ms. Khoury provided an overview of the Form Based Code and detailed the proposal provided to the City.

Chair Mitchell organized the discussion around the questions outlined in the staff report.

1. Should the 700 block of Graves Street be removed from the regulating plan?

Ms. Khoury confirmed that the Graves Street area was part of this Phase. Brian Haluska noted this area was zoned R-2 and not DE which is the current zoning of most of Phase I. Chair Mitchell asked if the question is should this area be addressed now or in Phase III. Mr. Haluska noted that some of the concern has to do with allowable uses in DE that are not allowable in R-2. Ms. Khoury confirmed that retail is not proposed in this area of the city under the proposed code. This led to a discussion to clarify the regulating plan and the framework plan and how each needed to work with the other in the code. Given that clarification, the majority of the Commissioners were okay with this area moving forward for review as T-4 zoning.

2. Should 301 Avon Street be designated T5 or T6?

Commissioners Dowell, Heaton, Stolzenberg and Solla Yates were not concerned about this location changing to T-6. Commissioner Lahendro wants to keep it T-5. Mr. Haluska followed up by asking if only the site noted should be increased to T-6 or if there were other sites to consider. There was discussion about other areas but the Commission provided general consensus that staff could look at areas next to the Rail Road as considerations for T-6 and provide a proposal as appropriate.

3. Should the 200 and 300 blocks of Ridge Street be removed from the regulating plan?

Mr. Haluska confirmed that these sites are zoned West Main East Corridor with Historic Overlay. Commissioner Lahendro noted that the Ridge Street Historic District is distinctive and he would like the overlay to remain. He noted that BAR reviews should prevail. Commissioner Solla Yates asked about the difference between FBC and Historic Review and Mr. Haluska provided background.

The Commission then held a discussion concerning affordable housing. Commissioner Stolzenberg did not think that providing 80% AMI should result in bonuses. Commissioner Solla Yates noted that there should be a way to assist those at lower AMI. Ms. Khoury noted that the proposal will assist in promoting smaller units.

4. Are the current draft regulations regarding open space consistent with the broader goals of the SIA and the City?

Discussion began on open space but the Commission moved to a discussion of whether this was the correct time to move forward with the FBC. Ms. Khoury pointed out that the Comprehensive Plan would take about 2 years and though this is not perfect, it is better than what is currently in place. Commissioners expressed concerns about the history of this area and making sure that the proposal review takes that into account.

5. Which bonus height proposal should proceed to the final draft? Following discussion, it was noted that the following would move forward:

T-4 requirements from the bottom table and T5 and T6 from the first table. The category for 80% AMI would be eliminated.

Table 1.2: Affordable Dwelling Unit Bonus Heights

T-Zone	By-Right Height	Max. Add'tl Bonus Height	Total Height	Min % of ADUs	Minimum ADUs by Affordability		
					50% of AMI	60% of AMI	80% of AMI
T4	3 Stories	None	3 Stories	N/A	N/A	N/A	N/A
T5	4 Stories	+ 2 Stories	6 Stories	10-20%	10%	15%	20%
T6	5 Stories	+ 4 Stories	9 Stories	10-20%	10%	15%	20%

Note: Share of units that must be ADUs is calculated on the number of incremental units made possible by the additional height.

Table 1.2: Affordable Dwelling Unit Bonus Heights

T-Zone	By-Right Height	Max. Add'tl Bonus Height	Total Height	Min % of ADUs	Minimum ADUs by Affordability		
					50% of AMI	60% of AMI	80% of AMI
T4	3 Stories	+ 1 Story	4 Stories	10-20%	10%	15%	20%
T5	3 Stories	+ 3 Stories	6 Stories	10-20%	10%	15%	20%
T6	3 Stories	+ 6 Stories	9 Stories	10-20%	10%	15%	20%

Note: Share of units that must be ADUs is calculated on the number of incremental units made possible by the additional height.

6. Should the parking requirements in the SIA be: a. Eliminated b. Eliminated for lots under a certain size c. Reduced d. Similar to those of the Parking Modified Zone

Concerning parking, Commissioner Stolzenberg noted that parking requirements could be eliminated, Commissioner Solla Yates noted there should be some parking requirements. Commissioner Dowell was okay with reducing some parking mandates. Ms. Khoury noted the possibility of extending the parking modified zone to the rest of the area. There was openness to additional discussion of extension of the parking modified zone.

7. Are there any concerns from the public comments that the Commission would request staff to address?

It was noted that a document would need to be available to denote how each of the comments in the packet had been looked at. Mr. Haluska noted that he would work with the consultants to address.

Chair Mitchell provided time for members of the public to speak.

Cliff Fox – stated he likes the FBC and that it does address ADU. He pointed out a Supreme Court case from 2015 that noted that forcing affordable housing is not lawful

Caroline Cetera – 310 Avon – noted that the discussion above was about 310 Avon not 301 Avon. She likes the T-6 option for this parcel.

Elaine Poon – Legal Aide – stated there are lots of red flags with this. How do the pieces fit together? This site is the history of urban renewal. 6th Street public housing would be affected. The SIA was established for a grant application. Is the plan even up to date?

Ludwig Kuttner – IX – stated that we need more housing in general. Affordable housing is needed with commitment. There is no affordable housing without density. He asked why the R-1 area does not have increased density. Land is restricted because people don't want change. Let's build great stuff here.

Commissioner Dowell asked why when there is talk of affordable housing that it is always apartments.

Kathy Galvin noted that on Garrett Street there is a 9 story building proposed with no housing units (it was later confirmed that one unit will be present in that building).

The Commission asked for data on the number of affordable units and Ms. Creasy noted she would share information recently gathered.

Adjourn 7pm.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



**REQUEST FOR A ZONING TEXT
AND MAP AMENDMENT**

PLANNING COMMISSION REGULAR MEETING
DATE OF PLANNING COMMISSION MEETING: November 12, 2019

Author of Staff Report: Brian Haluska, Principal Planner

Date of Staff Report: October 30, 2019

Proposed Change To Ordinance: Adoption of the Downtown Extended Strategic Investment Area Zoning districts to include T4, T5 & T6

Applicable City Code Provisions: Chapter 34, Article VI – Mixed use corridor districts

Executive Summary

This is a proposed zoning text amendment to add a new section to the zoning ordinance to establish a Downtown Extended Strategic Investment Area with three zoning districts (referred to as the T4, T5 and T6 transect zones) and regulations for those zones. Additionally, the City’s zoning map would be amended to re-classify individual lots and place them in one of the specified transect zones.

The draft code presented with this report is the October 2019 draft version of the code as presented to the Planning Commission at the work session on October 15 – with one alteration. Table 1.2 on Page 8 of the Code has been changed to reflect the recommendation of the Planning Commission from the work session.

Background

In 2012, the City of Charlottesville identified an area of the City to be the focus of a planning process that would come to be known as the Strategic Investment Area. Following the award of a contract to perform the planning work on this project to Cunningham Quill Architects, the planning process commenced in 2013 and resulted in an amendment of the City’s Comprehensive Plan to add a small area plan known as the “Strategic Investment Area Plan” or “SIA Plan”.

The Steering Committee for the Strategic Investment Area Plan adopted the following principles for the plan:

1. Improve and maintain a high quality of life for the people who live there and those who may in the future by addressing issues surrounding housing decay, crime, health, jobs, adult education, child care, and transportation.

2. Create a healthy neighborhood and a “sense of place” with public parks, libraries, other amenities and healthy food sources with safe and interconnected streets that promote walking, bicycling and efficient public transit and use green infrastructure techniques to improve water quality.
3. Promote mixed income residential development without displacing current residents.
4. Focus and coordinate private and public investment in infrastructure, education and community assets to increase economic, recreation and housing opportunities.
5. Honor the CRHA Residents Bill of Rights and rebuild and preserve existing public and assisted housing as part of an overall plan to revitalize the area. (The SIA will work in concert with the CRHA redevelopment plan and not supersede or replace it).
6. Develop shared understandings of the issues, challenges, opportunities and desired outcome for the SIA.

The draft plan for the SIA was presented to City Council in December of 2013, and ultimately approved as an amendment to the City’s Comprehensive Plan on February 3, 2014.

The SIA Plan as approved by City Council (2013) is available for viewing on the City’s website, at <https://www.charlottesville.org/home/showdocument?id=27996>.

As a part of the discussion on implementing the plan, staff raised the concern that drafting a zoning change for the entire SIA would be a large undertaking that would incorporate and attempt to address a number of competing interests. Specifically, the SIA area included the south Downtown area and low-density residential areas – two areas that require thorough investigation and may yield very different considerations. In light of these conflicts, staff recommended breaking the SIA into three phases for the purpose of considering zoning changes.

In early 2017 the City engaged the Form-Based Code Institute (FBCI) as a contractor to write a form-based zoning ordinance for Phase 1 of the SIA. The contractor started substantial public input with a charrette at the IX property in September of 2017, and followed up with targeted public outreach at Friendship Court, Crescent Hall and the Sixth Street CRHA housing sites.

FBCI presented several drafts for review by the City. The third draft was submitted in March 2019, and has been posted for public review. Staff reviewed this draft and provided feedback to the consultant in September. The consultant revised the draft code in advance of a Planning Commission work session on October 15, 2019.

Study Period and Public Hearing

On October 22, 2019, City Council initiated the proposed zoning text and zoning map amendments for consideration through an official public hearing process. Once an amendment has been initiated by City Council, it is deemed referred to the Planning Commission for study and recommendation (City Code §34-41(d)). From the time of initiation, by law the planning commission has **100 days** in which to make its recommendation to City Council. Failure to report back to the City Council within 100 days is deemed a recommendation of approval.

Standard of Review

As per §34-42 of the City Code, if initiated, the planning commission shall review and study each proposed amendment to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

Proposed Zoning Text Change

The proposed zoning text amendment would amend and re-enact the provisions of the Zoning Ordinance, Chapter 34, Division 11, Sec. 34-216, to add three (3) new zoning districts: SIA-T4 Transect, SIA-T5 Transect, and SIA-T6 Transect. In addition, the proposed zoning text amendment would create a new Division 17 within Article VI of the Zoning Ordinance establishing the regulations for the transects.

Standard of Review Analysis

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

The Strategic Investment Area Plan that was adopted as an amendment to the Comprehensive Plan on February 3, 2014 expressly contemplates and recommends a form-based code as a means of implementing the recommendations of the SIA Plan.

2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

The purposes of the Chapter 34 of the City Code (Zoning Ordinance) chapter would be furthered by providing a predictable framework for redevelopment and context-based zoning regulations to guide the placement, form and use of private and public property and buildings in the SIA. Particularly for the land currently within the Downtown Extended Mixed Use Zoning District, updated zoning regulations enacted in furtherance of a specific plan, are very much needed.

3. Whether there is a need and justification for the change;

One of the goals of the Strategic Investment Area Plan was “to create a healthy, viable neighborhood with urban amenities such as public parks, institutions like libraries and excellent food sources and safe, interconnected streets that promote walking, biking, and efficient public transit.” As a part of the plan, the Form-Based Code proposed here is intended

to begin implementing the plan to fulfill this goal. The proposed Form-Based Code has specifically been designed to promote safe, interconnected streets, by implementing the City’s Streets that Work Plan—another component of the Comprehensive Plan. It promotes a corridor for retail uses, which may include food stores, and requires the provisions of specific types of open spaces to be provided as part of the development/ redevelopment of land.

4. When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities.

The proposed change to the zoning map would rezone the land within Phase 1 of the strategic Investment Area. The main change in the code is the alteration of maximum height regulations across the SIA area. Currently, the zones covered by the proposed rezoning have height restrictions as follows:

Zone	Minimum Height	Maximum Height	Bonus Height Available
Downtown Extended (DE)	35 feet	50 feet	61 feet
West Main East (WME)	35 feet	52 feet	None
B-2 Business	None	45 feet	None
R-2 Residential	None	35 feet	None

The transect districts would allow 3 stories of building height in the T4 district, 4 stories in the T5 district, and 5 stories in the T6 district – with bonus height available for the provision of affordable housing within each transect zone.

The proposed code would also eliminate restrictions on maximum residential density. A developer would be allowed whatever density can be accommodated within the building form (width and height) allowed by the applicable transect zone.

Currently the Downtown Extended zone has a by-right maximum of 43 dwelling units per acre, but permits a mixed-use building to have a density of 240 units per acre by special use permit. West Main East has a maximum density allowed of 43 dwelling units per acre by right, and a absolute maximum of 120 units per acre by special use permit. B-2 zoning permits 21 dwelling units per acre by right, and up to 87 units per acre by special use permit.

Public Comment

The City has received a variety of comments on the draft. The current summary of those comments, along with staff responses– where appropriate – are contained in Appendix 2 of this report.

Recommendation

Staff recommends the approval of the proposed zoning text amendment.

Suggested Motions

1. “I move to recommend approval of this zoning text amendment to Article VI of Chapter 34 of the Code of The City of Charlottesville, 1990, as amended, on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and good zoning practice.”
2. I move to recommend approval of this zoning text amendment to Article VI of Chapter 34 of the Code of The City of Charlottesville, 1990, as amended, on the basis that the changes would serve the interests of public necessity, convenience, general public welfare and good zoning practice *with the following additions and modifications:*
 - a.
 - b.
3. “I move to recommend denial of this zoning text amendment to Article VI of Chapter 34 of the Code of The City of Charlottesville, 1990, as amended

Appendices

1. Draft Downtown Extended Strategic Investment Area Zoning district regulations: <https://www.charlottesville.org/home/showdocument?id=67161>
2. Summary of public input received prior to October 15, 2019 Planning Commission Work session.



**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES**

MEMO

To: City of Charlottesville Planning Commission
CC: Alex Ikefuna, Director
Missy Creasy, Assistant Director
Lisa Robertson, Chief Deputy City Attorney
From: Brian Haluska, Principal Planner
Date: November 4, 2019
Re: Public Feedback on the SIA Form-Based Code Draft

This memo summarizes the public feedback on the Form-Based Code for Phase 1 of the Strategic Investment Area. It incorporates public comments received prior to the Planning Commission work session on October 15th, as well as several concerns raised just prior or at the work session. Staff has deleted some items that the Commission addressed in the work session, as well as feedback that was commenting on the code or making general observations about the proposed Code. The original list of comments presented at the October 15th work session is still available online here:
<https://www.charlottesville.org/home/showdocument?id=66976>

The draft code included in the packet is the draft from October that the Commission previously saw. The input from the public hearing, as well as the responses in this document that indicate a change that will be incorporated in a “Final draft” indicates the final draft code that will go to City Council for a vote.

Responses to Questions Regarding the Legal Status of the Form-Based Code

1. **Concern:** the FBC is too vague; I'm having trouble determining from the FBC document whether or not my land will be included in any of the new FBC zoning district classifications (T4, T5, or T6).

Response: The illustrations within the FBC document, referencing the applicability of three transect zone districts (T4, T5 and T6) are for general reference only. The City's Official Zoning Map is actually published outside the text of the zoning ordinance (see City Code 34-1) and the Official Zoning Map is the document which will ultimately identify which "transect" zone into which a particular lot has been classified. A proposed Zoning Map amendment is available within the office of NDS for review, and each parcel proposed to be included in the new transect zones is identified in the public advertisement of the zoning map amendment.

2. **Concern:** the FBC is too vague, because it doesn't address PUDs; will PUDs still be available within the SIA?

Response: PUDs aren't addressed in each individual zoning district. "PUD" is a stand-alone zoning district classification, sometimes referred to as a "floating" zone that can be implemented anywhere via a rezoning application process (see City Code Chapter 34, Article V). If the FBC is adopted, a landowner could certainly still submit a rezoning application requesting a change in the zoning district classification of his or her land from the FBC to "PUD". In reviewing that application, the planning commission and city council would need to review the SIA Plan and determine whether the FBC or the proposed PUD would better achieve the key elements/ objectives of the SIA Plan.

3. **Concern:** the FBC is too vague, because it leaves questions open, such as "how fixed to make the Framework Plan".

Response: any remaining questions are to be resolved through the upcoming public hearing process. The planning commission will need to provide input and express preferences. In general, staff agrees that a final FBC ordinance must be clear, and should use clear language (if a standard is intended to be mandatory, the ordinance should say "shall" or "must" rather than "should"). As to standards where more flexibility is desired the ordinance should identify acceptable alternatives (landowner "may" do X, or, alternatively, landowner "may" do Y; landowner "must" do either X or Y). Note: the Framework Plan establishes the layout of the street network desired within the FBC transect zones, in furtherance of another component of the Comprehensive Plan (the Streets that Work Design Guidelines). Much like the street standards currently set forth within the subdivision ordinance, the Framework Plan is, by its nature, somewhat prescriptive. Some deviations are allowed, however (see, e.g., Chapter 2, the Framework Plan). Also, much like the "primary" and "linking" street designations

in some other zoning districts, the street designations in FBC may specify what ground-floor uses may occupy a building.

4. **Concern: Can the City force me to provide mandatory open space on my property?**

Response: The General Assembly has expressly authorized the City to determine what specific area(s) of land and air space may be occupied by buildings or structures, and what specific areas of land and air space must remain *unoccupied* by buildings or structures. Some of the City's other zoning district regulations require a specific amount of open space, but leave it to developers to determine its specific character and location. The proposed FBC gives a developer a choice of several types of open space, but require it to be sited in specific locations, i.e., immediately adjacent to the tallest buildings constructed within a T6 zone (to create a plaza). Landowners within the T6 zone/district are allowed more height to accommodate for this.

5. **Concern: the FBC will discourage density.**

Response: density is a measure, not necessarily an objective in itself. Depending on how it's measured, density is a standard that either attempts to keep an area from having more people than can be served by public services (water, sewer, fire, transit, schools, etc.) and/or that keeps an area from being overly-built, leaving no space between buildings, no green spaces, and little room for future transportation improvements. Sometimes good zoning practice might require the City to encourage concentrations of people or massive buildings, to take advantage of existing available services or to promote redevelopment of an area in which streets have already been laid out. Density can be measured either by "dwelling units per acre" (DUA) or by the amount of land covered by the built environment ("land coverage"; "building massing"; etc.). If the expressed concern relates to elimination of DUA within the FBC as a measure of density: that's something that many local designers and developers have been requesting for several years. Few developers who are constructing high-rise buildings, SFD or TH developments are including dwelling units affordable to a wide range of incomes, so it's clear that zoning regulations promoting high-density development within certain Mixed Use zones are not achieving affordable housing goals that are currently City Council's highest priority. If density is measured by how buildings occupy land, and how much space is left unoccupied by buildings, then the proposed FBC has been designed to implement the general density recommended within the SIA Plan. *Note: in the current DE zoning district building height (without any bonuses) is restricted to a maximum of 50 feet (approx. 4 stories) by right; this would limit a 4-story building with a footprint of 1/2 acre to 10-11 apartments, total. In a FBC district, the same building would not be restricted as to DUA, and a landowner could include many more apartment units within that same building. This has potential to achieve both urban design*

objectives as well as a greater number of actual dwelling units—without requiring a developer to seek any special use permit(s).

6. **Concern: the proposed FBC is being considered outside of the proper planning process. The City should wait until its Comprehensive Plan is updated, its zoning ordinance is revised, and an affordable housing strategy is adopted.**

Response: actually, the proposed FBC arises out of a planning process that exemplifies how planning and zoning processes are supposed to relate to one another. In 2013 City Council approved a Strategic Investment Area (“SIA”) Plan [in the nature of a small area plan] and the SIA Plan was adopted as a component of the Comprehensive Plan. Comp Plan provisions are implemented through the Zoning Ordinance, and the FBC is a type of zoning ordinance specifically identified within the SIA Plan as being suitable to achieve the goals and objectives of the Plan. A Comprehensive Plan is supposed to designate areas and include measures for implementation of affordable housing construction sufficient for current and future needs of inhabitants of all income levels. The SIA Plan has, as one of its key elements, the objective that there should be a variety of housing choices and a mix of affordability. The proposed FBC is intended to implement the key elements of the SIA Plan.

7. **Concern: the proposed FBC is inconsistent with the SIA Plan, because it doesn’t implement all of the recommendations included in the Plan.**

Response: Neither the SIA Plan nor any other component of the Comprehensive Plan is a legally binding document. A zoning ordinance is not required to implement each and every recommendation of the Plan; City Council is allowed, at a given time, to give priority to some key elements and objectives. The assessment for the Planning Commission and City Council to make is whether or not the provisions of the FBC promote key elements of the SIA Plan in a manner that will guide development of the SIA generally in accordance with the vision set forth within the Plan.

8. **Concern: the FBC does not match the SIA Land Use Plan which calls for more dense development with taller building heights and more extensive retail areas than the proposed FBC allows.**

Response: as noted above, the FBC is not required to match the SIA Land Use Plan precisely. However, just as the current DE zoning district offers additional building height as a “bonus” for landowners willing to construct mixed use development, the proposed FBC offers additional building height as a “bonus” for landowners willing to construct affordable housing and thereby achieve one of the key objectives of the SIA Plan: a variety of housing choices and a mixture of affordability (SIA Plan, p. III-27 through III-30). As to retail, the SIA Plan calls

for a retail corridor, not necessarily retail scattered throughout each of the transect zone(s). (SIA Plan, p. III-25).

9. **Concern: the proposed FBC is still in draft form, and serves more as guidance than enforceable code.**

Response: although the Draft FBC has already been available for public comment for some time, it will not be placed into a near-final version until after the official public hearing on November 12, 2019. Once the joint public hearing has concluded, the planning commission will formulate its recommendations to City Council and the commission's recommendations will be incorporated into a near-final ordinance for Council's review, input and decision.

Responses to Questions Regarding the Affordable Housing Provisions in the Code

10. **Concern/opinion:** the proposed FBC is an entirely inappropriate vehicle to address affordable housing. The FBC would replace the current City-wide provisions (§34-12), likely with less success. The FBC ordinance will function as a disincentive to achieving on-site affordable housing within developments due to the incremental costs of constructing additional "bonus" stories.

Response: It is correct that the City-wide provisions of §34-12 would not apply within the FBC transect zones (T4, T5 and T6); however, many people complain that the provisions of §34-12 are not effectively increasing the availability of affordable dwelling units within the City. There is no city within the United States that has identified the perfect government regulation that will result in affordable housing at needed levels; cities historically devoid of zoning regulations (e.g., Houston) have housing affordability crises, just as cities with the most restrictive zoning and inclusionary zoning policies (e.g., San Francisco). Currently, the regulations within the City's mixed-use districts—including DE—are achieving density at the expense of affordable housing (and other public objectives, as expressed in the vision of the SIA Plan). In areas where the highest number of dwellings per acre are allowed, the City is not seeing substantial development of affordable dwelling units. Under §34-12 most developers are not electing to construct affordable housing, and the formula for calculating a contribution to the Housing Fund (a formula imposed by the General Assembly) isn't tied to the actual cost of local housing construction.

The City's consultants—including one individual who has extensive experience with Arlington County's acclaimed Affordable Housing Program—believes that a combination of incentive zoning, together with other available tools (subsidies to developers from the City CAHF, tax credit programs, etc.) is a highly recommended way for the City to begin to make substantial progress. Arlington's approach is to make every possible tool available, in one location or another (Arlington has some FBC zoning districts, and some traditional zoning districts) and to distribute public funding in a prioritized way that advantages the best

opportunities that present themselves. Charlottesville City staff's general outlook is that it's better to try something new now, than to go for an additional number of years without doing anything differently. All of that being said: staff believes that it is critically important for the City to complete a Housing Strategy (to be incorporated as the new Housing Chapter within the Comprehensive Plan), and to formally adopt a City Affordable Housing Program to implement the Strategy through funding priorities and ordinances, and to monitor development patterns closely to determine when ordinance amendments are needed.

- 11. Concern: The proposed FBC has a discriminatory effect because it doesn't treat all abutting neighborhoods the same; it results in an uneven application of general zoning design regulations by subjecting properties in the FBC area to entirely different set of such regulations than are applied to other comparable urban mixed-use districts. This is being done without adequate analysis and real justification.**

Response: The justification for the FBC is found within the SIA Plan, and the individual expressing this concern has also stated separately that the SIA Plan is a thoughtfully considered document. Both the SIA Plan and the proposed FBC were prepared by experienced, thoughtful consultants who completed studies and analyses of existing conditions and desired outcomes, and recommended the use of a form-based code type zoning ordinance to achieve the City's urban design objectives. The whole purpose of having various zoning district classifications is that one area of the City may have a different set of zoning regulations than a different area of the City.

- 12. Concern: I read an article in the New York Times about a group that sued a Texas agency to challenge its decision-making process for LIHTC applications (*Inclusive Comtys. Project., Inc. v. Tex. Dept. Hous. Comty. Dev.* (2016)). Will the provisions of the FBC, which offers building height bonuses—for affordable dwelling units within the FBC—create racially disparate impacts in violation of the Fair Housing Act? (Those incentives aren't currently offered in other zoning districts).**

Response: The mere fact that a particular zoning ordinance ("Z.O.") regulation is enacted in one zoning district, but not in other zoning districts, isn't unlawful *per se* and, in and of itself, isn't the basis for a successful disparate impact claim. The purpose of having multiple zoning districts is to promote land use objectives tailored to particular areas. City Council's decision to amend its zoning ordinance is a discretionary, legislative act, guided by a number of objective factors. Although incentive zoning isn't currently used for affordable housing in the Z.O. (but building height bonuses *are* currently offered in certain districts, to promote mixed-use development), the City already has one affordable housing Z.O. provision that applies city-wide (§34-12). Having a mixture of city-wide and zoning-district-specific provisions is consistent with the City's obligations: state law requires the City to plan for affordable housing and to designate areas for it.

See Va. Code §15.2-2223(D). Finally: the City has scheduled an upcoming project to update and revise the City's Comp Plan and Zoning Ordinance, which will include planning for and identifying areas which present the best opportunities for affordable housing—citywide.

Case Summary--In *Inclusive Cmty. Project, Inc. ("ICP") v. Tx Dep't of Hous. and Cmty. Affairs v. (2016) ("ICP Case")*, ICP was unsuccessful in its challenge to Texas' administration of its LIHTC tax credit program. ICP claimed that the discretionary manner in which applications were evaluated or approved as resulting in low-income housing being developed more often in areas with a majority minority population than in other areas. ICP's legal arguments were rejected and the court determined that the mere fact that a decision-making process is discretionary in nature does not *per se* establish proof that the process is [or will be] the cause of a disparate impact.

13. Concern: I've heard that a California lawsuit on appeal to the U.S. Supreme Court might result in Inclusionary Zoning being declared unlawful. Should the City wait to hear the outcome of that case before adopting the FBC?

Response: It's not necessary to hold up consideration of the FBC pending the outcome of the California case (*Cherk, et al. v. Marin County, Ca.*). The proposed FBC seeks to obtain inclusion of affordable housing within housing projects, but only through use of incentives ("incentive zoning"). Incentive zoning is expressly authorized by Virginia law (§15.2-2286(A)(10)) and, pursuant to the definition of "incentive zoning" included within Va. Code §15.2-2201, affordable housing creation and preservation is one of the purposes for which a zoning ordinance may offer special benefits or privileges in the development process.

The California case (*Cherk*) involves a landowner's challenge to a California subdivision law that was mandatory (not incentive-based). As a condition of receiving approval to subdivide a 2.79 acre lot into two lots, the *Cherks* were required to comply with certain affordable housing requirements. They were given choices, among them: pay an "affordable housing fee" of \$39,960; dedicate one of the two subdivided lots for use as affordable housing; construct one or more affordable dwelling units off-site; or dedicate a different lot within Marin County for affordable housing. The California courts reviewing the Marin County ordinance found the ordinance to be a reasonable land use restriction (authorized by California law) which had been imposed by legislative action of the county's governing body, and not an unlawful "exaction" imposed by administrative act of the county's subdivision agent. The *Cherks* are seeking Supreme Court review, in order to obtain a ruling as to whether or not (i) a mandatory imposition of requirement that land be used for affordable housing is a permissible land use regulation, and (ii) whether or not, under prior Supreme Court rulings, a different standard applies to legislative actions (i.e., adoption of a zoning ordinance) versus conditions imposed in connection with obtaining a building permit. In a well established line of cases, the Supreme Court has required there to be a close

“nexus” between conditions imposed upon a landowner as part of a development permit (such as a site plan, subdivision or building permit application). One major question presented in this appeal is whether a mandatory requirement for affordable housing (e.g., requiring 20% of all units approved for construction to be affordable units) is a lawful public purpose for land use and subdivision ordinances, or an Unconstitutional taking of a landowner’s property. (*Note:* November 15, 2019 is the date currently set for a conference, at which the Sup. Ct. will discuss whether or not to grant a *writ of certiorari* and review the California court decision).

General Comments

1. Table 1.1 Code Article Tracking: Sec-34-1100 Height and application of district regulations: FBC says “No change except (b) shall not apply.” (a) is also different. What marks the top of a building is defined differently in the current code and the FBC.

Response: The top of buildings as defined in the current zoning ordinance will apply to the FBC as well.

2. What is the street classification for existing streets?

Response: “Primary” or “linking”. No relation to Streets that Work (Comp Plan).

3. Is the “Side” category under Frontage referring to secondary frontages or side yards?

Response: the “side” category refers to side yards. Secondary frontages are referred to as “corner sides”.

4. In regard to a maximum lot width, can a shared parking garage (not fronting a street cross property lines to serve multiple lots/buildings? If so, does the language need to change to permit that?

Response: We will add a sentence to the final draft that parking is exempt from max lot width (as it needs to be hidden anyway).

5. In regard to maximum lot coverage, does open space that is grade-accessed and above a parking garage count towards lot coverage? For example, on a sloping site, a partially buried parking garage could have a rooftop plaza accessed from the high end of the site. Counting a garage such as this towards lot coverage could make it more difficult to fully build out a site and take advantage of the bonus heights which provide for affordable housing.

Response: Good suggestion to exempt open space on top of the garage, publicly accessible and grade-accessed, from max lot coverage.

6. How is lot frontage calculated? For example, if 70% frontage is required at the front of a site, and you have a 5' minimum setback, does that mean that 70% of the building must be at exactly 5' from the property line? Would a build-to zone make more sense? There are no maximum setbacks listed. Build-to zones may reduce the number of 5% waivers needed to go through the director of NDS per section 7.3.3.

Response: In the situation described, 70% of the building would need to meet the minimum setback.

7. Should there be an exception for the treatment of the ground floor on sites of a certain slope?

Response: Not where the ground floor (above-grade) facing a particular street has intentionally regulated uses in order to achieve activation of that street.

8. Do the SIA parking requirements supersede the Parking Modified zone? This zone permits a 50% reduction in non-residential parking, excludes affordable housing units, and allows for alternate means for providing parking.

Response: Based on Planning Commission input, the parking requirements should be equal to that of the Parking Modified Zone, with exceptions for small lots.

Open Space

9. Rooftop green space should be promoted as an open space type.

Response: This suggestion will be incorporated into the final draft, so long as no habitable structures/areas are to be constructed (this doesn't count things, such as mechanical equipment, etc., that can be attached above the level of the roof deck).

10. As we read the draft FBC, and sections 2.4 and 2.5 in particular, there only seems to be one "Open Space" clearly required throughout the entire Phase 1 area. (The Framework Plan labels it as the "Mandatory Open Space" that must be located in the general vicinity of the Ix Art Park.) Further, because draft section 2.4.1 requires that it be either a "Square" or a "Plaza" (as defined by open space types C and D, respectively, on Tables 2.1A and 2.1B), it could be as small as 0.2-acre, and it could consist of up to 90% impervious surface.

Response/note: the "mandatory open space" is in the general vicinity of the Ix Art Park, because that is also the location of the proposed T6 classification, which requires taller buildings to be constructed along the edge of a square or plaza.

- a. While we understand that nothing in the FBC would limit developers from increasing the size of the one Mandatory Open Space beyond 0.2-acre or providing more Open Spaces throughout Phase 1, we believe the current

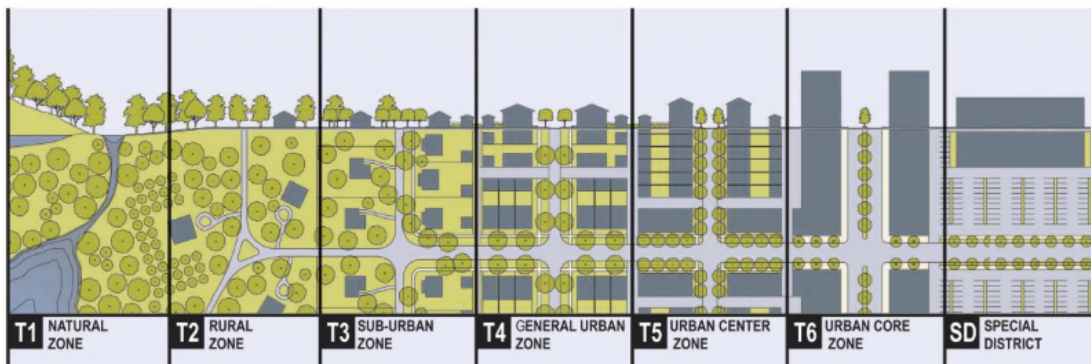
draft FBC leaves too much to chance on such an essential component of healthy communities. We recommend that the FBC require a much more robust public green space to serve as a signature Open Space for this area, particularly in light of the fact that the proposed Pollock’s Greenway that is a key feature of the Strategic Investment Area Plan has been abandoned in the draft FBC. The “Park” or “Green” open space types referenced in Tables 2.1A and 2.1B seem much more appropriate for this purpose than the “Square” and “Plaza” open space types that the current draft would require.

Response: in the T6 zone, because of the nature of the urban environment, the recommendation has been for a plaza or square. However, if the Commission would like to consider a different type of space, the urban design concept could be revisited.

- b. We also wanted to note that based on the location of the Mandatory Open Space in the center of the T6 zone, it could potentially be surrounded by buildings as tall as 152 feet (as calculated using the permissible story heights listed in draft section 6.1.3). Has any analysis been done of whether 0.2 acres would be a reasonable size for an effective open space surrounded by buildings of this scale?

Response: that is the intention/ nature of the T6 urban transect zone.

The Transect



Naturalists use a concept called the transect to describe the characteristics of ecosystems and the transition from one ecosystem to another. Andres Duany has applied this concept to human settlements, and since about 2000 this idea has permeated the thinking of new urbanists. The rural-to-urban Transect is divided into six zones: core (T6), center (T5), general urban (T4), sub-urban (T3), rural (T2), and natural (T1). The remaining category, Special District, applies to parts of the built environment with specialty uses that do not fit into neighborhoods. Examples include power plants, airports, college campuses, and big-box power centers.

11. The reference to an “open space fund” in draft section 2.5.5 raises more questions about the firmness of the Open Space requirement. The bracketed note after that section states the City will “help define conditions” for contributing to the fund, but it is not clear in the first place what requirements could be avoided for contributing to it. For instance, could an applicant contribute cash in lieu of providing the one Mandatory Open Space shown on the Framework Plan? If so, what guarantee is left that an Open Space would be included in the Phase 1 area?

Response: Staff advises removal of the reference to an open space fund.

Affordable Housing

12. The draft FBC does not make clear where developers must build the affordable dwelling units that must be provided in order to obtain the building height bonus. There are multiple options, and we feel the FBC must be clear on what is permissible to avoid confusion on such a key component. For example:

- a. Must they be built within the building that will use the bonus height, or just within the same proposed development?

Response: Within the building

- b. Will off-site construction of the units be allowed, either within the area included in Phase 1 of the SIA or elsewhere in the City?

Response: No, not within this incentive-zoning approach. The point of additional height is to accommodate ADU’s

- c. Or do they even need to be built at all? Draft section 1.6.8 mentions a “cash contribution.” That section is not fully fleshed out in the draft, but its inclusion suggests the intent might be to allow the affordable dwelling unit bonus requirement to be satisfied with a cash payment in lieu of construction.

Response: The City Attorney’s Office has not endorsed a “cash contribution” requirement for the incentive zoning approach. The CAO strongly advocates requiring an Affordable Housing Covenant to be recorded prior to issuance of any building permits. Also, draft section 1.6.7 mentions bonding of the affordable units prior to construction as a means of guaranteeing the units are built.

13. Draft section 1.6.9 appears to provide an “escape hatch” that allows a developer or building owner who promised to provide affordable units in exchange for bonus height to pay a fee per affordable dwelling unit that they fail to achieve within one year of issuance of a certificate of occupancy. The method for calculating the amount of the fee is not clear in the draft FBC.

- a. Aside from the need to nail that methodology down, it is worth asking whether such a provision should be included at all—particularly if the

decision on the “cash in lieu” question raised above is to not allow cash contributions in lieu of building affordable units.

Response: The bonding of affordable units does offer a potential “escape hatch” for builders promising affordable units but then failing to construct them. The bond amounts would need to be high enough to strongly incentive completion of the units. Alternative methods of ensuring compliance would need to be reviewed by the City Attorney’s office. The CAO much prefers use of Affordable Housing Covenants, recorded in the land records prior to issuance of building permits, to give the City the ability to compel the construction and implementation of the required ADUs.

14. The note at the bottom of Table 1.2 indicates that the determination regarding the number of affordable dwelling units (ADUs) that must be built in exchange for a height bonus is “calculated on the number of incremental units made possible by the additional height.” In other words, a 100-unit building need not provide between 10 and 20 affordable units (which would be 10-20%) of the *total* number of residential units in the building). Instead, the number of ADUs required would be based on the number of residential units made possible by the additional height. So, for example, if 20 of the building’s 100 units would be located on the “bonus floors,” the required number of ADUs would be 2-4 (10- 20% of those 20 units). This is fairly easy to apply in a straightforward situation like the one described above, but some reasonable hypotheticals come to mind that generate challenging and important interpretative questions that should be clarified in the draft.
 - a. For example, what if the bonus floors only include large “penthouse” units? One could imagine three bonus floors with one unit each (for a total of 3 units). 10- 20% of 3 units equals 0.3 to 0.6 ADUs. In such a situation, would the bonus height be awarded despite the calculation yielding little to no ADU requirement?

Response: Yes

- b. Another hypothetical is a mixed-use building. How would the incremental unit calculation work for a proposed building that includes both office space and residential units? Must the bonus floors be residential only (since the incremental unit calculation appears to be based on the number of residential units located on the bonus floors)? Or would the incremental unit calculation take into account residential units located on the by-right floors?
 - c. How would a building that is entirely commercial be handled? The consultants indicated at the September 5 open house that commercial buildings would get the height bonus by-right, but that strikes us as problematic. Why would a proposal providing no affordable dwelling

units receive bonus height that is supposed to be contingent on the provision of affordable dwelling units?

Response: Commercial buildings are limited to the by-right height, as they do not have the requisite affordable housing. Staff would recommend 40 years.

15. When calculating the number of affordable dwelling units required, do you round to the nearest whole number or always round up?

Response: Staff would recommend always rounding up.

Regulating Plan

16. What is the rationale for locating the T-4 and T-6 zones as they are proposed?

Response: The bulk of the Phase 1 area was designated in the SIA plan as an area to have a height of 5 stories. The T-4 areas are currently smaller lots that are more residential in nature. T-4 zoning limits the height of these properties to less than that of T5 zones, and restricts the uses to residential uses.

Alternatively, the T-6 designation is in the area of the southern end of 2nd Street SE. 2nd Street SE was identified in the SIA Plan as the principal pedestrian corridor through the SIA area. The plan further designated the southern end of 2nd Street SE as a node of activity that the additional height would support.

17. The property at 310 Avon Street should be included in the T-6 zone instead of T-5, in light of its current development potential.

Response: The Planning Commission addressed this at the October 15 work session, and recommended including the property as a T-6. Staff, however, notes that the SIA plan adopted as a part of the Comprehensive Plan shows this area with a zoning more in line with T-5. Staff recommends that a future review of this property, along with other properties adjacent to the Belmont Bridge may be reviewed in the future. To consider this proposal responsibly, scenarios should be developed and discussed as to the nature and location of the plaza/ civic space that would be required as part of T6 transect zoning, and the transitions associated with existing uses nearby.

Parking/Parking Access

18. Table 10.1: Can we get rid of parking minimums? If we are truly committed to building a community that promotes walking, biking, and transit, the parking minimums need to go. Vinton, VA has no parking minimums in their downtown, so it seems it is a permitted practice in VA. Richmond has also started slashing parking minimums in their BRT zones.

Response: We recommend not requiring minimum parking for lots under 6 units or 7,500 sf.

19. Table 10.1: Are parking requirements based on net or gross floor area? For example, is there any allowance for service space such as storage or restaurant kitchen areas as is typical in other codes? If not, the required parking numbers are higher than Charlottesville's code for the rest of the city. For example, in T5, the FBC calls for 3 spaces per /1000sf for office use. The zoning code calls for 2/1000 gross sf. The FBC calls for 4/1000sf for food service. The zoning code calls for 4/1000sf of seating area in a restaurant.

Response: Staff recommends that the final draft have parking requirements in light of the Planning Commission's recommendation from the October 15 work session.

20. Section 10.2-iii-1. - This can be deleted as it matches the city's required dimensions for a compact car.
21. *Section 10.2.4* - "For uses requiring more than 20 off-street spaces, no more than 50% of the required surface lot spaces must be open to the sky." Should "must" be "shall"? That seems great, but kind of tough on developers. Also, if that is the case, I would change the phrasing to say "For off-street parking areas serving a single development (or parcel?) that have more than 20 spaces, no more than 50% of the spaces shall be open to the sky." Someone could provide more surface parking than is required, and I'm guessing the intent would be for that to be covered as well?

Response: The suggested language will be substituted in the final draft.

22. *Section 10.3* - Bike parking minimums do make sense when pushing for increased bicycle usage in the SIA.
23. How narrow can FBC allow two-way parking access drive to pass from street to the rear of our property? Mike at DPZ mentioned 10' min width (for 2 way?) in the FBC. Having a very narrow 2 way access drive on narrow lots would help
24. Could the FBC consider exempting small infill projects in the T4 zone (or the rest of the SIA) that have buildings/uses that generate a need for parking spaces fewer than ten, or twenty ? ...I have seen this method used in other cities to encourage small, infill development that is in scale with neighbors. Obviously, some will think the parking will spill over to the residential neighborhoods, but I think the city can protect against that with Permitted Parking Zones for those residential streets.

Response to Items 21-24: Staff believes that the parking questions/ concerns aren't unique to the FBC district, and need to be studied ASAP on a city-wide basis—particularly to set standards relating to development that includes ADUs.

Specific Code Sections

25. Draft Section 2.1.3 states that projects that meet the Framework Plan “are subject to an expedited review process.” This is a key incentive to developers to propose developments that are consistent with the FBC.
- a. What is that expedited process, and how does it compare to the regular site plan review process?
 - b. How does the process change if someone seeks the affordable housing bonus?
 - c. How does the process change if someone seeks a waiver or deviation from any of the FBC requirements? (An answer to a question at the September 5 open house indicated that there will be a process developers can use to seek waivers from requirements in the FBC, but that process is not detailed in the draft FBC.)

Response: Any ordinance that might be adopted by Council to implement the FBC would need to include provisions for special application submission materials specific to the FBC regulations, which can be authorized by council to be established administratively. In terms of timeline: applications within the FBC would be subject to the same statutory review procedures, but staff's idea at this point would be to establish a 45 day review time (instead of the statutorily-required 60-day period) for initial submissions under the SIA framework.

26. *Section 2.2.1.* - I would like the Planning Commission to consider the 4 acre threshold for the requirement to divide a parcel up into blocks. 4 acres is a square 417' on a side. 3 acres is a square 361' on a side. 2 acres is a square 295' on a side. As our downtown blocks are about 280' x 230', and that is the most walkable part of our city, I wonder if 2 or 3 acres would be more appropriate.

Response: The block standards in section 5.1 that should take care of this concern. 4 acres is essentially 3 blocks.

27. *Section 2.2.6.* - This reads as though standard bicycle lanes are not permitted on vehicular streets. Protected bike lanes are great, but they can be dangerous on short blocks with on-street parking due to right-turning cars. They also prohibit taking the lane to make left turns. Standard bike lanes between the parked cars and the travel lane should at least not be excluded from those options permitted. The consultant should perhaps take this up with the Bicycle and Pedestrian Advisory Committee. My understanding from our last meeting was that there was general support for my correction.

Response: We are rewriting section 2.2.6 to refer to the Streets That Work Guidelines “STW” (Comp Plan) instead, and connect where possible with the 2015 Bike and Pedestrian Master Plan

28. One touted aspect of the FBC is that it will provide walkable and bikeable streets, which we agree is a crucial goal for this area. However, most of the language relating to sidewalks and bicycle facilities in draft sections 2.2 (Thoroughfare Network) and 2.3 (Thoroughfare Design) reads to us more as guidelines than actual requirements. As such, it is not clear how the draft FBC would necessarily augment or strengthen bicycle and sidewalk requirements that exist for this area in the current code. For example:

- d. Draft section 2.2.6 states that bicycle facilities are “encouraged” and lays out some desirable forms for them, but we do not see anything in the FBC that clearly or specifically requires proposals to include bicycle lanes or bicycle facilities on any particular street.
- e. Draft section 2.3.1 indicates some aspects sidewalks must meet where they are proposed in development projects, but we do not see any language that clearly requires proposals to include sidewalks on any particular street or location. For example, draft section 2.3.1(a) states that sidewalks must be a minimum of six feet wide along B-streets, but the language does not state that sidewalks must be included along B-streets in the first place. This is presumably the intent, but we are concerned the language as currently drafted will not ensure the intent is achieved.

Response: We are rewriting section 2.2.6 to refer to STW instead and connect where possible with the 2015 Bike and Pedestrian Master Plan

29. *Section 2.2.6:* Is there no provision for "normal" bike lanes? Protected bike lanes would be fantastic, but sharrows are not a real piece of bike infrastructure.

Response: We are rewriting section 2.2.6 to refer to STW instead and connect where possible with the 2015 Bike and Pedestrian Master Plan

30. *Section 2.3.4-ii.* - “Street trees and plantings should be native species...” Remove the requirement for “native species”. Just refer to the City’s tree list, which is vetted by the Tree Commission and provides for trees that are non-invasive and adapted to our local environment. Requiring native species is too limiting.

Response: Staff agrees, and the final draft will reflect the change.

31. *Sections 2.4 and 2.5* - There are lots of unused categories of open space in here. Does every development need to provide open space or just those developments that encompass the required and suggested open spaces on the framework plan? Are the remaining categories place holders for future parts of the city?

Response: The remaining categories are available for use in developments other than those specifically called out in the plan.

32. *Section 2.4.2-a.* - “Existing open space includes publicly accessible space at ground level and at the first floor above grade.” This is confusing. What does existing open space have to do with requirements for new public open space? I read this to indicate that this space could be enclosed. Is that the intention? What is the intention?

Response: Final draft will clarify “up to 36 inches above grade” to permit a raised courtyard open space type.

33. *Section 2.4.2-c.* - “Area within courtyards that are open during normal public hours may be considered open space.” Words like “may” leave this up to the reviewer and lack predictability for the developer. Replace “may” with “shall”. Consider whether there should be any definition of “normal public hours.” Does this include weekends?

Response: “open space” is a term of art that should simply refer to areas of land that are not occupied by buildings or structures. If public plazas/spaces are desired, the standards of the zoning district should establish a requirement for publicly accessible areas, and define what that means.

34. *Table 2.2.* - The different uses described need to be defined. What exactly is a “festival” such that it’s not permitted on most types of green space when a “concert” is?

Response: Staff agrees with this concern and will clarify this language in the final draft.

35. *Section 2.6.2.* - “Retail is discouraged in locations not indicated as required...” Does “discouraged” mean not permitted or is this just unenforceable guidance?

Response: it means “Retail is not permitted”.

36. *Section 2.6.2* - Is it safe to assume that retail does not include food service or is this category meant to encompass all commercial uses within Table 8.1 such as office when it says that retail is discouraged where not indicated as required or suggested in the framework plan? It seems odd to only allow larger floor-plate commercial uses where the most pedestrian activity is desired and smaller storefronts would be more suitable.

Response: the use matrices contain the same general use categories as the DE district. “Retail” is not the same thing as “restaurant”. Both are “commercial”.

37. *Bulk Standards Tables 4.2, 4.2, and 4.3*: Why are two numbers listed for the side yard setback? What does (PB+) mean in relation to front setbacks for accessory buildings?

Response: The two numbers are both options for a side yard setback on a building. It may either sit on the property line or must be at least 5 feet back. PB means “Primary Building”. The front of accessory buildings need to be set ten feet behind the front wall of the primary building.

38. *Section 5.1.7-b*. - “blocks on slopes greater than 15%”. Is this the average slope across the entire length or width of the block? It reads as if there just needs to be an area of greater than 15% slope somewhere on the site of the block.

Response: Consultant will be asked to clarify this language in the public hearing.

39. *Section 5.1.8-b*. - “lots must abut one or more street.” Does this allow for that “street” to be a pedestrian street (I’m hoping it does)? If so, perhaps a reference to a required distance from that parcel to a fire access right of way would be good to include.

Response: reference to “street” will be interpreted as a public street ROW for vehicular or multimodal traffic. If a lot abuts more than one street, the commission may consider having one frontage be a “pedestrian street” so long as that term is defined, and standards are provided for it. Minimum access for fire apparatus, and the standards for that, are in the Fire Code and can’t be altered by the zoning code; our goal is to preserve as much flexibility as possible as to what can qualify for use as fire apparatus access.

40. *Section 6*. Minimum ground floor heights are referenced but not stated. They are shown as 16’ in figure 6.1. If this is the set minimum, it should also be listed in the text. Does this apply to the T4 transect as well?

Response: In the FBC we want to avoid referencing standards in two different places. If it’s in a table that’s referenced in the text, it should not be repeated in the text. (That can, over time, lead to conflicting ordinance provisions).

41. In figure 6.1, is the 4-5’ dimension between the residential floor slab and the sidewalk elevation an absolute? This may preclude multi-family buildings on sloping sites. How does ADA access work for these units from a shared lobby? Does this figure apply to the T4 transect – if someone wants to build townhouses for instance?

Response: The building floor heights are addressed in Section 6.1.3 of the draft.

42. Figure 6.2 references retail uses. Is section 6.1.3.j meant for ground floor retail uses, ground floor non-residential uses, or all uses? If all uses, it conflicts with the

requirements for ground floor residential uses in figure 6.1. 7.6 says that all ground floor commercial spaces should be configured with storefronts along their facades except along B streets. **Is the intention for figure 6.2 to apply to all streets or only A streets?** These requirements do not allow for any significant slope if an apartment building with ground floor residential units is used. Is that the intention in the T5 transect along B streets where retail is discouraged? The same could be said for office uses.

Response: Figure 6.1 has been removed from the Code.

43. *Section 6.1.3-j.* - “Where sidewalk grade changes across a building façade:” This section should be reviewed in relation to section 6.1.2 that defines building height as measured from the highest elevation of adjacent sidewalk grade. On some parcels, there could be a story’s difference between sidewalk elevations. I think it’s fine to start measuring a building’s height and start counting stories from the highest elevation of adjacent sidewalk. However, sections “j” and “k” may create conflicting regulations.

Response: Figure 6.1 has been removed from the Code.

44. *Section 6.1.4-b.* - Are rooftop towers and loggias allowed to be habitable? For example, are they allowed to include interior space such as an elevator lobby for a rooftop terrace?

Response: NO. Any rooftop equipment cabinets or elevator shafts must have the minimum space necessary to accommodate the equipment. Once you get into allowing “habitable space” those areas will count as additional building stories. This has been clarified within the City’s general zoning regulations, and will carry over into these transect districts, too.

45. *Section 6.2.1 - Maximum Façade Length.* The definition of façade is “the exterior wall of a building that is set along a frontage line”. So, is a break in a façade a short set back that pulls the wall of the building 6” away from the frontage line? What constitutes a break in a façade? Ideally, it’s a fire wall and a separate building. Even better - it’s a sideyard setback creating a small alleyway.

Response: Will clarify that access is not included.

46. *Section 6.2.1 – Building facades are limited to 120’ along A streets.* What constitutes a sufficient break in a building façade?

Response: Maximum facade length requires a break, to be defined by the architect.

47. *Section 7.4 –* This says projections must not extend into any yard more than three feet. This conflicts with canopies and awnings which are required to extend into a

yard at least 6'. What kinds of projections and encroachments are allowed (other than galleries, awnings, canopies, and display windows)? "Elements" is a very vague term. For example, are balconies allowed, and may they encroach by more than 3' to be usable? Perhaps give some examples of appropriate "elements" such as decorative cornices above ground floor retail, window sills, headers, etc. The consultant should note that the zoning code's previous section on appurtenances (appears to be referenced in section 6.1.4-a for exclusions from building height) has been compiled into a single section 34-1101-Exclusions from building height and minimum yard requirements, and may offer some guidance on horizontal encroachments.

Response: Staff agrees that any final ordinance should provide clarifying language and/or appropriate definitions.

48. *Section 7.6.2* - "Storefront windows, doors, signage, awnings, details, and lighting should be designed as a unified composition." Who is the reviewer for this to determine what a "unified" composition is?

Response: As worded, this is a guideline but not a requirement of the code.

49. *Section 7.6.3-a* - "Storefronts should not be constructed of extruded aluminum frames or panels." What else would they be constructed from? Wood? The BAR has never denied a new storefront because it was made of aluminum extrusions.

Response: Staff recommends deletion of the reference to extruded aluminum for the final draft.

50. *Section 7.6.5* - Storefront Bulkheads. This calls for a 12" masonry kick plate along all street frontages. Is there no room for contemporary metal designs? What is the aesthetic problem with a frameless glass storefront that extends down to grade? I would rephrase this to say that if a bulkhead or kickplate is used, it shall be masonry or metal (so as to prohibit wood or fibercement).

Response: Metal will be added in final draft.

51. *Section 7.6.7-a* - "The design of first and second floor commercial spaces should anticipate restaurant uses." This is very onerous. Perhaps this should be required as a percentage of overall commercial space – or to accommodate one restaurant for every x thousand square feet.

52. *Section 7.7.1-b* - "low-e glazing is prohibited." This does not meet the energy code. Low-e glazing is not tinted or reflective. "Reflective" and "Tinted" should be defined. The BAR currently requires a Visible Light Transmittance of 70 but is looking to revise this number down because it is hard to meet energy codes, and only a few options are available. I would recommend revising this section to read, "Glazing shall meet a visible light transmittance of 60."

Response 58 and 59: Changed: The consultant has changed this to read: “Highly reflective glazing is discouraged. Glazing shall meet a visible light transmittance of 60” in the final draft. The BAR has not settled on a number in their discussion, and has approved different numbers for two specific cases.

53. *Section 7.8-e.* - “Galleries may not change height or width along a façade.” This would preclude periodic accent points to break up the length of a gallery. Something needs to be written to describe what happens to a gallery on a sloping street.

Response: Clarified that exceptions for streets on slopes, the ceiling height may be accommodated to match slope.

54. *Section 7.8.2.f.* – breaks between awnings cannot exceed 12”. I would definitely delete this. I can imagine breaks between storefronts needing to be larger than that for ground floor proportions to look right – especially on a masonry building.

Response: Staff will review this with the consultant.

55. *Section 7.8.3 –a.* - I would increase the minimum height to 9’. The 8’ clearance on the Standard has proven entirely unsuccessful and claustrophobic. Also, earlier in the code, storefront display windows are required to be 9’ tall, and these are to go between the tops of display windows and the bottoms of transoms.

Response: This change will be made in the final draft.

56. *Section 7.10.2* - “Mechanical equipment, including rooftop equipment, should be shielded from view along A-streets, pedestrian streets, and open spaces with architecturally integrated walls or screens.” Please consider revising to say that rooftop equipment shall be concealed from all sides with an architecturally integrated screen at least as tall as the equipment is above the roof.

Response: Language will be clarified to indicate that screening is required.

57. We eliminated "roof signs" from the sign ordinance many years ago and it was a huge improvement. No signage should be permitted higher than 20 feet or the sill height of the second floor window- whichever is lower.

Response: We will change the drawing of: corner sign, painted wall sign and wall sign to indicate below the 2nd floor sill.

58. *Section 8.6.1* – what is a “vertical” sign, and what makes it special so that it may be internally lit?

Response: The reference to the vertical design will be deleted in the final draft.

59. *Section 10.2.3-c-i.* “Pedestrian access must be provided from adjacent A-streets, pedestrian streets, and open spaces at a minimum centerline spacing of 300 feet.” Should that say maximum (per diagram 10.1)?

Response: Staff will review this with the consultant.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

PLANNING COMMISSION REGULAR MEETING

DATE OF HEARING: November 12, 2019

APPLICATION NUMBER: SP19-00006

Project Planner: Brian Haluska, AICP

Date of Staff Report: October 29, 2019

Applicant: Market Street Promenade, LLC

Applicants Representative: L.J. Lopez, Milestone Partners

Current Property Owner: Market Street Promenade, LLC

Application Information

Property Street Address: 218 West Market Street ("Subject Property")

Tax Map/Parcel #: Tax Map 33, Parcel 276

Total Square Footage/ Acreage Site: 0.562 acres or 24,480 square feet

Comprehensive Plan (Land Use Plan): Mixed Use

Current Zoning Classification: Downtown Corridor with Architectural Design Control and Urban Corridor Parking Overlays

Tax Status: Parcel is up to date on taxes **paid**.

Completeness: The application contains all of the information required by Zoning Ordinance Secs. 34-41(d), and 34-158(a) and (b). There are no existing dwelling units on the site, and there is a potential for a maximum of one hundred and thirty-four (134) residential units in a mixed-use building proposed by this development. The applicant's application is attached as Attachment 1.

The pre-application meeting required by Sec. 34-41(b)(1) was held on April 9, 2019. The community meeting required by Sec. 34-41(c)(2) was conducted on October 3, 2019, at the following location: Omni Hotel Downtown Business Room.

Applicant's Request

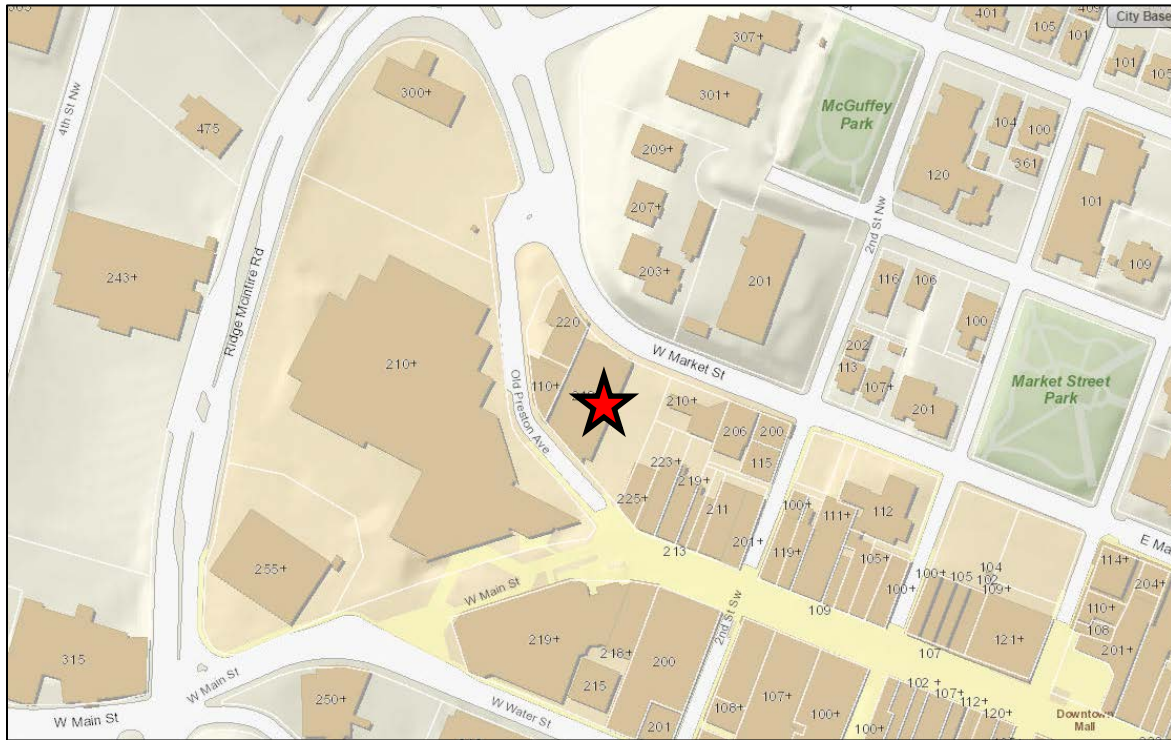
L.J. Lopez of Milestone Partners, acting as agent for Market Street Promenade, LLC (owner) has submitted an application seeking approval of a Special Use Permit (SUP) for the property located at 218 West Market Street with approximately 145 feet of road frontage on West Market Street and approximately 165 feet of road frontage on Old Preston Avenue. The proposal requests additional residential density up to 240 dwelling units per acre (DUA), pursuant to City Code Section 34-560, and additional height of 31 feet pursuant to City Code Section 34-557.

The applicant's proposal shows a new mixed-use building on the entire development site (0.562 acres). The property is further identified on City Real Property Tax Map 33 Parcel 276 ("Subject Property"). The Subject Property is zoned Downtown Mixed-Use Corridor with Downtown Architectural Design Control District Overlay and Urban Corridor Parking Zone Overlay. The site is approximately 0.562 acres or 24,480 square feet.

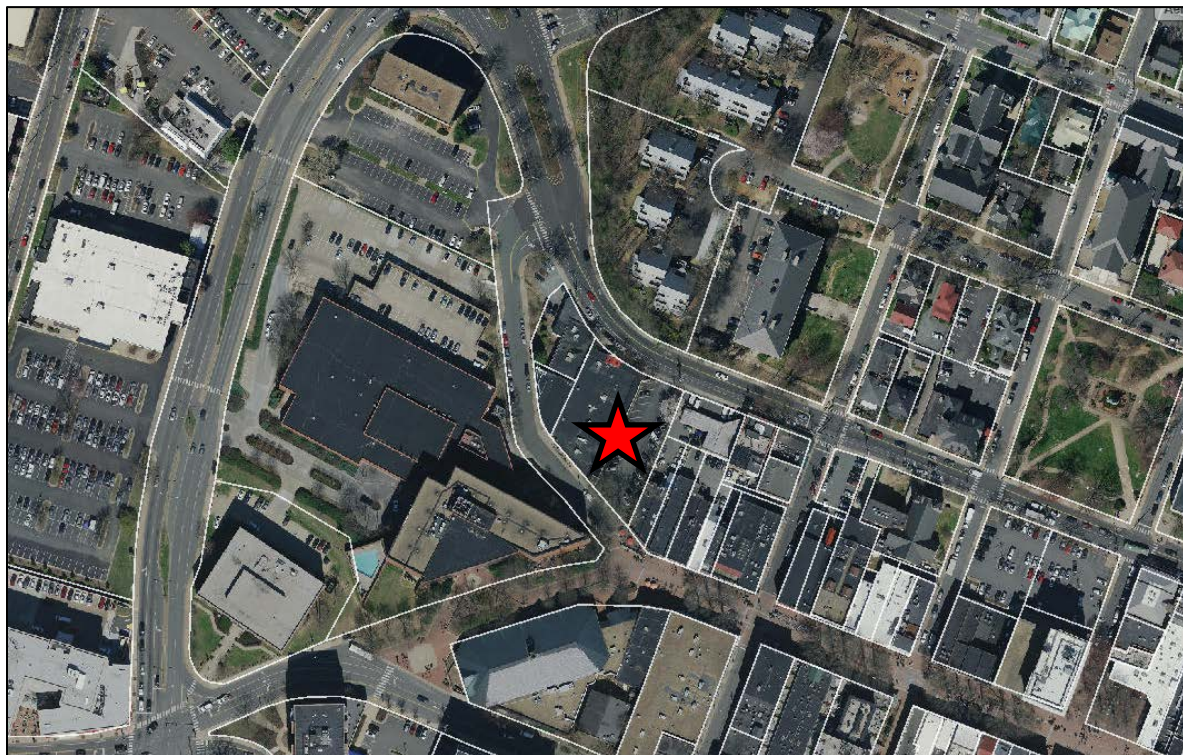
The proposed site plan, dated August 13, 2019 (Attachment 1) proposes the construction of a single 101-foot tall mixed-use building with retail space on the ground floor facing West Market Street, and up to 134 residential units. The plan also shows underground parking beneath the building.

The Comprehensive Plan designates the land use of the Subject Property as Mixed Use.

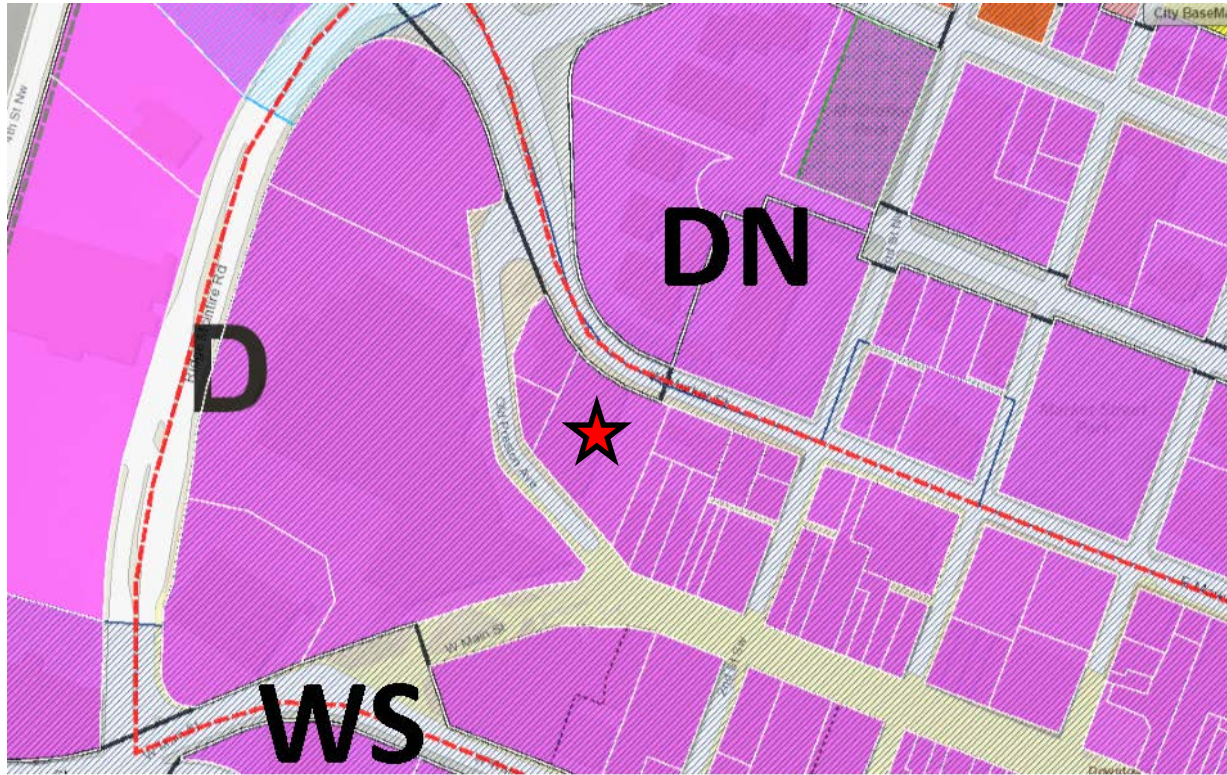
Vicinity Map



Context Map 1

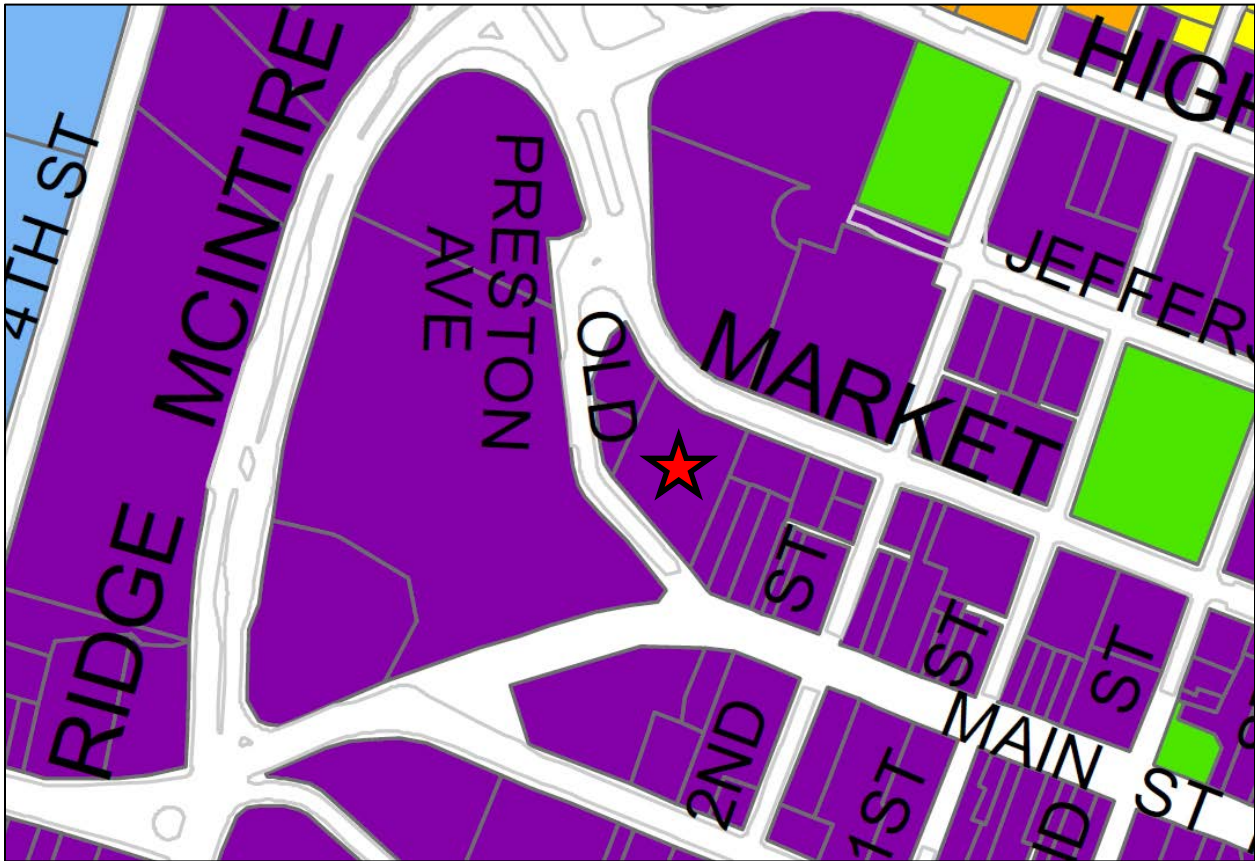


Context Map 2 – Zoning Classifications



KEY – Magenta (D): Downtown Corridor; Magenta (DN): Downtown North Corridor; Magenta (WS): Water Street Corridor; Deep Orange: R-3 – Multi-Family, High-Density Residential

Context Map 3 - General Land Use Plan, 2013 Comprehensive Plan



KEY – Purple: Mixed Use; Yellow: Low Density Residential; Orange: High Density Residential; Green: Park or Preserved Open Space; Blue: Public or Semi-Public

Application Components:

Application and LID Checklist – Attachment 1

Applicant’s Narrative and Additional Illustrative Materials – Attachment 2

Standard of Review

City Council may grant an applicant a special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the propose use or development.

Section 34-157 of the City’s Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Following below is staff’s analysis of those factors, based on the information provided by the Applicant.

Sec. 34-157(a)(1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood.

The properties immediately surrounding the subject property are described as:

Direction	Use	Zoning
North	Residential	DN
South	Hotel	D
East	Commercial	D
West	Commercial	D

The subject property is in use as a retail commercial building. The building on the property was built in 1938. The proposed new mixed-use building would be taller and occupy more of the site.

Staff Analysis:

The Subject Property is on the west end of the Downtown Mall area, just off the brick pedestrian mall. The frontage along Old Preston Avenue currently serves as an unofficial terminus to the Mall, as the parking surface on the site is the first interaction with cars pedestrians encounter other than the Mall crossings at 2nd Street and 4th Street.

The lot also fronts on West Market Street. The 200 block of West Market serves as a transition between the auto-oriented intersection of Preston Avenue and McIntire Road, and the more urban context of Market Street. The proposed building’s frontage on West Market will alter the experience of persons travelling through the corridor, especially from the west.

The City's vision for the Downtown Corridor is as the principal activity center of the City of Charlottesville. The proposed project would better contribute to the corridor by adding residents to the corridor, and better defining the street edge along both West Market Street and Old Preston Avenue.

Sec. 34-157(a)(2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan.

The applicant includes within the project proposal narrative (Attachment 2) a section regarding its consistency with the Comprehensive Plan on Page 2 of the document.

Staff Analysis: The 2013 Comprehensive Plan's General Land Use Plan specifies the Subject Property and its surrounding properties as Mixed Use.

Mixed Use areas, according to the Comprehensive Plan, are "intended to be zones where the City encourages development of a moderate or high intensity, and where a large variety of uses will be permitted, including many commercial uses, residential uses, and some limited research and manufacturing where appropriate."

Staff believes the use conforms to the intent of the Mixed Use land use designation.

Staff also recognizes the overall product of the proposal conforms to other aspects of the Comprehensive Plan listed below.

Below are specific areas of the Comprehensive Plan for which the development is in compliance:

a. Land Use

Goal 3.2 – Public Space, "When considering changes to land use regulations, respect nearby residential uses."

Staff Analysis: The special use permit would increase the total number of allowable residential units within the by-right building volume permitted on the Subject Property. The proposal is in keeping with the vision of downtown as an active corridor, and the Subject Property is not adjacent to a low-density residential development.

b. Housing

Goal 3.6 – Grow the City’s Housing Stock, “Promote housing options to accommodate both renters and owners at all price points, including workforce housing.”

Staff Analysis: The proposed increase in the permitted maximum residential density on the Subject Property will give the applicant the option of providing a variety of unit types with the proposed building.

c. Urban Design

Goal 1.3 – Urban Design, “Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City.”

Staff Analysis: The Downtown Corridor and surrounding areas have several large commercial projects presently under construction. The cumulative result of these projects will be a larger population of employees in the Downtown area. The proposed building would increase the number of housing options in the Downtown area, which would result in an increase in activity along the corridor.

Below are specific areas of the Comprehensive Plan for which the development may not be in compliance:

a. Housing

Goal 3.2 Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City.

Goal 3.3 Achieve a mixture of incomes and uses in as many areas of the City as possible.

Goal 3.4 Encourage creation of new, on-site affordable housing as part of rezoning or residential special use permit applications.

Goal 3.5 Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need.

Staff Analysis: The applicant has made no indication of how they intend to comply with the affordable housing zoning requirement in Section 34-12 of the City Code. This will be required prior to final site plan approval.

Sec. 34-157(a)(3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations.

Staff Analysis: The proposed development will conform to all applicable building code regulations. Building plans are not yet available for review, but the construction of the proposed new structures cannot proceed without separate applications/review conducted by the City's Building Code Official.

Sec. 34-157(a)(4) **Potential adverse impacts, including, but not necessarily limited to:**
a) Traffic or parking congestion

Parking: The applicant shows the capacity to construct off-street parking that complies with the minimum parking requirements for the proposed building.

Staff Analysis: Staff confirms that the applicant's concept plan shows the ability to provide off-street parking on the site. The amount of parking required will depend on the final unit count of the building.

Traffic: The applicant includes a "potential impacts" section within their project proposal narrative (Attachment 1) and notes that the development proximity to downtown will result in a lower number of car trips than a similar sized building further from downtown would yield.

Staff Analysis: Staff has no concerns regarding the traffic impact of the proposed Special Use Permit. The automobile access to the building will be reviewed by the Traffic Engineer during the site plan review process. The Traffic Engineer has commented that Old Preston Avenue is suited for the traffic entering and exiting the proposed building, and any potential impacts will be at the intersection of Old Preston Avenue and West Market Street.

b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment

Staff Analysis: Staff does not anticipate there will be significant noise generated from the proposed project beyond the level that can typically be anticipated in a mixed-use corridor such as the downtown area.

c) Displacement of existing residents or businesses

Staff Analysis: There are no existing residents or businesses on the Subject Property that would be displaced as a direct result of the Special Use Permit, as the redevelopment of the property is permitted as a matter of right.

d) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base

Staff Analysis: The development would not discourage economic development activities.

e) Undue density of population or intensity of use in relation to the community facilities existing or available

Staff Analysis: The Subject Property is located in the vicinity of a number of community amenities that should serve the residents of the project. The Downtown Corridor is a multi-modal corridor that supports several modes of transit. The Subject Property is within the downtown business area. The Subject Property is also two blocks from McGuffey Park.

f) Reduction in the availability of affordable housing in the neighborhood

Staff Analysis: The proposed development would not reduce the availability of affordable housing in the neighborhood.

g) Impact on school population and facilities

Staff Analysis: Staff from Charlottesville Schools has noted that they have observed increases in school enrollment when previous large multi-family buildings on West Main Street have opened. Staff speculates that the apartments on West Main Street attracted students from the University of Virginia that were previously renting houses in the low-density neighborhoods near the University. When those students

opted for the newly constructed rental units on West Main Street, families with school age children moved in the houses that the students vacated.

The large scale apartment buildings that precipitated this increase in enrollment were all in the West Main West zoning district, and primarily feature unit configurations that are attractive to a student population.

The applicant's request would enable the applicant to construct more single and two-bedroom units within the building, units that tend to be less attractive to a student population.

h) Destruction of or encroachment upon conservation or historic districts

Staff Analysis: The Subject Property is in the Downtown Architectural Design Control District. The Board of Architectural Review will review the proposed building for compliance with the design guidelines for the district.

i) Conformity with federal, state and local laws, as demonstrated and certified by the applicant

Staff Analysis: The proposed project will comply with federal, state and local laws. This is ensured through final site plan approval.

j) Massing and scale of project

The applicant's application materials shows the massing and scale of the proposed building.

Staff Analysis: The Board of Architectural Review will review the proposed building for compliance with the Downtown Architectural Design Control District guidelines.

Sec. 34-157(a)(5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

Staff Analysis: Staff believes that a mixed-use building is appropriate within the Downtown zoning district.

Sec. 34-157(a)(6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and

Staff Analysis: The proposed project must comply with standards set forth within the zoning ordinance, subdivision regulations and other applicable city ordinances/regulations prior to final site plan and building permit approvals.

Sec. 34-157(a)(7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

Staff Analysis: The Subject Property is located in a design control district. The Board of Architectural Review considered the Special Use Permit request at their September 17, 2019 meeting, and took the following action:

Motion: Gastinger moved to recommend that the proposed Special Use Permit for 218 West Market Street will not have an adverse impact on the Downtown ADC District, with the understanding that the final design and details will require BAR review and approval and that increased density and height is granted with the understanding that the building design will have the flexibility to mitigate potential impacts on the Downtown ADC District by addressing these items of considerations and concern:

- The building's massing will be broken up to provide compatibility with the character-defining features of the historic district
- Provide adequate protection of adjacent historic structures
- Provide a plan to replace the street trees on site
- Improve Pedestrian character of Old Preston and Market Street
- Provide pedestrian through access between Market Street and Old Preston.

Mohr seconded. Approved (9-0).

PUBLIC COMMENTS RECEIVED

Per Sec. 34-41(c)(2), the applicant held a community meeting on October 3, 2019 (a City Planner attended as a NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- Parking impact in the surrounding neighborhood.
- The adjacent historic buildings and the need for care in working around this building during the construction of the new building.
- The impact of the additional height on the residential properties to the north.

The Planning Commission held a work session on this matter on September 24, 2019. The discussion centered on the following topics:

- The safeguarding of the adjacent historic building at 110-114 Old Preston Avenue during construction.
- The visual impact of the building on both the West Market Street and Old Preston avenue frontages. A member of the public noted that the façade on West Market would potentially be a reference point for the design of an adjacent building should the redevelopment of the adjacent commercial property at 210 West Market Street eventually come about.
- The impact of traffic on Old Preston Avenue.
- The benefits of additional housing in the downtown area, and on the housing market in the City as a whole.
- The potential for the units in the building to be short term rentals.

STAFF'S RECOMMENDATIONS

Staff recommends the application be approved with the following conditions:

1. The specific development being approved by this special use permit ("Project"), as described within the site plan exhibit required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:
 - a. Not more than one building shall be constructed on the Subject Property (the "Building"). The Building shall be a Mixed Use Building.
 - b. The Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this

retail space shall be at least the minimum required by the City's zoning ordinance.

- c. Underground parking shall be provided within a parking garage structure constructed underneath the Building.
2. The mass of the Building shall be broken up to provide compatibility with the character-defining features of the historic district
 3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.
 4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the building located on property adjacent to the Subject Property at 110 Old Preston Avenue ("Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:
 - a. *Baseline Survey*—Landowner shall document the existing condition of the building at 110 Old Preston Avenue ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable.

The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property ("Adjacent Landowner") may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent

Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

- b. *Protective Plan*--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that shall include seismic monitoring or other specific monitoring measures of the Adjacent Property as recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.

- c. *Advance notice of commencement of activity*--The Adjacent Landowner shall be given 14 days' advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

- d. *Permits*--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

POSSIBLE MOTION(S)

1. I move to recommend approval of a special use permit allowing the specific development proposed within the application materials for **SP19-00006** subject to the following reasonable conditions and safeguards:
 - The conditions presented in the staff report
 - *[alternative conditions, or additional condition(s)...list here]*

OR,

2. I move to recommend denial of the special use permit requested by **SP19-00006**.

ATTACHMENTS

- 1) Special Use Permit Application received August 13, 2019
- 2) Special Use Permit Project Proposal Narrative received August 13, 2019
Includes Project narrative, Conceptual Plan



City of Charlottesville

Application for Special Use Permit

Project Name: 218 West Market Redevelopment

Address of Property: 218 West Market Street

Tax Map and Parcel Number(s): 33-276

Current Zoning District Classification: Downtown

Comprehensive Plan Land Use Designation: Mixed-Use

Is this an amendment to an existing SUP? N

If "yes", provide the SUP #: _____

RECEIVED

AUG 13 2019

NEIGHBORHOOD DEVELOPMENT SERVICES

Applicant: Heirloom Real Estate Holdings, LLC - Jeff Levien

Address: % Milestone Partners 300 2nd ST NE Charlottesville, VA 22902

Phone: 434-245-5803 Email: llopez@milestonepartners.co
Jeff@levien3.com

Applicant's Role in the Development (check one):

Owner Owner's Agent Designer Contract Purchaser

Owner of Record: Market Street Promenade, LLC

Address: 1500 Amherst St, Suite 3, Charlottesville, VA 22903

Phone: _____ Email: _____

Reason for Special Use Permit:

- Additional height: 101 feet
- Additional residential density: _____ units, or 240 units per acre
- Authorize specific land use (identify) _____
- Other purpose(s) (specify City Code section): _____

(1) Applicant's and (2) Owner's Signatures

(1) Signature [Signature] Print Jeff Levien Date 8/13/19

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____
Other (specify): _____

(2) Signature _____ Print _____ Date _____

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____
Other (specify): _____



City of Charlottesville

Application for Special Use Permit

Project Name: 218 West Market Redevelopment

Address of Property: 218 West Market Street

Tax Map and Parcel Number(s): 33-276

Current Zoning District Classification: Downtown

Comprehensive Plan Land Use Designation: Mixed-Use

Is this an amendment to an existing SUP? N

If "yes", provide the SUP #: _____

Applicant: Heirloom Real Estate Holdings, LLC

Address: 9/6 Milestone Partners 300 2nd ST NE Charlottesville, VA 22902

Phone: 434-245-5803

Email: lopez@milestonepartners.co
jeff@levien3.com

Applicant's Role in the Development (check one):

Owner

Owner's Agent

Designer

Contract Purchaser

Owner of Record: Market Street Promenade, LLC

Address: 1500 Amberst St, Suite 3, Charlottesville, VA 22903

Phone: _____

Email: _____

Reason for Special Use Permit:



Additional height: 101 feet



Additional residential density: _____ units, or 240 units per acre



Authorize specific land use (Identify) _____



Other purpose(s) (specify City Code section): _____

(1) Applicant's and (2) Owner's Signatures

(1) Signature

Print Jeff Levien

Date 8/13/19

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____

(2) Signature

Print John M. McIlhenney

Date 8-13-19

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): _____



City of Charlottesville

Pre-Application Meeting Verification

Project Name: 218 West Market Street

Pre-Application Meeting Date: 04/09/2019

Applicant's Representative: Craig Kotarski / Jeff Dreyfus

Planner: Brian Haluska

Other City Officials in Attendance:

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. Preliminary Elevations

2.

3.

4.

5.

Planner Signature: Brian J. Haluska



City of Charlottesville

Application Checklist

Project Name: 218 West Market Redevelopment

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities))
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature  Print Jeffrey Levien Date 8/13/19

By Its: Manager

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



City of Charlottesville

Community Meeting

Project Name: 218 West Market Street Redevelopment

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Heirloom Real Estate Holdings, LLC

By:

Signature [Signature]

Print Jeffrey Lemen

Date

8/13/19

Its: manager

(Officer, Member, Trustee, etc.)



City of Charlottesville

Owner's Authorizations

(Not Required)

Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: Market Street Promenade, LLC Date _____

By (sign name): _____ Print Name: _____

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: Jeff Levien

Name of Corporate or other legal entity authorized to serve as agent: Heirloom Real Estate Holdings, LLC

Owner: [Signature] Date: 8/13/19

By (sign name): Jeffrey Levien Print Name: _____

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____



City of Charlottesville

Owner's Authorizations

(Not Required)

Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: Market Street Promenade, LLC Date 8-13-19

By (sign name): [Signature] Print Name: JOHN M. McHENRY

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: Jeff Leuten

Name of Corporate or other legal entity authorized to serve as agent: Hinton Real Estate Holdings, LLC

Owner: [Signature] Date: 8/13/19

By (sign name): Jeffrey Leuten Print Name: _____

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): _____

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Jeffrey Levien Address 2093 Goodling Road, North Garden, VA 22459

Name _____ Address _____

Name _____ Address _____

Name _____ Address _____

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: Hickman Real Estate Holdings, LLC

By:

Signature [Signature] Print Jeffrey Levien Date 8/13/19

Its: manager (Officer, Member, Trustee, etc.)



City of Charlottesville

Fee Schedule

Project Name: 218 West Market St Redevelopment

Application Type	Quantity	Fee	Subtotal
Special Use Permit	1	\$1800	\$1,800
Special Use Permit (Family Day Home for 6-12 Children)		\$500	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
TOTAL			\$1,800

Office Use Only

Amount Received: \$1,800⁰⁰ Date Paid: 8/13/19 Received By: Quia A. Barnow

Amount Received: _____ Date Paid: _____ Received By: _____

Amount Received: _____ Date Paid: _____ Received By: _____

Amount Received: _____ Date Paid: _____ Received By: _____



City of Charlottesville

LID Checklist

Project Name: 218 West Market Redevelopment

Options
1 2

LID Measure	LID Checklist Points	Points	
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage		
Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. ² or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.		
Shared parking (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	5	5
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points		
Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.		
Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. ² .	8 points or 1 point for each 10% of lots treated.		
Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.		
Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.		8
Green rooftop to treat ≥ 50% of roof area	8 points	8	
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points		
Off-site contribution to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points		
		Options 1	Options 2
	Total Points	13	13

Applicant's Signature

Signature

Print

Jeffrey Levien

Date

8/13/19

218 West Market Redevelopment
SUP Application
Request for Additional Density and Height
Narrative Statement
August 13, 2019

Heirloom Real Estate Holdings, LLC (the "Applicant"), contract purchaser of the site located at 218 West Market Street (and in City records as Tax Map 33 Parcel 276), requests approval of a special use permit ("SUP") to allow residential density on the properties up to 240 units per acre and height up to 101'. This request is in accordance with Section 34-560 and 34-557, respectively, of the City's zoning ordinance.

The owners of the Applicant are the same owners of Heirloom West Main Development, LLC, (Owner/Developer of 600 West Main, currently under construction) and Heirloom West Main Development Second Phase, LLC (Owner/Developer of 612 West Main, currently under and SUP Application review).

Applicant, in preparation for this SUP, submitted a Request for Demolition to the Board of Architectural Review ("BAR") and it was heard at the March 13, 2019 public hearing. The BAR discussed the merits of the existing structure, along with the historical and architectural significance. Those factors, coupled with the prospect of a mixed-use redevelopment, the BAR Approved the Request for Demolition, with conditions. The most significant condition is: The demolition of the building is contingent upon the granting of a Certificate of Appropriateness ("COA") and building permit for this building's replacement.

Request for Additional Density

The Applicant anticipates constructing a variety of housing units ranging from studio units, 1-bedroom, 2-bedroom (and potentially, 3-bedroom) units. Approval of additional density up to 240 units per acre will enable the Applicant to provide this broad range of unit types and offer them at a variety of price points to potential residents. Keeping with the current restrictions on density would result in large, expensive, units geared to one segment of the residential market, or worse, derail the redevelopment of the property and continue the property to be used for low density retail. Approval of the additional density will enable the project to positively impact the housing stock and options available in the Downtown area and be consistent with the overall vision of the City.

Request for Additional Height

The Applicant anticipates constructing a building that meets all the standards and guidelines, as outlined in the Downtown ADC District, up to a height of 101'. Approval of additional height will enable the Applicant to provide a mixed-use project with retail/commercial uses on the ground floor(s) and residential above. This request is consistent with the current and future scale at the West end of the Downtown Mall. With the longstanding Omni Hotel anchoring the west end and the currently under construction C.O.D.E building, height of up to 101' for 218 West Market will compliment these buildings well.

Conformity with Comprehensive Plan

Additional density will be in keeping with the goal of the City as expressed in the Comprehensive Plan. The Comprehensive Plan's land use map designates the properties for mixed-use. This proposal includes both housing and retail/commercial. The additional residential units will help to increase the number of full-time residents living on the downtown mall. This will continue to enhance the vibrancy of the downtown mall and balance the residential, retail, restaurant, entertainment, office, and hospitality that exists today. With projects like C.O.D.E and 3Twenty3 both currently under construction and creating new Class A office space in downtown, the proposed application compliments them well in providing housing options in downtown to support a walkable lifestyle.

This project will also serve towards meeting the City's Comprehensive Plan goals to "grow the housing stock" and "promote housing options." The Applicant expects to include in the project a number of market-rate (non-student) studio units which will provide a housing option not presently available in the West Main or Downtown areas (except as will be provided on a limited basis at the Applicant's 600 West Main project and currently proposed 612 West Main Project).

Additional height will be in keeping with the scale and mass of the West end of the Downtown Mall. The Omni Hotel and the C.O.D.E building provide the contextual scale to support a project of up to 101' in height. Additionally, the subject site's size and dual street frontage make it an ideal candidate for additional height, as opposed to other parcels in the Downtown corridor. The prescribed street wall and step backs, outlined in the Zoning Code, allow the building to scale appropriately to the pedestrian at both West Market and Old Preston, yet still achieve the height necessary to support mixed-use and the residential density request above.

Potential Impacts

Approval of additional density for the project will have minimal impact on the Downtown area. The residential density requested is provided for in the zoning ordinance as a permitted use and thus the City has already decided the density is appropriate for the zoning district. Any impacts associated with increased density are mitigated by the proximity of the project to employment and retail centers, public transit and the provision of bicycle facilities.

It is anticipated that many residents will choose to live in the project precisely because they will be able to walk to work, shopping, and transit. Because Downtown is well served by bus and train transit as well as cab service, residents will have transportation options and reliance on their personal vehicle is reduced. Newer transit options like Bird and Lime are also available in Downtown. Bicycle facilities will be provided and much of the City is within "bike-able" distance from the project.

Existing Affordable Housing

There are no existing "affordable dwelling units" on the property. There will thus be no loss of affordable housing. The project is planned to include a mix of units, including studio units, at a variety of price points. This is a better option than what would be built under the existing zoning density (24 large, expensive, units) or if the project was not undertaken at all and the property remained in its current use.

Compliance with USBC Provisions

The project will be constructed in complete compliance with all building code requirements.

Conclusion

The proposed redevelopment of the properties will be in keeping with the City's goals as expressed in the Comprehensive Plan for creating a mixed-use, urban neighborhood in Downtown. The project will greatly enhance the vibrancy of the Western portion of Downtown Mall by bringing an increase in the number of residents with front door access to the Mall. By offering a variety of housing types oriented to those who seek to live, work and shop within a walk-able setting, the project will be filling a niche for housing that is currently underserved. Approval of the special use permit allowing residential density up to 240 units per acre and a height up to 101' will enable all this to be achieved.

218 WEST. MARKET ST.

ZONE: MIXED-USE DOWNTOWN CORRIDOR - "D"
ARCHITECTURAL DESIGN CONTROL
DISTRICT URBAN CORRIDOR PARKING ZONE

PRIMARY STREETS: WEST MARKET ST., OLD PRESTON AVE.

LAND AREA: 0.56 ACRES/24,393 SF

DENSITY:

	MIN. REQ'D	BY RIGHT	WITH SUP
	21 DUA	43 DUA	240 DUA

DWELLING UNITS: 12 UNITS 24 UNITS 134 UNITS

STREET WALL HT: 40' MIN., 45' MAX

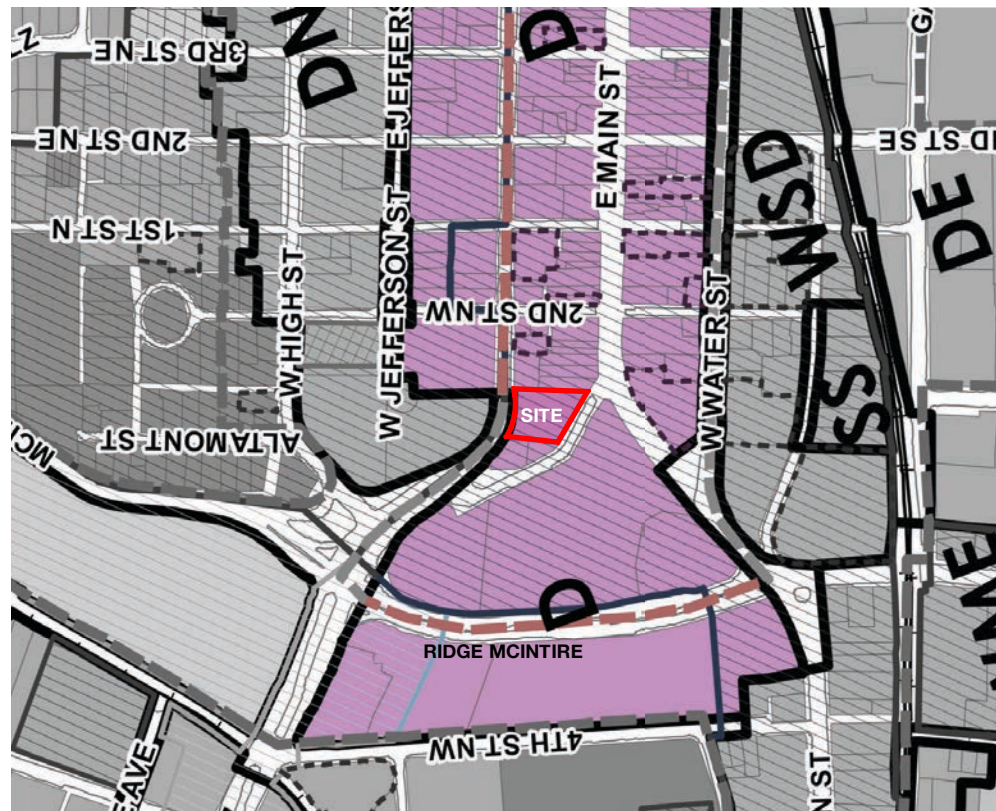
STEPBACK: 25' AFTER 45' MAXIMUM HEIGHT

OVERALL HEIGHT: 70' BY RIGHT
101' WITH SPECIAL USE PERMIT

CALCULATED AVERAGE GRADE PLANE: 448'-3"

PARKING: REQUIRED FOR ALL ADDITIONAL UNITS
ALLOWED AS A RESULT OF THE
INCREASED DENSITY WITH AN SUP

ZONING MAP:



218 WEST. MARKET ST.

ZONE: MIXED-USE DOWNTOWN CORRIDOR - "D"
ARCHITECTURAL DESIGN CONTROL
DISTRICT URBAN CORRIDOR PARKING ZONE

PRIMARY STREETS: WEST MARKET ST., OLD PRESTON AVE.

LAND AREA: 0.56 ACRES/24,393 SF

DENSITY: MIN. REQ'D 21 DUA BY RIGHT 43 DUA WITH SUP 240 DUA

DWELLING UNITS: 12 UNITS 24 UNITS 134 UNITS

STREET WALL HT: 40' MIN., 45' MAX

STEPBACK: 25' AFTER 45' MAXIMUM HEIGHT

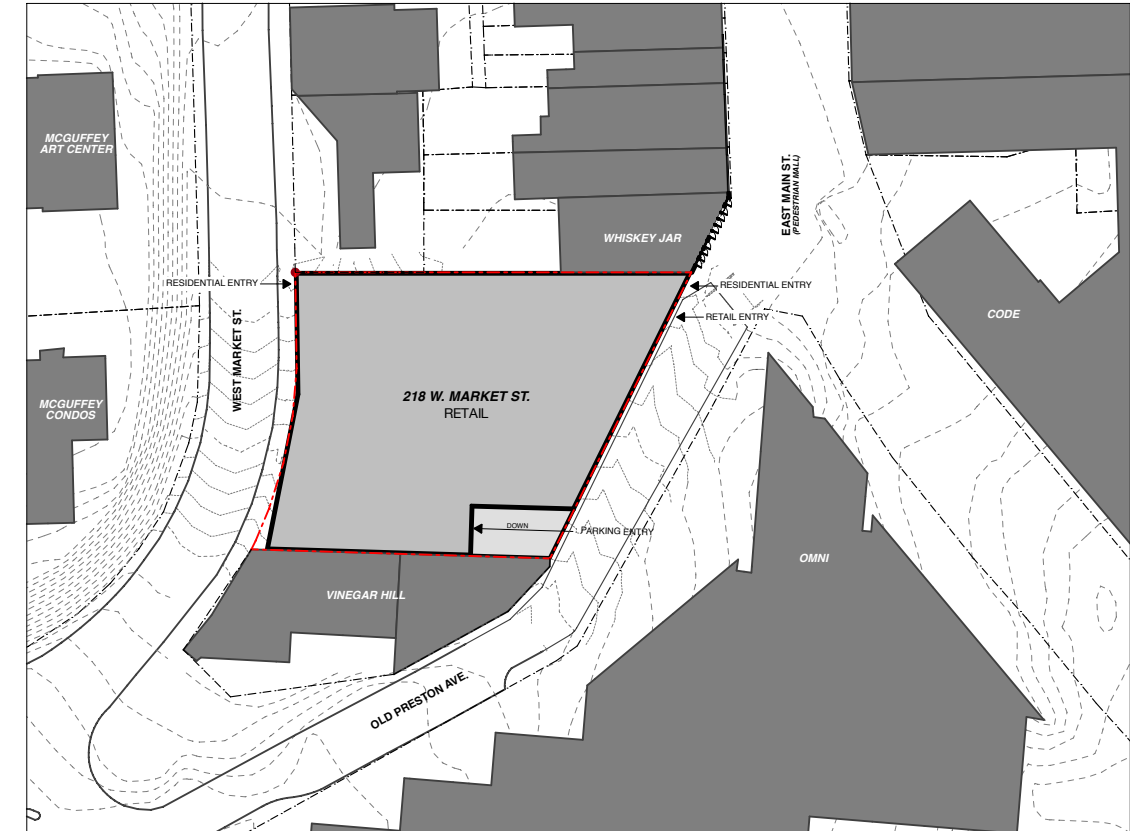
OVERALL HEIGHT: 70' BY RIGHT
101' WITH SPECIAL USE PERMIT

CALCULATED AVERAGE GRADE PLANE: 448'-3"

PARKING: REQUIRED FOR ALL ADDITIONAL UNITS
ALLOWED AS A RESULT OF THE
INCREASED DENSITY WITH AN SUP



PARKING LEVEL DIAGRAM; BY RIGHT



LEVEL 1 PLAN DIAGRAM; BY RIGHT



LEVEL 2-3 DIAGRAM; BY RIGHT



**LEVELS 4 AND HIGHER
25' STEPBACK ON PRIMARY STREETS**





VIEW WEST FROM WEST MARKET STREET - BY RIGHT



VIEW EAST FROM WEST MARKET STREET - BY RIGHT



VIEW WEST FROM WEST MARKET STREET - WITH SUP



VIEW EAST FROM WEST MARKET STREET - WITH SUP



VIEW WEST FROM EAST MAIN STREET (PEDESTRIAN MALL) - BY RIGHT



VIEW WEST ACROSS RIDGE MCINTIRE - BY RIGHT

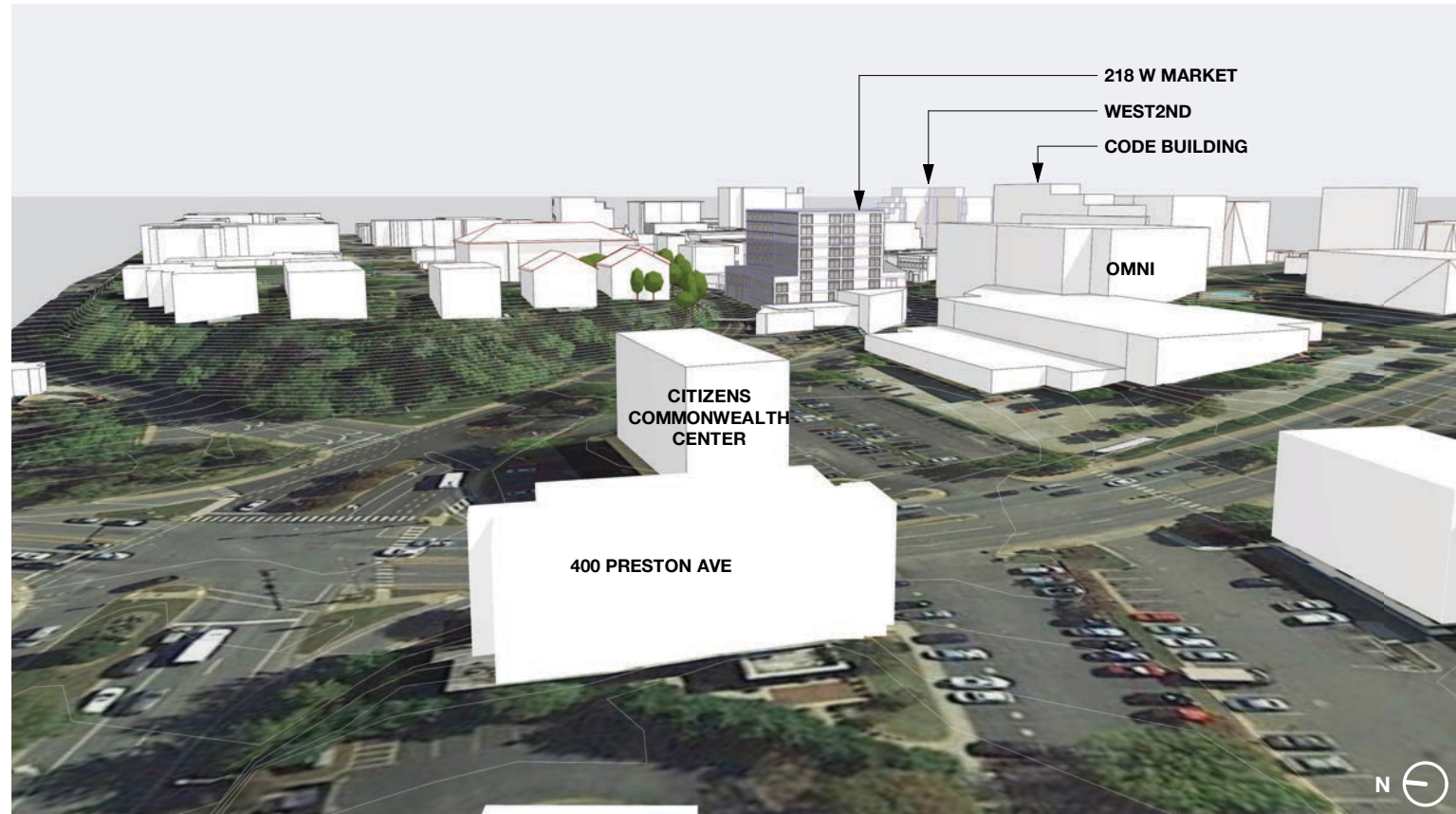


VIEW WEST FROM EAST MAIN STREET (PEDESTRIAN MALL) - WITH SUP

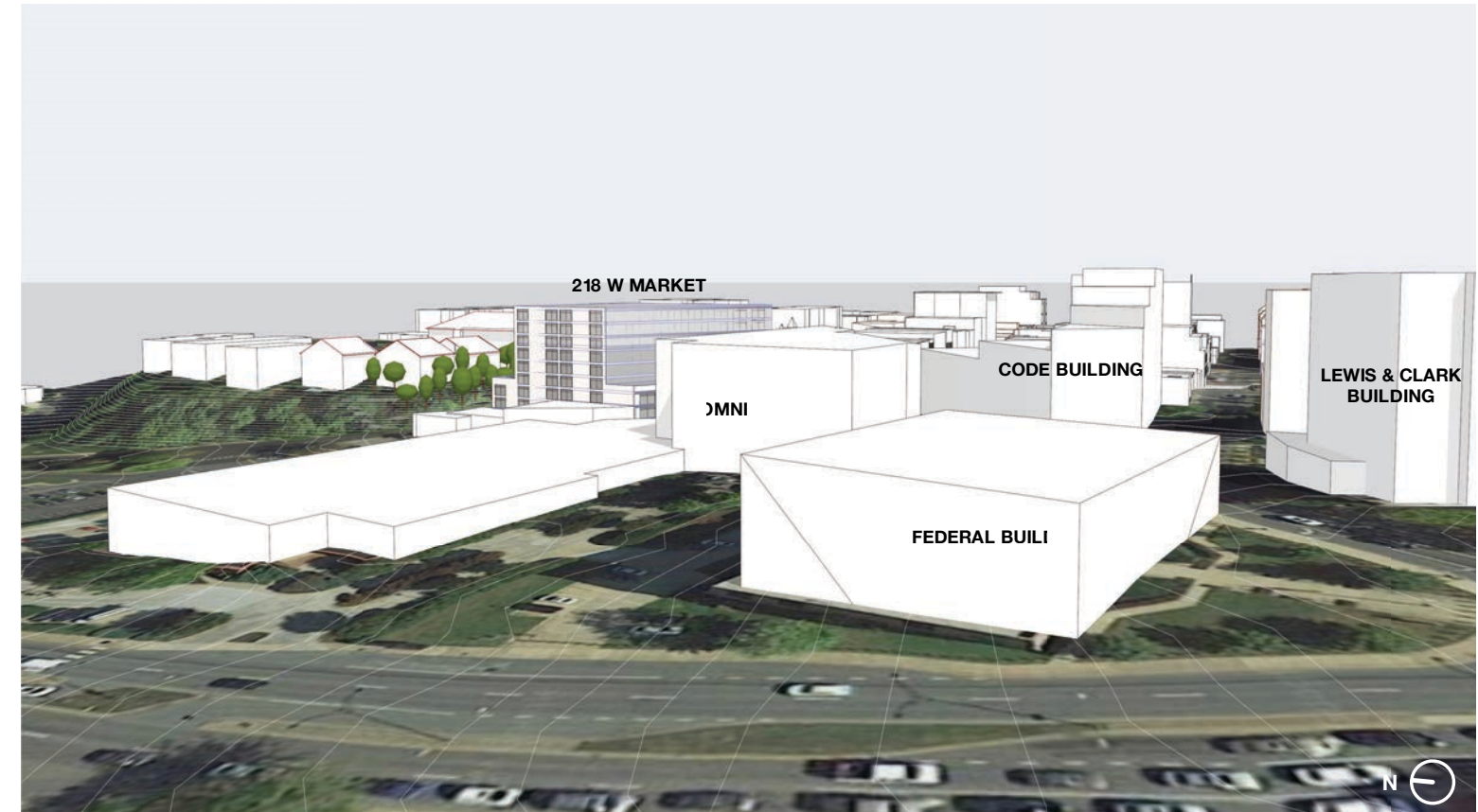


VIEW ACROSS RIDGE MCINTIRE - WITH SUP*

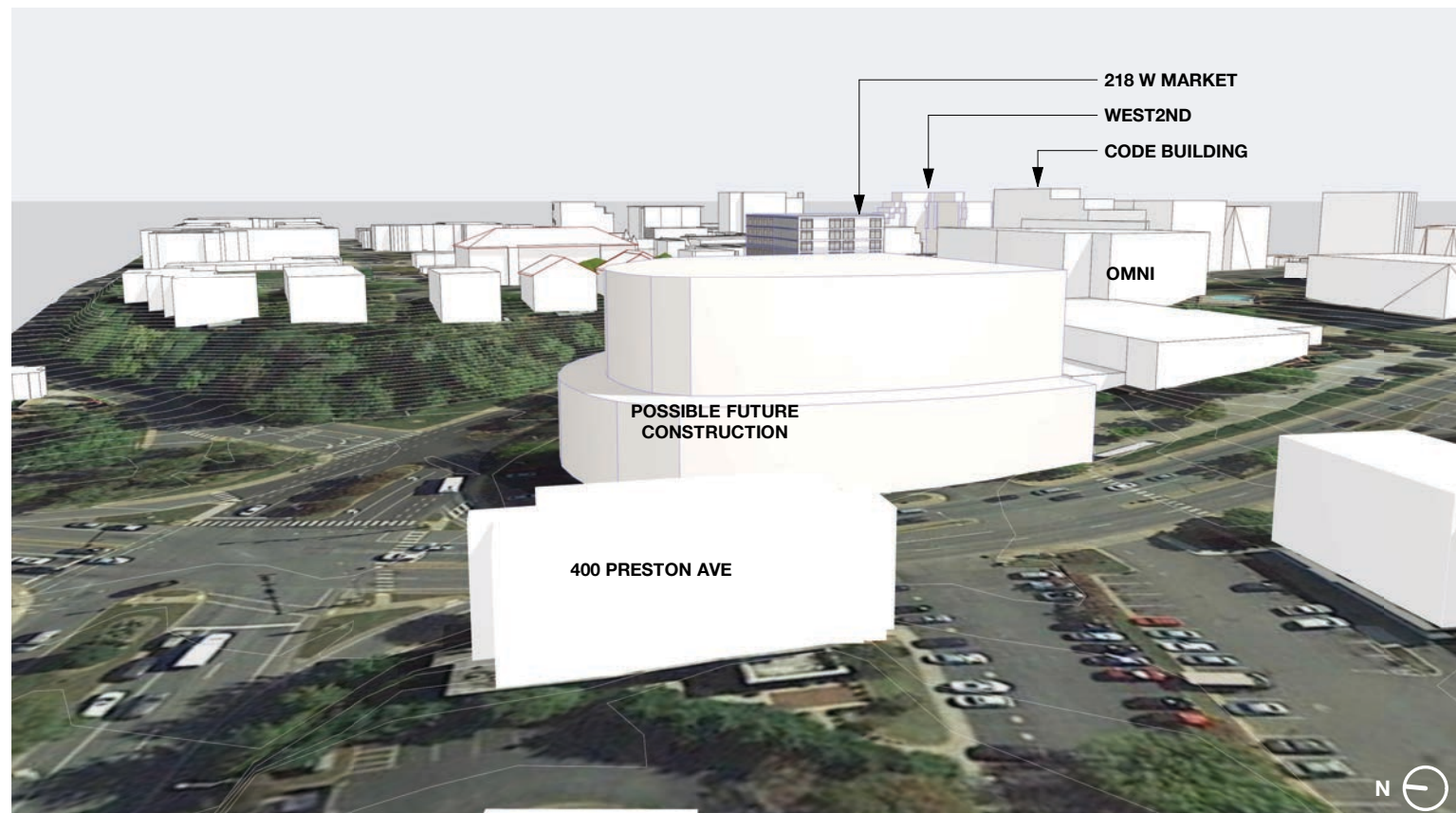
*Parking lot in foreground is zoned the same as 218 W. Market. New construction in foreground would completely obscure view of 218 W. Market St.



AERIAL VIEW WEST FROM EAST - EXISTING BUILDING IN FOREGROUND



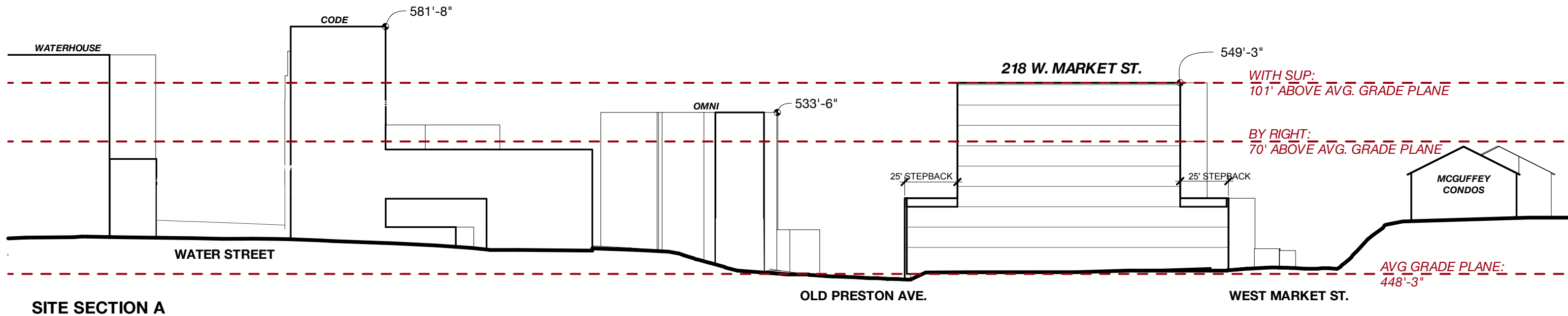
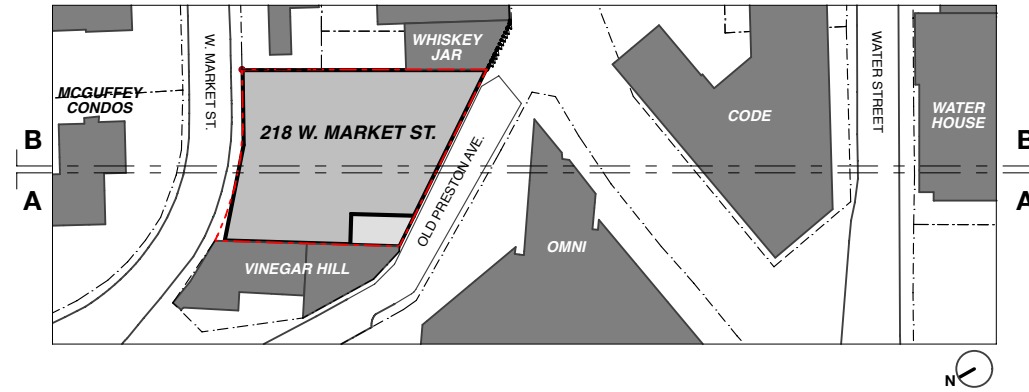
AERIAL VIEW WEST FROM STAPLES PARKING LOT



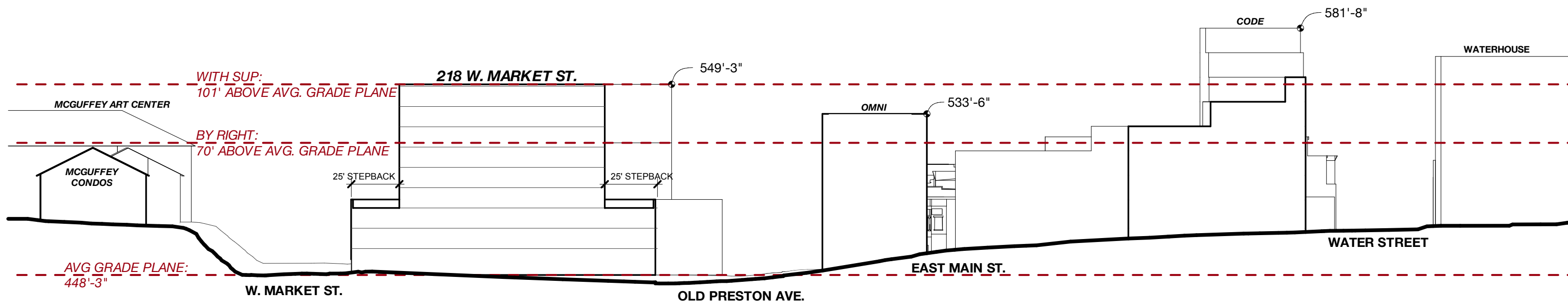
AERIAL VIEW WEST FROM EAST - POSSIBLE FUTURE CONSTRUCTION IN FOREGROUND



SITE SECTIONS



SITE SECTION A



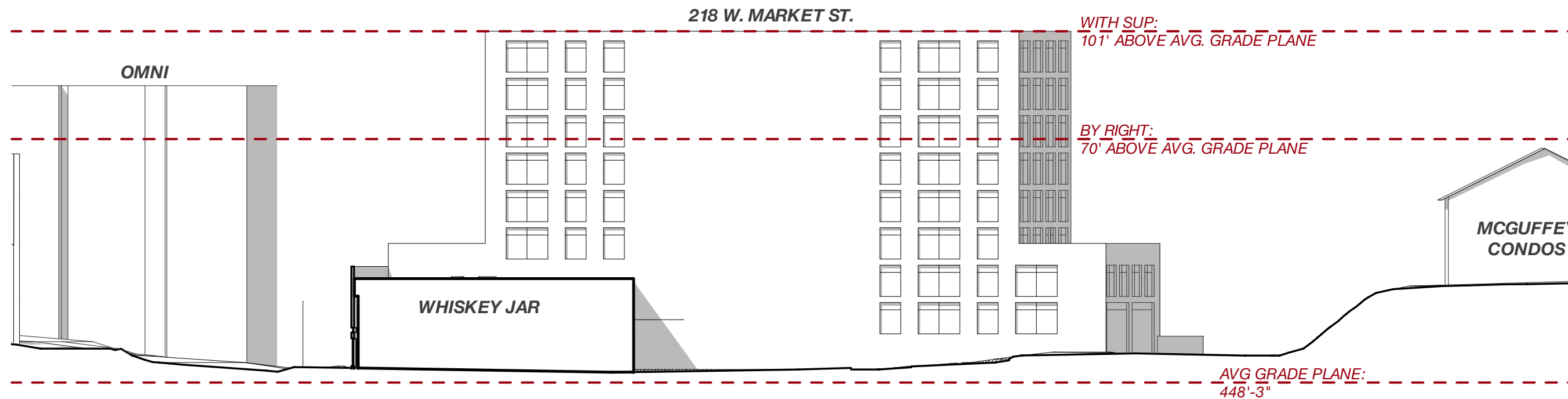
SITE SECTION B



WEST MARKET STREET ELEVATION



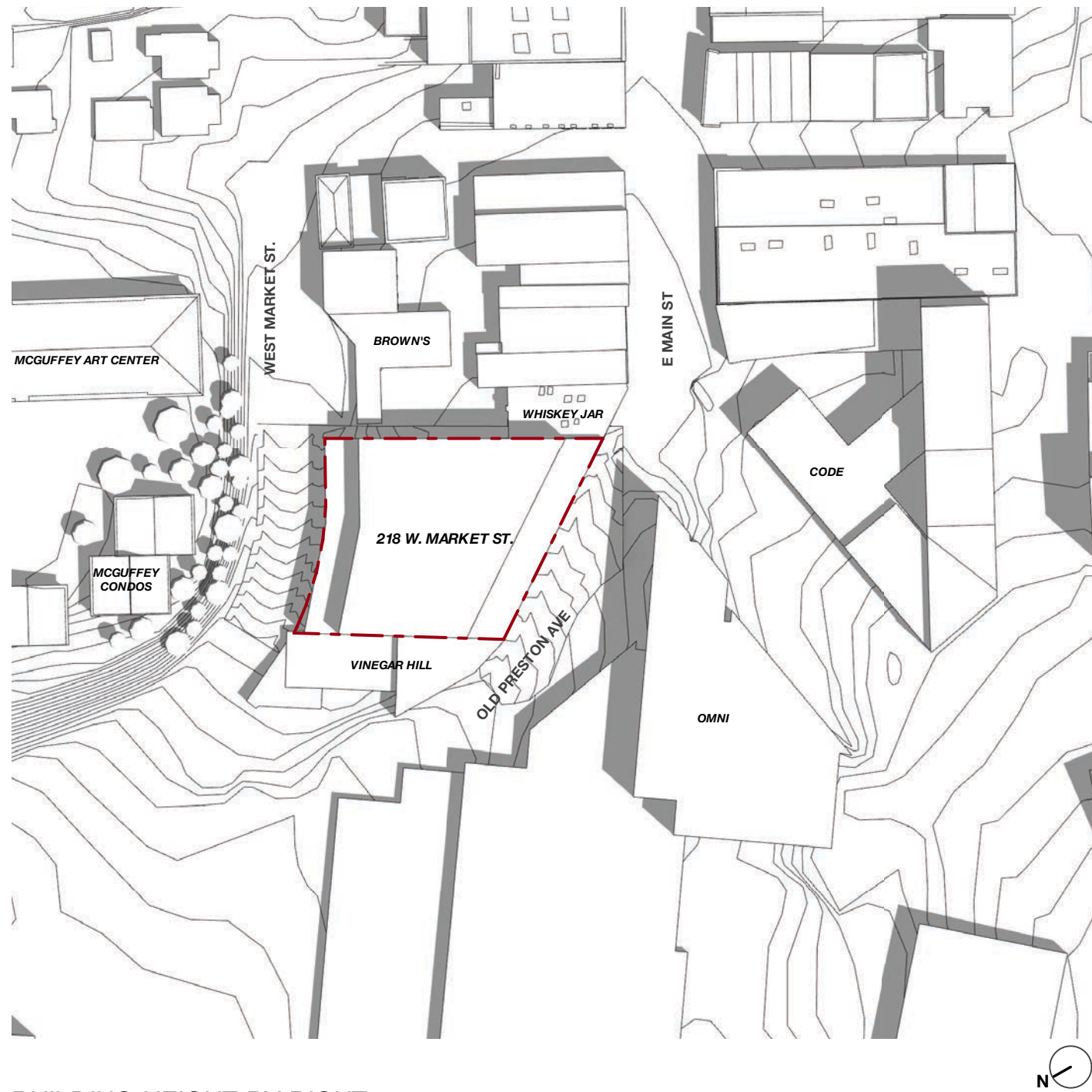
OLD PRESTON AVENUE ELEVATION



EAST ELEVATION

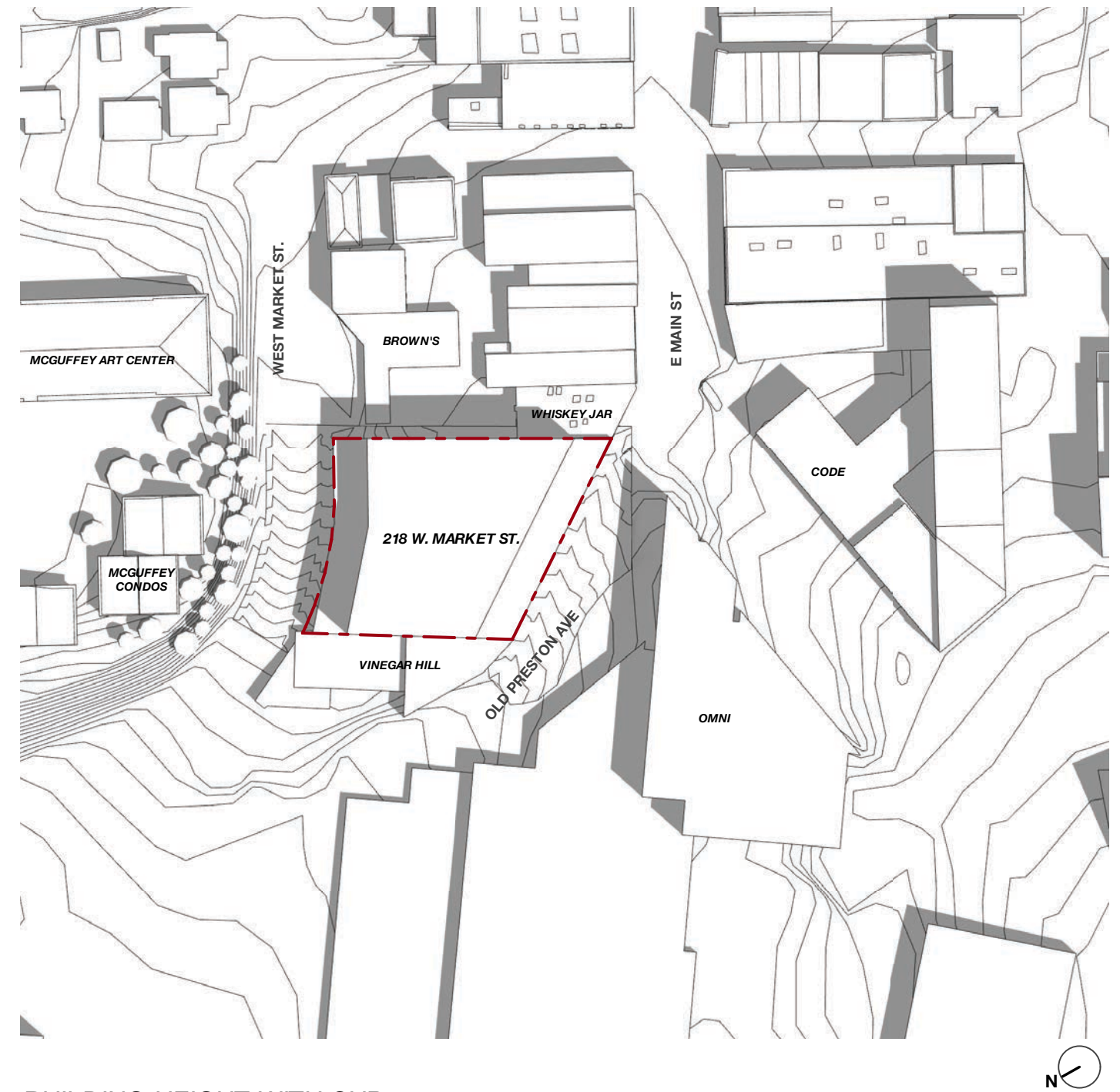


WEST ELEVATION

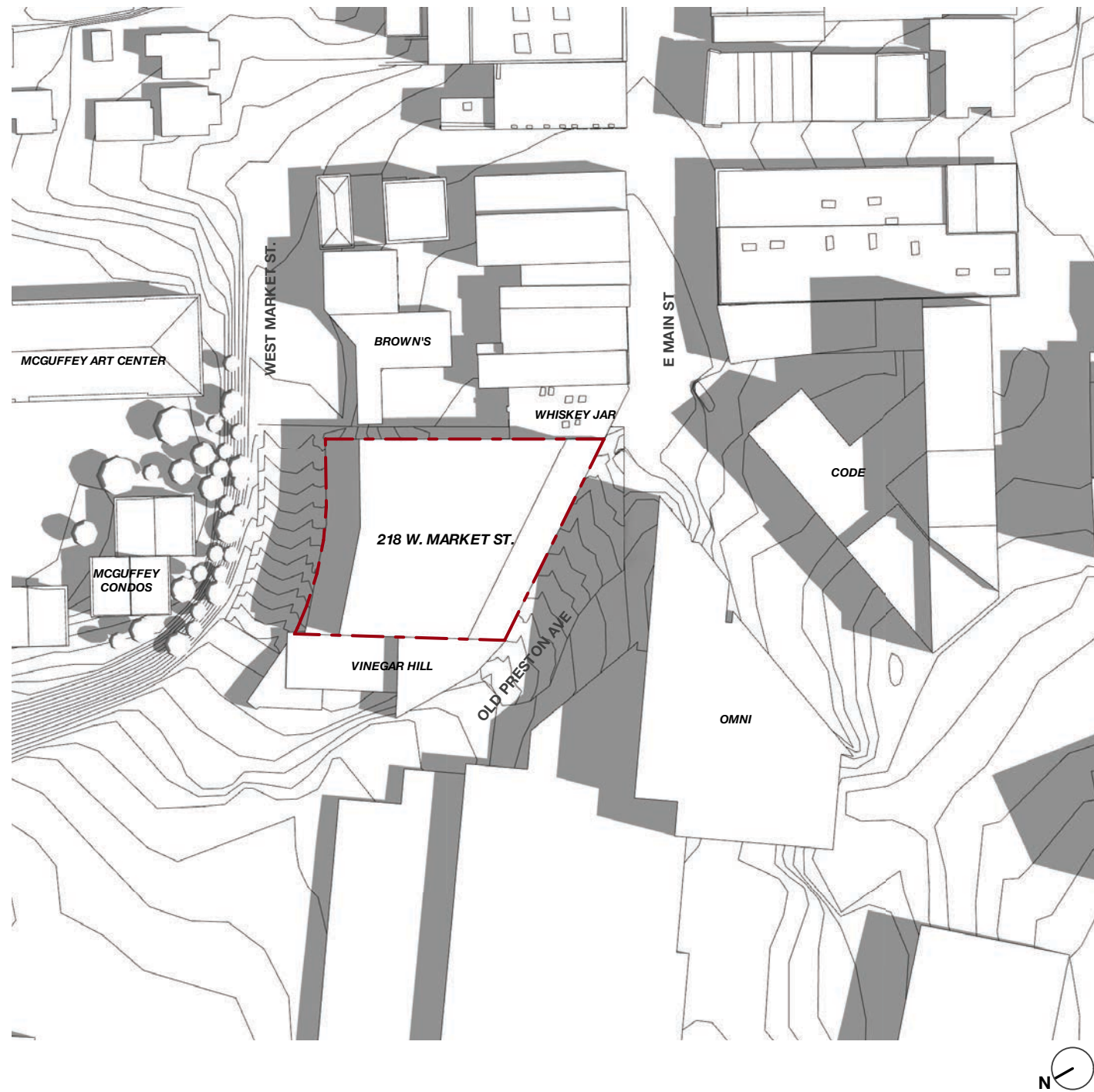


BUILDING HEIGHT BY RIGHT

SHADOW STUDIES
LONGEST DAY OF THE YEAR: 2PM JUNE 21ST

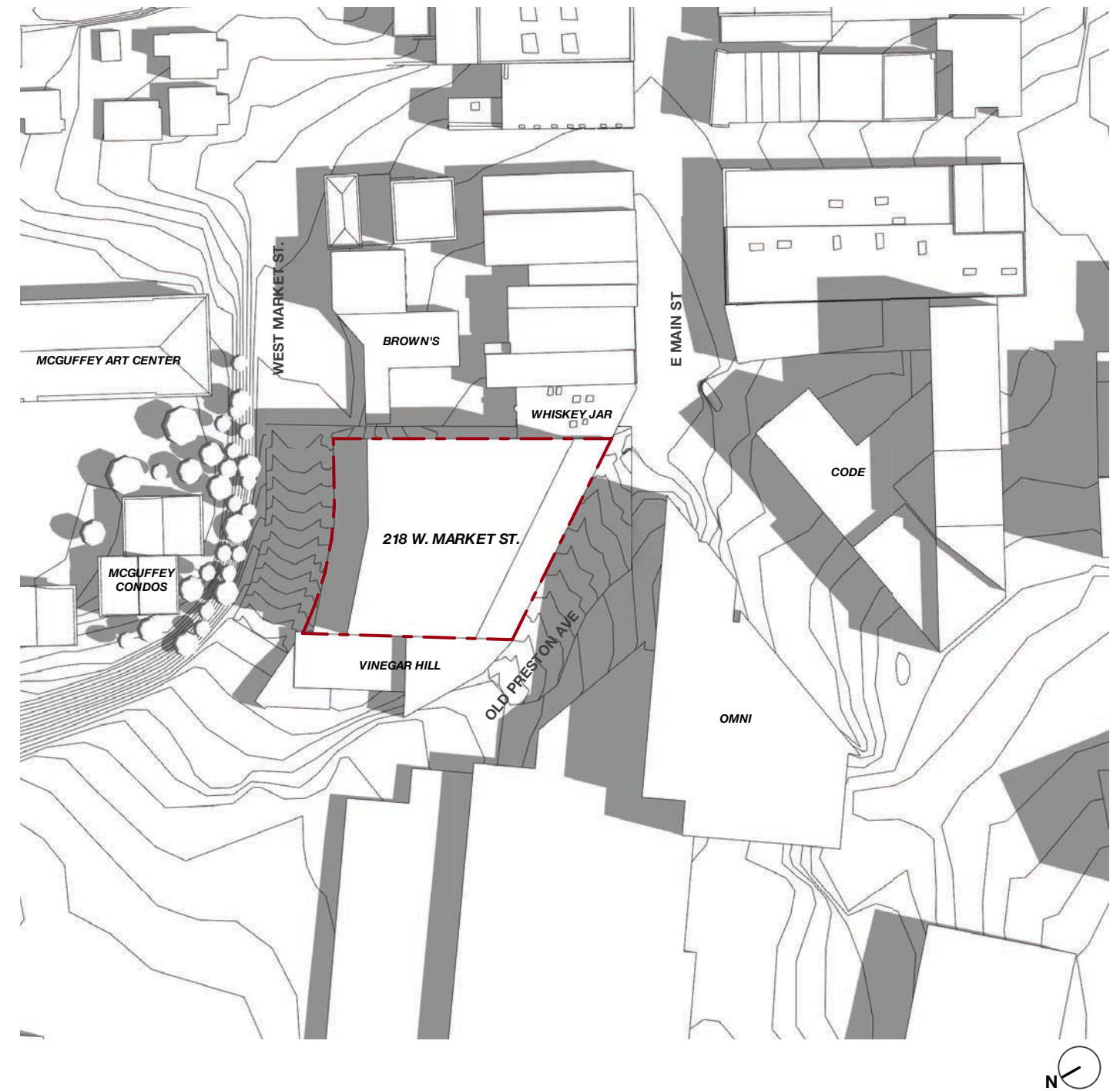


BUILDING HEIGHT WITH SUP



BUILDING HEIGHT BY RIGHT

SHADOW STUDIES
FALL AND SPRING EQUINOX: 2PM MARCH/SEPTEMBER 21ST



BUILDING HEIGHT WITH SUP



BUILDING HEIGHT BY RIGHT



BUILDING HEIGHT WITH SUP

SHADOW STUDIES
SHORTEST DAY OF THE YEAR: 2PM DECEMBER 21ST



EXISTING BUILDING

SHADOW STUDIES
SHORTEST DAY OF THE YEAR: 2PM DECEMBER 21ST



BUILDING HEIGHT WITH SUP

SITE DATA:

TAX MAP PARCEL AND OWNER INFO: PARCEL 330276000
 MARKET STREET PROMENADE, LLC
 1500 AMHERST STREET, SUITE 300
 CHARLOTTEVILLE, VA 22903

PARCEL AREA: 0.59 ACRES

LIMITS OF DISTURBANCE: 0.65 ACRES

IMPERVIOUS AREA: 0.65 ACRES

SOURCE OF SURVEY, BOUNDARY, AND TOPOGRAPHY: TIMMONS GROUP
 28 IMPERIAL DRIVE
 STAUNTON, VA 24401
 (540) 885 - 0920
 CONDUCTED BY: PAUL N. HUBER
 DATED: JUNE 10, 2019

VERTICAL DATUM REFERENCE: NAVD 88

MISS UTILITY TICKET# A914803153-00A

CURRENT USE: COMMERCIAL BUILDING AND PARKING LOT

PROPOSED USE: MIXED USE RESIDENTIAL AND COMMERCIAL

PAVED PARKING AND VEHICULAR CIRCULATION AREA IS TO BE LOCATED UNDER THE BUILDING AND ACCESSED ON THE SOUTHWEST CORNER OF THE SITE OFF OF OLD PRESTON AVENUE.

RECREATION AREA: NONE

OPEN SPACE: NONE

ZONED: DOWNTOWN CORRIDOR (DH)
 ARCHITECTURAL DESIGN CONTROL DISTRICT
 URBAN CORRIDOR PARKING ZONE

SETBACKS: PRIMARY STREET FRONTAGE: AT LEAST 75% OF THE STREETWALL OF A BUILDING MUST BE BUILT TO THE PROPERTY LINE ADJACENT TO A PRIMARY STREET. FOR THE REMAINING PORTION OF THE STREETWALL, THE MAXIMUM PERMITTED SETBACK IS 20 FT. IF STREETSCAPE TREES ARE PROVIDED TO THE STANDARDS SET FORTH IN SECTION 34-870, OR PURSUANT TO A SPECIAL USE PERMIT GRANTED BY CITY COUNCIL, UP TO 50% OF THE STREETWALL OF A BUILDING MAY BE SET BACK 20 FT.

SIDE AND REAR: NONE REQUIRED

STEPBACK: STREETWALL MINIMUM HEIGHT 40 FT

STREETWALL MAXIMUM HEIGHT 45 FT, CONTAINING EXACTLY 3 INTERIOR FLOORS AFTER 45 FT, THERE SHALL BE A MINIMUM STEPBAC OF 25 FT ALONG THE LENGTH OF THE STREETWALL.

ADJACENT AREAS: NORTH - WEST MARKET STREET
 EAST - COMMERCIAL/RETAIL
 SOUTH - OLD PRESTON AVENUE
 WEST - COMMERCIAL/RETAIL

MINIMUM HEIGHT: 45 FT

MAXIMUM HEIGHT: 70 FT
 *CAN INCREASE TO 101 FT SUBJECT TO SPECIAL USE PERMIT

DENSITY REQUIREMENTS: MAXIMUM RESIDENTIAL DENSITY = 43 DUA
 *UP TO 240 DUA MAY BE ALLOWED BY SPECIAL USE PERMIT

MINIMUM RESIDENTIAL DENSITY (NEW CONSTRUCTION, MULTIFAMILY) = 21 DUA

MIXED USE DEVELOPMENT REGULATIONS: NO GROUND FLOOR RESIDENTIAL USES MAY FRONT ON A PRIMARY STREET, UNLESS A BUILDING FRONTS ON MORE THAN 1 PRIMARY STREET, IN WHICH CASE GROUND FLOOR RESIDENTIAL USES MAY FRONT ON ONE PRIMARY STREET (CAN NOT FRONT ON MARKET STREET).

ALL ENTRANCES SHALL BE SHELTERED FROM THE WEATHER AND LIGHTED. WHERE ANY BUILDING OR DEVELOPMENT OCCUPIES 1 OR MORE PARCELS CONSTITUTING AN ENTIRE CITY BLOCK, COURTYARDS SHALL BE PROVIDED AND SHALL BE ACCESSIBLE FROM ADJACENT STREETS.

UTILITIES: CITY OF CHARLOTTEVILLE PUBLIC WATER, SEWER

WATER QUALITY ANALYSIS (PRELIMINARY):

SITE DATA
 PRE DEVELOPED AREA
 IMPERVIOUS = 0.60 AC
 PERVIOUS = 0.05 AC

PRE DEVELOPMENT LOAD (TP) (LB/YR) = 1.33 LB/YR

POST DEVELOPED AREA
 IMPERVIOUS = 0.65 AC
 PERVIOUS = 0 AC

POST DEVELOPMENT LOAD (TP) (LB/YR) = 1.41 LB/YR

MAXIMUM PERCENT REDUCTION REQUIRED FOR REDEVELOPMENT = 10%

TOTAL LOAD REDUCTION REQUIRED (LB/YR) = 0.22 LB/YR

ON-SITE TREATMENT PROPOSED
 LEVEL 1 VEGETATED ROOF (0.22 AC / 9,365 SF)

WATER QUANTITY ANALYSIS (PRELIMINARY):

DRAINAGE AREA ANALYSIS

PRE-DEVELOPMENT 1 TOWARDS OLD PRESTON AVE.		POST-DEVELOPMENT 1 TOWARDS OLD PRESTON AVE.	
AREA = 0.61 AC		AREA = 0.65 AC	
0.57 AC (IMPERVIOUS)	0.04 AC (MANAGED TURF)	0.43 AC (IMPERVIOUS)	0 AC (MANAGED TURF)
TC = 6 MIN		TC = 6 MIN	
Q (CFS)	V (AC-FT)	Q (CFS)	V (AC-FT)
1 YEAR 2.51	0.137	1 YEAR 1.89	0.092
10 YEAR 4.68	0.265	10 YEAR 4.53	0.234

PRE-DEVELOPMENT 2 TOWARDS MARKET ST.	
AREA = 0.04 AC	
0.03 AC (IMPERVIOUS)	0.01 AC (MANAGED TURF)
TC = 6 MIN	
Q (CFS)	V (AC-FT)
1 YEAR 0.15	0.008
10 YEAR 0.30	0.016

CHANNEL PROTECTION (ENERGY BALANCE):

$Q_{DEVELOPED} \leq 0.90 * (Q_{RE-DEVELOPED} * RV_{PRE-DEVELOPED} / RV_{DEVELOPED})$

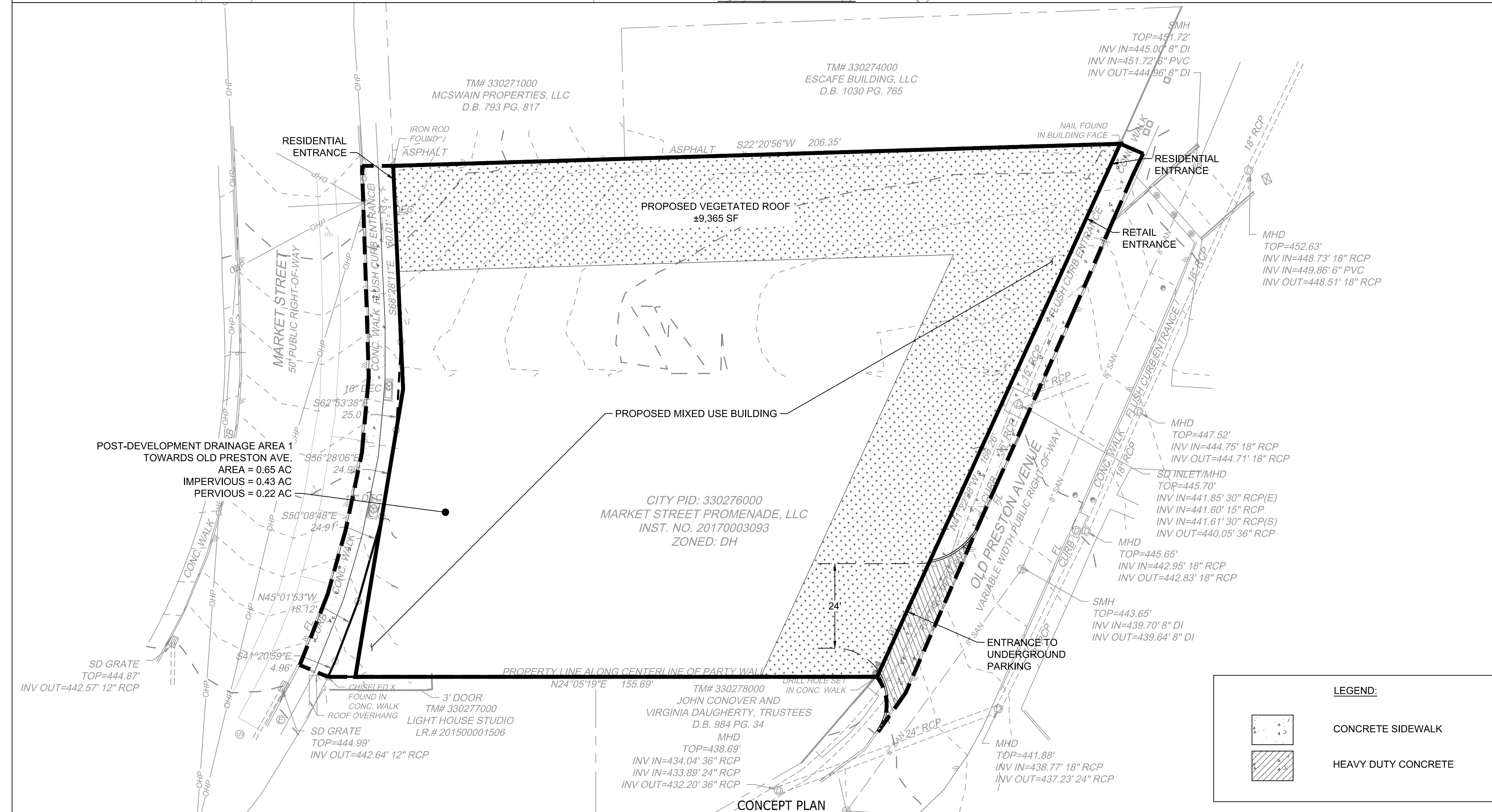
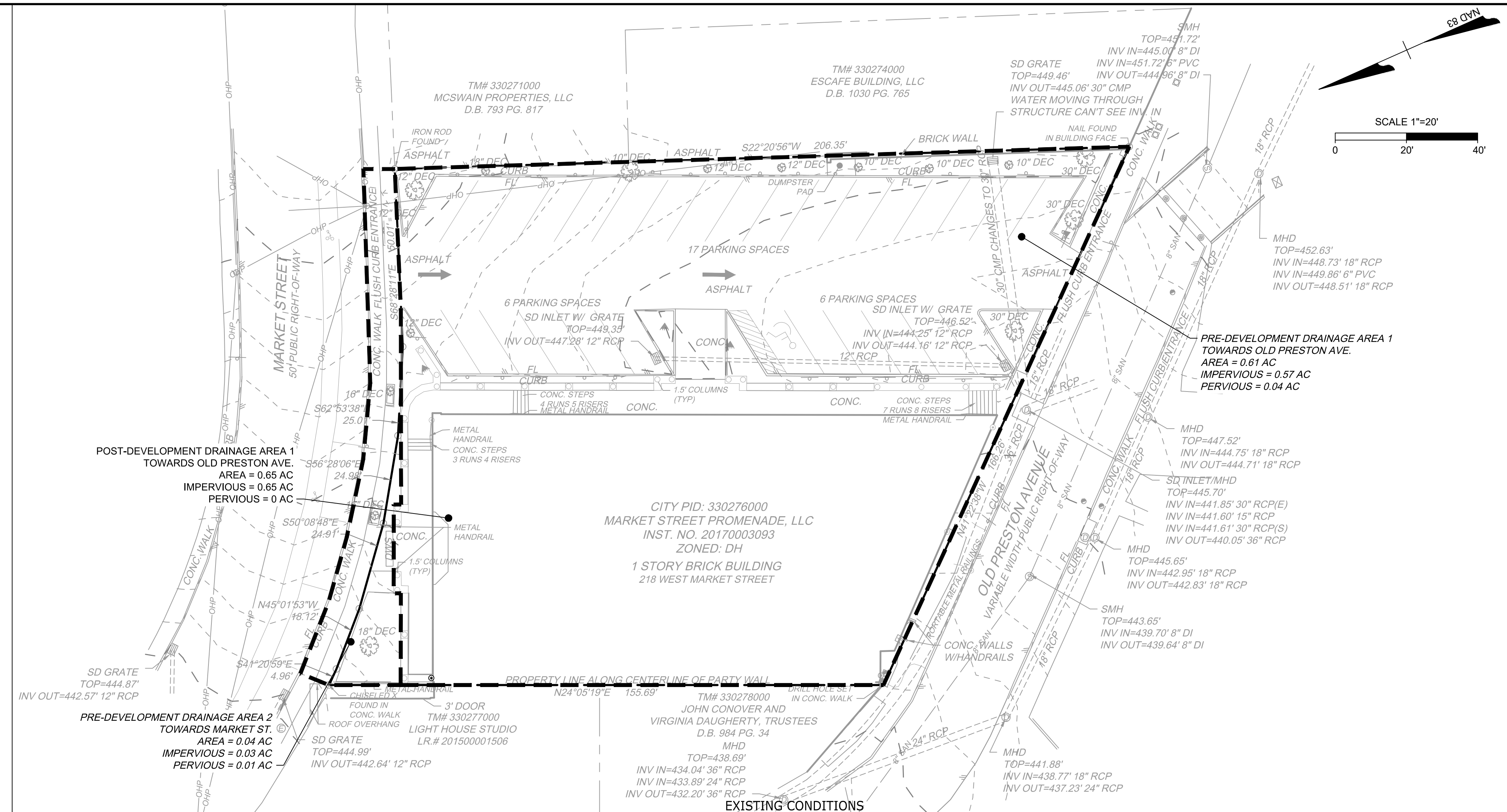
OK 1.89 CFS $\leq 0.90 * (2.51 \text{ CFS} * 0.137 \text{ AC-FT}) / (0.092 \text{ AC-FT})$ CF = 3.36 CFS

FLOOD PROTECTION:

POST-DEVELOPED $Q_{10} \leq$ PRE-DEVELOPED Q_{10}

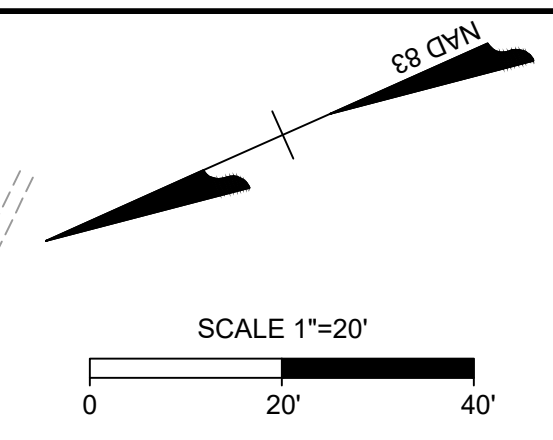
OK 4.53 CFS (POST-DEVELOPED Q_{10}) \leq 4.68 CFS (PRE-DEVELOPED Q_{10})

*CURVE NUMBERS FOR VEGETATED ROOF AREA TAKEN FROM VA STORMWATER BMP CLEARINGHOUSE, SPECIFICATION #5, TABLE 5.1



LEGEND:

	CONCRETE SIDEWALK
	HEAVY DUTY CONCRETE



S:\10343750\218_W_MarketDWG\Sheet\Enhanced\3750_SUP_Concept Plan.dwg | Plotted on 06/20/19 8:52 AM | by Kim Mellon

THIS DRAWING PREPARED AT THE
CHARLOTTEVILLE OFFICE
 608 Preston Avenue, Suite 200 | Charlottesville, VA 22903
 TEL: 541.293.5624 FAX: 541.293.8317 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION	DATE

DATE: 08/13/2019

DRAWN BY: K. MELLON

DESIGNED BY: K. MELLON

CHECKED BY: C. KOTARSKI

SCALE: 1" = 20'

TIMMONS GROUP

218 W MARKET STREET - SPECIAL USE PLAN
 CITY OF CHARLOTTEVILLE, VA
 SUP CONCEPT PLAN - OPTION 1

JOB NO. 43750
 SHEET NO. EX-1

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SITE DATA:

TAX MAP PARCEL AND OWNER INFO: PARCEL 330276000
 MARKET STREET PROMENADE, LLC
 1500 AMHERST STREET, SUITE 300
 CHARLOTTESVILLE, VA 22903

PARCEL AREA: 0.59 ACRES

LIMITS OF DISTURBANCE: 0.65 ACRES

IMPERVIOUS AREA: 0.65 ACRES

SOURCE OF SURVEY, BOUNDARY, AND TOPOGRAPHY: TIMMONS GROUP
 28 IMPERIAL DRIVE
 STAUNTON, VA 24401
 (540) 885 - 0920
 CONDUCTED BY: PAUL N. HUBER
 DATED: JUNE 10, 2019

VERTICAL DATUM REFERENCE: NAVD 88

MISS UTILITY TICKET# A914803153-00A

CURRENT USE: COMMERCIAL BUILDING AND PARKING LOT

PROPOSED USE: MIXED USE RESIDENTIAL AND COMMERCIAL

PAVED PARKING AND VEHICULAR CIRCULATION AREA IS TO BE LOCATED UNDER THE BUILDING AND ACCESSED ON THE SOUTHWEST CORNER OF THE SITE OFF OF OLD PRESTON AVENUE.

RECREATION AREA: NONE

OPEN SPACE: NONE

ZONED: DOWNTOWN CORRIDOR (DH)
 ARCHITECTURAL DESIGN CONTROL DISTRICT
 URBAN CORRIDOR PARKING ZONE

SETBACKS: PRIMARY STREET FRONTAGE: AT LEAST 75% OF THE STREETWALL OF A BUILDING MUST BE BUILT TO THE PROPERTY LINE ADJACENT TO A PRIMARY STREET. FOR THE REMAINING PORTION OF THE STREETWALL, THE MAXIMUM PERMITTED SETBACK IS 20 FT. IF STREETSCAPE TREES ARE PROVIDED TO THE STANDARDS SET FORTH IN SECTION 34-870, OR PURSUANT TO A SPECIAL USE PERMIT GRANTED BY CITY COUNCIL, UP TO 50% OF THE STREETWALL OF A BUILDING MAY BE SET BACK 20 FT.

SIDE AND REAR: NONE REQUIRED

STEPBACK: STREETWALL MINIMUM HEIGHT 40 FT

STREETWALL MAXIMUM HEIGHT 45 FT, CONTAINING EXACTLY 3 INTERIOR FLOORS AFTER 45 FT, THERE SHALL BE A MINIMUM STEPBACK OF 25 FT ALONG THE LENGTH OF THE STREETWALL.

ADJACENT AREAS: NORTH - WEST MARKET STREET
 EAST - COMMERCIAL/RETAIL
 SOUTH - OLD PRESTON AVENUE
 WEST - COMMERCIAL/RETAIL

MINIMUM HEIGHT: 45 FT

MAXIMUM HEIGHT: 70 FT

*CAN INCREASE TO 101 FT SUBJECT TO SPECIAL USE PERMIT

DENSITY REQUIREMENTS: MAXIMUM RESIDENTIAL DENSITY = 43 DUA

*UP TO 240 DUA MAY BE ALLOWED BY SPECIAL USE PERMIT

MINIMUM RESIDENTIAL DENSITY (NEW CONSTRUCTION, MULTIFAMILY) = 21 DUA

MIXED USE DEVELOPMENT REGULATIONS: NO GROUND FLOOR RESIDENTIAL USES MAY FRONT ON A PRIMARY STREET, UNLESS A BUILDING FRONTS ON MORE THAN 1 PRIMARY STREET, IN WHICH CASE GROUND FLOOR RESIDENTIAL USES MAY FRONT ON ONE PRIMARY STREET (CAN NOT FRONT ON MARKET STREET). ALL ENTRANCES SHALL BE SHELTERED FROM THE WEATHER AND LIGHTED. WHERE ANY BUILDING OR DEVELOPMENT OCCUPIES 1 OR MORE PARCELS CONSTITUTING AN ENTIRE CITY BLOCK, COURTYARDS SHALL BE PROVIDED AND SHALL BE ACCESSIBLE FROM ADJACENT STREETS.

UTILITIES: CITY OF CHARLOTTESVILLE PUBLIC WATER, SEWER

WATER QUALITY ANALYSIS (PRELIMINARY):

SITE DATA
 PRE DEVELOPED AREA
 IMPERVIOUS = 0.60 AC
 PERVIOUS = 0.05 AC

PRE DEVELOPMENT LOAD (TP) (LB/YR) = 1.33 LB/YR

POST DEVELOPED AREA
 IMPERVIOUS = 0.65 AC
 PERVIOUS = 0 AC

POST DEVELOPMENT LOAD (TP) (LB/YR) = 1.41 LB/YR

MAXIMUM PERCENT REDUCTION REQUIRED FOR REDEVELOPMENT = 10%

TOTAL LOAD REDUCTION REQUIRED (LB/YR) = 0.22 LB/YR

ON-SITE TREATMENT PROPOSED
 STORMWATER CARTRIDGE FILTERS

WATER QUANTITY ANALYSIS (PRELIMINARY):

DRAINAGE AREA ANALYSIS			
PRE-DEVELOPMENT 1 TOWARDS OLD PRESTON AVE.		POST-DEVELOPMENT 1 TOWARDS OLD PRESTON AVE.	
AREA = 0.61 AC		AREA = 0.65 AC	
0.57 AC (IMPERVIOUS)		0.65 AC (IMPERVIOUS)	
0.04 AC (MANAGED TURF)		0 AC (MANAGED TURF)	
TC = 6 MIN		TC = 6 MIN	
Q (CFS)	V (AC-FT)	Q (CFS)	V (AC-FT)
1 YEAR 2.51	0.137	1 YEAR 1.48	0.152
10 YEAR 4.68	0.265	10 YEAR 4.64	0.289
PRE-DEVELOPMENT 2 TOWARDS MARKET ST.			
AREA = 0.04 AC		AREA = 0.04 AC	
0.03 AC (IMPERVIOUS)		0.03 AC (IMPERVIOUS)	
0.01 AC (MANAGED TURF)		0.01 AC (MANAGED TURF)	
TC = 6 MIN		TC = 6 MIN	
Q (CFS)	V (AC-FT)	Q (CFS)	V (AC-FT)
1 YEAR 0.15	0.008	1 YEAR 0.15	0.008
10 YEAR 0.30	0.016	10 YEAR 0.30	0.016

CHANNEL PROTECTION (ENERGY BALANCE):

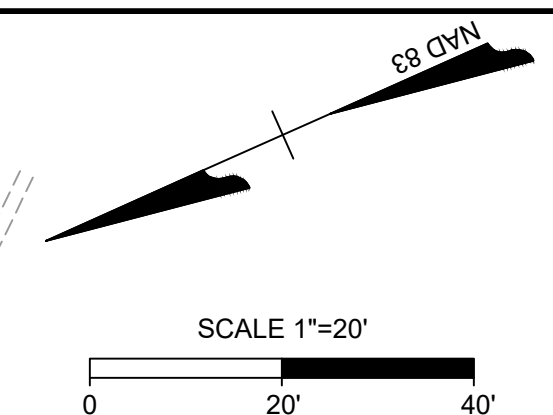
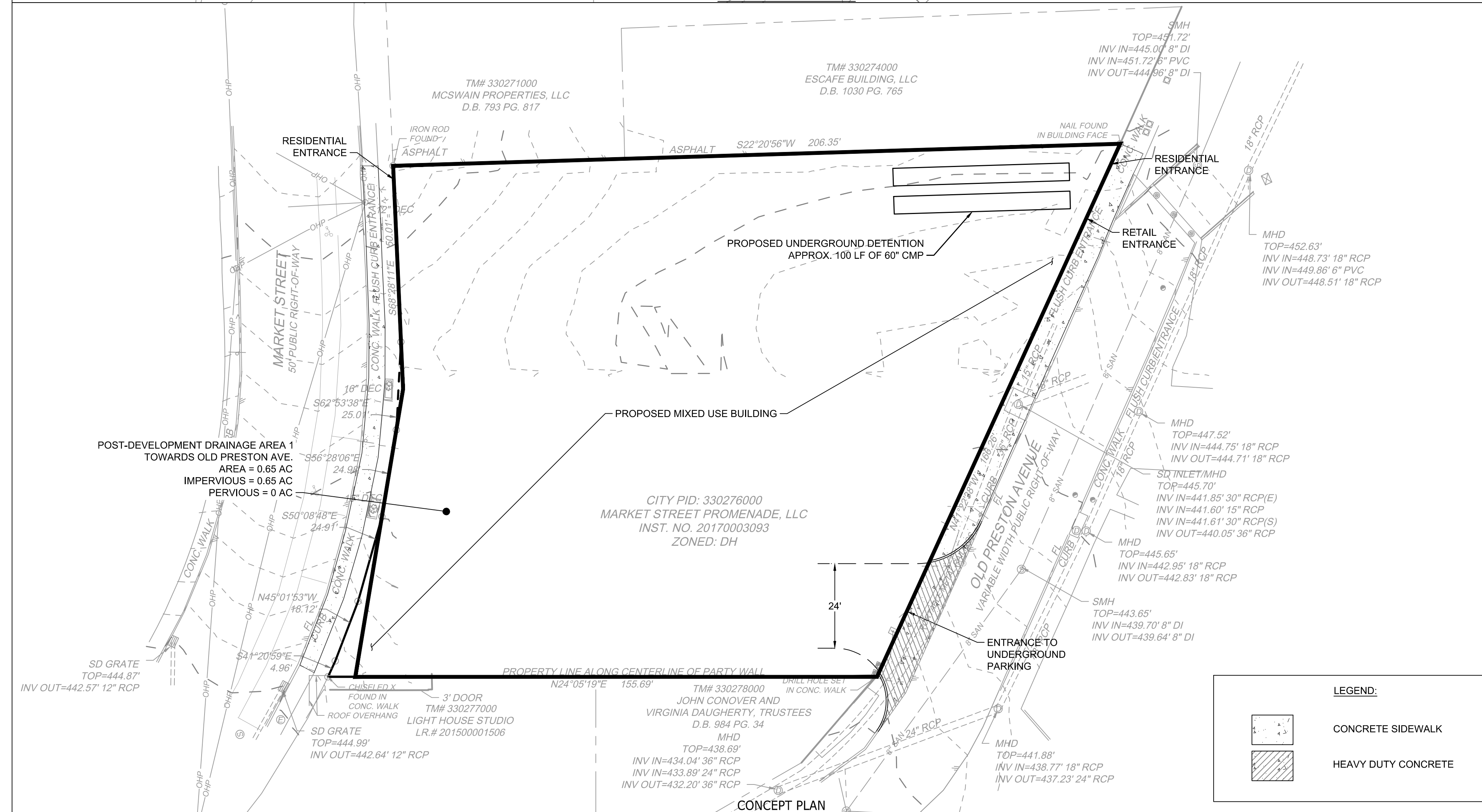
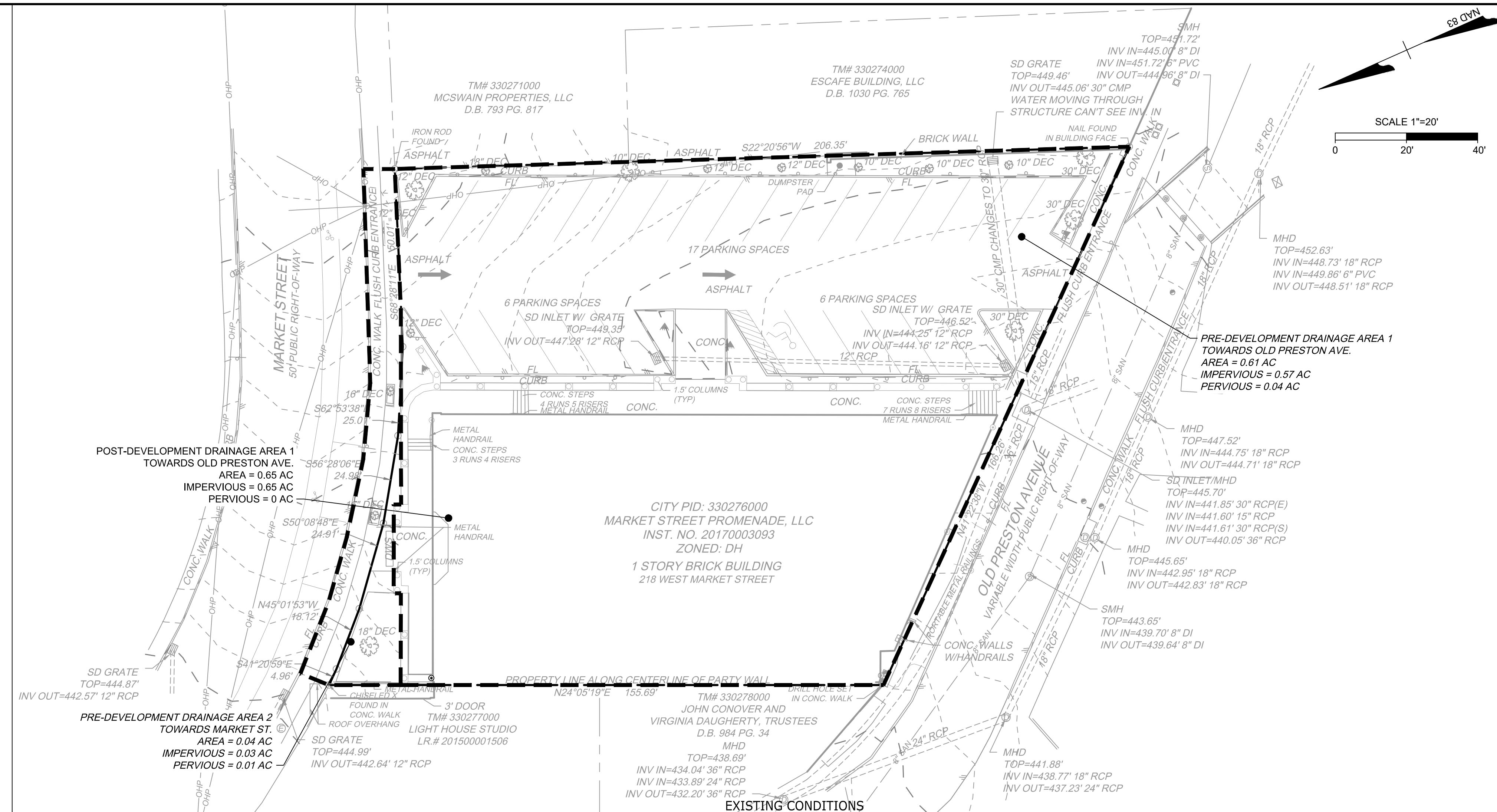
$Q_{DEVELOPED} \leq 0.90 * (Q_{PRE-DEVELOPED} * RV_{PRE-DEVELOPED} / RV_{DEVELOPED})$

OK 1.48 CFS \leq 0.90 * (2.51 CFS * 0.137 AC-FT) / (0.152 AC-FT) CF = 2.04 CFS

FLOOD PROTECTION:

POST-DEVELOPED $Q_{10} \leq$ PRE-DEVELOPED Q_{10}

OK 4.64 CFS (POST-DEVELOPED Q_{10}) \leq 4.68 CFS (PRE-DEVELOPED Q_{10})



LEGEND:

[Symbol]	CONCRETE SIDEWALK
[Symbol]	HEAVY DUTY CONCRETE

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YOUR VISION ACHIEVED THROUGH OURS.

REVISION DESCRIPTION	DATE

DATE	08/13/2019
DRAWN BY	K. MELLON
DESIGNED BY	K. MELLON
CHECKED BY	C. KOTARSKI
SCALE	1" = 20'

TIMMONS GROUP

218 W MARKET STREET - SPECIAL USE PLAN
 CITY OF CHARLOTTESVILLE, VA
 SUP CONCEPT PLAN - OPTION 2

JOB NO. 43750
 SHEET NO. EX-2

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S:\10343750\218_W_MarketDWG\Sheet\Enhanced\3750_SUP_Concept_Plan - Option 2.dwg | Printed on 8/13/2019 9:52 AM | by Kim Mellon

October 31, 2019

To: Brian Haluska, Staff Contact
City of Charlottesville
Department of Neighborhood Development Services
haluska@charlottesville.org

From: Concerned McGuffey Hill Homeowners

Re Rezoning and Special Use Permit
Application No SP19-00006

We are writing to express our concerns regarding the proposed development by Landowner Market Street Promenade, LLC of the Artful Lodger site at 218 West Market St. As McGuffey Hill homeowners we see this proposal as having a severe negative impact on our residential neighborhood as well as the downtown Charlottesville mall area. The following is a partial listing of our concerns and observations.

A. Zoning issues:

1. The "as by right" zoning on the designated half acre parcel limits the development height to 70 feet or the cornice line of the McGuffey School. Under current density regulations this would generate 24 apartment units. The requested increase to 101 feet per a "special use permit" will apparently generate 134 apartments with only 24 required parking spaces. The total built out height, including penthouses, would be equal to, or exceed, the top of the roof line of the McGuffey School Building or more than two stories higher than the Omni Hotel.

The impact of such a huge project on this small site is astonishing. The creation of a wall 101 feet high on Market St. facing the McGuffey Hill condos will forever block sun and sky views from existing condo units. It will, as well, as cast a shadow on Market St. and the McGuffey hill property that will last many months of the year. It will create a huge building mass that will dwarf the adjacent one- and two-story buildings on Market St, limiting their future property rights. It will, in our opinion, significantly contribute to the over building of the urban infrastructure of Charlottesville in terms of additional traffic, noise, parking and pedestrian access to downtown and its unique mall.

B. Environmental Issues:

1. Traffic circulation
Traffic in downtown can be very difficult at peak hours. Using the Old Preston Ave. as the site parking access creates a dangerous bottleneck condition at a major intersection with Preston Ave. and West Market St. It will be extremely difficult to make left hand turns onto Preston Ave. from Old Preston Ave. and may require another traffic light.
2. Noise
There will be a huge echo of sound off the North facing wall from the vehicular traffic on Market St. Currently, sirens are extremely loud as emergency vehicles come up Market St. Allowable decibel levels need to be addressed.
3. Emergency vehicles
Emergency vehicles use Market St. as a major access to downtown. It is an already over-crowded street. 134 new apartments will create additional pressure on the Market St. traffic flow that will impact emergency access. Accidents occur regularly on Market St. in this location.

4. Stream bed and water runoff

It is our understanding that a major water course exists under the site. This could severely limit the amount of underground parking that is possible. No exceptions to the already minimal requirements for parking should be made.

C. Urban Infrastructure.

1. Existing street width

The City of Charlottesville downtown is constructed on an 18th century grid plan. The downtown street widths and property limits are determined by that layout. This will not change. There are limits to what can be imposed on this historic infrastructure, particularly additional on-street parking.

2. Parking

Parking is a huge problem in the McGuffey Hill area. The proposal does not adequately address the parking issues created by 134 new apartments. People routinely try to park in condo homeowners reserved spaces and the McGuffey School lot. Additional parking spaces on the street are not available and it seems likely that existing street parking will be eliminated during construction and maybe afterwards.

3. Existing zoning regulations

The city has in place a zoning plan for this area of the city. It may not be perfect but it exists. Why is it being violated in this particular case? Exceptions to the existing city zoning are being made that seem piecemeal and opportunistic. The plan also may not recognize or adequately reflect the change in topography adjacent to the project site. At the very least the density and zoning envelope needs to be re-studied and publicly discussed, especially in light of proposed plans for the Vinegar Hill area. Special use permit decisions should not be made without having a holistic view of the entire area.

4. Future planning for Vinegar Hill area

This proposal is a one-off blockbuster. The city needs a comprehensive urban design proposal for the entire area. Is this an area that should be targeted for affordable housing? Market-rate housing, and additional commercial space, parking, increased density, and traffic flow should all be part of the planning for the future development of this area.

D. Conclusions

We therefore urge a more comprehensive analysis of the impact of this project as proposed. We are not against development per se but it must be done with an awareness and respect for all parties concerned. This proposal is too dense, too tall and too invasive to be successful, in our opinion. It directly affects our environment and quality of life. It does not seem to be part of a strategy for development in this area of the city, and it has a potential negative impact on nearby neighborhood residential property values.

Respectively submitted,
Concerned McGuffey Hill Homeowners

Cc:
McGuffey Hill Condo Directory of Owners
NDRA – Jon Bright (jon@specshop.net)

CITY OF CHARLOTTESVILLE

DEPT. OF NEIGHBORHOOD DEVELOPMENT SERVICES

STAFF REPORT



APPLICATION FOR A SPECIAL USE PERMIT

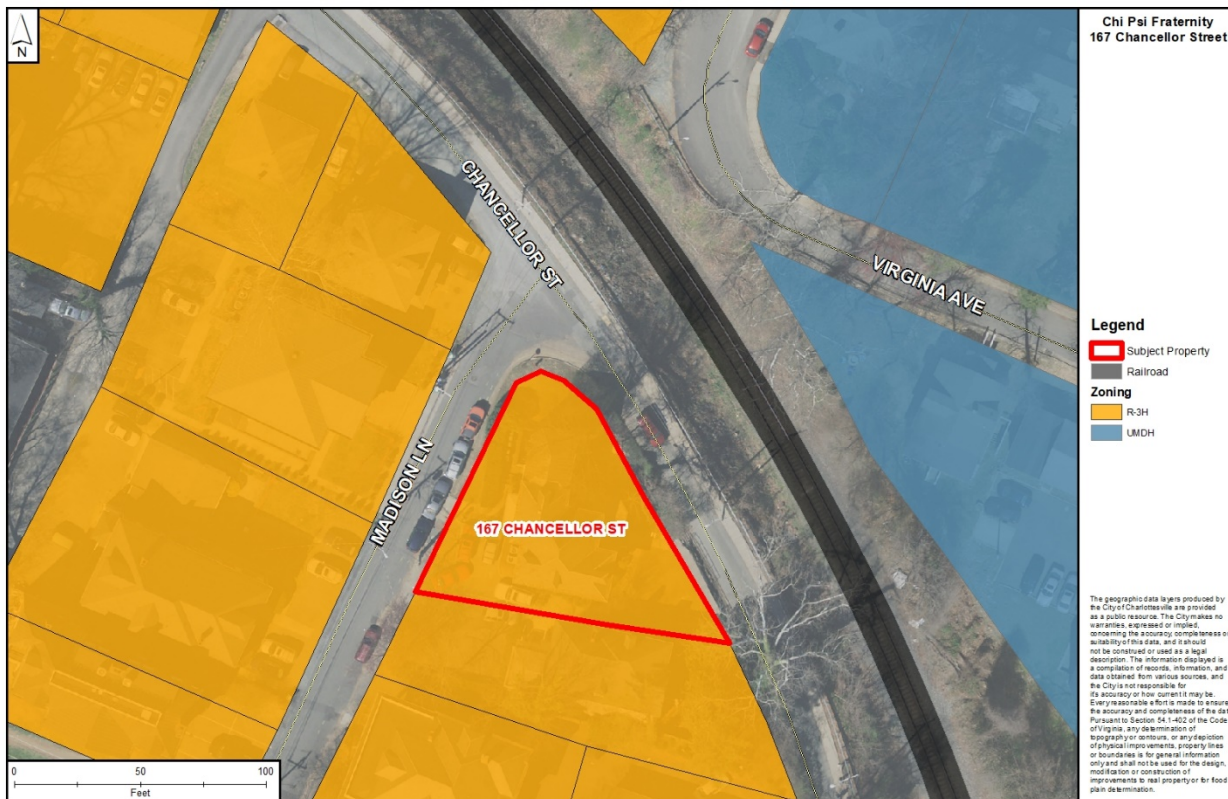
JOINT CITY COUNCIL & PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING:	<i>Tuesday, November 12, 2019</i>	
PROJECT NAME:	<i>Chi Psi Fraternity - 167 Chancellor Street SUP</i>	
APPLICATION NUMBER:	<i>SP19-00007</i>	
REASON FOR SPECIAL USE PERMIT:	<i>To authorize a specific land use (fraternity house with up to 16 residents)</i>	
Project Planner:	Joey Winter (winterj@charlottesville.org)	
Date of Staff Report:	November 5, 2019	
Applicant:	Design Develop LLC	
Applicants Representative:	Mr. Kevin Schafer	
Owner of Record:	Alpha Omicron of Chi Psi Corporation	
<u>Application Information</u>		
Property Street Address:	167 Chancellor Street ("Subject Property")	
Tax Map Parcel Number:	TM 9-126 090126000	
Site Area (per GIS):	0.1380 acres (6,011 ft ²)	
Comprehensive Plan (Land Use Plan):	High Density Residential	
Current Zoning Classification:	R-3H	
Overlay Districts:	Corner Architectural Design Control District	
Completeness:		
<ul style="list-style-type: none"> Application contains all info required by Zoning Ordinance Secs. 34-41(d), 34-158(a), & 34-158(b) 		
Existing dwelling units on site:		1
Dwelling units proposed by this development:		1
Pre-application meeting required by Sec. 34-41(b)(1) was conducted on:		<u>August 21, 2019</u>
Community meeting required by Sec. 34-41(c)(2) was conducted on:		<u>October 7, 2019</u>
Meeting location – <i>Subject Property (167 Chancellor Street, Charlottesville, VA 22903)</i>		

Vicinity Map



Zoning Map



Application Components

Per Sec. 34-158(a), *the procedure for filing and consideration of an application for a special use permit is the same as that required by section 34-41 for an owner-initiated petition for a zoning map amendment, except that a complete application for a special use permit shall also include:*

(1) A site plan when required by section 34-802 of the City Code;	<i>ATTACHMENT 2</i>
(2) A written disclosure of the information required by section 34-8 of the City Code and, if the applicant is not the owner of the property, written evidence of his status as (i) the authorized agent of the property owner, or (ii) a contract purchaser of the property whose application is with the permission of the property owner;	<i>ATTACHMENT 1, Page 6</i>
(3) For developments including any non-residential uses, and developments proposing the construction of three (3) or more single- or two-family dwellings, the applicant shall provide a completed low-impact development ("LID") methods worksheet;	<i>ATTACHMENT 1, Page 8</i>
(4) For applications proposing the alteration of the footprint or height of an existing building, or the construction of one (1) or more new buildings: (i) a building massing diagram and (ii) elevations;	<i>ATTACHMENT 3, Pages 20-37</i>
(5) Information and data identifying how many, if any, existing dwelling units on the development site meet the city's definition of an "affordable dwelling unit" and whether any such existing units, or equivalent affordable units, will remain following the development;	<i>ATTACHMENT 8</i>
(6) Other supporting data sufficient to demonstrate compliance with the purposes and standards of this Zoning Ordinance, including, without limitation, graphic materials that illustrate the context of the project as well as information and data addressing the factors set forth within section 34-157 above.	<i>See list of attachments on page 14 of this staff report</i>

Applicant's Request

Mr. Kevin Schafer of Design Develop LLC, on behalf of Alpha Omicron of Chi Psi Corporation, has submitted a Special Use Permit (SUP) application for a fraternity at 167 Chancellor Street. Pursuant to Sec. 34-420, an SUP is being requested for a fraternity house with up to 16 residents. Additionally, modifications to yard regulations are being requested pursuant to Sec. 34-167. The property is further identified on City Real Property Tax Map 9 Parcel 126. The site is zoned R-3H and is approximately 0.138 acres. The General Land Use Plan calls for High Density Residential development. A preliminary site plan for the Subject Property was submitted to the City on September 17, 2019 and is included with this staff report (see Attachment 2). This site plan is currently under review by city staff.

Background

On July 15, 1985, City Council approved a Special Use Permit to allow the use of the structures and properties at 165 and 167 Chancellor Street as a sorority complex with a maximum of 33 residents (see Attachments 4 and 5). The 1985 SUP also modified yard regulations for 165 and 167 Chancellor Street by reducing the required front yard on Madison Lane from 36 feet (the average depth of the existing front yards within 500 feet) to 17.71 feet. The Alpha Phi sorority, which was granted the 1985 SUP for 165 and 167 Chancellor Street no longer owns either parcel.

The current owner of 167 Chancellor Street, Alpha Omicron of Chi Psi Corporation, operates the property as the chapter house for the Chi Psi fraternity. A new Special Use Permit for a fraternity house with up to sixteen (16) residents is being requested. Sixteen residents is slightly less than half the number allowed by the 1985 SUP. In addition, modifications to yard regulations are being requested due to the unique geography of the lot and to allow "architecture more in keeping with [the Corner Architectural Design Control District]".

The current owner of 165 Chancellor Street, WADS Holdings, LLC, operates the property as a multi-family residence. The property at 165 Chancellor Street has not been used as a boarding, fraternity, or sorority house for more than two years. Therefore, Special Use Permit approval for this property granted by the 1985 SUP has expired and is no longer valid pursuant to Sec. 34-164(c)(5). However, if the current SUP request is granted a condition should be included that the front yard setback along Madison Lane will remain as modified by the 1985 SUP to prevent 165 Chancellor Street from becoming non-conforming (see Proposed Staff Condition 1).

Fraternity Use

The proposed fraternity use at 167 Chancellor Street is appropriate for the neighborhood. The Subject Property has been used as a fraternity or sorority for much of its roughly 100 year existence. A maximum of 16 residents is appropriate for the neighborhood and is just under half the number of residents allowed at 165 and 167 Chancellor Street by the 1985 SUP.

Vehicle Parking and Bicycle Storage

Per City Code Section 34-971(e)(2), the proposed development lies in the Corner Parking Zone and therefore is not required to provide off-street parking. Per City Code Section 34-881(1), the proposed development will be required to comply with the bicycle storage facility requirement for fraternities at 1 bicycle space per 500ft² of bedroom area. Per Sec. 34-971(e)(5), the bicycle storage facilities provided shall not be bicycle racks.

The preliminary site plan associated with this SUP request proposes one off-street vehicle parking space and four bicycle spaces – the minimum amount of bicycle storage facilities required by Sec. 34-881(1). Due to the lack of available vehicle and bicycle parking in the vicinity of the Subject Property, additional bicycle storage facilities should be required. The City’s Bicycle and Pedestrian Coordinator recommends that bicycle storage facilities at a rate of one per resident are adequate. As stated in the previous paragraph, bicycle racks are not permitted as bicycle storage facilities for this proposed development - bicycle lockers or sheltered, secure enclosures will have to be provided.

Pedestrian Facilities and Site Accessibility

The Subject Property lies in a neighborhood with heavy pedestrian traffic from students walking to the UVA campus. Existing sidewalk adjacent to the proposed development consists of a sidewalk to the west on Madison Lane currently ends at the entrance to the parking area between 165 and 167 Chancellor Street and an elevated sidewalk to the south on Chancellor Street in need of repair.



Diagram of existing and proposed sidewalk. - SOURCE: Applicant Preliminary Site Plan and SUP applications (09/17/2019)

The proposed preliminary site plan associated with this SUP request shows that sidewalk will be extended along the frontage of Madison Lane to the intersection with Chancellor Street. This sidewalk extension will aid pedestrian traffic at the Subject Property. To increase accessibility at the Subject Property, the sidewalk extension should be required to align with the existing curb ramp on the east side of Chancellor Street and an ADA-compliant curb ramp should be added. Additionally, an accessible route from the public sidewalk to the primary entrance of 167 Chancellor Street must be provided as required by Sec. 34-897(b).

Modification of Yard Regulations

Pursuant to City Code Sec. 34-162(a), in reviewing an application for a special use permit, the city council may modify yard regulations provided:

1. Such modification will be in harmony with the purposes and intent of [the special use permits] division, the zoning district regulations under which such special use permit is being sought; and
2. Such modification is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and
3. No such modification shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.

Modifications to yard regulations are being requested by the applicant due to the unique geography of the lot and to allow “architecture more in keeping with [the Corner Architectural Design Control District]”. The Board of Architectural Review recommends that the yard modifications requested by the applicant will not have an adverse impact on the Corner ADC District.

No modifications to the rear yard requirement are being requested by the applicant. It is proposed by staff that the front yard requirement for 165 Chancellor Street remain as modified by the 1985 SUP for 165 and 167 Chancellor Street.

REQUESTED FRONT YARD MODIFICATION ADJCAENT TO MADISON LANE:

A front yard of eight (8) feet, minimum will be required instead of the average depth of the existing front yards within five hundred (500) feet.

STAFF ANALYSIS: This modification to front yard regulations will reduce the required setback by just under 10 feet (from 17.71 feet to 8 feet). The required front setback was already reduced from 38.22 feet to 17.71 feet by the 1985 SUP for 165 and 167 Chancellor Street.

REQUESTED SIDE YARD MODIFICATION ADJACENT TO 165 CHANCELLOR STREET:

A side yard of four (4) feet, minimum will be required instead of one (1) foot of side yard per every two (2) feet of building height with a minimum of ten (10) feet.

STAFF ANALYSIS: This modification to corner side yard regulations will reduce the required setback by 9 feet (from 13 feet to 4 feet).

REQUESTED CORNER SIDE YARD MODIFICATION ADJACENT TO CHANCELLOR STREET:

A corner side yard of four (4) feet, minimum will be required instead of twenty (20) feet, minimum.

STAFF ANALYSIS: This modification to corner side yard regulations will reduce the required setback by 16 feet.

Standard of Review

City Council may grant an applicant a special permit or special use permit, giving consideration to a number of factors set forth within Zoning Ordinance Sec. 34-157. If Council finds that a proposed use or development will have potentially adverse impacts, and if Council identifies development conditions that could satisfactorily mitigate such impacts, then Council may set forth reasonable conditions within its SUP approval. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to (i) whether or not Council should approve a proposed SUP and if so, (ii) whether there are any reasonable development conditions that could mitigate potentially adverse impacts of the propose use or development.

Section 34-157 of the City’s Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed SUP. Staff’s analysis of those factors, based on the information provided by the applicant is as follows:

Sec. 34-157. - General standards for issuance.

(a) In considering an application for a special use permit, the city council shall consider the following factors:

- 1. Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;**

Staff Analysis:

The proposed use of the Subject Property (fraternity house) is harmonious with existing patterns of use and development within the neighborhood. The Subject Property is located on the corner of Chancellor Street and Madison Lane less than 1000 feet from the University of Virginia campus. There are numerous fraternity/sorority houses in the immediate vicinity of the Subject Property. The properties immediately surrounding the subject property are described as follows:

Direction	Address	Use	TMP	Zoning
North	n/a	Railroad Tracks	n/a	n/a
West	175 Madison Lane	Multi-Family Residence	9-149	R-3H
West	171 Madison Lane	Fraternity (Delta Upsilon)	9-148	R-3H
West	165 Madison Lane	Apartment Building	9-146	R-3H
South	165 Chancellor Street	Multi-Family Residence	9-127	R-3H
East	n/a	Railroad Tracks	n/a	n/a

2. Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;

Staff Analysis:

The Subject Property is designated High Density Residential on the City's General Land Use Plan and lies in the R-3 ("multifamily") Residential District. Per City Code Sec. 34-350(c), the purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The proposed use of the Subject Property – a fraternity house with up to 16 residents – is appropriate for the neighborhood and will substantially conform to the City's Comprehensive Plan and zoning ordinance. Proposed staff condition 1 would set the maximum number of residents at the Subject Property at 16.

3. Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;

Staff Analysis: Renovation and expansion of the existing structure cannot proceed without approval by the City's Building Code Official. Any buildings or structures on this site will be required to comply with all applicable building code regulations per City Code Chapter 5.

4. Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:

a. Traffic or parking congestion;

Staff Analysis: Per City Code Section 34-971(e)(2), the proposed development lies in the Corner Parking Zone and therefore is not required to provide off-street parking. Per City Code Section 34-881(1), the proposed development will be required to comply with the bicycle storage facility requirement for fraternities at 1 bicycle space per 500ft² of bedroom area. Per Sec. 34-971(e)(5), the bicycle storage facilities provided shall not be bicycle racks. Staff recommends that additional bicycle storage facilities be required for the proposed development at a rate of one bicycle storage facility per resident. Proposed staff condition 5 relates to this proposed requirement.

b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;

Staff Analysis: The proposed use (fraternity house) is identical to the current use of the Subject Property. Changes in yard regulations will not adversely affect the natural environment.

c. Displacement of existing residents or businesses;

Staff Analysis: The proposed development will not lead to displacement of existing residents or businesses.

d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;

Staff Analysis: The proposed development will not lead to discouragement of economic development activities that may provide desirable employment or enlarge the tax base.

e. Undue density of population or intensity of use in relation to the community facilities existing or available;

Staff Analysis:

- The Subject Property lies in a neighborhood with heavy pedestrian traffic from students walking to the UVA campus. However, the community facilities existing or available in the vicinity of the proposed development for pedestrians are inadequate for the intensity of this proposed use.
- The elevated sidewalk to the south on Chancellor Street, which was repaired as a condition the 1985 SUP, has fallen into disrepair. Staff proposes that this elevated sidewalk again be repaired as a condition of the current SUP request.
- The sidewalk to the west on Madison Lane currently ends at the entrance to the parking area between 165 and 167 Chancellor Street. The proposed preliminary site plan associated with this SUP request shows this sidewalk being extended along the frontage of Madison Lane to the intersection with Chancellor Street. Staff proposes that extending this sidewalk be made a condition of the current SUP request. Additionally, staff proposes that the extended sidewalk along the frontage of Madison Lane be required to align with the existing curb ramp on the east side of Chancellor Street; and that an accessible curb ramp be required at the end of any proposed sidewalk.
- Proposed staff conditions 6, 7, and 8 include measures to mitigate any adverse impact on the neighborhood in relation to undue density of population or intensity of use in relation to the community facilities existing or available.

f. Reduction in the availability of affordable housing in the neighborhood;

Staff Analysis: The proposed development will not lead to a reduction in the availability of affordable housing in the neighborhood. Increasing the number of residents at the Subject Property may increase the number of available housing units in the neighborhood.

g. Impact on school population and facilities;

Staff Analysis: The proposed development will not have an impact on school population and facilities. No school aged children will reside in the Subject Property.

h. Destruction of or encroachment upon conservation or historic districts;

Staff Analysis: The Subject Property lies in the Corner ADC District. The existing building at 167 Chancellor Street is designated as a contributing structure and was constructed in 1915. The Board of Architectural Review recommends that, based on the general design and building footprint as submitted, the granting of this Special Use Permit will not have an adverse impact on the Corner ADC District.

i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant;

Staff Analysis: The applicant has certified that the proposed development will conform to federal, state and local laws. However, the preliminary site plan submitted for this proposed development does not specify an accessible route from the public sidewalk to the primary entrance of 167 Chancellor Street in accordance with construction standards set forth within

the most recent version of the City of Charlottesville Standards and Design Manual as required by Sec. 34-897(b). Therefore, proposed staff condition 9 has been included to ensure that an accessible route from the public sidewalk to the primary entrance of 167 Chancellor Street shall be required.

j. Massing and scale of project.

Staff Analysis: The Board of Architectural Review has recommended that the massing and scale of this project is appropriate for the neighborhood.

5. Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;

Staff Analysis:

- R-3 DISTRICT: Per City Code Sec. 34-350(c), the purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The proposed use of the Subject Property – a fraternity house with up to 16 residents – will be in harmony with the purposes of the R-3 zoning district in which it will be placed.
- CORNER ARCHITECTURAL DESIGN CONTROL DISTRICT: Per City Code Sec. 34-274(a), City council has designated the existing building as a contributing structure within this overlay district. The renovated and expanded building has been designed to be in harmony with the architecture of the existing neighborhood. The Board of Architectural Review that proposed changes to the existing building will not have an adverse impact on the Corner Architectural Design Control District.

6. Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations;

Staff Analysis: The proposed structure at the Subject Property, as well as the existing structure at 165 Chancellor Street will not conform to specific yard regulations for the R-3 district and the applicant is requesting modifications to yard requirements. See pages 6-7 for staff analysis. Proposed staff conditions 2, 3, and 4 are included if the Planning Commission wishes to modify yard regulations for the Subject Property and 165 Chancellor Street.

7. When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

Staff Analysis: This application was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on October 15, 2019. The following action was taken:

Sarafin moved to recommend that based on the general design and building footprint as submitted the proposed Special Use Permit for 167 Chancellor Street will not have an adverse impact on the

Corner ADC District, with the understanding that the final design and details will require future BAR review and approval and that the BAR extends the Certificate of Appropriateness from April 2018.

*Schwarz seconded. **Approved (6-0).***

(b) Any resolution adopted by city council to grant a special use permit shall set forth any reasonable conditions which apply to the approval.

Staff Analysis: Conditions recommended by staff are found on pages 11-13 of this report.

Public Comments Received

COMMUNITY MEETING: As required by Sec. 34-41(c)(2), the applicant held a community meeting for this SUP application on October 7, 2019, at the Subject Property (167 Chancellor Street, Charlottesville, VA 22903). NDS Staff did not attend this meeting. One member of the public was in attendance.

BAR HEARING: At the BAR hearing for this SUP on October 15, 2019, no members of the public spoke for or against this SUP request.

WRITTEN COMMENT: Staff received no written comment in favor of or against this SUP request.

Staff's Recommendations

Staff recommends Planning Commission focus on the following questions during review:

- What is the impact of allowing a fraternity with up to 16 (sixteen) residents at 167 Chancellor Street?
- What is the impact of granting modifications to yard regulations?
- Are there measures the applicant can take to mitigate any adverse impact on the neighborhood? More specifically, are there measures that can be taken to improve pedestrian traffic, site accessibility, and/or bicycle storage?

Proposed Staff Conditions

If the Planning Commission recommends approval, staff recommends the following conditions be placed on this Special Use Permit:

1. The fraternity house located at 167 Chancellor Street shall have a maximum of sixteen (16) residents. Any expansion of the fraternity house beyond sixteen (16) residents will require an amendment to this Special Use Permit.
2. 165 Chancellor Street: Special Use Permit approval for the land, buildings and structures located at 165 Chancellor Street to be used for a "boarding, fraternity and sorority house", as that term is defined in City

Code §34-1200 is expired and no longer valid. However, setbacks on this lot will remain modified as follows:

- a. Building setback (front), adjacent to Madison Lane: the required building setback along Madison Lane shall remain modified as shown on the site plan for 165 and 167 Chancellor Street approved on November 4, 1985.
3. 167 Chancellor Street: The land, buildings and structures located at 167 Chancellor Street may be used for a “boarding, fraternity and sorority house”, as that term is defined in City Code §34-1200. The number of residents shall not exceed 16 at 167 Chancellor Street.
- a. Building setback (front), adjacent to Madison Lane: the required building setback along Madison Lane shall be 8 feet.
 - b. Building setback (corner side), adjacent to Chancellor Street: the required building setback along Chancellor Street shall be 4 feet.
 - c. Building setback (side), adjacent to 165 Chancellor Street: the required building setback along the property line shared with 165 Chancellor Street shall be 4 feet.
 - d. Building setback (rear), property corner adjacent to Chancellor Street and 165 Chancellor Street: the required building setback from property corner adjacent to Chancellor Street and 165 Chancellor Street shall be 25 feet.
4. The “boarding, fraternity or sorority house” use approved by this special use permit, and (except as specifically modified within condition (2) and condition (3), above), all buildings and structures located on the Subject Property, shall comply with the provisions of City Code Sec. 34-353 and all other applicable provisions of Chapter 34 (Zoning) of the Code of the City of Charlottesville.
5. Bicycle storage facilities shall be provided at a rate of one (1) bicycle storage facility per resident. Pursuant to Sec. 34-971(e)(5), the bicycle storage facilities provided shall not be bicycle racks. Bicycle storage facilities shall be bicycle lockers or a sheltered, secure enclosure.
6. Sidewalk shall be extended along the frontage of Madison Lane as shown on the proposed preliminary site plan dated September 17, 2019.
7. Curb ramps shall be installed at the end of any proposed sidewalk on Madison Lane to align with the existing curb ramp on the east side of Chancellor Street.

8. The elevated sidewalk to the south on Chancellor Street must be repaired and vegetation cleared to remove obstructions. If this work is not done prior to requesting an updated Certificate of Occupancy for 167 Chancellor Street then the landowner shall provide a development agreement specifying the timing for completion of sidewalk work.
9. An accessible route from the public sidewalk to the primary entrance of 167 Chancellor Street shall be required.

BE IT FURTHER RESOLVED THAT the Special Use Permit approved by this Resolution amends and supersedes the special use permit previously approved by resolution dated July 15, 1985 for the buildings and structures located at 165 and 167 Chancellor Street.

Possible Motion(s)

1. On the basis that the proposal would service public necessity, convenience, general welfare, and good zoning practice, I move to recommend **approval** of this application for a Special Use Permit to authorize a boarding (fraternity or sorority) house use with up to 16 residents at 167 Chancellor Street, within a building of the general size and location depicted within the proposed Preliminary Site Plan dated September 17, 2019, subject to the following conditions:
 - The nine (9) conditions presented in the staff report
 - *[alternative conditions, or additional condition(s)...list here]*

OR,

2. On the basis that the proposal would NOT service public necessity, convenience, general welfare, and good zoning practice, I move to recommend **denial** of this application for a Special Use Permit to authorize a boarding (fraternity or sorority) house use with up to 16 residents at 167 Chancellor Street.

Attachments

1. Special Use Permit Application SP19-00007 - submitted September 17, 2019
2. Preliminary Site Plan Application P19-0132 - submitted September 17, 2019 *(currently under staff review)*
3. Link To Supporting Documentation From Applicant:
<https://www.dropbox.com/s/4k2k6nw4izw043y/2019-09-17%20SUP%20Submission.pdf?dl=0>

4. Resolution Granting Special Use Permit To Allow Use Of 165 And 167 Chancellor Street As A Sorority Complex – Approved by Charlottesville City Council on July 15, 1985
5. Excerpt of Charlottesville City Council Minutes From July 15, 1985 – Includes list of conditions for 1985 SUP
6. General Standards For Issuance Of A Special Use Permit - City Code Section 34-157
7. Exceptions And Modifications As Conditions Of Permit Special Use Permit - City Code Section 34-162
8. Affordable Dwelling Unit Ordinance Worksheet (*demonstrates compliance with Sec. 34-12*)



City of Charlottesville

Application for Special Use Permit

Project Name: THE CHI PSI LODGE

Address of Property: 167 CHANCELLOR STREET

Tax Map and Parcel Number(s): 090126000

Current Zoning District Classification: R-3

Comprehensive Plan Land Use Designation: HIGH DENSITY RESIDENTIAL

Is this an amendment to an existing SUP? NO, REPLACEMENT OF EXISTING

If "yes", provide the SUP #: UNKNOWN

Applicant: KEVIN SCHAFER, DESIGN DEVELOP

Address: 418 EAST MAIN STREET, CHARLOTTESVILLE, VIRGINIA, 22902

Phone: 434-665-4144

Email: KSCHAFER@DESIGNDEVELOPLLC.COM

Applicant's Role in the Development (check one):

Owner Owner's Agent Designer Contract Purchaser

Owner of Record: William S. Spotswood, Jr., Representative of Alpha Omicron of Chi Psi Corp.

Address: 500 E. MAIN STREET 2ND FLOOR, NORFOLK, VA 23510

Phone: 703-256-1500

Email: BSPOTSWOOD@GOVTOOLS.COM

Reason for Special Use Permit:

Additional height: _____ feet

Additional residential density: 16 units, or _____ units per acre

Authorize specific land use (identify) FRATERNITY USE

Other purpose(s) (specify City Code section): SETBACK VARIANCES

(1) Applicant's and (2) Owner's Signatures

(1) Signature [Signature] Print KEVIN SCHAFER Date 09/16/2019

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) _____

Other (specify): ARCHITECT

(2) Signature [Signature] Print William S. Spotswood, Jr. Date 09/16/2019

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) Vice President

Other (specify): _____



City of Charlottesville

Pre-Application Meeting Verification

Project Name: Chi Psi SUP - 167 Chancellor St.

Pre-Application Meeting Date: 8/21/2019 2:00 pm NDS Conference Room

Applicant's Representative: Kevin Schaefer, Bob Pineo, Alan Franklin

Planner: Joey Winter

Other City Officials in Attendance:

Read Brodhead - Zoning Administrator

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. Affordable Dwelling Units worksheet (Sec. 34-12)
2. Materials for BAR recommendation → coordinate w/Jeff Werner
3. Justification For granting exceptions to yard requirements (include with SUP Narrative)
4. _____
5. _____

Planner Signature: *Joey Winter*



City of Charlottesville

Application Checklist

Project Name: THE CHI PSI LODGE

I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

Applicant

Signature 

Print KEVIN SCHAFFER

Date 09/15/2019

By Its: ARCHITECT / OWNER'S REPRESENTATIVE

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



City of Charlottesville

Community Meeting

Project Name: THE CHI PSI LODGE AT 167 CHANCELLOR STREET

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted October 19, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: KEVIN SCHAFER

By:

Signature [Handwritten Signature]

Print KEVIN SCHAFER

Date 9.16.2019

Its: OWNER'S AGENT / ARCHITECT (Officer, Member, Trustee, etc.)



City of Charlottesville

Owner's Authorizations

(Not Required)

Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: ALPHA OMICRON OF CHI PSI CORP. Date 09/16/2019

By (sign name): William S. Spotswood, Jr. Print Name: William S. Spotswood, Jr.

Owner's: LLC Member LLC Manager Corporate Officer (specify): Vice President

Other (specific): _____

Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: KEVIN SCHAFER

Name of Corporate or other legal entity authorized to serve as agent: DESIGN DEVELOP LLC

Owner: ALPHA OMICRON OF CHI PSI CORP. Date: 09/16/2019

By (sign name): William S. Spotswood, Jr. Print Name: William S. Spotswood, Jr.

Circle one:

Owner's: LLC Member LLC Manager Corporate Officer (specify): Vice President

Other (specific): _____



City of Charlottesville

Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership ("real parties in interest") of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name ALPHA OMICRON Address 500 E MAIN ST. 2ND FLOOR, NORFOLK VA 23610
Name OF CHI PSI CORP. Address _____
Name _____ Address _____
Name _____ Address _____

Attach additional sheets as needed.

Note: The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

Applicant: KEVIN SCHAEFER

By:  Signature _____ Print KEVIN SCHAEFER Date 9.16.2019

Its: OWNER'S AGENT / ARCHITECT (Officer, Member, Trustee, etc.)



City of Charlottesville

Fee Schedule

Project Name: THE CHI PSI LODGE AT 167 CHANCELLOR STREET

Application Type	Quantity	Fee	Subtotal
Special Use Permit (Residential)	1	\$ 1,500	
Special Use Permit (Mixed Use/Non-Residential)		\$ 1,800	
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
TOTAL			

Office Use Only

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____

Amount Received: _____ Date Paid _____ Received By: _____



City of Charlottesville

LID Checklist

Project Name: THE CHI PSI LODGE AT 167 CHANCELLOR STREET

LID Measure	LID Checklist Points	Points
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	0
Pervious pavers for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. ² or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	0
Shared parking (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	0
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	0
Bioretention. Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.	0
Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. ² .	8 points or 1 point for each 10% of lots treated.	0
Designed/constructed swales. Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	0
Manufactured sand filters, filter vaults (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	0
Green rooftop to treat ≥ 50% of roof area	8 points	0
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points	0
Off-site contribution to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	0
Total Points		0

Applicant's Signature

Signature

Print

KEVIN SCHAEFER

Date

9.16.2019



09/17/2019: Transmittal

RECEIVED

SEP 17 2019

NEIGHBORHOOD DEVELOPMENT SERVICES

Please deliver to:

Joey Winter
City Planner
City of Charlottesville

Please find attached:

- 1) An application for a Special Use Permit, including:
 - Application for Special Use Permit
 - Pre-Application Meeting Verification
 - Application Checklist
 - Community Meeting Form
 - Owner Authorization Forms
 - Disclosure of Equitable Ownership Form
 - Fee Schedule Form
 - LID Checklist
 - 10 Copies of SUP Narrative Booklet
 - 10 Copies of Preliminary Site Plan

- 2) An application for a Preliminary Site Plan review, including:
 - Application for Preliminary Site Plan Review
 - 10 Copies of Preliminary Site Plan

Regarding:

The Lodge at Chi Psi
167 Chancellor Street
Special Use Permit and Preliminary Site Plan Amendment

From:

Kevin Schafer
Design Develop, LLC.
434.665.4144
418 E Main Street
Charlottesville, VA 22902

Notes:

Joey,

Thanks again for your help and guidance through this process. Please let me know if you see any omissions or errors that need rectification. We're happy to provide more information as required. Thanks!

A handwritten signature in black ink, appearing to be "ks", is written over a horizontal line.

ks



09/17/2019: Transmittal

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Joey Winter

City Planner

City of Charlottesville

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Regarding:

The Lodge at Chi Psi

167 Chancellor Street

Special Use Permit and Preliminary Site Plan Amendment

From:

Kevin Schafer

Design Develop, LLC.

434.665.4144

418 E Main Street

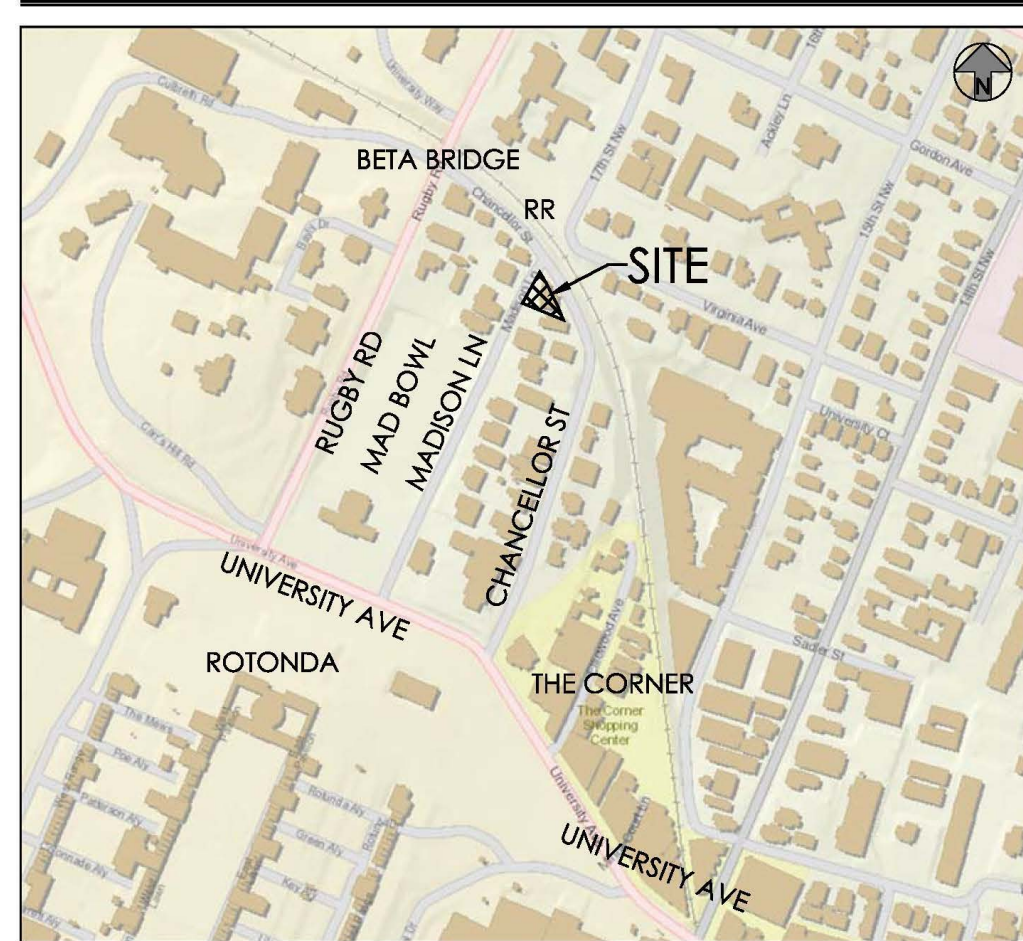
Charlottesville, VA 22902

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167 CHANCELLOR STREET

PRELIMINARY SITE PLAN

CHARLOTTESVILLE, VIRGINIA

SEPTEMBER 17, 2019

SHEET INDEX

SHEET 2
SHEET 3
SHEET 4

EXISTING CONDITIONS
SITE PLAN
UTILITY DETAILS

Alan Franklin PE, LLC
Civil and Site Plan Engineering
427 Cranberry Lane Crozet, VA 22932
434-531-5544
alan@alanfranklinpe.com

STANDARDS AND SPECIFICATIONS:

- VIRGINIA DEPARTMENT OF TRANSPORTATION (V.D.O.T.) ROAD AND BRIDGE SPECIFICATIONS, DATED 2016.
- VIRGINIA DEPARTMENT OF TRANSPORTATION (V.D.O.T.) ROAD AND BRIDGE STANDARDS, DATED 2016.
- VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION, DIVISION OF SOIL AND WATER CONSERVATION, VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, THIRD EDITION, 1992.
- INSTITUTE OF TRANSPORTATION ENGINEERS (ITE MANUAL), TRIP GENERATION, 10TH EDITION.
- VIRGINIA MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS, DATED 2009 (REVISIONS 1 & 2, MAY 2012).
- VIRGINIA UNIFORM STATEWIDE BUILDING CODE - CURRENT EDITION.
- CITY OF CHARLOTTESVILLE CONSTRUCTION STANDARDS AND SPECIFICATIONS.

LEGEND:

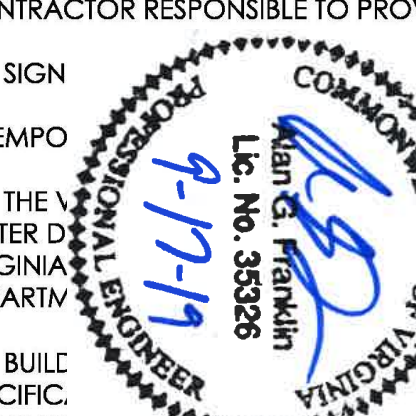
W	WATER LINE (EX. / PROP.)	BOUNDARY / R.O.W. LINE
W@	WATER VALVE / METER	I.F. IRON PIN FOUND
FK	FIRE HYDRANT	I.S. IRON PIN SET
YH	YARD HYDRANT	SETBACK LINE
BOA	BLOW-OFF ASSEMBLY	EASEMENT LIMITS
S	SANITARY SEWER LINE (EX. / PROP.)	CENTERLINE
CO	CLEANOUT	CONTOUR LINE (EX. / PROP.)
MH	MANHOLE	+3:1- +2.50% DEGREE / SLOPE DIRECTION
SS	STORM LINE (EX. / PROP.)	479.70+ SPOT ELEVATION
DI	STORM INLET	HP HIGH POINT
YD	YARD DRAIN	LP LOW POINT
DS	DOWNSPOUT	DITCH / SWALE
G	GAS LINE (EX. / PROP.)	WATER COURSE
G@	GAS VALVE / METER	BENCHMARK
OHE	OVERHEAD ELECTRIC (EX. / PROP.)	CG-2 CITY STD. HEADER CURB
UGE	UNDERGROUND ELECTRIC (EX. / PROP.)	CG-6 CITY STD. CURB & GUTTER
PP	POWER POLE	CG-12 CITY STD. HANDICAP RAMP
LP	LIGHT POLE	HC HANDICAP PARKING SYMBOL
GW	GW WIRE	DIP DUCTILE IRON PIPE
EM	ELECTRIC METER	RCP REINFORCED CONCRETE PIPE
TR	TRANSFORMER	CMP CORRUGATED METAL PIPE
OHT	OVERHEAD COMM. (EX. / PROP.)	PVC POLYVINYLCHLORIDE PIPE
UGT	UNDERGROUND COMM. (EX. / PROP.)	HDPE HIGH-DENSITY POLY. PIPE
PE	UTILITY PEDESTAL	VC VITRIFIED CLAY PIPE
SWM / DWM	SINGLE / DOUBLE WATER METER	FFE FINISHED FLOOR ELEVATION
GV	GATE VALVE	TBR TO BE REMOVED
BOA	BLOW OFF ASSEMBLY	TBT TO BE TRANSLATED
		TBS TO BE SAVED

FIRE DEPT. CONSTR. & DEMO NOTES:

- VSFPC 503.2.1 - OVERHEAD WIRING OR OTHER OBSTRUCTIONS SHALL BE HIGHER THAN 13 FEET 6 INCHES.
- VSFPC 3312.1 - AN APPROVED WATER SUPPLY FOR FIRE PROTECTION SHALL BE MADE AVAILABLE AS SOON AS COMBUSTIBLE MATERIAL ARRIVES ON SITE.
- VSFPC 505.1 - THE BUILDING STREET NUMBER SHALL BE PLAINLY VISIBLE FROM THE STREET FOR EMERGENCY RESPONDERS. PLEASE PROVIDE, AND POST ON-SITE, A 911 ADDRESS FOR EMERGENCY RESPONDERS ONCE CONSTRUCTION BEGINS.
- VSFPC 506.1 - AN APPROVED KEY BOX SHALL BE MOUNTED TO THE SIDE OF THE FRONT OR MAIN ENTRANCE. THE CHARLOTTESVILLE FIRE DEPARTMENT CARRIES THE KNOX BOX MASTER KEY. A KNOX BOX CAN BE ORDERED BY GOING ON-LINE TO WWW.KNOXBOX.COM. THE KNOX BOX ALLOWS ENTRY TO THE BUILDING WITHOUT DAMAGING THE LOCK AND DOOR SYSTEM.
- VSFPC 3304.2 - WASTE DISPOSAL OF ALL COMBUSTIBLE DEBRIS SHALL BE REMOVED FROM THE BUILDING AT THE END OF EACH WORKING DAY (IFC 1404.2).
- IFC 1410.1 - ACCESS TO ALL BUILDINGS ON-SITE DURING DEMOLITION AND CONSTRUCTION SHALL BE MAINTAINED (IFC 1410.1).
- VSFPC 3304.6 - CUTTING AND WELDING OPERATIONS SHALL BE DONE IN ACCORDANCE WITH CHAPTER 26 OF THE INTERNATIONAL FIRE CODE, ADDRESSING WELDING AND HOT WORK OPERATIONS (IFC 1404.6).
- VSFPC 331.5.1 - FIRE EXTINGUISHERS SHALL BE PROVIDED WITH NOT LESS THAN ONE APPROVED PORTABLE FIRE EXTINGUISHER AT EACH STAIRWAY ON ALL FLOOR LEVELS WHERE COMBUSTIBLE MATERIALS HAVE ACCUMULATED (IFC 1414.1).
- VSFPC3310.1 - REQUIRED VEHICLE ACCESS FOR FIRE FIGHTING SHALL BE PROVIDED TO ALL CONSTRUCTION OR DEMOLITION SITES. VEHICLE ACCESS SHALL BE PROVIDED TO WITHIN ONE HUNDRED (100) FEET OF TEMPORARY OR PERMANENT FIRE DEPARTMENT CONNECTIONS. VEHICLE ACCESS SHALL BE PROVIDED BY EITHER TEMPORARY OR PERMANENT ROADS, CAPABLE OF SUPPORTING VEHICLE LOADING AND MAINTAINED UNDER ALL WEATHER CONDITIONS. VEHICLE ACCESS SHALL BE MAINTAINED UNTIL PERMANENT FIRE APPARATUS ACCESS ARE AVAILABLE.

GENERAL NOTES:

- ALL SITE WORK AND ALL IMPROVEMENTS SHOWN ON THESE PLANS ARE REQUIRED TO BE PERFORMED AND / OR INSTALLED UNLESS SPECIFICALLY ITEMIZED AS "NOT INCLUDED IN CONTRACT" IN THE OWNER / CONTRACTOR AGREEMENT. THE CONTRACTOR IS RESPONSIBLE FOR PERFORMING AND / OR INSTALLING ALL SITE WORK AND IMPROVEMENTS SHOWN ON THESE DRAWINGS, INCLUDING ANCILLARY EFFORTS AND WORK NORMALLY ASSOCIATED WITH SPECIFIED IMPROVEMENTS.
- CALL MISS UTILITY (1-800-552-7001) PRIOR TO ANY LAND DISTURBING ACTIVITY. EXPLORATORY EXCAVATIONS MAY BE NECESSARY TO CONFIRM THE EXISTENCE OR NON-EXISTENCE OF CERTAIN UNDERGROUND FEATURES.
- THE CONTRACTOR SHALL COORDINATE WITH ALL LOCAL AUTHORITIES PRIOR TO COMMENCING THE WORK AND SCHEDULE / ATTEND ALL REQUIRED PRE-CONSTRUCTION MEETINGS. THE CONTRACTOR SHALL CONFIRM THAT ALL BONDS HAVE BEEN POSTED AND PULL ALL PERMITS. THE CONTRACTOR SHALL MAINTAIN THE PERMITS AND AN APPROVED SET OF THESE WORKINGDRAWINGS AND PROJECT SPECIFICATIONS ON-SITE AT ALL TIMES.
- THE CONTRACTOR SHALL ENSURE THAT HIS / HER WORK IS PROPERLY COORDINATED WITH THAT OF THE OTHER TRADES ON-SITE.
- UNEXPECTED SITE CONDITIONS MAY ARISE DURING CONSTRUCTION THAT REQUIRE A DEVIATION FROM THESE PLANS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY OF ANY CONDITIONS THAT CONFLICT WITH THE PROPER EXECUTION OF THESE PLANS. THE ENGINEER SHALL DETERMINE THE NATURE AND DEGREE OF CHANGES NECESSARY, AND THE CONTRACTOR SHALL PROVIDE A COST FOR SAID CHANGES. NO CHANGES ARE TO BE MADE WITHOUT THE WRITTEN CONSENT OF THE ENGINEER.
- CONTACT ENGINEER IF THERE ARE QUESTIONS REGARDING THE LAYOUT OF THE WORK. BECAUSE ARCHITECTURAL DESIGN MANY TIMES CONTINUES AFTER SITE PLAN APPROVAL, STRUCTURAL INFORMATION REFLECTED ON THESE DRAWINGS MAY NOT REPRESENT FINAL ARCHITECTURAL DIMENSIONS. PRIOR TO STAKEOUT OF ANY STRUCTURES, SURVEYOR AND / OR CONTRACTOR SHALL OBTAIN FINAL ARCHITECTURAL DRAWINGS AND CONSULT WITH ENGINEER REGARDING EXACT PLACEMENT OF BUILDINGS ON SITE.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING SITE CONDITIONS AND FEATURES REPRESENTED ON THESE PLANS TO THE BEST OF HIS / HER ABILITY. THE CONTRACTOR SHALL ALSO VERIFY, BY STAKEOUT, THE RELATIONSHIP OF ALL MAJOR SITE IMPROVEMENTS TO EXISTING SITE CONDITIONS AND FEATURES AND NOTIFY ENGINEER OF ANY DISCREPANCIES, ERRORS AND OMISSIONS BEFORE PROCEEDING WITH THE WORK.
- THE CONTRACTOR SHALL BE HELD SOLELY RESPONSIBLE FOR SITE CONDITIONS, THE SAFETY OF HIS / HER WORKERS AND THOSE ASSISTING HIM / HER WITH SUPPLYING OR EXECUTING THE WORK, AND THE SECURITY OF PROPERTY HE / SHE IS STORING ON-SITE. THE CONTRACTOR IS NOT LIABLE FOR THE SAFETY OF THOSE WITHIN THE BUILDINGS OR WORKING ON THE BUILDINGS, NOR IS HE / SHE RESPONSIBLE FOR SECURING THE PROPERTY OF THE BUILDING CONTRACTOR OR THEIR ASSOCIATED TRADES. HOWEVER, CONTRACTOR IS REQUIRED TO MAINTAIN A CLEAN, ORGANIZED AND SAFE SITE, AND IS THE FINAL AUTHORITY AS TO THE LOCATION, PLACEMENT OR STORAGE OF ANY AND ALL MATERIALS, EQUIPMENT, VEHICLES AND TEMPORARY STRUCTURES USED DURING CONSTRUCTION. NEITHER THE OWNER NOR ENGINEER SHALL BE HELD RESPONSIBLE FOR THEFT, DAMAGE OR INJURY ON-SITE DURING CONSTRUCTION UNLESS IT IS DUE TO THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.
- THE CONTRACTOR SHALL DETERMINE THE LIMITS OF CONSTRUCTION AND DEMARCATHE THEM CLEARLY PRIOR TO COMMENCING GRADING OF THE SITE. ALSO, THE CONTRACTOR SHALL INSTALL ALL SEDIMENT AND EROSION CONTROL MEASURES THAT CAN LOGISTICALLY BE PLACED BEFORE GRADING COMMENCES.
- DURING THE INSTALLATION OF UTILITIES TO SUPPORT THE PROJECT, THE CONTRACTOR SHALL MAINTAIN SERVICE TO NEIGHBORING PROPERTIES. DAMAGE TO LINES OR INTERRUPTIONS OF SERVICE SHALL BE IMMEDIATELY REPORTED TO THE SERVICE PROVIDER AND ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH REPAIR AND RESTORATION OF SERVICE.
- ALL EXISTING IMPROVEMENTS ADJACENT TO THE PROPERTY, SUCH AS ROADWAYS, SHALL BE PROTECTED FROM DAMAGE DUE TO THE EXECUTION OF THE WORK. ALL REPAIR MADE NECESSARY BY THE CONTRACTOR OR THOSE ASSISTING HIM / HER IN THE EXECUTION OF THE WORK SHALL BE BORNE BY THE CONTRACTOR.
- CONTRACTOR SHALL COORDINATE TRAFFIC CONTROL MEASURES WITH CITY INSPECTORS PRIOR TO OR AS PART OF THE REQUIRED PRE-CONSTRUCTION CONFERENCE.
- ALL UNSUITABLE SOIL MATERIAL SHALL BE STOCKPILED AND ITS DISPOSITION DETERMINED BY THE OWNER WHILE THE EARTHWORK ASPECT OF THE SITE WORK IS STILL UNDERWAY.
- ALL SPRINGS SHALL BE CAPPED AND PIPED TO THE NEAREST DRAINAGEWAY OR DIRECTED TO A STORM SEWERAGE STRUCTURE.
- EROSION AND SILTATION CONTROL MEASURES SHALL BE PROVIDED IN ACCORDANCE WITH THE APPROVED EROSION CONTROL PLAN AND INASMUCH AS IS POSSIBLE SHALL BE INSTALLED PRIOR TO ANY CLEARING, GRADING OR OTHER CONSTRUCTION. THE CONTRACTOR SHALL NOT BE RELEASED FROM RESPONSIBILITY FOR STABILIZATION OF THE PROPERTY UNTIL THE LOCAL AUTHORITY OR AGENT ISSUES FINAL APPROVAL AND AUTHORIZES DECOMMISSIONING OF EROSION CONTROL MEASURES.
- ALL SLOPES AND DISTURBED AREAS ARE TO BE FERTILIZED, SEEDED AND MULCHED. THE MAXIMUM ALLOWABLE SLOPE IS 2:1 [HORIZONTAL:VERTICAL], WHERE REASONABLY OBTAINABLE. LESSER SLOPES OF 3:1 OR BETTER ARE TO BE ACHIEVED. ALL SLOPES GREATER THAN 3:1 SHALL BE MATTED WITH CITY EC-2 SLOPE STABILIZATION MAT.
- PAVED, RIP-RAP OR STABILIZATION MAT-LINED DITCHES MAY BE REQUIRED WHEN, IN THE OPINION OF THE CITY AGENT, IT IS DEEMED NECESSARY IN ORDER TO STABILIZE A DRAINAGE CHANNEL.
- ALL PAVING AND DRAINAGE-RELATED MATERIALS AND CONSTRUCTION SHALL CONFORM TO CURRENT SPECIFICATIONS AND STANDARDS OF CITY UNLESS OTHERWISE NOTED. ALL MATERIALS TO BE USED IN STABILIZATION SHALL ALSO BE APPROVED BY ENGINEER.
- ALL PARKING SPACES MARKED "HC" ARE TO BE DESIGNATED FOR HANDICAP PARKING VIA THE USE OF SIGNS AND PAINT SYMBOLS. THEY ARE TO BE 8' X 18' AND ADJACENT TO A 5' X 18' PAINT-OUT AISLE. ALL VAN ACCESSIBLE SPACES SHALL BE 8' X 18' AND ADJACENT TO 8' X 18' PAINT-OUT AISLE. VAN ACCESSIBLE SPACES ARE TO BE MARKED "VAN" PER CITY CODE SECTION 34-985 (B)(4).
- 42' SAFETY/GUARD RAILING TO BE PROVIDED FOR ALL WALLS HIGHER THAN 30'.
- LOADING AND DUMPSTER AREAS SHALL BE ACCESSIBLE AT ALL TIMES AND ARE NOT TO BE LOCATED BEHIND ANY PARKING SPACES.
- STANDARD PARKING STALLS SHALL BE 8.5' X 18'. COMPACT CAR PARKING STALLS SHALL BE 8' X 16' AND DESIGNATED AS SUCH ON SITE PER CODE.
- PARKING AREAS ARE NOT TO EXCEED 5% GRADE IN ANY DIRECTION. HC PARKING SPACES AND ACCESS AISLES ARE NOT TO EXCEED 2% IN ANY DIRECTION.
- DUMPSTER PADS TO BE 10' X 18'.
- SIDEWALKS TO BE A MINIMUM WIDTH OF 5', EXCLUDING CURB, WITH A 4" CONCRETE SURFACE (3000 PSI AT 28 DAYS, OR STRONGER), 4" 21-A STONE BASE, WITH UNDERDRAINS (UD-4, ETC.) PER CITY/CITY STANDARDS.
- ALL STORM SEWERAGE SHALL BE INSTALLED IN ACCORDANCE WITH CITY STANDARDS AND SPECIFICATIONS. ALL REINFORCED CONCRETE PIPE SHALL BE CLASS 3 UNLESS OTHERWISE NOTED. ALL HDPE PIPE SHALL BE ADS N-12 OR EQUAL. PIPE BEDDING SHALL BE IN ACCORDANCE WITH VDOT STD. PB-1 DETAIL/SPECIFICATIONS. ALL PVC CONDUIT SHALL BE SCHEDULE 40.
- ALL ROOF DRAINS, UNLESS OTHERWISE NOTED, ARE TO BE DIRECTED TO PROPOSED PAVED SURFACES SO THAT RUN-OFF CAN BE DIRECTED TO STORMWATER QUALITY FEATURES PRIOR TO ENTRY INTO THE PROPOSED STORM SEWERAGE SYSTEM. THE CONTRACTOR IS RESPONSIBLE FOR TYING ALL ROOF LEADERS INTO A MEANS OF TRANSITION INTO THE SITE STORM SEWERAGE PROGRAM.
- ALL WATERLINE IS TO BE CLASS 52 D.I.P. UNLESS OTHERWISE SPECIFIED. ALL WATER SERVICE LATERALS TO BE TYPE 'K' COPPER TUBING.
- ALL SANITARY SEWER LATERALS TO BE OF SCHEDULE 40 PVC AS A MINIMUM.
- ALL WATER AND SANITARY FACILITIES TO BE CONSTRUCTED TO CITY OF CHARLOTTESVILLE STANDARDS AND SPECIFICATIONS.
- CONTRACTOR RESPONSIBLE TO PROVIDE ADEQUATE PEDESTRIAN BARRIERS & CIRCULATION DURING CONSTRUCTION. FOLLOW CHARLOTTESVILLE'S "PUBLIC WAY DURING CONSTRUCTION POLICY" STANDARDS.
- ALL SIGN SHOULD BE SHOWN ON THE PLANS AND SHALL BE CONSISTENT WITH THE MUTCD
- A TEMPO REQUIRED FOR CLOSURE OF SIDEWALKS, PARKING SPACES, AND ROADWAYS AND IS SUBJECT TO APPROVAL BY THE CITY TRAFFIC ENGINEER.
- PER THE VIRGINIA WATERWORKS REGULATIONS (PART II, ARTICLE 3, SECTION 12 VAC 5-590 THROUGH 630), ALL BUILDINGS THAT HAVE THE POSSIBILITY OF CONTAMINATING THE POTABLE INDUSTRIAL SITES, BREWERIES, ETC.) SHALL HAVE A BACKFLOW PREVENTION DEVICE INSTALLED WITHIN THE FACILITY. THIS DEVICE SHALL MEET SPECIFICATIONS OF THE CODE. SHALL BE TESTED IN REGULAR INTERVALS AS REQUIRED, AND TEST RESULTS SHALL BE SUBMITTED TO THE REGULATORY COMPLIANCE ADMINISTRATOR IN THE
- ALL BUILT SPECIFIC ADMINIS) TES CONTAINING MORE THAN ONE HUNDRED (100) PARTS PER MILLION OF FATS, OIL, OR GREASE SHALL INSTALL A GREASE TRAP. THE GREASE TRAP SHALL MEET 3M STATEWIDE BUILDING CODE, MAINTAIN RECORDS OF CLEANING AND MAINTENANCE, AND BE INSPECTED ON REGULAR INTERVALS BY THE REGULATORY COMPLIANCE UTILITIES.
- PLEASE CONTACT THE REGULATORY COMPLIANCE ADMINISTRATOR AT 970-3032 WITH ANY QUESTIONS REGARDING THE GREASE TRAP OR BACKFLOW PREVENTION DEVICES.



THE DIRECTOR OF NEIGHBORHOOD DEVELOPMENT SERVICES

PROJECT DATA:

PROPERTY OWNER:	ALPHA OMICRON OF CHI PSI CORPORATION 500 E MAIN STREET NORFOLK, VA 23510																				
TAX MAP / PARCEL:	TMP 9-126																				
PROPERTY ADDRESS:	167 CHANCELLOR STREET																				
PROPERTY SIZE:	0.138 ACRES																				
CURRENT ZONING:	R-3 W/ ARCHITECTURAL DESIGN CONTROL OVERLAY - SUP FOR SORORITY & SETBACKS																				
EXISTING USE:	SORORITY/FRATERNITY																				
PROFFERS:	N/A																				
WAIVERS / VARIANCE REQUEST:	SUP FOR CONTINUED SORORITY/FRATERNITY USE, MAX. # OF BEDS, & YARD SETBACK RELIEF																				
SURVEY SOURCES:	BOUNDARY & TOPOGRAPHIC; LINCOLN SURVEYING; 434-973-1417																				
DATUM:	HORIZONTAL DATUM IS BASED ON NAD83. THE VERTICAL DATUM IS BASED ON NAVD88.																				
BENCHMARK:	FLASHER NAIL T-17233383 IN THE SHARED PARKING LOT - ELEVATION 550.19																				
MISS UTILITY TICKET #:	A720502657-00A																				
FLOODPLAIN:	ACCORDING TO FEMA FLOOD INSURANCE RATE MAP 510033 PANEL 267D, DATED 02/04/05, THIS PROPERTY DOES NOT LIE IN ZONE A (100 YEAR FLOOD PLAIN)																				
SITE STATISTICS:	AREA OF LAND DISTURBANCE = 5,740 SF PRE-DEVELOPMENT IMPERVIOUS AREA = 3,000 SF (SUBJECT SITE) POST-DEVELOPMENT IMPERVIOUS AREA = 3,408 SF (SUBJECT SITE) Q _{2P(0.01)} = 0.48 CFS Q _{10P(0.01)} = 0.63 CFS Q _{2P(0.01)} = 0.51 CFS Q _{10P(0.01)} = 0.66 CFS																				
LAND USE BREAKDOWN:	<table border="1"> <tr> <th>IMPERVIOUS AREA:</th> <th>SF</th> <th>AC</th> <th>%</th> </tr> <tr> <td>BUILDINGS:</td> <td>2,468</td> <td>0.06</td> <td>41%</td> </tr> <tr> <td>PAVED/GRAVEL AREA:</td> <td>1,072</td> <td>0.02</td> <td>18%</td> </tr> <tr> <td>PERVIOUS AREA:</td> <td>2,453</td> <td>0.06</td> <td>41%</td> </tr> <tr> <td>TOTAL SITE ACREAGE:</td> <td>5,993</td> <td>0.14</td> <td>100%</td> </tr> </table>	IMPERVIOUS AREA:	SF	AC	%	BUILDINGS:	2,468	0.06	41%	PAVED/GRAVEL AREA:	1,072	0.02	18%	PERVIOUS AREA:	2,453	0.06	41%	TOTAL SITE ACREAGE:	5,993	0.14	100%
IMPERVIOUS AREA:	SF	AC	%																		
BUILDINGS:	2,468	0.06	41%																		
PAVED/GRAVEL AREA:	1,072	0.02	18%																		
PERVIOUS AREA:	2,453	0.06	41%																		
TOTAL SITE ACREAGE:	5,993	0.14	100%																		
BUILDING HEIGHT:	26' PROPOSED/45' ALLOWABLE																				
NUMBER OF UNITS:	1 RESIDENTIAL UNIT W/ 13 MAX BEDS IN 6 BEDROOMS																				
DENSITY:	7.14 UNITS/ACRE																				
SETBACKS:	FRONT YARD: 25' MINIMUM SIDE YARD: 1/2' OF HEIGHT = 26/2 = 13' REAR YARD: 25' MINIMUM																				
PARKING:	CORNER PARKING ZONE - NO ON-SITE PARKING REQUIRED 1 PARKING SPACE PROVIDED ON SITE																				
BICYCLE PARKING:	1,300 SF OF FRATERNITY HOUSE BEDROOM @ 1 SPACE/500 SF = 4 BICYCLE SPACES REQUIRED 4 BICYCLE PARKING SPACES PROVIDED WITH RACK																				
0 RUGBY PROP. SAN. SEWER:	13 BEDS X 100 GPD/BED = 1,300 GPD																				
0 RUGBY PROP. WATER DEMAND:	25 GPM																				
0 RUGBY PROP. FIRE FLOW DEMAND:	TBD																				

ITE TRIP GENERATION:

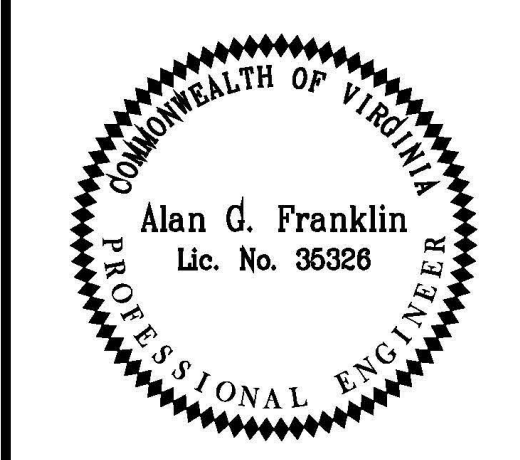
CODE	LAND USE	UNIT OF MEASURE	AVG. WEEKDAY TRIPS	WEEKDAY PEAK HOUR AM	PM	SATURDAY	SUNDAY
230	RESIDENTIAL/CONDO/APT. (TRIPS/UNIT)	16	5.81	0.44	0.52	5.67	4.84
	UNIT = BED		93	7	8	91	77
TRIPS GENERATED (50/50 SPLIT ON ENTERING/EXITING)			93	7	8	91	77

PROJECT NOTES:

THE PURPOSE OF THIS SITE PLAN IS FOR REMODEL AND ADDITION TO AN EXISTING RESIDENTIAL STRUCTURE TO OPEN UP THE FLOORPLAN AND PROVIDE UP TO 16. THE EXISTING STRUCTURE HAS SERVED AS A SORORITY HOUSE IN THE PAST BUT NOW HOUSES A FRATERNITY.

- THE EXISTING STRUCTURE ENCLOSES INTO REQUIRED YARD SETBACKS DUE TO THE TRIANGULAR SHAPE OF THE LOT. THE PROPOSED BUILDING ADDITIONS WOULD ALSO ENCLOSE INTO THE SAME YARD SETBACKS.
- THERE WILL BE LESS THAN 6,000 SQUARE FEET OF DISTURBANCE ASSOCIATED WITH THIS PROJECT.

SPECIAL USE PERMIT/PRELIMINARY SITE PLAN
167 CHANCELLOR STREET
CHARLOTTESVILLE, VIRGINIA
TITLE SHEET



SCALE:
ISSUED: 10-01-19
DRAWN BY:
REVISIONS:

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SURVEY CONTROL				
NAME	NORTH	EAST	ELEVATION	
T-16218591	3901801.57800	11482643.80500	541.25	
T-17233154	3901726.98700	11482585.12400	546.19	
T-17233195	3901650.92600	11482735.86700	540.90	
T-17233195	3901651.50900	11482685.80900	544.12	
T-17233383	3901650.50400	11482618.53400	550.19	

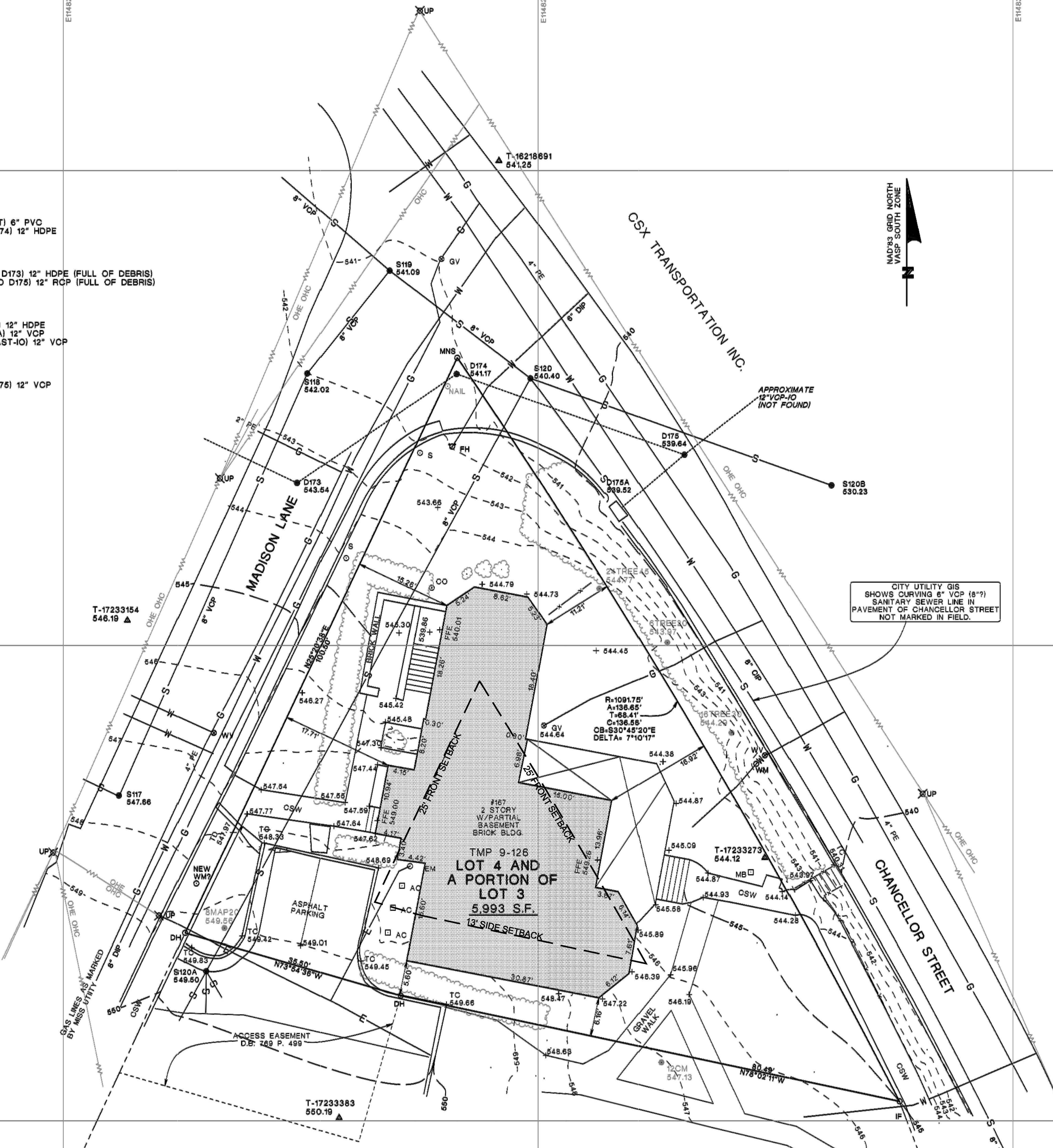
SANITARY SEWER		STORM DRAIN	
STRUCTURE: S117	TYPE: SSMH	STRUCTURE: D173	TYPE: SDMH
TOP: 547.66		TOP: 543.54	
INV IN 535.48 (FR WEST) 8" VCP		INV IN 536.77 (FR WEST) 6" PVC	
INV OUT 535.26 (TO S118) 8" VCP		INV OUT 536.65 (TO D174) 12" HDPE	
STRUCTURE: S118	TYPE: SSMH	STRUCTURE: D174	TYPE: SDMH
TOP: 542.02		TOP: 541.17	
INV IN 533.01 (FR S117) 8" VCP		INV IN +/- 536.89 (FR D173) 12" HDPE (FULL OF DEBRIS)	
INV OUT 532.77 (TO S119) 8" VCP		INV OUT +/- 536.80 (TO D175) 12" RCP (FULL OF DEBRIS)	
STRUCTURE: S119	TYPE: SSMH	STRUCTURE: D175	TYPE: SDMH
TOP: 541.09		TOP: 539.64	
INV IN 532.29 (FR S118) 8" VCP		INV IN 536.46 (FR D174) 12" HDPE	
INV IN 531.96 (FR WEST) 8" VCP		INV IN 536.13 (FR D175A) 12" VCP	
INV OUT 531.90 (TO S120) 8" VCP		INV OUT 535.79 (TO EAST-IO) 12" VCP	
STRUCTURE: S120	TYPE: SSMH	STRUCTURE: D175A	TYPE: GRATE
TOP: 540.40		TOP: 539.62	
INV IN 530.69 (FR S119) 8" VCP		STRUCTURE: D175A	TYPE: GRATE
INV IN 530.50 (FR S120A) 8" VCP		TOP: 539.62	
INV IN 531.96 (FR S120C) 8" VCP		INV OUT 535.97 (TO D175) 12" VCP	
INV OUT 530.64 (TO S120B) 8" PVC			
STRUCTURE: S120A	TYPE: SSMH		
TOP: 549.50			
INV IN 546.31 (FR SW) 8" VCP			
INV IN 545.33 (FR SE) 8" VCP			
INV IN 546.37 (FR SE) 8" VCP			
INV OUT 545.57 (TO S120) 8" VCP			
STRUCTURE: S120B	TYPE: SSMH		
TOP: 530.23 (BURIED)			
INV IN 524.55 (FR S120) 8" VCP W/ LINER			
INV OUT 524.52 (TO EAST) 8" VCP			
STRUCTURE: S120C	TYPE: SSMH		
TOP: 543.97			
INV OUT 539.62 (TO S120) 8" VCP			

- LEGEND:
- AC = AIR CONDITIONER
 - CM = CREPE MYRTLE
 - CMF = CORRUGATED METAL PIPE
 - CSW = CONCRETE SIDEWALK
 - CIP = CAST IRON PIPE
 - CO = CLEAN OUT
 - DH = DRAIN HOLE
 - DIP = DUCTILE IRON PIPE
 - EM = ELECTRIC METER
 - FPE = FINISHED FLOOR ELEVATION
 - FH = FIRE HYDRANT
 - GV = GAS VALVE
 - GR = GRATE
 - I = INVERT IN
 - IO = INVERT OUT
 - IF = IRON FOUND
 - LP = LIGHT POLE
 - MB = MAIL BOX
 - MAP = MAPLE
 - MNS = MAG NAIL SET
 - OHC = OVERHEAD COMMUNICATION
 - OHE = OVERHEAD ELECTRIC
 - PE = POLYETHYLENE
 - S = SIGN
 - SMH = SANITARY MANHOLE
 - SDMH = STORM DRAIN MANHOLE
 - TPED = TELEVISION PEDESTAL
 - TW = TOP OF WALL
 - TD = TRENCH DRAIN
 - TC = TOP OF CURB
 - UP = UTILITY POLE
 - PE = POLYETHYLENE PIPE
 - VCP = VITRIFIED CLAY PIPE
 - WM = WATER METER
 - WV = WATER VALVE
 - +580.50 = SPOT ELEVATION

- GAS LINE
- ELECTRIC LINE
- SEWER LINE
- STORM DRAINAGE LINE
- OVERHEAD UTILITY
- WATERLINE

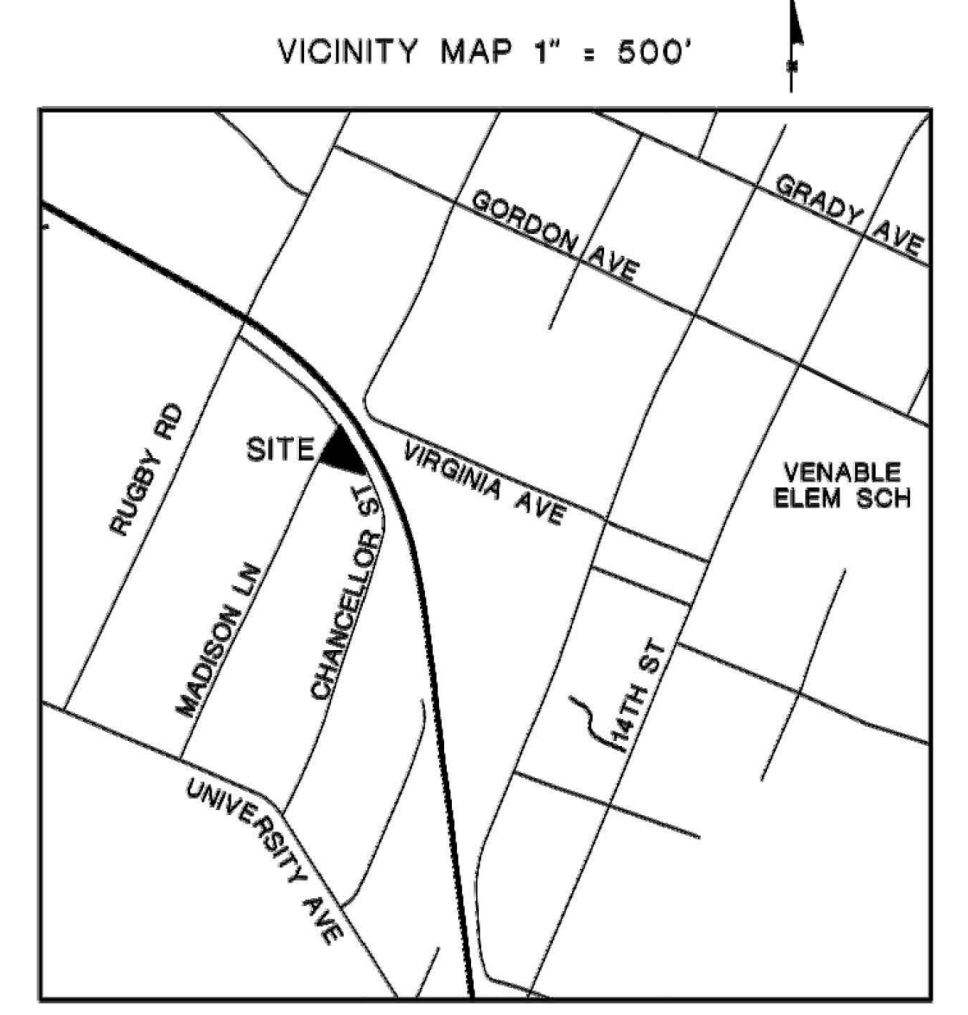
NOTE: THE LOCATION OF EXISTING UNDERGROUND UTILITIES IS SHOWN IN AN APPROXIMATE WAY ONLY. UTILITIES ARE LOCATED USING UTILITY COMPANY LOCATIONS, CITY/COUNTY UTILITY MAPS, AND FIELD VERIFICATION. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THEY AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY HIS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

MISS UTILITY TICKET FOR THIS PROJECT: A720502657-00A



CITY UTILITY GIS SHOWS CURVING 8" VCP (8") SANITARY SEWER LINE IN PAVEMENT OF CHANCELLOR STREET NOT MARKED IN FIELD.

TMP 9-127 WADS HOLDINGS, L.L.C. D.B. 779 P. 392 D.B. 467 P. 682 PLAT D.B. 769 P. 502



THIS TOPOGRAPHIC MAP WAS PREPARED FOR: ALPHA OMIORON OF CHI PSI CORPORATION

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

SOME EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.

TMP 9-126 IS ZONED: R-3H

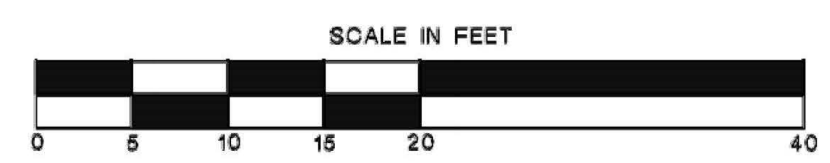
TMP 9-126 IS IN THE VENABLE VOTING PRECINCT

THIS PROPERTY LIES IN AN AREA DESIGNATED AS ZONE X (UNSHADED) (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON MAPS BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DATED: FEBRUARY 4, 2005. MAP 510033 PANEL 287 D

THIS TOPOGRAPHIC SURVEY OF TAX MAP 9 PARCEL 126, CHARLOTTESVILLE, VIRGINIA WAS COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF THOMAS B. LINCOLN FROM AN ACTUAL GROUND SURVEY MADE UNDER MY SUPERVISION; THAT THE IMAGERY AND/OR ORIGINAL DATA WAS OBTAINED ON AUGUST 21, 2017; AND THAT THIS PLAT, MAP, OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

I HEREBY CERTIFY THAT THIS TOPOGRAPHIC MAP, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS. I ALSO CERTIFY THAT THE BOUNDARY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

TITLE REFERENCES:
 TMP 9-126
 ALPHA OMIORON OF
 CHI PSI CORPORATION
 INST. 2014000730
 D.B. 482 P. 516 PLAT
 D.B. 769 P. 499 ACCESS EASEMENT
 UNRECORDED SURVEY BY LINCOLN SURVEYING
 DATED 10/12/1999



LINCOLN
SURVEYING

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 CHARLOTTESVILLE, VIRGINIA 22901
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 FAX: 434-974-1776
 www.lincolnsurveying.com

COMMONWEALTH OF VIRGINIA

THOMAS B. LINCOLN
 LIC. NO. 1926
 08-24-2017
 LAND SURVEYOR

**TOPOGRAPHIC SURVEY OF
 TAX MAP 9 PARCEL 126
 ALSO KNOWN AS
 167 CHANCELLOR STREET
 CHARLOTTESVILLE, VIRGINIA**

DATE: AUGUST 24, 2017 SCALE: 1" = 10'
 CONTOUR INTERVAL: 1'

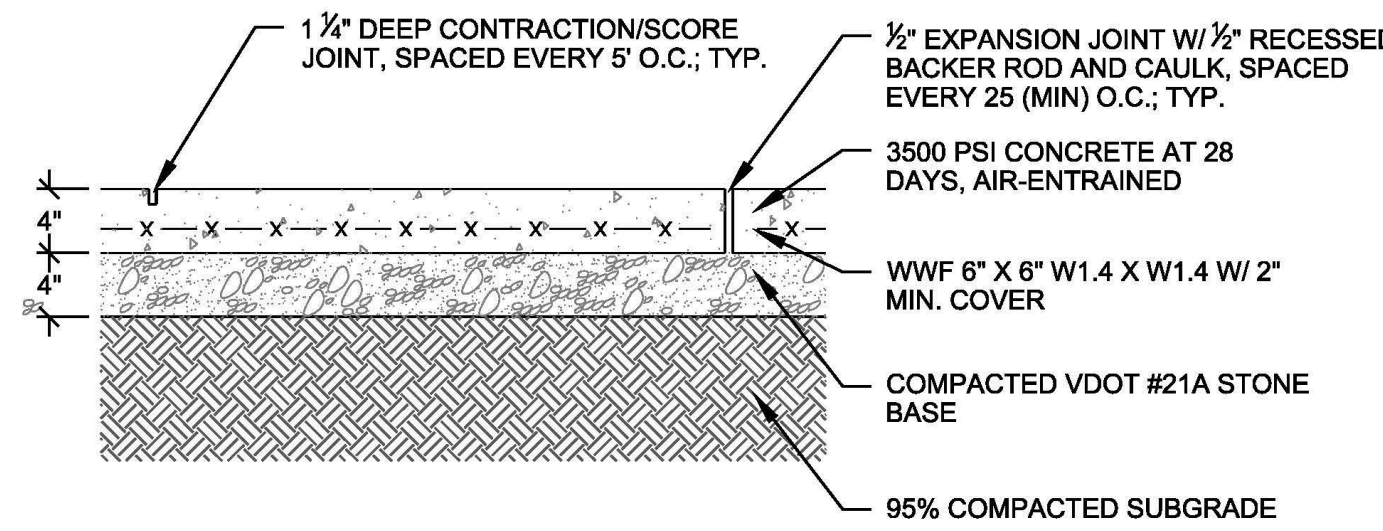
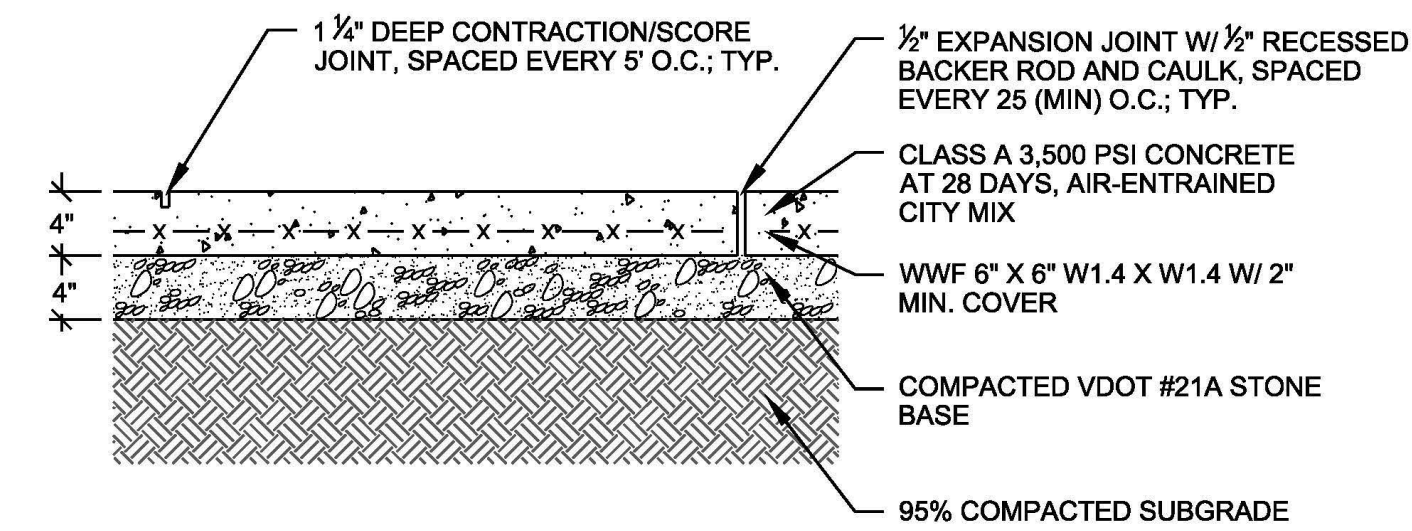
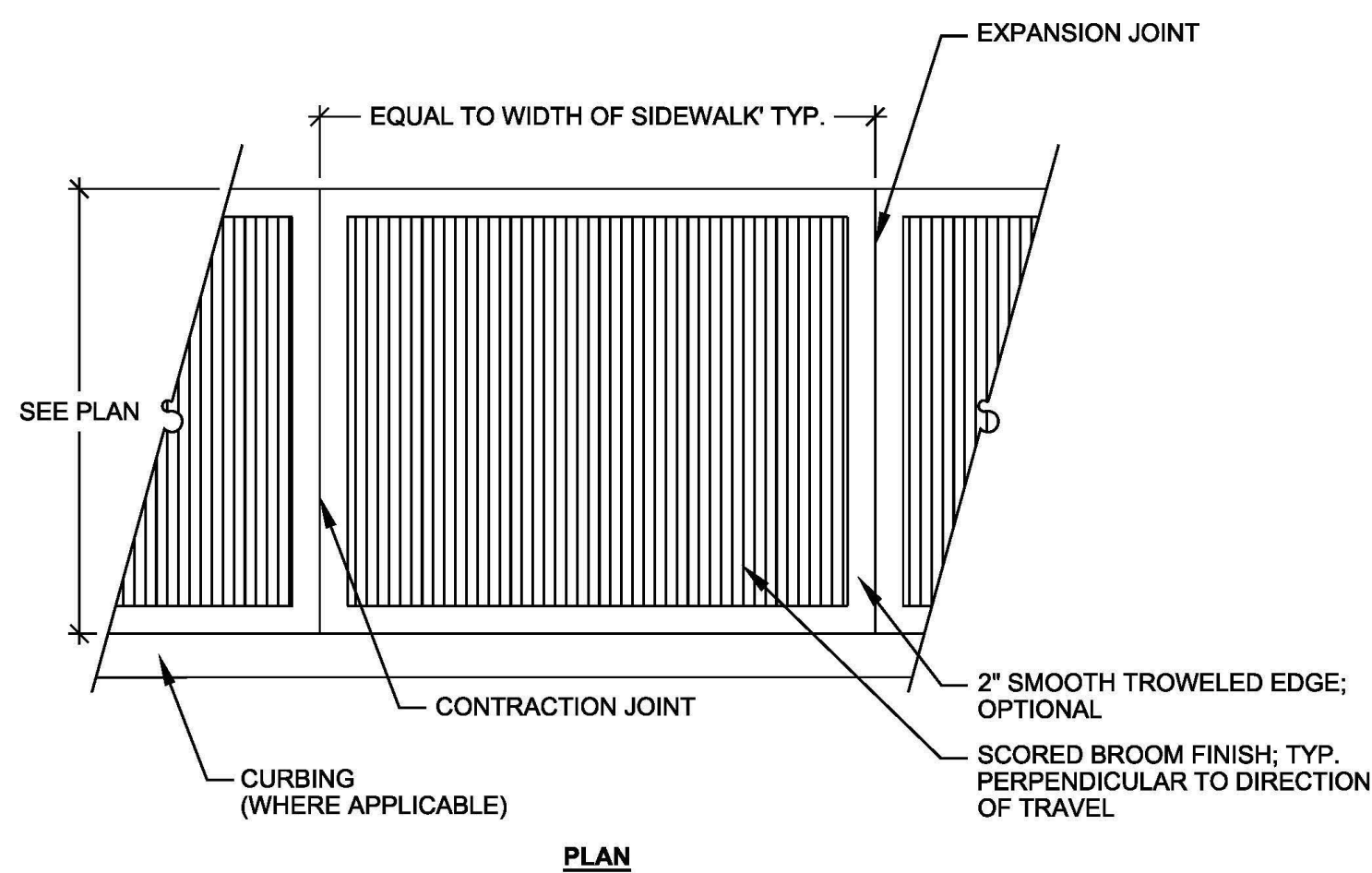
NAVD '88 VERTICAL DATUM

TM DATA \ 11400901_TS_17233.PRC 114-0009-01

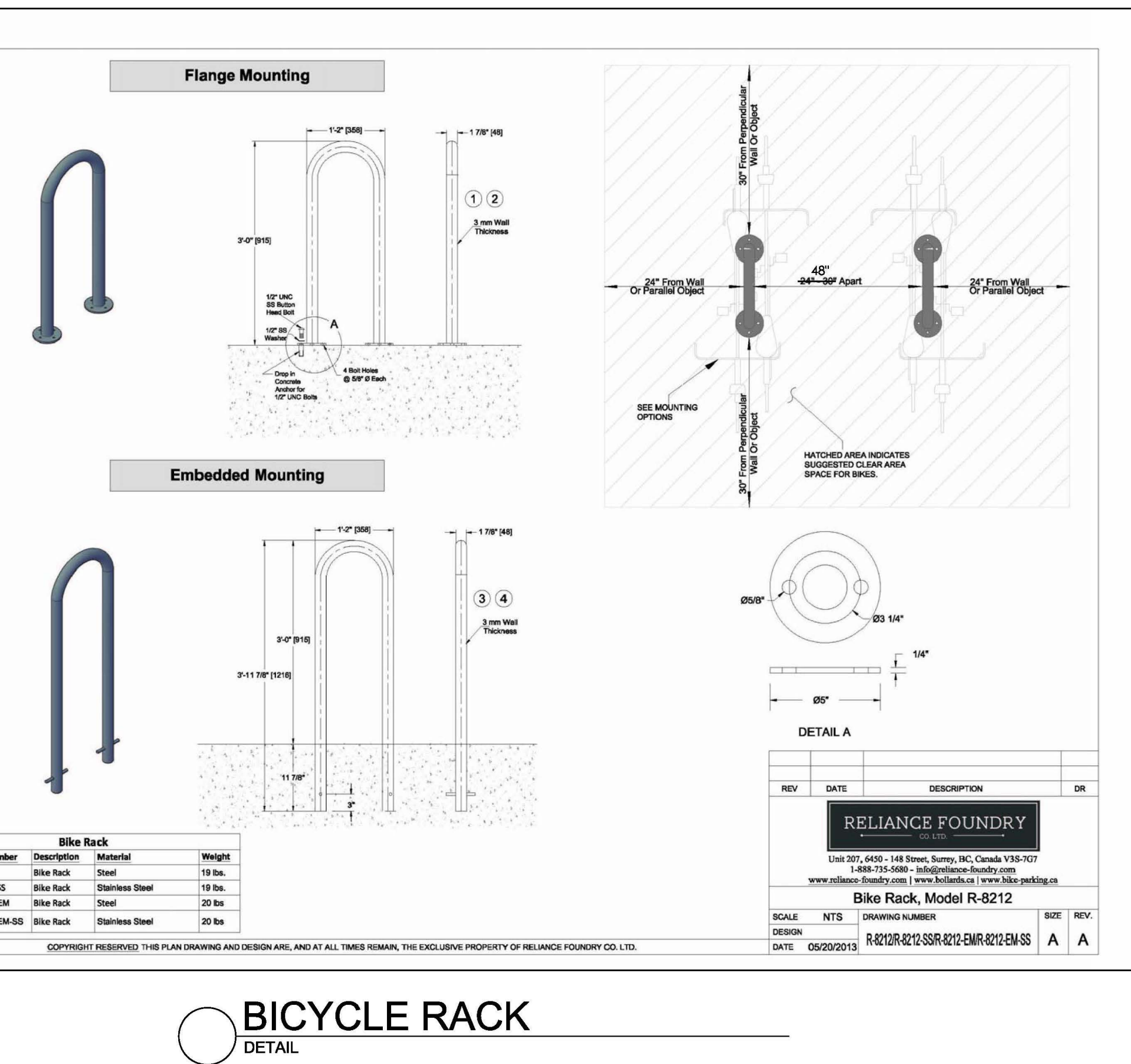
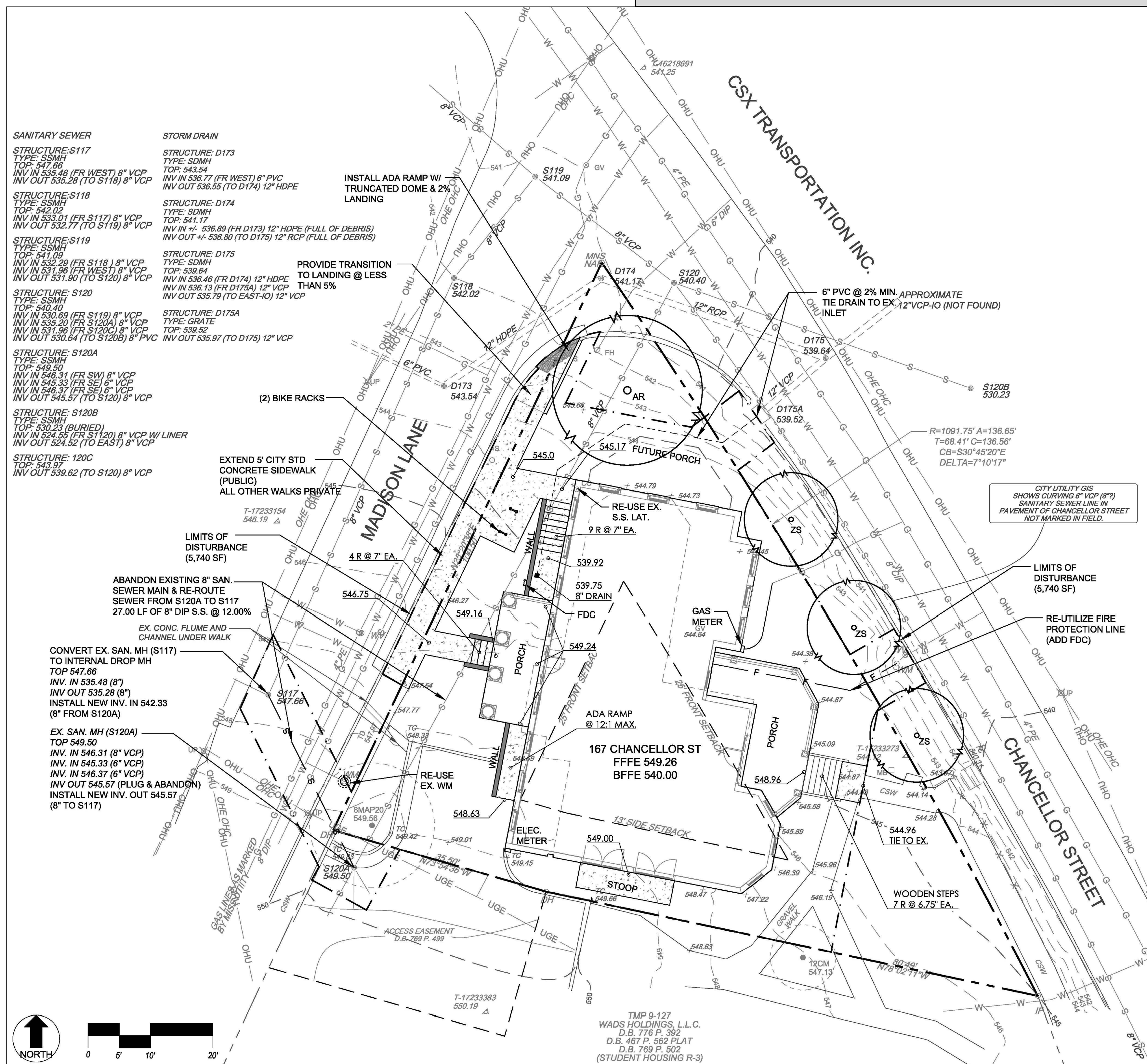
PLANT SCHEDULE (plants subject to change)

QTY.	SYMBOL	Scientific Name	Common Name	Size	Spacing	Root	Notes	Canopy Per Tree	Total Canopy
TREES									
1	AR	Acer rubrum	Red Maple (Autumn Flame)	2 1/2" Cal.	AS SHOWN	B&B		177	177
3	ZS	Zelkova serrata	Zelkova	2 1/2" Cal.	AS SHOWN	B&B		350	1,050
								Total =	1,227

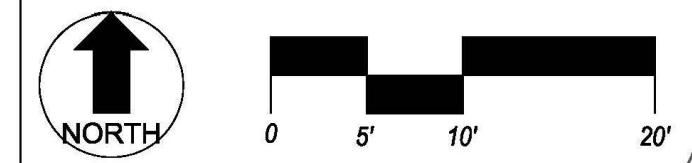
34-869 - TREE COVER REQUIREMENTS	
REQUIREMENT:	
CANOPY COVER AT 20 YEARS EQUALS 10% GROSS SITE AREA	
SITE DATA:	
2,826 SQUARE FEET GROSS SITE AREA	
TOTAL SITE AREA:	5,993 SQUARE FEET
(-) BUILDING FOOTPRINT	2,367 SQUARE FEET
(-) DRIVEWAY ACCESS AREA	800 SQUARE FEET
TOTAL TREE CANOPY REQUIRED:	314 SQUARE FEET
TOTAL TREE CANOPY AT 20 YEARS PROVIDED:	1,227 SQUARE FEET
34-870 - STREETSCAPE TREES	
REQUIREMENT:	
1 LARGE TREE PER 40 FEET OF ROAD FRONTAGE	
167 Chancellor Street	120 LINEAR FEET
TOTAL TREES REQUIRED:	3 LARGE SHADE TREES
TOTAL TREES PROVIDED:	3 LARGE SHADE TREES
34-871 - SCREENING	
REQUIREMENT: None, the property is not adjacent to any low density residential districts	
34-873 - PARKING LOTS - SCREENING AND INTERIOR LANDSCAPING	
REQUIREMENT: None, there are less than 20 surface parking spaces proposed.	



CONCRETE PAD FOR BIKE RACK
SECTION
NTS



BICYCLE RACK
DETAIL



Alan Franklin PE, LLC
Civil and Site Plan Engineering
427 Cranberry Lane Crozet, VA 22992
434-531-5544
alan@alanfranklinpe.com

SPECIAL USE PERMIT/PRELIMINARY SITE PLAN
167 CHANCELLOR STREET
CHARLOTTESVILLE, VIRGINIA
FINAL SITE PLAN

COMMONWEALTH OF VIRGINIA
Alan G. Franklin
Lic. No. 36326
PROFESSIONAL ENGINEER

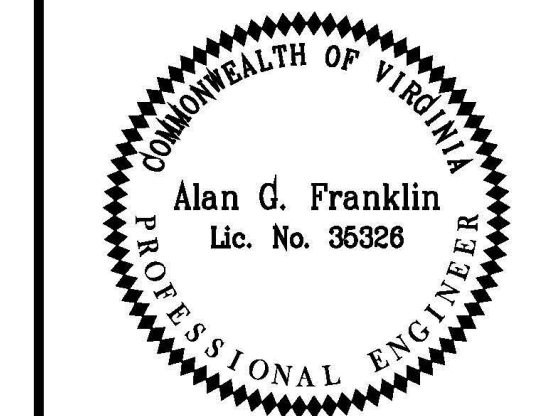
SCALE:
ISSUED: 10-01-19
DRAWN BY:
REVISIONS:

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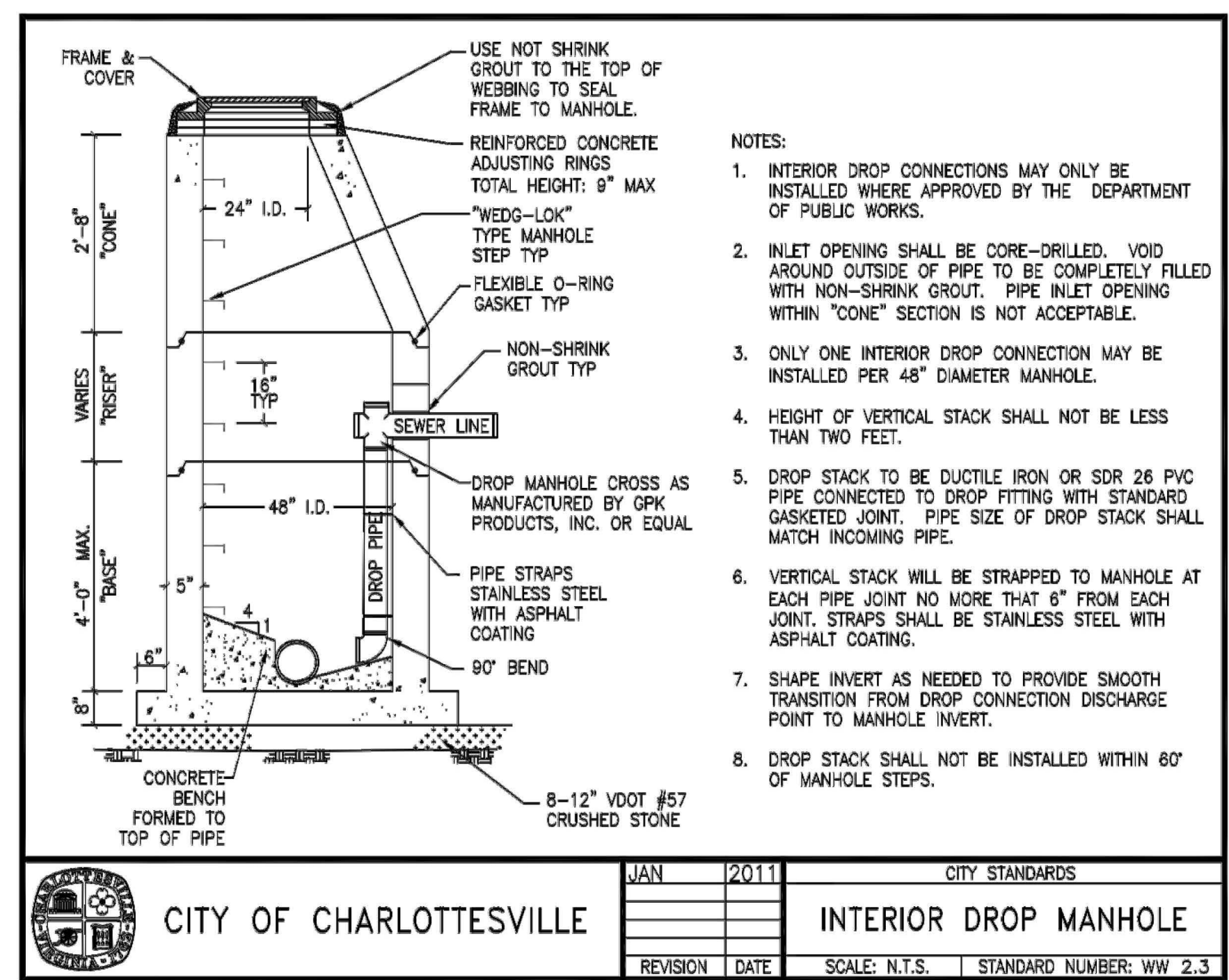
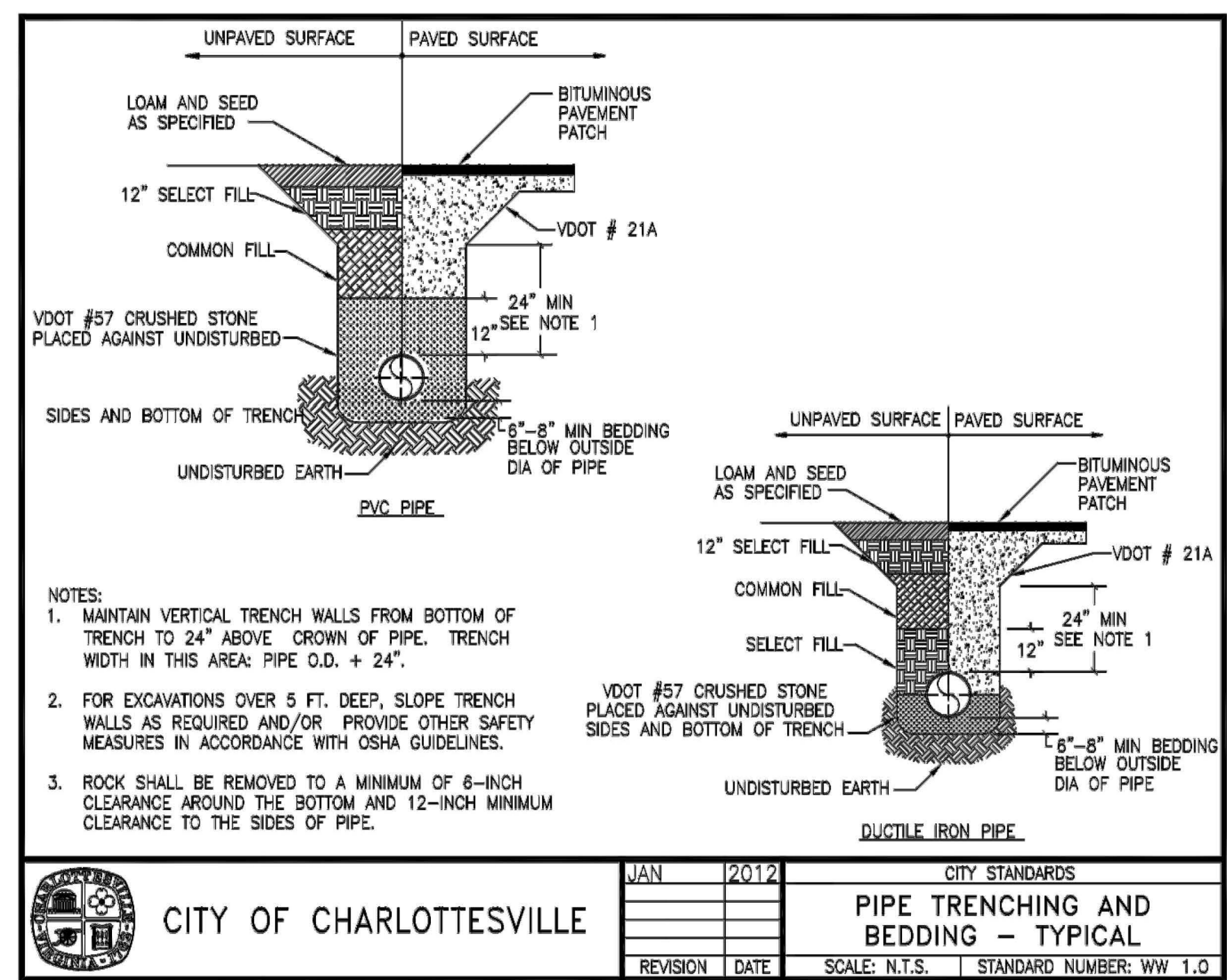
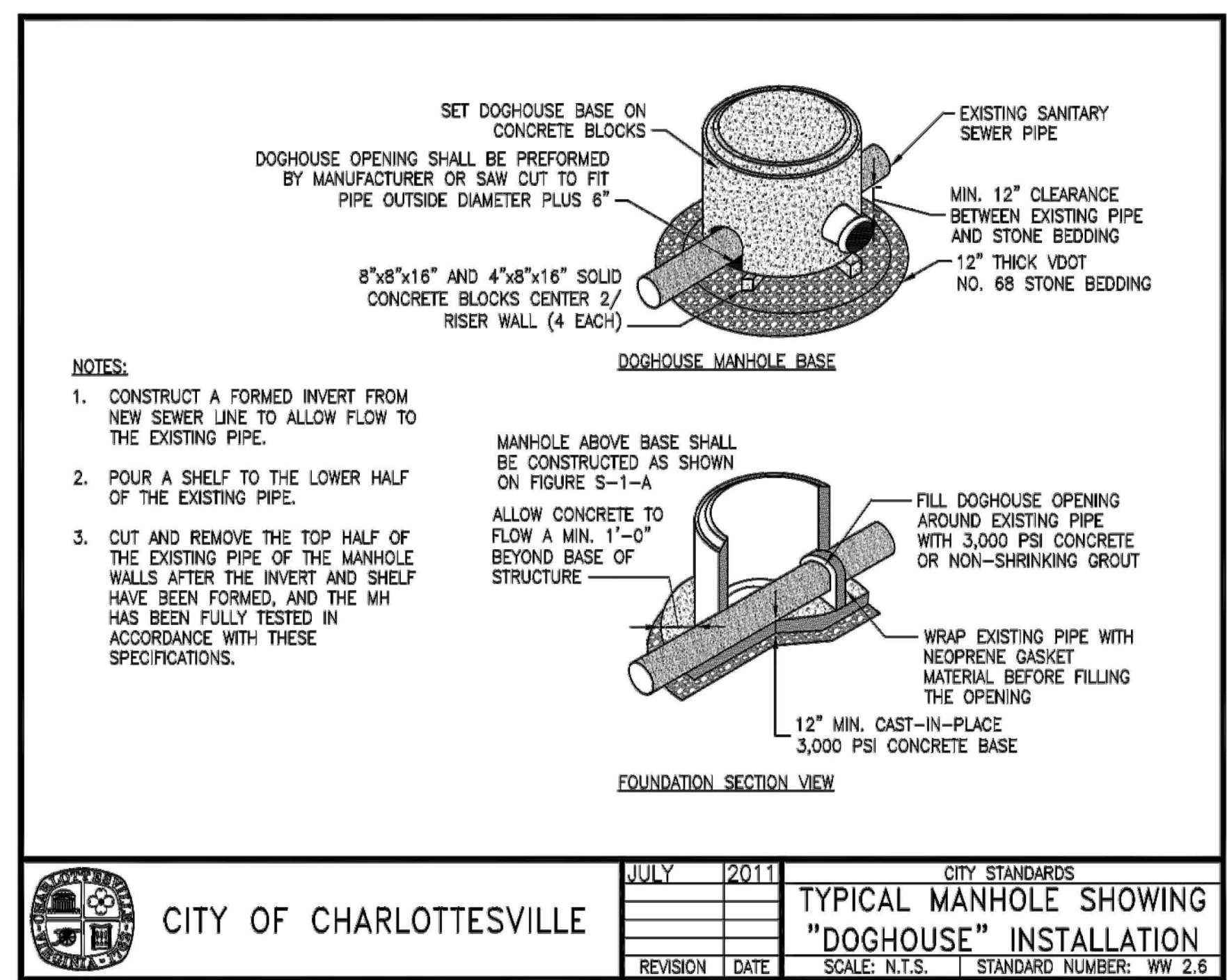
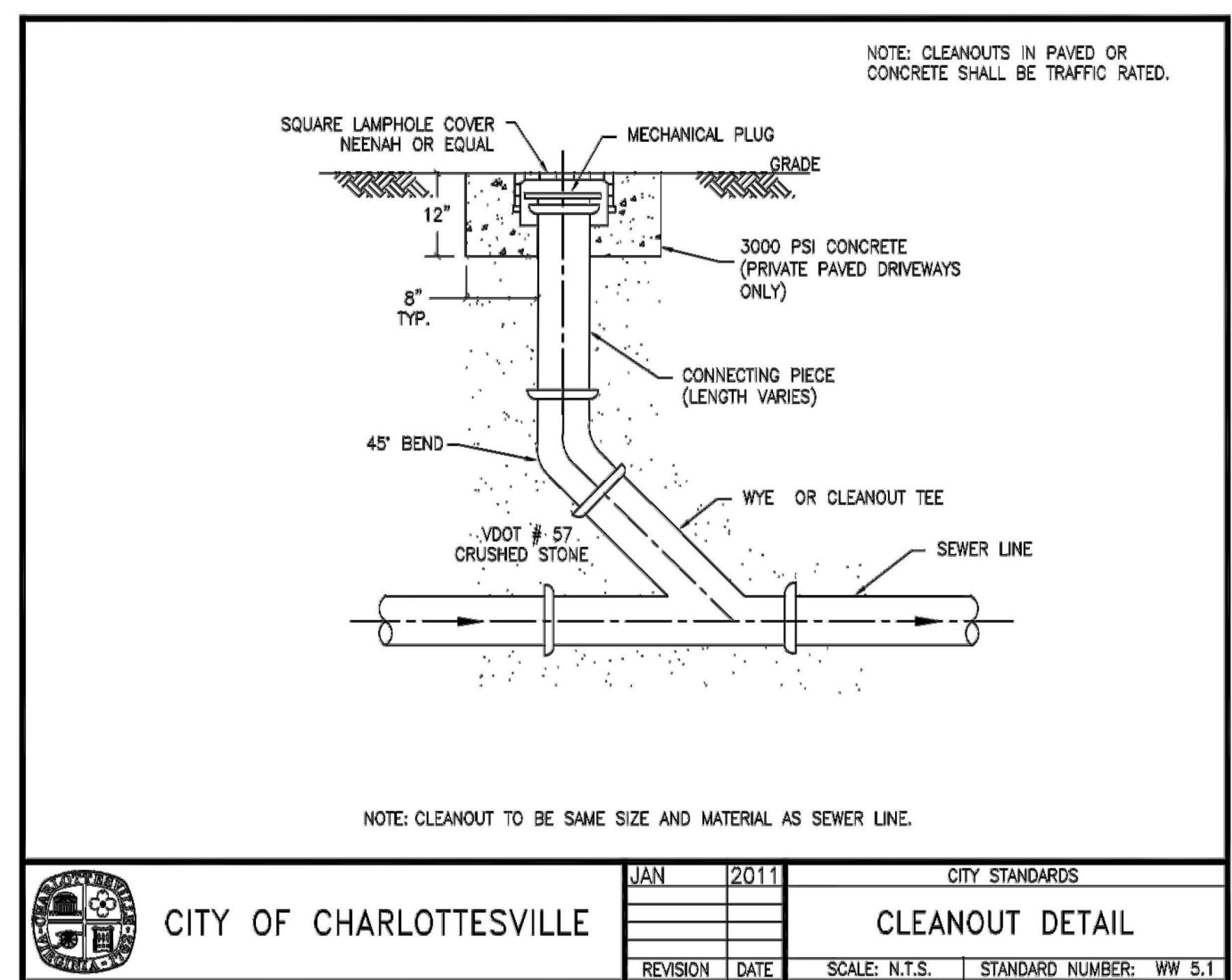
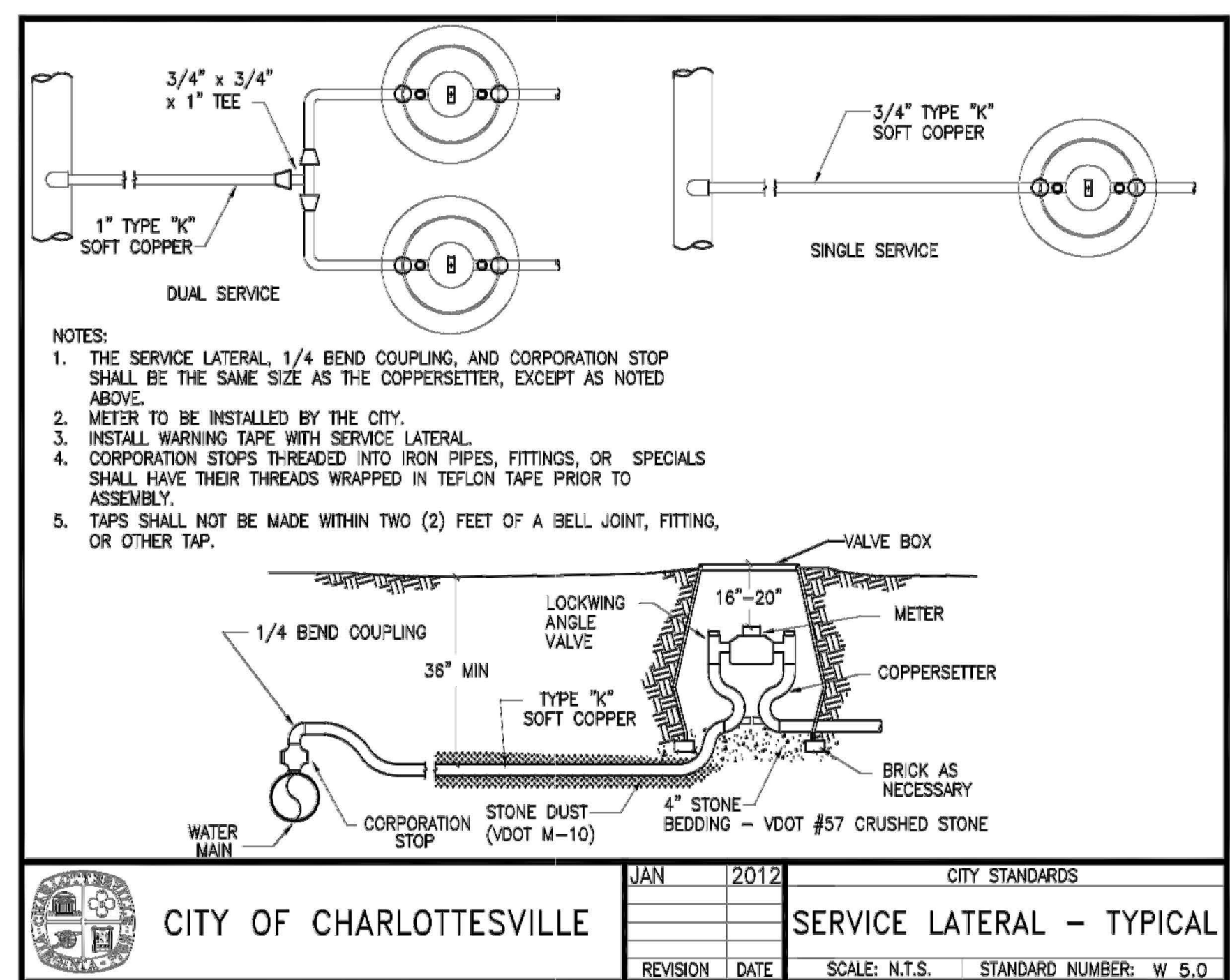
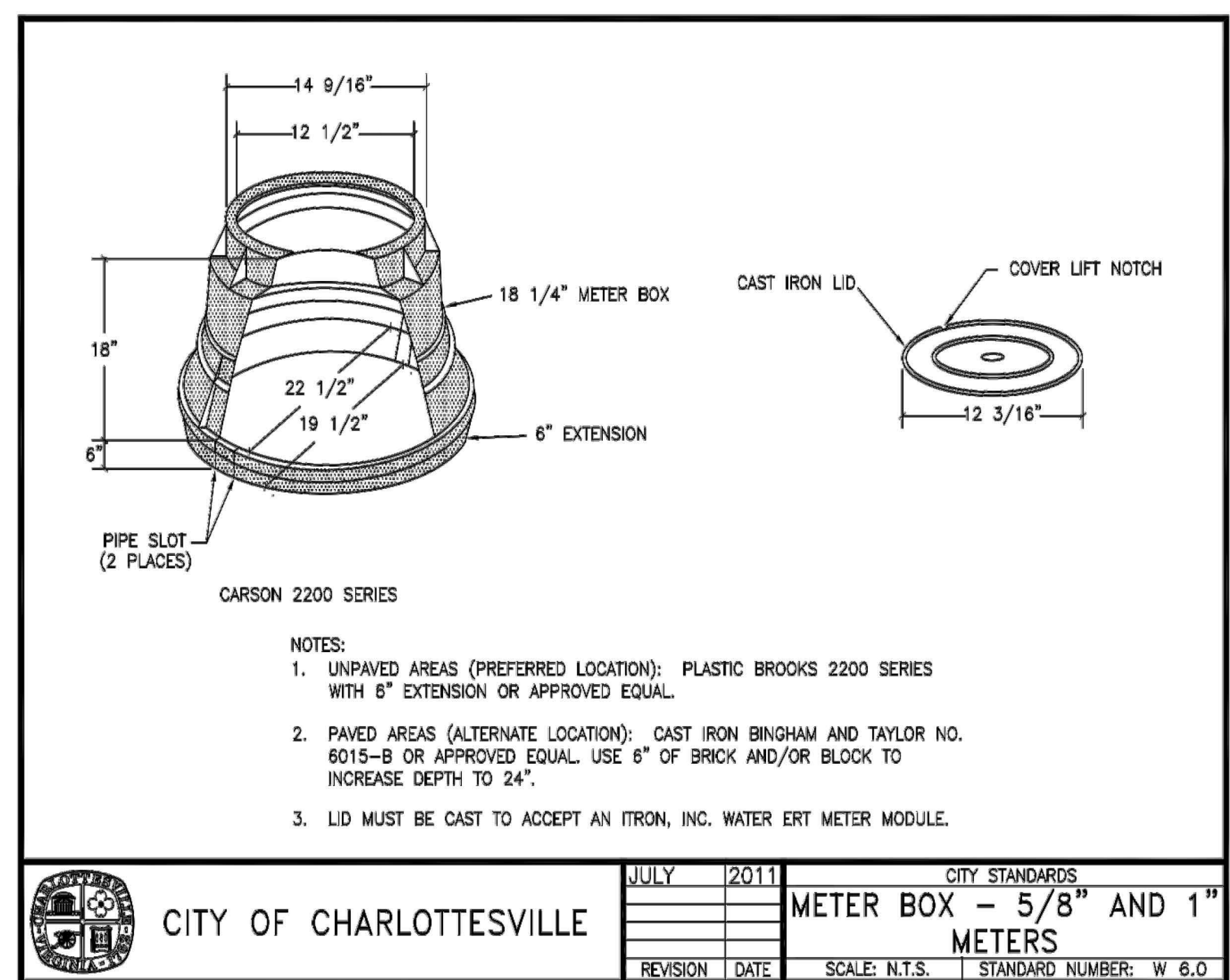
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SHEET
3
OF 4



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RESOLUTION
 GRANTING SPECIAL USE PERMIT
 TO ALLOW USE OF 165 AND 167 CHANCELLOR STREET
 AS A SORORITY COMPLEX



WHEREAS, House Corporation for Alpha Phi Sorority has submitted an application for a special permit to use the structures and properties at 165 and 167 Chancellor Street together for a sorority complex, and for a modification of the normally required setback of 36 feet on Madison Lane; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on July 9, 1985, this Council finds that such use will conform to the standards set forth in Section 31-28.1 of the City Code and to the criteria applicable to special permits generally under Chapter 31 of the City Code, and that the requested modification of the setback requirement should be granted pursuant to City Code Section 31-228.1; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit is granted pursuant to City Code Section 31-28, as amended, to allow the use of structures and properties at 165 and 167 Chancellor Street, identified on City Real Property Tax Map 9 as Parcels 126 and 127, as a sorority complex with a maximum of thirty-three residents. Such use shall be carried out in accordance with the site plan as approved by the Director of Planning. As a condition of such special permit, the normal average setback requirement of 36 feet on the Madison Lane frontage of such parcels shall be modified as shown on the approved site plan.

Approved by Council
 July 15, 1985

Jeanne Cox
 Clerk of Council

167 Chancellor

only if all the criteria for such a request have been met in sufficient time to make such a request).

5. The Bonds shall not be issued unless they shall have received an allocation of the State Ceiling (as defined in the Order), and nothing in this resolution shall be construed as any assurance that such allocation will be available, or if available, will be made.

6. Pursuant to the limitations contained in Temporary Income Tax Regulations Section 5f.103-2(f)(1), this resolution shall remain in effect for a period of one year from the date of its adoption.

7. This Resolution shall take effect immediately upon its adoption.

RESOLUTION: GRANTING SPECIAL PERMIT FOR INCREASED DENSITY FOR 165-167 CHANCELLOR STREET

Mr. Buck stated that he would abstain from discussing the resolution due to a possible conflict of interest.

Mr. Satyendra Huja, Director of Community Development, reviewed the request for a special permit to house up to 33 persons at 165 and 167 Chancellor Street. Mr. Huja listed the reasons given by the Planning Commission for recommending approval of the special permit as follows: 1) It is in harmony with the Land Use Plan of the Comprehensive Plan, 2) It will not have a significant adverse impact on the surrounding area if conditions are met, 3) The proposed setback modification are in keeping with the purpose and intent of the Zoning Ordinance, as amended, 4) It will permit the renovation of two existing non-conforming structures for use by a single group, 5) The proposed use is compatible with surrounding uses. This approval is conditional upon the following conditions: 1) Administrative approval of the site plan with the following conditions: a) Complete information on property boundaries; b) More complete information on method of handling drainage, and; c) More complete information on utility connections, 2) The elevated sidewalk to the south on Chancellor Street must be repaired and vegetation cleared to remove obstructions, 3) That the curb radius at the corner of Madison Lane and Chancellor Street be increased as much as possible without removing significant vegetation on-site (e.g. approximately a ten foot radius).

Mrs. Gleason stated that there had been a request by Mr. Jeff Taylor to defer a decision on the resolution.

Mr. Jeff Taylor, a resident of 167 Chancellor Street, stated that he was concerned about parking and presented a petition signed by Corner merchants and area residents opposing the special permit.

Mr. William Daggett, Architect for Alpha Phi Sorority, who requested the special permit, asked that a decision be made at the present meeting due to the time constraints involved in completing the project by the end of the year in order to qualify for tax breaks.

Dr. Hall stated that he was not in favor of delaying a decision as proper procedures had been followed for the special permit.

The resolution granting a special permit for increased density at 165 and 167 Chancellor Street was moved by Dr. Hall and seconded by Mr. Barnes.

Mr. Barnes stated that he did not think the difference in 33 and 24 persons, which would be allowed by right, would have a significant impact on the neighborhood and noted that one of the structures is presently in a blighted condition.

Mrs. Gleason stated her intent to support the resolution and stressed that it was important to enforce the parking regulations in the area.

Dr. Gunter stated that she was in favor of the resolution and recommended that the sorority make an effort to work with the neighborhood especially in the congested area.

The resolution granting a special permit to Alpha Phi Sorority for increased density at 165 and 167 Chancellor Street was approved by the following vote. Ayes: Mr. Barnes, Mrs. Gleason, Dr. Gunter, Dr. Hall. Noes: None. Abstaining: Mr. Buck.

WHEREAS, House Corporation for Alpha Phi Sorority has submitted an application for a special permit to use the structures and properties at 165 and 167 Chancellor Street together for a sorority complex, and for a modification of the normally required setback of 36 feet on Madison Lane; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on July 9, 1985, this Council finds that such use will conform to the standards set forth in Section 31-28.1 of the City Code and to the criteria applicable to special permits generally under Chapter 31 of the City Code, and that the requested modification of the setback requirement should be granted pursuant to City Code Section 31-228.1; now, therefore,

1985
BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit is granted pursuant to City Code Section 31-28, as amended, to allow the use of structures and properties at 165 and 167 Chancellor Street, identified on City Real Property Tax Map 9 as Parcels 126 and 127, as a sorority complex with a maximum of thirty-three residents. Such use shall be carried out in accordance with the site plan as approved by the Director of Planning. As a condition of such special permit, the normal average setback requirement of 36 feet on the Madison Lane frontage of such parcels shall be modified as shown on the approved site plan.

RESOLUTION: GRANTING PERMIT FOR OUTDOOR CAFE FOR SAL'S ITALIAN DELIGHT

Mr. Hendrix presented the formal resolution which had been drawn up following approval of the cafe by Council at its previous meeting.

On a question from Mr. Barnes, Mr. Roger Wiley, City Attorney, replied that the liability insurance limits were the same as other cafes.

Mr. Huja noted that a vendor location was in the area proposed for the cafe.

Mr. Wiley stated that the vendor location could be moved just to the east of the cafe.

The resolution granting a permit for an outdoor cafe for Sal's Italian Delight was moved by Mrs. Gleason, seconded by Dr. Hall and unanimously approved by Council.

WHEREAS, Giuseppe Finazzo, T/A Sal's Italian Delight, has applied to City Council for a permit to operate an outdoor cafe on the pedestrian mall in the 200 block of East Main Street, in connection with the operation of its duly licensed restaurant at 221 East Main Street; and

WHEREAS, this Council finds that the proposed outdoor cafe is in keeping with the intent of the pedestrian mall, can add significantly to successful commerce in the downtown area, will not unreasonably restrict the movement of pedestrian traffic and will not endanger the public health, safety or welfare; now, therefore, be it

Sec. 34-157. - General standards for issuance.

- (a) In considering an application for a special use permit, the city council shall consider the following factors:
- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
 - (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
 - (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
 - (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
 - a. Traffic or parking congestion;
 - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c. Displacement of existing residents or businesses;
 - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f. Reduction in the availability of affordable housing in the neighborhood;
 - g. Impact on school population and facilities;
 - h. Destruction of or encroachment upon conservation or historic districts;
 - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
 - j. Massing and scale of project.
 - (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
 - (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
 - (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.
- (b) Any resolution adopted by city council to grant a special use permit shall set forth any reasonable conditions which apply to the approval.

Sec. 34-162. - Exceptions and modifications as conditions of permit.

- (a) In reviewing an application for a special use permit, the city council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided:
 - (1) Such modification or exception will be in harmony with the purposes and intent of this division, the zoning district regulations under which such special use permit is being sought; and
 - (2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and
 - (3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.
- (b) The planning commission, in making its recommendations to city council concerning any special use permit application, may include comments or recommendations regarding the advisability or effect of any modifications or exceptions.
- (c) The resolution adopted by city council to grant any special use permit shall set forth any such modifications or exceptions which have been approved.

(9-15-03(3))

Affordable Dwelling Unit Ordinance Worksheet

Step 1: Total Floor Area Ratio (FAR) of Site

A. Total size of development site: 0.14 acres

B. Total square footage of site: 0.14 x 43,560.00 = 5,993.00 square feet (sf)
(# of acres)

C. 1.0 Floor Area Ratio (FAR): 5,993.00 (total sf of site)

D. Gross Floor Area (GFA) of ALL buildings/uses: 4,980.00 sf

E. Total site FAR: $\frac{4,980.00}{5,993.00}$ = 0.83
(total GFA of site) (1.0 FAR)

F. Is E greater than or equal to 1.0 FAR? NO: Your proposed development does not trigger the ADU ordinance.

YES: Proceed to Step 2 or Step 3.

Step 2: Number of ADUs Required

G. GFA in excess of 1.0 FAR: $\frac{4,980.00}{5,993.00}$ = -1,013.00
(D: total site GFA) (B: total SF of site)

H. Total GFA of ADUs required: $\frac{-1,013.00}{0.05}$ = -50.65
(G: GFA in excess of 1.0 FAR)

I. Equivalent density based on Units Per Acre:

. Dwelling Units per Acre (DUA) approved by SUP: 0.00

ii. SF needed for ADUs: $\frac{-50.65}{-0.0011628}$ = -0.0011628 acres
(H: Total GFA of ADUs)

iii. Total number of ADUs required: $\frac{-0.0011628}{0.00}$ = 0.00 round up to 7 units
(ii: ADU acreage) (i: DUA approved)

Step 3: Cash-in-Lieu Payment

J. Cash-in-Lieu Amount Residential: 4,980.00 x \$2,261 = \$11,259.78

K. Cash-in-Lieu Amount Mixed-Use:

Total GFA of development site:	0.00
GFA Occupied Commercial Space:	0.00
GFA Occupied Residential Space:	0.00
Total GFA Occupied Space:	0.00

% Residential: #DIV/0!

Proportionate amount of non-occupied space GFA for residential use: #DIV/0!

GFA Non-Occupied Space*: 0.00
 Amount of Payment: #DIV/0! x \$2,261 = #DIV/0!

**GFA of non-occupied space shall include: (i) basements, elevator shafts and stairwells at each story, (ii) spaces used or occupied for mechanical equipment and having a structural head room of six (6) feet six (6) inches or more, (iii) penthouses, (iv) attic space, whether or not a floor has been laid, having a structural head room of six (6) feet six (6) inches or more, (v) interior balconies, and (vi) mezzanines. GFA shall not include outside balconies that do not exceed a projection of six (6) feet beyond the exterior walls of the building; parking structures below or above grade; or and roof top mechanical structures.*

Step 4: Minimum Term of Affordability

L. Residential Project

i. Households earning up to 50% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Low HOME Rents	\$722.00	\$788.00	\$946.00	\$1,093.00	\$1,220.00	\$1,346.00	\$1,471.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)
 Minimum Term of Affordability*: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

***If answer is less than 5, then minimum term of affordability will be 5 years.**

ii. Households earning 51% to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD High HOME Rents	\$722.00	\$1,010.00	\$1,171.00	\$1,421.00	\$1,566.00	\$1,709.00	\$1,852.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

*If answer is less than 5, then minimum term of affordability will be 5 years.

M. Mixed-Use Project

i. Households earning up to 50% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD Low HOME Rents	\$722.00	\$788.00	\$946.00	\$1,093.00	\$1,220.00	\$1,346.00	\$1,471.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

*If answer is less than 5, then minimum term of affordability will be 5 years.

ii. Households earning 51% to 80% AMI:

Unit Type	Eff.	1BR	2BR	3BR	4BR	5BR	6BR
Number of Units							
Market Rent							
HUD High HOME Rents	\$722.00	\$1,010.00	\$1,171.00	\$1,421.00	\$1,566.00	\$1,709.00	\$1,852.00
HUD Utility Allowance							
Difference per Month	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Annual Cost of ADU	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Total Annual Cost of ADUs: 0.00 (Sum of Annual Cost of ADU)

Minimum Term of Affordability: #DIV/0! (Cash-in-lieu payment / Total annual cost of ADUs)

*If answer is less than 5, then minimum term of affordability will be 5 years.