Albemarle County Planning Commission
FINAL Minutes April 26, 2022

The Albemarle County Planning Commission held a public hearing on Tuesday, April 26, 2022, at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Julian Bivins; Fred Missel; Daniel Bailey; Luis Carrazana.

Members absent: None.

Other officials present were: Jodie Filardo, Director of Community Development; Charles Rapp, Deputy Director of Community Development; Candice Perkins, Planning Director; Bill Fritz, Development Process Manager; Rebecca Ragsdale, Planning Manager; Kevin McDermott, Transportation Planning Manager; Bart Svoboda, Zoning Administrator; Dr. Stacy Pethia, Housing Policy Manager; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Matters Not Listed on the Agenda

Ms. Firehock asked if there were any members of the public who wished to address the Commission for a matter not on the agenda. Hearing none, she closed the item for discussion.

Ms. Firehock noted that tonight's meeting was a "hybrid" meeting, which they established after the Covid-19 pandemic to include people speaking in-person and the opportunity for people to speak remotely using Zoom to access the meeting. Opportunities for the public to access and participate in the hybrid meeting were posted on the Albemarle County website on the Planning Commission's homepage and on the Albemarle County calendar. Participation would include the opportunity to comment on those matters for which comments from the public would be received.

Consent Agenda

Mr. Bivins motioned the Planning Commission adopt the consent agenda, which was seconded by Mr. Bailey. The motion passed unanimously (6-0).

PUBLIC HEARING

ZMA2021100013 Southwood Phase 2

Ms. Firehock said normally, they gave three minutes for each speaker to speak, and asked that they introduce themselves and state where they lived. If using an interpreter, six minutes would be allowed so that there was time for comments to be relayed to the Commission after they were stated. She said they would make sure to distinguish between those who were speaking alone or with an interpreter. She said she would give opportunity for the interpreter to interpret what the Commissioners stated to the audience. Speakers were encouraged to show their support for another speaker's comments by raising their hand rather than clapping hands or cheering and disagreement with a thumbs down to limit the amount of noise from the audience so the speaker at the podium could be heard.

Ms. Ragsdale introduced herself as Rebecca Ragsdale, Planning Manager in the Department of Community Development. She said she would be presenting the staff report this evening. She said Kevin McDermott, Transportation Planning Manager would be presenting the transportation portion of the presentation, and Stacy Pethia was present to answer any questions about affordable housing, grants, and some of the other information to be covered this evening. Ms. Ragsdale said as mentioned this was a public hearing, and the Planning Commission would be making their recommendation to approve, approve with conditions, or disapprove the application. She said if the item was to be deferred that would only be at the request of the applicant.

Ms. Ragsdale said there was a lot of history with Southwood, and the applicant would primarily cover that information. She said there would be a brief update on Phase 1; the Board received an update last week. She said the Planning Commission last received an update in September, and some of the members of the Commission had not yet joined the Planning Commission, so they would cover that background. She said they would then briefly go over the proposed rezoning, staff analysis, and staff recommendations before the applicant gave their presentation.

Ms. Ragsdale said they had discussed Phases 1 and 2 of the project and said the current slide showed a location map that oriented both phases. She said Phase 1 was along Old Lynchburg Road and was highlighted with the yellow "Phase 1" labels, and Phase 2 was the entirety of the mobile home park itself. She said this would be redevelopment of the mobile home park, whereas Phase 1 was undeveloped property at the time. She said it was off of Old Lynchburg Road, and Hickory Street ran through Phase 2 out to the Oak Hill neighborhood and eventually Stagecoach and 5th Street. She said Biscuit Run Park was to the south.

Ms. Ragsdale said the background mentioned by no means covered the entire history of Southwood, even more Habitat required it in 2007, but she did want to hit some of the highlights in terms of some of the key milestones of County actions associated with Southwood and the support that had continued to Phase 1 with this project. She said that had included the action plan that was put in place before the Phase 1 rezoning was acted on, and the performance agreement for Phase 1. She said Phase 1 was under review for a longer period of time than this rezoning had been under review; it was under review from February 2018 to June 2019 and included a number of resubmittals and work sessions. She said ultimately, it was approved in August 2019.

Ms. Ragsdale said Phase 1 was 33.96 acres and was approved for a maximum of 450 units, and a maximum of 50,000 square feet of non-residential. She said it included 12 blocks, which was also inclusive of green space blocks which had a number of amenities and trails planned throughout the neighborhood. She showed an image of the Phase 1 overall site plan, which was part of the recent update to the Board. She said what was highlighted with the yellow dashing was what was approved and under construction, which included an improved Hickory Street, the new road Horizon, and that Village 1 was under construction. She said Village 2 and the remaining blocks were still under review but were approaching final site plan and plat approvals. She said it ended up being 335 units that were approved, and 211 of which were affordable. She said she expected Habitat would have more details in their presentation.

Ms. Ragsdale said construction had begun. She said she was sure it would look different in a few weeks, but there were a few things happening in Village 1 and on Hickory Street, such as stormwater, utilities, and new roads to access Village 1. She said many of the milestones of the performance agreement had been met and were expected to be met with Phase 1. She said the performance agreement was only in place for Phase 1, so this was the funding of $3.2M that had

been in place. She said there was also an additional $675k that was approved by the Board to support planning efforts in Phase 1. She said with the update to the Board last week, there was a recommendation of continued support. She said that was in the future recommendations for the FY2023 budget, which would support the apartments in Phase 1 and assist with relocation of the residents as redevelopment occurred.

Ms. Ragsdale said she would now discuss the details of Phase 2. She said again that the Phase 2 parcels on the location map were outlined in yellow and equaled about 93.32 acres. She said that Phase 2 was proposing between 527 and 1,000 units. She said this was in addition to Phase 1 that had already been approved. She said there were 227 minimum affordable units proposed , and unfortunately there was a typo in some places that indicated 271 units, but the actual number was 227. She said there was an additional 60 affordable units that were proffered in terms of Low-Income Housing Tax Credits. She said some of the planning work that some of the residents had been undertaking was carried throughout the Phase 2 proposal in terms of the open-space blocks. She said there were two transit stops that were proposed.

Ms. Ragsdale showed an overview of the zoning map. She said the property was zoned R2 Residential, which was one of their lower-density zoning districts. She said the darker green was the existing Phase 1 area that was rezoned to Neighborhood Model, the Rural Area was shown in white, and adjacent was Biscuit Run Park. She said the future land use recommendations that they talked about a great deal in the staff report included an Urban Density Residential designation, Parks and Green Systems that were consistent with, green space areas that should be preserved, and also the recommendation that there be a neighborhood center near Hickory Street that would provide non-residential uses, including neighborhood-level serving uses. She said they found that the proposal was primarily consistent with these recommendations, but they had concerns about the neighborhood center.

Ms. Ragsdale showed the block plan that she had previously mentioned, which was a continuation of the neighborhood planning efforts of the existing residents and continued the block pattern and the transect concept where the higher-intensity uses were located internally along Hickory Street, continuing the neighborhood center special area to provide a potential neighborhood center and lower-density residential uses along the edges of the development. She said with the Neighborhood Model rezoning, the application plan was a requirement of the ordinance, as was the code of development, and anything additional that the developer may offer in terms of additional requirements were in the form of the proffers they had in the packet. She said there was a great deal of planning work that had continued.

Ms. Ragsdale said on the slide were block regulations. She said staff felt that everything was very well covered in terms of block regulations, building height, form, and the block layout itself, and the uses within each of the blocks. She said there was no minimum for non-residential proposed, so there were maximums in Phase 1 and Phase 2, but no minimum commitment to a square footage to provide that center. She said in terms of green space and amenities, with the Neighborhood Model development, they used the terms green space and amenities more generally, usually referred to as open space by some. She said they were providing the 20% green space that was required, and it was designed and dispersed throughout the community in terms of the different level of amenities. She said the amenities were the places where active recreation would take place.

Ms. Ragsdale said in addition to the amenities and green space, there was another section of the ordinance that covered active recreation areas and had a certain number of playgrounds that

were supposed to be provided and a number of basketball courts depending on the number of units that were built, so there was no waiver request to that. She said some of the active amenities proposed may serve as substitutes, but they would be providing the minimum recreation that was required in the ordinance. She said also shown on this map in red arrows were the trail connections that had been proposed to the adjoining Biscuit Run Park. She said they had also proposed and offered the ten space multi-purpose lot that could support the trail, act as an outdoor market space, commuter lot, or space for commercial vehicles. She said that would be located potentially at Block 29 or Block 30 at the bottom of the screen, or in lieu of the construction of the parking lot, there would be an offer of $50,000.

Ms. Ragsdale showed a slide that showed the relationship between the mobile home park and the trail connections to Biscuit Run Park. She said it also showed what was planned in the Biscuit Run Master Plan as far as future trailhead and park access that was recommended and planned from Hickory Street. She said the next portion of the presentation would be done by Kevin McDermott, Transportation Planner, and she would return with further information after that.

Mr. McDermott introduced himself as Kevin McDermott, Planning Manager in charge of the Transportation Planning Program. He said he reviewed the application from the viewpoint of transportation issues. He said the code of development and the application plan provided the network connectivity, the street design, the layouts, and everything they would expect to see from their standards, and that it was well developed, provided a high level of connectivity internally, showed sidewalks throughout the whole network so there was a lot of pedestrian connectivity, and the exterior connections from either end of Hickory were all that were available except for the connection over to Phase 1, which was also made. He said it was a well-developed street network that was provided.

Mr. McDermott said there was also a transportation impact analysis provided to staff as required. He said they require those for anything over 1,000 vehicles per day being generated. He said Phase 2 was generating approximately 4,400 trips per day. He said that was provided and he would go through some of the findings with that. He said for background, the Old Lynchburg and 5th Street Extended Corridor currently carried between 8,000 vehicles in the southern portion and closer to 15,000 as they got closer to the I-64 interchange. He said they had identified this corridor as constrained and it had been identified similarly in the previous TIA for Phase 1 as well as other TIAs that were done in the area, and a recent STARS study conducted by VDOT.

Mr. McDermott said the intersection with Old Lynchburg Road in front of the County Office Building, based on the development at the Albemarle Business Campus', findings were that this would be failing, so they had secured funding for a roundabout to go in that location. He said it was in design and partially funded by the developer of Albemarle Business Campus, partially by the County, and partially by the state. He said that was in design right now, and they would expect for that to be completed before the bulk of the Phase 2 development came online. He said other existing issues that were identified included the Stagecoach Road and 5th Street intersection, as well as both the ramps for the I-64 interchange.

Mr. McDermott said those all had failing movements in the future with or without the Phase 2 construction. He said there was also a lack of consistent bike-ped facilities throughout the entire corridor and that they were looking for funding currently in order to address this. He said Southwood Phase 2 would add approximately 4,433 trips to this already constrained network. He said when they added Phase 1 and Phase 2, it was just under 8,000 trips per day overall in this corridor, almost doubling the number out there. He said with the addition of the Phase 2 traffic,

they had some concerns about the operations at the Sunset Avenue and Old Lynchburg Road intersection, which for the movement of people leaving Sunset and trying to get on Old Lynchburg to get into the City or interchange, that would increase the delay for that movement in both the a. m. and p. m., especially in the p. m. when it went from approximately a 30-second delay to a 3.5 minute delay to get out of there.

Mr. McDermott said they recognized that was an issue they would have to address. He said the Stagecoach and 5th Street intersection, which as he mentioned already, had significant delays, would have an increase in those delays with the addition of the Southwood Phase 2 traffic, making this intersection have very poor operations through both peak hours. He said Southwood was proffering construction of two transit stops within their development, and those would include shelters and benches. He said that was a great improvement and could offset some of the vehicular trips when people opted to use the mass transit instead of using personal vehicles.

Mr. McDermott said Phase 2 would also add an additional approximately 400 trips to Hickory Street. He said Hickory Street was currently a private road, and the maintenance responsibilities were shared between the County, Southwood, and Covenant School. He said it currently was in poor condition. He said Southwood was also proffering to develop the 30% design plans to reconstruct Hickory Street to public standards so they could have VDOT take over the maintenance of that. He said the 30% design was a necessary first step so they could move into looking for funding for construction if they wanted to move towards that. He said the completed improvements would be necessary prior to the full build-out of Southwood because of that additional traffic they would be sending on that poorly maintained road. He said to move to construction would require significant additional investment by the County in order to be completed.

Ms. Ragsdale said in the staff report, one of the concerns they had raised in the analysis was the impact on schools. She said with 1,000 units, there was potentially 190 students total for projected yields. She said the current community had about 168 elementary students, and as they knew, Mountain View Elementary did not have any additional capacity and was operating with 12 mobile units to accommodate its current population. She said an expansion was planned to accommodate the current population and replace some of those mobile units. She said the analysis that was provided for the projected student population was included in the code of development, and the school's staff had reviewed it.

Ms. Ragsdale said after discussion of their initial comments, they still believed there would still be impacts to elementary school students, which was around 90 to 100 students. She said some of the difficulty with these projections was that they did not know with certainty right now how many of the existing Southwood residents would stay. She said there was a higher student population generator associated with that than what was seen in the table on the slide. She said they also were not certain of the unit type as far as the breakdown when Phase 2 moved forward. She said the schools were studying options for land acquisition for the new elementary school, because that was their primary concern. She said the population also went to Burley Middle School and Monticello High School, but neither of those schools identified critical issues at this time.

Ms. Ragsdale said they were studying the issue and indicated that ideally, a comprehensive school site would be 20 acres in size and the identification of the site and construction was important prior to any additional growth in the Mountain View boundaries. She said there was a proffer provided by Southwood that offered a 5.7-acre school site, and should the County purchase the lot, the County would assume responsibility for relocating residents in Block 4 if the

owner had not yet begun redevelopment, and then it was offered at a 20% reduction to fair market value. She said the future elementary school was not currently funded in the budget but was recommended within the next five years.

Ms. Ragsdale said there were 227 affordable units proposed for-rent or for-sale that were being offered in the code of development. She said depending on buildout, that could be 47% of the total number of units down to 23% of the total number of units, which would be at 80% AMI. She said if sold to current Southwood residents, there was an additional cap. She said there was also a portion of Block 25 reserved until 2023 for an additional 60 LIHTC units to be developed by a third party. She said there was no action plan or performance agreement in place for Phase 2 that the Board had approved. She said the zoning ran with the property, and they understood the current applicant was Habitat for Humanity and had higher levels of commitment to their residents, but those were not in place in the code of development, application plan, or proffers.

Ms. Ragsdale acknowledged and thanked everyone who sent in emails that the Planning Commission had received. She said prior to the Board meeting, they would include those as part of the record as the project moved forward. She said the emails of support and the emails of concern, and the community would be included in the packet. She said some of the support was about the positive impact this would have on the Southwood community as well as the resident-driven planning process. She said some of the concerns they had seen mirrored some of the staff concerns in terms of traffic and schools' impacts.

Ms. Ragsdale said there were many positive aspects to this project. She said at this time, the recommendation was not to approve the application. She said they had concerns with regard to schools, traffic, and the commitment to the neighborhood center. She said this item had gone through a bit quicker than their typical review time they would see for this type of rezoning, so in addition they had some detailed comments they would be providing to the applicant as this moved forward in terms of code of development corrections and similar things.

Mr. Carrazana asked for a point of clarification. He said the 227 was a fixed number, so when a percentage of 47%-23% of maximum development, the 227 stayed fixed and what changed was the overall development and the number of units, but the 227 did not change.

Ms. Ragsdale said yes. She said that was what was offered as far as the minimum number of affordable units that would be provided.

Mr. Carrazana said he was talking about this in terms of the calculation of 23% to 47%.

Ms. Ragsdale said that was based on the minimum of 527 that would be provided up to the 1,000 maximum.

Mr. Carrazana asked if 227 would stay constant.

Ms. Ragsdale said yes.

Mr. Bivins asked if the 60 that were referenced by the housing income tax credits were included in the 227 or were in addition to that figure.

Ms. Ragsdale said that was in addition.

Mr. Bivins said that there were 227, and if that piece came through in Block 18, it would be in addition to that.

Ms. Ragsdale said yes.

Mr. Bivins asked if he were correct in that with what was proffered, if it did not happen within a certain amount of time, it went away, and they could do whatever they wanted with the lot.

Ms. Ragsdale said yes.

Mr. Missel said he appreciated the background on Phase 1. He said he was doing a fair amount of catching up with that as he was with the original phases. He said his first question was about the performance agreement that was part of Phase 1. He said he assumed staff had looked at the work been done to date against the amount of investment the County had made and asked if they had made any determinations about their feelings about that in general as to whether that had been successful.

Ms. Ragsdale said Dr. Pethia, and others had been more involved with the performance agreement. She said as she stated, they had met certain milestones that they acknowledged. She said she could revisit that slide if he would like to. She said there were also remaining milestones that would be met. She said if he was asking for a general statement as to how satisfied they were with how Phase 1 was going, she had not been involved specifically with the performance agreement.

Mr. Missel said that was fine.

Ms. Firehock said that Dr. Pethia could address that.

Mr. Herrick said that this was a land use application as opposed to an evaluation of a performance agreement.

Mr. Missel said he understood.

Mr. Herrick said their performance under the performance agreement should be considered separately from the land use applications before the Commission tonight.

Mr. Missel said that was fair. He said if this were not an appropriate question, they could pass it.

Ms. Firehock said he could still ask the question, but it would not be deliberated on whether it was successful on this side of the dais.

Dr. Stacy Pethia, Housing Policy Manager came before the Commission to outline the performance agreement. She said a lot of the milestones in the performance agreement focused on making sure Habitat secured funding for the units that were promised. She said one of the milestones was being able to secure a partner to develop Low-Income Housing Tax Credits, which they did. She said the two milestones that were left had to do with funding, which had been secured, and they were now waiting for documentation they could have for their records, and the second one did not kick in until they had a significant number of the affordable housing building permits issued, and she did not recall when that was. She said they felt at this stage, they had

done a great job and were working their way through the performance agreement in a satisfactory manner.

Mr. Missel said he had one other question specifically related to land use. He said thinking of the current zoning as R2 and thinking of this request, he asked if there were improvements that had been planned that would have been necessary other than the transportation improvements to handle density that would have been there by right.

Ms. Ragsdale said no, she did not think there was anything else for improvements with that area because it was zoned R2 and was lower density. She said it was a non-conforming mobile home community that had more units than the underlying zoning would typically allow.

Mr. Clayborne said he wanted to make sure he understood the information relating to the schools. He said 190 students were projected with 1,000 units and there were currently 160 students in Southwood. He said with the plan to not displace anyone was that commitment. He asked if there could be a range given for that net that was there. He said he understood there were a lot of moving factors, like some people would decide not to stay and some would move in. He asked again if there was a range for the net that might impact the schools based off of those numbers.

Ms. Ragsdale said they focused on the elementary school. She said they had a number of questions received from Commissioners and presented on what they had at this time. She said given the review, they had some remaining questions about the schools, but it was difficult to come up with that range given the variables in terms of the number of units. She said when they looked at it a couple of different ways, it still had a significant impact on the elementary school. She said that was about 80 or 90 units, but they did not have any of those numbers for them this evening, because they only had what was available in the code of development and what had been reviewed and been submitted so far.

Mr. Clayborne thanked her, because that had been tough for him to grapple with. He said his second question was transportation related. He said that question was how many of those projects discussed earlier in the presentation were expected to be funded by SmartScale. He said he understood cradle-to-grade was a ten-year process versus other streams of revenue such as proffers or capital improvement funding. He asked Mr. McDermott to discuss that a bit more.

Mr. McDermott said that as he mentioned, the intersection at Old Lynchburg Road and 5th Street at the County Office Building was just funded in the last round of SmartScale two years ago, and they received approval to accelerate that, and accelerate is a somewhat incongruous term there, because it still would be about three years before they saw construction on that one. He said the other project they were looking to move forward on right now was the shared use path along the entire Old Lynchburg and 5th Street corridor south of the interstate, which they were looking to fund through SmartScale right now.

Mr. McDermott said they would not know until a year from now if that had been funded or not, and then it would be at least another three or four years at a minimum to get that constructed. He said they had some other projects in the area. He said he thought all these projects would need some state funding because they were all significant projects. He said the intersections, interchange ramps, and Hickory Street could be through SmartScale or revenue sharing, could be partially or locally funded, and if developments offered proffers that could offset some of those costs. He said those would all be well into the future because they had not even started making applications for those yet.

Mr. Clayborne thanked him for that answer.

Ms. Firehock clarified that SmartScale was a competitive transportation grant program, and by cradle-to-grade Mr. Clayborne meant start-to-finish.

Mr. Bivins said he understood they were talking about coming onto Old Lynchburg Road, and they would be pushing about 1,300 households out that way, but they also had the ability to go out the east way by Covenant School. He asked what it would take to be able to handle a thousand here, and another three hundred, so a total increase of 1,300.

Mr. McDermott said they believed about 10% of the Phase 2 traffic would exit Hickory Street going towards Covenant going through to Stagecoach and that would be about 400 trips from Phase 2, and from Phase 1 it would be about 300 trips assuming the same percentages because they had about 3,000 trips. He said at Southwood in general, they would be putting about 1,000 trips a day on Hickory Street going past Covenant.

Mr. Bivins said Hickory Street was still really a residential street and was not like coming out onto Old Lynchburg Road.

Mr. McDermott said it was, and they noted that in the staff report that those were stop-control intersections in that neighborhood and there were concerns noted that there would probably be a lot of delay at those stop signs that were more neighborhood-focused and impacted all those people that lived down there in addition to the Covenant School. He said the road was in some level of disrepair right now, so they definitely would like to get that fixed, and they were also proposing the Biscuit Run Park as a proposed trailhead on that road that could generate more trips. He said Hickory Street was something they wanted to take care of with or without Phase 2, but the Phase 2 would put a bit more pressure on them to get that taken care of. He clarified that the County had some maintenance responsibility for that.

Mr. Missel asked Ms. Ragsdale to clarify that the fifth factor unfavorable said that the rezoning did not provide a commitment to a minimum square footage and that the specific concern was not that there was not a center but that there was not a minimum.

Ms. Ragsdale said yes, without a minimum there was not an assurance that some of the recommendations in the master plan could be met for providing that center with non-residential uses, and there were no non-residential uses that had been approved on the site plans for Phase 1 to date.

Mr. Missel asked if there was a general rule of thumb or standard for a minimum square footage that they would expect to see.

Ms. Ragsdale said it was a neighborhood service center, and she believed there was no maximum in the master plan, and she would have to look up what they specifically recommended for neighborhood service centers, but she believed it was 5 or 10,000 square feetat least.

Ms. Firehock said she had a similar question. She said in the report, it said originally in phase one they were going to build 50,000 square feet of commercial but noted that now for Phase 1 they were possibly only doing 10. She said they were getting 40,000 square feet less of commercial space than in Phase 1, and without a maximum, in Phase 2 they could get zero up to 60,000.

Ms. Ragsdale said it could be zero up to 60,000 for Phase 2, and in the other phase it could have been between zero and 50,000.

Ms. Firehock said she believed it was the applicant in their report who said they would only be doing 10,0000 square feet in Phase 1.

Ms. Ragsdale said that was what they had indicated. She said there had not been any site plans that had come through that had any commercial at all, and to-date it had only been residential.

Ms. Firehock said okay.

Ms. Ragsdale said they may be planning for that in the future, and she asked about that with Blocks 11 and 12 at the corner of Hickory Street and Old Lynchburg Road where the apartments were planned, but they had not approved any non-residential on any of the site plans to date.

Ms. Firehock said a concern could be that there were less commercial there was, the more residential there was, which potentially meant more units and more impacts.

Ms. Ragsdale said that had not been stated, but they analyzed the residential number of units based on the residential range. She said if there were more commercial, there would be less residential, but they had a great deal of flexibility in their code of development in terms of how the blocks played out.

Ms. Firehock said perhaps the applicant could talk more to their ideas when they came before the Commission. She asked if there were any further questions for staff. Hearing none, she asked the applicant to come forward.

Ms. Lori Schweller introduced herself as an attorney with Williams Mullen, representing Southwood Charlottesville, LLC Habitat entity. She introduced their primary speaker, Dan Rosensweig, the CEO of Greater Charlottesville Habitat for Humanity. She said she would like to introduce some of the members of their team who may be speaking tonight, including Andrew Vinisky, Chief Construction Officer for Habitat; Valerie Long, a colleague at Williams Mullen; Megan Nedostup, Certified Planner at Williams Mullen; Steve Schmidt, Transportation Engineer at Timmons Group; and Craig Kotarski at Timmons Group. She said they would like to begin by thanking the County for the funding it had provided thus far for Phase 1, staff resources, the devotion of time and staff to Phase 1, and she would like to particularly thank the Planning Commission. She said three years ago, they took a leap of faith in recommending approval for a form-based code based on the block plan and thought their faith was warranted.

Mr. Rosensweig thanked Ms. Schweller and the Planning Commission. He introduced himself as Dan Rosensweig, President and CEO of Habitat for Humanity of Greater Charlottesville. He said the Planning Commission recommended approval for a block plan that created a form-based code that created general formal regulations that allowed the residents to be in command of the neighborhood they designed, and they knocked it out of the park. He showed Village 1 neighborhood model on the slide and said it had everything they would want a professional planner to have. He said it had a consolidated open space in the middle for people to gather in, had pocket parks throughout, there was a mixture of affordable and market-rate units on every block, and it was all connected to trails.

Mr. Rosensweig said they took advantage of some of the flexibility of the code to make some incredibly wonderful moments, so when driving or walking into Village 1, the first thing noticed were homes taking advantage of the ability to front homes on a green, so rather than private yards, it was a pocket park for people to gather together. He said there were also concerns about the minimum proffer for affordable housing. He said as they would recall, they proffered 50 affordable homes and were building 211. He said they were hopeful they would build as much as they possibly could in Village 2 as well, but it was 63% rather than 15% affordable in Phase 1.

Mr. Rosensweig said that brought them to Phase 2, which he would not describe in detail because Ms. Ragsdale had summarized it well. He said it was an extension of the code of development and the regulating block forms that were part of the first phase. He said that would allow critically the next cohorts of residents as they were ready to come together as a group and design it village by village. He said they were now in a rinse-and-repeat mode where they knew what they were doing, and they had designed the first two villages that had now knitted themselves together. He said the third group of Village 3 planners were now working in Phase 2, and they were planning to work that way throughout the process. He said Ms. Ragsdale mentioned green space, and there was flexibility within this so that the residents could actually plan the green space within their own internal developments. He said a few things that were fixed items on this was a big central park located in Block 28, the trail connections, and two miles of eight-foot-wide trail looping through the neighborhood.

Mr. Rosensweig said it would not only be residential, and they would later discuss the commercial aspect. He said they agreed with the staff recommendation but were working right now with partners from northern Virginia, La Cocina VA, that specialized in shared commercial kitchens rented at a very low fee, business incubation, especially with Latino communities, so they saw the new downtown Charlottesville as being this hub of business incubation and activity. He said in terms of affordable housing, when adding what they built or were building in Phase 1 with the minimum they had proffered in Phase 2, they got 438 units total, which was an absolute minimum. He said the reason they proffered 227 was because when adding that to what Habitat was building themselves in Phase 1, it was at least a one-to-one replacement with what was there. He said he wanted to make sure they were at least on the hook to do that. He said they would build more and were looking for LIHTC partners to ideally get that number above 50% to something closer to 60%.

Mr. Rosensweig said that some people had asked if there was already affordable housing present. He said there was not by the standards of the County Housing Policy, which described the conditions in which houses had to be in order to be decent, affordable homes. He said the slide showed a trailer they purchased from a gentleman who had just lost his wife to cancer and moved in with his children. He said the photos showed the condition he was living in when they purchased it. He said they were going to rehabilitate the trailer for temporary housing for a new family.

Mr. Rosensweig said while many families kept these trailers in beautiful shape, they did not believe they met the definition of affordable housing for their own definitions. He said this was not only about affordable housing but was about meeting the first objective in the housing policy, which was to create all kinds of housing for all kinds of people in all kinds of places. He said he believed they were hitting a home run here, and there was not another community like this in the United States of America.

Mr. Rosensweig said they were committed to every single family who was there and giving them multiple choices. He said if someone did not make any money, their rent would be subsidized all

the way down to nothing. He said if someone wanted to purchase a home, they would find them a product that worked for them. He said if someone wanted to rent a home, they would be able to rent at no more than 30% of their income. He said they would work all the way from 0% to 100% AMI. He said their partners, PHA, were building rental units for people between 30% and 80%, and the market would take care of the rest.

Mr. Rosensweig said this would truly be a complete housing ladder of opportunity, unlike anything else in the nation. He said there would also be a mixture of housing types. He said the ones shown on the slide were just the housing types in Village 1 alone. He said not all affordable housing was equal. He said developers had discussed how hard it was to get from 80% to 60% of area median income and said the bar graph shown on the screen showed the breakdown of the residents at Southwood, and it could be seen that most people were clustered around 30% or below. He said they subsidized things at a much greater rate than most of what was considered affordable housing, and they had to.

Mr. Rosensweig said they were also cleaning up the site. He said in the supposed “green fields” adjacent to where the site was, they had found the results of 60 years environmental injustice and neglect. He said they had already spent $2M cleaning up failing septic fields, cleaning out unsuitable soils, fixing and changing out an asbestos water line, taking out underground sewage tanks. He said the good news was that they had a handle on this now. He said the area they were developing now was absolutely, 100% pristine, under the watchful eye of DEQ, and they knew what they were doing going forward, but that had added a lot of pressure to the performance. He said they had solutions here but needed the rezoning to move forward because they could not access the solutions until they moved forward. He said they designed and upgraded Hickory Street and designed a new sewer line to replace the remainder of the failing septic at Southwood.

Mr. Rosensweig said financially, this was a challenging project, and he knew some people had their concerns about their ability to pull it off. He said on the current slide showed in rough terms the proforma. He said this was just land. He said it was about a $161M project, and there were things present here that most proformas did not include, such as resident engagement and trailer acquisition and moving. He said what could be seen on the revenue side was the market-rate lot sales equaled $81M and about 60% of total revenues for this. He said when people wondered about including mixed-income, they were creating a place for everyone to also cross-subsidize the affordable units. He said if they used market rate lot sales, the deficit only grew. He said the other thing to look at was the Habitat for Humanity affordable lot sales with the price of construction and depth of subsidies they provided, there was no money in the proforma on the land side for affordable lot sales.

Mr. Rosensweig said the good news came with an extreme sense of urgency. He said there was $2.9T of federal funding available for projects just like this, specifically designed for upgrading infrastructure in the hardest hit communities. He said that money was being spent, allocated, and pulled down to Chesterfield County, to New Mexico, and Alaska, and they could not access it until rezoning happened. He said they appreciated the staff moving this forward although it had been rushed and there were still things they needed to work on. He said this must go forward, otherwise they could not close that funding gap.

Mr. Rosensweig said they were providing 274 homes above the minimum. He said 274 market-rate lots multiplied by the average lot price of $150K equaled about $41M in income that they were not generating because they were going above the minimum. He said when adding that to

the proforma, the deficit turned into a $20M surplus that they could otherwise use for some off-site proffers, but this did not necessarily support that while they built $140M of affordable housing.

Mr. Rosensweig said this was a project that had been designed by the residents, cleaned up an environmental catastrophe, remediated on-site and off-site environmental hazards, created a center for business incubation, early childhood education, and commercial use. He said they had proffered a school site, and they knew the proffer was not perfect. He said they believed they could work with staff and the Board of Supervisors if this went forward. He said they provided a host of multi-modal transportation improvements so that they were not so car-centric as they were solving traffic issues in this area of the County. He said most importantly, it was urgent. He said there were $2.9T in money out there, and they had 39 families working towards home ownership right now, families living in unsafe conditions, and they had to move forward. He said he would welcome any questions and would love if tonight they could move this forward to the Board of Supervisors.

Mr. Carrazana asked if the ARPA funding was $2.1T.

Mr. Rosensweig said it was $2.9T.

Mr. Carrazana said he believed $1T of that was earmarked for infrastructure in the ARPA grants. He asked Mr. Rosensweig if he had looked at what they would specifically target in terms of those infrastructure improvements and if they had a priority list of things, they would use the ARPA grant for.

Mr. Rosensweig said they did. He said the single biggest project and first thing they would do right now was to decommission all the remaining septic fields in Southwood, and they could do so as soon as rezoning happened. He said they worked with the County to prepare an application for ARPA funding, and what they found was that there seemed to be disinclination with moving forward until such a time when the rezoning was done. He said the infrastructure bill was a different bill, and while ARPA was $1.9T, this was $1M. He said there were a number of different initiatives for that, and they were writing many of the final rules right now, but it could fund the sewage cleanup, removal of the oil tanks, or an upgrade of Hickory Street, so those were the three big projects that would be first in the queue. He asked if that information was sufficient.

Mr. Carrazana said it was. He said particularly with the sewage and getting that remediated was a key and should be the highest priority. He said the circulation and vehicular issues were up there as well, so he appreciated the mention of that. He said he had not seen anywhere a comprehensive timeline. He asked where they were with Phase 1 and the changes that had happened since they first saw it two years ago, and where they were in the beginning of Phase 2 and how long that would take.

Mr. Rosensweig said he could talk through it but did not have a timeline.

Mr. Carrazana said if they could have that at some point so they could have a timeline of the project proposed.

Mr. Rosensweig said on the screen, Village 1 sitework was all but complete. He said there was a little bit left to go, and they had started building there, which was the first 49 habitat homes, and the first 80 homes total. He said Village 2 was under site plan review, but as Ms. Ragsdale said, it should come out right away. He said they had contractors ready to go, so they should just be

able to continue the building. He said the other parts of the village, which included the commercial center and their partner PHA, had the land ready to go, but they needed to get some final details to get themselves ready to move.

Mr. Rosensweig said all of Phase 1 should be complete within a few years, and the idea was that they would then roll right into Phase 2, because there were families that were already working towards Phase 2. He said they believed that Phase 2, once getting through the County process, a site contract was in place, and they did the earth work, they would begin building in 2025 and would be a 15-year build-out to complete the rest of Southwood. He said 2025 to 2040 was the timeline for Phase 2. He said it could accelerate a little but most likely would not.

Mr. Carrazana said that in Phase 1, there would be a progression of people moving into the earlier villages.

Mr. Rosensweig affirmed Mr. Carrazana's comment.

Mr. Carrazana said in two years, the entirety of Phase 1 would be completed, and they would then mobilize on Phase 2.

Mr. Rosensweig said that was correct. He said it was worth noting that the two big infrastructure improvements they noted were the sewer line and the Hickory Street upgrade, which could happen before redevelopment. He said in fact, the sewer line was designed to serve the trailers temporarily and then convert to a permanent sewer line later, but they had been told they could not move forward until it was rezoned.

Mr. Missel congratulated Mr. Rosensweig on a wonderful job of community engagement and said it was like none other he had seen. He said there was obviously an existing tenant base on the site. He asked what programs were in place and what types of processes they would take to ensure those people were given priority and were able to actually afford the homes being built.

Mr. Rosensweig said he had both the descriptions of the rental program and the homeownership program. He asked if he should hand those out or if they were looking for something more high-level.

Mr. Missel said he was hoping for some high-level overview.

Ms. Firehock said they could accept handouts on the dais, but it was hard to digest them while listening.

Mr. Missel said he would just like the highlights.

Mr. Rosensweig said that the summary was that the first 39 homeowners were already moving through the program and selecting lots in the first phase. He said there were about 14 renters who were doing the same thing, so the first village was all but sold out, and people were beginning to select lots in the second village. He said their priority was that their lot selection policy in the program prioritized Southwood families, so they were first in line. He said if for some reason they built more than Southwood families wanted, then they would open it up to the general public, but first and foremost their commitment was to Southwood residents. He said they had created a program where there were ten different home ownership options.

Mr. Rosensweig said it was a pilot program, and typically in Habitat housing, they made what they made, paid what they paid, and got what they got. He said however, this was a very different community, and there were people who had made fundamental, rational, and smart choices about housing. He said for example, there were people who underhoused themselves so they could grow a business or send money home to family so they could keep people alive in their country of origin, so they wanted to pride people on the opportunity to actually buy down if they wished, so they could still pay a smaller percentage of their income on housing to have more for other things. He said they did not want to be patriarchal or paternalistic about that and force people to spend what underwriters said they could spend.

Mr. Rosensweig said at the same time, there was a high cash economy at Southwood as well, so they were offering a one-to-one down payment match, so any dollar that anyone put down that they may have, they would get $2 off of the price of their home. He said they created prices at all price points, including entry-level home ownership where the total housing payments were not more than what they were paying now for their trailers. He said it was a bit complicated because they had a number of different payments. He said some rent payment on the pads, some paid rent on the trailers, some paid mortgages on the trailers, but a lot of it was eaten up in utilities. He said some utility costs were $300 or $400 a month.

Mr. Rosensweig said their homeownership program started at $500 a month for every single housing expense, from the first mortgage to utilities to everything else. He said it went up from there. He said they offered four different rental products, and there was a fair market value, and if people paid fair market value, they got to choose whatever they wanted, and if not, they were a bit more constrained by what was available and what they fit into. He said they would subsidize that, so do an underwrite on every family, and they paid no more than 30% of their income, so if their income was nothing, they paid nothing. He said they had a solid commitment with choice in it. He said they did not know if it was flawless because they were piloting it. He said they had worked very hard with residents on this for years to make it possible.

Mr. Missel said staff raised concerns about the school site. He said they had proffered to discount the market rate by 20%. He said if he read it correctly, there was also a sundown clause in there, so after a year of the date of the approval of the rezoning, that would go away. He asked Mr. Rosensweig to explain why the sundown clause was there and if there was flexibility in that.

Mr. Rosensweig said they were trying to put this proffer together in a way that gave the County space to make up its mind. He said what they gathered was that some people wanted a 20-acre school site, which was not a feasible land use here, and some people were open to the idea of an urban-scale site. He said not everyone had decided that this was the place they wanted a school, but they would love to have an urban-scale school there, as was called for in the comprehensive plan. He said they wanted to give the County some time to make the decision about that. He said in reading the staff report, it seemed to him that the staff was feeling rushed or pushed. He said they were happy to extend that deadline if that was something that felt valuable to the Commission.

Mr. Missel asked if the reason for the year was to give the County time to think about it.

Mr. Rosensweig said yes.

Mr. Missel said it was somewhat of an arbitrary time.

Mr. Rosensweig said yes.

Mr. Missel asked what his thoughts were on the concern the County staff had with establishing a minimum square footage for a center.

Mr. Rosensweig said they applauded them, and that was just missed. He said they absolutely planned to do it, and Commissioner Firehock talked about what was anticipated in the first phase and what had happened, and perhaps this was a good time to address that. He said their intent was to build between 10- and probably more like 20-square feet of commercial in the first village. He said what they did was proffer a form-based code that had 12-foot first floors in that special area, and that extended into the code of development, so even if, at the initial iteration, they were not commercial, over the lifetime of that building, that space could become flexibly commercial.

Mr. Rosensweig said they were trying to work with the local food hub to develop a commercial kitchen, food pantry, and other things, and when Covid-19 hit the investors left. He said right now, it was PHA's building, and they were planning a community center, hoping to have a couple classrooms for early childhood education, and some other things that fed that building. He said it would be a civic space but would not be the hub. He said they saw the more active uses in the second phase right downhill from there. He said they were willing tonight to go on record, and if they wanted to make a condition, they could proffer a minimum square footage.

Mr. Bivins said if he heard Mr. Rosensweig correctly, he would be willing now to say about Phase 2, but he would like to know about Phase 1. He said one of the first concerns of his when this was first presented was that this would turn into nothing but a residential area. He said he saw this happening right now in Phase 1, because he did not see a commercial center. He said he was having a hard time with that. He said perhaps staff found it or did not find it, but now Mr. Rosensweig was saying they were willing to do something in Phase 2 and go on the record to say so. He said perhaps if that happened, he would feel better about that. He said his main issue was that it still felt like it would be big, commercial, and with over 1,000 houses over there. He said he would like some clarity on some of it. He asked how many students were anticipated from the Phase 1 project. He said if there were 160 current K-5 students, and there were another 95 that would be there in the elementary school, how many did they anticipate in Phase 1.

Ms. Schweller said according to the County's calculator, it would be 48 in Phase 1 using the same metrics.

Ms. Firehock said there would be 48 in Phase 1.

Mr. Bivins said they were then looking at about 200 new students in K-12.

Ms. Schweller said that was the total for the entirety of Southwood, not deducting students who might already be going.

Mr. Bivins said what he understood from staff was that there were 160 K-12 right now in the community.

Ms. Schweller said she heard that as well.

Mr. Bivins said the 160 plus 48 using the County's calculation, plus 95 using the County's calculations for Phase 2. He asked if that was correct.

Ms. Firehock asked if there was a definitive number for Phase 1, Phase 2, and the net number of students who were currently going to school from Southwood.

Mr. Bivins said that was all he wanted.

Ms. Schweller said they used the calculators provided by the schools, which were specific to the school district and specific to housing types. She said using those specific calculators, they found 190 students if they built out the maximum 1,000 units in Phase 2. She said she did that same analysis for Phase 1 to see what that number would be, which was 243. She said right now out of Southwood, they had 391 total students, not only elementary students. She said based on the numbers she was looking at, she was seeing over the course of the buildout of Phase 2, she was actually seeing a net reduction in students. She said part of the reason why that could be explainable was that Habitat homes had a lot of restrictions and incumbrances that meant Habitat homeowners stayed in their homes a lot longer than non-Habitat homeowners. She said they had incentives to do so, and those students aged out of elementary school and into the schools that were not currently overpopulated.

Ms. Firehock asked if they got to a total.

Mr. Bivins said he was good. He said he was not good on not getting to a total, because he wanted to know the impact on the Mountain View school, and he did not see how they got a net to that. He said he did not see a concrete solution on how every student should have a place where they could be comfortable at school. He clarified that he had nothing against this community. He said he would expect that given the majority of the housing here was market-rate and not affordable housing, that the emerging Southwood community would want to be an active contributor to making sure that at least at the elementary school level the children had all the possibilities they could have

Mr. Bivins said 5 acres was a reasonable amount of space for an urban school, but for this amount of time and money did not feel like an active or engaged way of coming to a solution. He said when there was discussion of potential community space, there should perhaps be discussion of how to have a more robust school. He said it felt very cautionary and tentative. He said there were too many people involved here to have a tentative solution for schools.

Ms. Schweller said it was true that with all housing, new residents did use roads and schools. She said there was no doubt about that. She said to state the obvious, Habitat did the work it did for no profit. She said they could give millions more in proffers, as Mr. Rosensweig showed them with a spreadsheet, but it would be at the expense of the affordable housing that they would not get anywhere else. She said what they were addressing in terms of schools was a 20% discount on the price of that needed school site to acknowledge to 20% of those students who may be coming from Southwood. She said they were doing what they could, but respectfully, it was the County's policy decision to determine whether they wanted that school or wanted the robust amount of affordable housing that unfortunately a market-rate developer would not be able to provide.

Mr. Bivins said they would stipulate it was not purely an affordable housing community. He said they should be truthful in the fact that there was a large and would be well-developed community of market rate houses there. He said if this was simply a replacement of the 300 families that were in Southwood, he understood, but it was not that any longer, and it was a very different community

that had both higher end houses and not-so-higher-end houses. He said he would like from a policy standpoint, if there was a meeting in the middle for something more robust.

Mr. Bivins said another issue he struggled with was that it was one thing to have the 300 houses coming out to Stagecoach and joining from the east side, and the road was not a good road, which he could attest to. He said it was another matter to push another 900 people through that and only give 30% towards the design. He said in discussing the robust engagement with this process again, he felt that some of the things being offered were nice, but the totality of what was being offered was not really going to go towards the solution very much.

Ms. Schweller said that first of all, they already had residents in Southwood, many of whom were present tonight, so the number they were talking about included a good number of people who were already there. She said Habitat sometimes worked ahead of its promises, and in this case would do 100% of the engineering of that road. She said she showed a slide that quantified some of the benefits of the proffers along with the affordable housing.

Ms. Schweller said this was an important slide they did not get a chance to look at. She said they wanted to point out that they were doing 100% of the engineering for Hickory Street, not only on Habitat's property but offsite for the whole of Hickory Street at a cost of $325,000. She said if they added up all the things Southwood was doing as a developer, $152,605,000 was a lot being offered in addition to the intangible ones that Mr. Rosensweig went over. She said again, they could even do more, but the number of 438 minimum affordable housing units had quite a price tag, and they felt that was the most important bullet point on the slide.

Ms. Firehock said in the report the 317 existing Southwood units had a GIN. She asked what that was.

Ms. Schweller said that referred to a General Information Notice that was required under the Uniform Relocation Act. She said there was a certain period of time, July 2019, when Habitat had to say to the current residents that it was now the time that the residents were present and guaranteed a place. She said they tried to give a place to everyone at Southwood, but that was the fixed number under the Uniform Relocation Act.

Ms. Firehock said the 317 was the number of people they must replace housing for in whatever the formulas used were. She said there were many other people who had come since then who they also pledged to provide housing for.

Ms. Schweller said that was right.

Ms. Firehock said they did not have to be there in 2019 to fall under that.

Mr. Rosensweig said like everything, it was a bit more complex than it seemed. He said in 2013, they did a three-part survey with everyone in the park to find out who was there and if they wanted to stay and whether they wanted to be a renter, homeowner, and other information so that the planning process could begin. He said they anticipated at that time that the planning would move faster than it did, so after about five years they acknowledged that there were a lot of new people in the neighborhood, so in 2013 they made promises to everyone who was there and told everyone else who came after that that they could stay because there was not a lot of affordable housing in the area, but they probably would have to move. He said in 2018, they opened up the

door again, because those five years of families had become part of the community. He said the mechanism for that was the General Information Notice, which legally required them to do so.

Mr. Rosensweig said at that point, they were still a few years away from development, and given the dearth of affordable housing options, at least for a little while they would let people in under a significant caveat, so when they came in to register, they notified those people that they would not be able to stay and that it was temporary, and there were about 14 families that had moved in since then that had a move-in notice that said this was under redevelopment and they could not stay. He said they were already helping those families, but there were some families they did not even know about because sometimes families moved in without their knowledge. He asked if that was helpful.

Ms. Firehock said yes. She asked if it would be a fair statement to say all the revenue they were generating by the sale of land, sale of homes, and sales of properties within this, 100% of the revenue would go back into the Southwood site or would some of the revenues be used for other Habitat for Humanity projects such as another trailer park somewhere. She asked if they were rolling money over or if it would all stay there.

Mr. Rosensweig said 100% of the land development stayed at Southwood, so if there was a lot sale at Southwood, it went right back into Southwood. He said it was a little bit more complicated when they originated a mortgage. He said they were the lender as well, so they originated a zero-interest mortgage. He said they built those mortgages up over time, and then they either, borrowed against them so they could capitalize the next building. He said moving from 2025 onward, they would be doing a majority of their building in Southwood, but they were also building elsewhere because there was a regional need. He said they were building in Louisa, Green, northern Albemarle, Crozet, and Charlottesville, so that money that came in through origination of those loans was core money and never originated from Southwood to start with, so that went back into the pool that was leveraged to provide capital to build the next homes. He said he could not guarantee that that money would stay in Southwood, but all of the land development money would definitely stay at Southwood.

Mr. Clayborne thanked Mr. Rosensweig for all the work Habitat for Humanity was doing, and he was sure he was going around the country presenting on this project here. He said he believed everyone in this community deserved a safe, healthy home in a vibrant neighborhood, and they were working towards that. He said his one question was about feasibility studies. He asked if one was performed on the environmental aspects since they had uncovered so much. He asked how that related to the timing of this project.

Mr. Rosensweig said they did a number of feasibility studies, and they went above and beyond what a typical developer would do in terms of their environmental surveys and environmental reviews. He said they had to pull down some of the public funding. He said they had geotechnical work, but it was impossible to predict what was under the ground until they actually started digging. He said what they found broke their hearts. He said they were thankful they were the ones who bought the park, because if anyone else had found what they found, they would have run away. He said what they found was that previous owners of the park had Gerry-rigged trailers to single septic tanks. He said they found as many as ten hooked up to a single septic tank, so when someone flushed their toilet, the tank had been full. He said they had been pumping and hauling for 12 years. He said typically a sewage tank should be pumped a few years depending on the amount of use. He said some of the tanks they had been pumping and hauling a few times per week.

Mr. Rosensweig said that was a cost of about $50,000 per month that they had absorbed for 12 years now, and it had only gotten worse. He said they expected to find some of that under the ground but did not expect nearly the amount of leaching they found. He said the good news was that they had begun to remove some of the oil tanks. He said every single original trailer had an oil tank, and they were concerned that they all had leaked. He said so far, all the tanks had come up clean, but the bad news was that their proforma originally was balanced, as well as their grading plan, but they had to remove about 15,000 cubic yards of organic topsoil's. He said there were a number of things that were unpredictable, but they had extensive environmental surveys done beforehand.

Mr. Clayborne thanked him for that insight. He said it looked like there was a high commitment of 438 affordable housing units, and if he recalled correctly, there were only 341 existing residents. He asked if he could discuss that overcommitment and how that impacted the other proffers that staff found lacking.

Mr. Rosensweig said there were 317 trailers, and the 341 was due to some attrition over the years due to extenuating circumstances such as trailers being moved or catching fire. He said the number was 317 right now, and even if they built only the minimum number of affordable units, there would be 121 extra from what was there. He said he did not fundamentally believe that ethically they could look at a trailer that had a half-life of a certain number of years located on infrastructure that had failed and say that was a safe and affordable unit. He said it was not being generous on his own part to say it was only an addition of 121 units or so. He said again, that 438 was a minimum and was their promise, but they would try to do better. He said they did that in the first phase, where they knew they could do 50 and they did 211, so they would try to do that again. He asked if that answered Mr. Clayborne's question.

Mr. Clayborne said it did. He asked if he could discuss each proffer that was before the Commission and some of the decisions made for each proffer.

Mr. Rosensweig said absolutely. He said with respect to the additional affordable units, they did a calculation based on the land. He said if this were a typical development built out to its maximum of 1,500 units, and the minimum proffer of 15% was met, that would be 164 or 170 units. He said they were well above the minimum number. He said they then did a calculation based on if they were to replace an affordable lot at zero with a market rate lot at 150, and the difference would be about $41M just on the land deal. He said when looking at what they were proffering towards building was $41M for land subsidies and about $100M of building, so they had $141M they were investing in affordable housing in this.

Mr. Rosensweig said to remember they were renting homes to people who had no income and were selling homes that may cost them $200k to build, and in some cases for a mortgage of $50,000 because that was what people could afford. He said he believed their proffer package was pretty generous, and he understood Commissioner Bivins' apprehensions, and thought they could probably work through some of that tonight or at least get some direction for that. He said the amount of affordable housing was one thing they could control, but it was the one variable they did not want to solve for, because that was not what they did.

Mr. Rosensweig said currently, the things they had proffered were public trail connections to create connectivity between the two-mile trail and Biscuit Run. He said the infrastructure internal to Southwood was in the Long-Range Transportation Plan and it was intended to be the "gateway

project," which was in reference to Biscuit Run Park being planned with only a single entrance down Route 20 south at the time. He said with that, if someone lived on Mosby Mountain or Redfields right next to Biscuit Run, they could not get there without getting in a car and driving through County and VDOT roads to the park.

Mr. Rosensweig they intentionally built trails and were proffering a park-and-ride, so if someone lived in a western neighborhood, they could drive, park in the lot, and go into the park. He said people could also walk from Southwood, Redfields, or other neighborhoods around there. He said they also offered but was unsure if staff wanted to accept making a public use access easement over the entire trails but still maintained by Habitat so that the trails could be used by everyone. He said the multi-use parking lot could have a multiplicity of uses serving the community itself. He said there was a huge love of fairs, farmers markets, and things like that which it could be used for. He said they proffered two transit stops at a cost of $50,000.

Mr. Rosensweig said as Ms. Schweller said, they originally proffered 30% for engineering, but figured that since they were already working with the engineers, and as Mr. McDermott said, it was a critical piece that once traffic was diffused in that area of town, it took pressure off the primary. He said it also put pressure on neighborhood roads, but that was better transportation practice to move traffic into different places than to funnel it all into one place. He said they had also proffered a school site, and this proffer may need some work. He said they did their best to put something out that could be a win-win, and it was a genuine proffer. He said he took issue with the idea that it was not robust, because the 20% discount was equivalent to about $1.8M. He said they thought this site would work and be really good, and while they understood the County had its own process to go through, they were willing to extend the timeline.

Mr. Rosensweig said Commissioner Bivins talked about the size of it, and they were willing to make the contours of it more flexible so that when they got into the design stage, it could grow a bit to accommodate the program that the school wanted, but it was a question of timing and the LIHTC proffer. He said just like with the performance agreement, they could not proffer LIHTC because it was a competitive process. He said they could not proffer they were going to do it because they were not in control of that. He said what they could do instead was take land offline and only offer it to LIHTC developers for a period of time. He said if they went through one or two cycles and did not get funded, it would never be funded, because for some reason, there was a flaw in the proposal, and it was not viable at that site. He said as it happened in the first phase with Piedmont Housing Alliance, they got it on the first go-around, and they were in the process of building 121 units.

Mr. Clayborne said for the 100% design drawings, he wanted to make sure they were discussing the same thing. He asked if that was sealed by professional engineers, gone through VDOT approvals, and readily issued for construction.

Mr. Vinisky introduced himself as Andrew Vinisky, Chief Construction Officer for Habitat for Humanity, and resident of Albemarle County. He said yes, the 100% design drawings would be completed by this fall by their Civil Engineer Du Berry, and that would be fully engineered, signed, sealed drawings ready to go to the County and to VDOT for approval.

Mr. Clayborne clarified that that did not include approval by VDOT. He said he was only clarifying because he knew that process could go back and forth for some amount of time.

Mr. Rosensweig said the reason they came up with 30% at the time was in conversations with Mr. McDermott that in order to qualify for some of the federal infrastructure funding, 30% was the standard, and as they saw how important this was in reading the staff report and how important it was to the County to upgrade that road, they had their engineers continue to move. He said they could change that proffer to 100%. He said Mr. McDermott talked about the difficulty in finding money for that road. He stated that he had the pathway for getting money for that road.

Mr. Rosensweig said infrastructure money was primarily geared toward serving low-income communities with improved infrastructure, so if the segment of road from their site to Oak that was off of their site was included in the entire application, it was serving primarily low-income residents, so it would score higher on federal infrastructure. He said they could pride that on-the-record commitment or proffer or whatever the County attorney thought was wise to include that scope of all site improvements in any application that they put forward, which would score these things much higher. He said they could then go well beyond SmartScale, County revenue sharing, County budget, and access pots of transportation funding that were only available right now, and mostly available for infrastructure improvements in low-income communities.

Mr. Bailey said he thought this was an amazing and ambitious project that he loved. He said he came from affordable housing and was thankful to be where he was. He said what was being asked tonight was for them to make a land use decision on something that stayed with that land, so there were some uncertainties with the entire project. He said one thing they had to ask themselves was what if it did not happen, and what if Phase 2 could not be funded and be built. He said they then would have a piece of land that had a new designation, or there was the possibility of it being somewhere in between where the budget had to include more market rate to make it go, and then the County or others were bringing in funding to subsidize what would have been proffers. He said those were the things they were struggling with and trying to balance these moving parts and uncertainty. He said there was the opportunity to get dollars through ARPA, but not guaranteed dollars. He said $81M in sales from market lot sales from fair market value houses was listed. He asked if this was correct.

Mr. Rosensweig said yes.

Mr. Bailey asked if that number was derived from assuming 438 affordable housing units.

Mr. Rosensweig said 438.

Mr. Bailey said if they were to go above that, the $81M would be decreased and that money would come from somewhere else to make up the difference.

Mr. Rosensweig said exactly. He said some of the ways they could do that was to increase LIHTC. He said there was some revenue under the land for LIHTC, so when it was sold for LIHTC, it was not nearly as deeply subsidized as Habitat, and LIHTC had investors who could get tax credits for investing in these properties. He said they provided a discount on a land to LIHTC developers, but sold it as well, so some of that $81M could be replaced with LIHTC without taking away a whole 150 per lot. He said something they could do that they did very well was push their cost down and try to bring more volunteers in to build cheaper. He said they tried to do everything they could do build more with less, and as the financials made sense, they could build more affordable housing. He said every time they could build affordable housing rather than sell a market rate lot, they would, because that was what they existed to do.

Mr. Bailey said that helped a lot and he appreciated that. He said he applauded his work to do the environmental remediation and understood that they did not know until they got into the dirt. He asked if he understood correctly that they had already done a comprehensive to understand what the potential for the Phase 2 impact could be.

Mr. Rosensweig said yes.

Mr. Vinisky said as being pointed out earlier, they put in approximately $2M in remediation over the last several years, most importantly in the last twelve months. He said they expected to spend about $12M over the course of the project. He said they had a very good handle on where they were today, had probably the finest consulting team they could assemble, including people from Richmond and northern Virginia onsite. He said Mr. Rosensweig said the DEQ was also heavily involved in their progress, their reporting, and as Mr. Rosensweig pointed out, they pulled out about 11 or 12 of the 250-gallon oil tanks so far, and as they had heard as recently as this evening, they had not yet found an oil tank that had any oil leakage, or that the few septic tanks that they had removed to be a problem. He said they did not have a handle on everything yet, but they had a very good sense of what they would be getting into for Phase 2, primarily from the work they had done over the last 12 months in Phase 1.

Mr. Bailey said it seemed they would be donating a significant part of their budget to continue to do remediation for Phase 2 and expected to see a similar type of impacts and improve the underlying land just as they did in Phase 1.

Mr. Vinisky said absolutely. He said there was a speaker this evening who would go through a quick rundown of what they were anticipating of what they would be experiencing in Phase 2, which again went back to what they experienced in Phase 1. He said they were confident now they knew where they needed to get to in order to get Phase 2 as pristine as Phase 1.

Mr. Bivins said he was glad they spent all the money they had spent, and that was good. He asked if the 33 acres in Phase 1 were done.

Mr. Vinisky said yes. He said the majority of that site in Phase 1 had been under construction for a period of 12 months and the only thing left in Phase 1 was Village 2, which they hoped to start on very shortly. He said that site plan was supposed to be approved.

Mr. Bivins said he was talking about oil tanks. He asked if there were no other oil tanks that they were going to discover in Phase 1 and that they had dealt with the sewage area in Phase 1.

Mr. Vinisky said Phase 1 had no existing trailers on the property.

Mr. Bivins said he knew that. He said that was a yes. He said they had no issues in Phase 1.

Mr. Vinisky said they had issues in Phase 1. He said there had been no additional. He said they had experienced oil tanks, septic tanks, and draining fields as part of Phase 1's construction today.

Mr. Bivins said okay. He asked if they had done nothing with the other 93 acres.

Mr. Vinisky said no.

Mr. Bivins said they had three times as much land that they did not know whether or not there were tanks, or what the sewage was like there, and that was where most of the community existed.

Ms. Firehock said that was correct.

Mr. Vinisky said 1A and 1B was the next village as part of Phase 2. He said area 1A had approximately 26 existing mobile homes that they had relocated elsewhere in the park. He said with those 26 trailers comes 26 oil tanks.

Mr. Bivins asked if none of them leaked or if there was no leaching.

Mr. Vinisky said they had not experienced any tanks they had removed, which he believed to be 11 tanks removed to date, to have any leaking. He said they had DEQ reports to confirm that.

Mr. Firehock said that was a good answer. She said they would now begin public comment for this item. She said those who did not already sign up could still speak. She said she had 13 people signed up. She asked for people to line up so that they could make sure there was not a long delay between speakers moving from the podium. She said she had just been handed a sheet with additional names. She asked staff if the list was for in-person speakers. She said she would call the first three names up. She said people would have three minutes to speak, with a green light showing it was time to start speaking. She said speakers must state their name and where they lived. She said a yellow light would come on when the speaker had one minute remaining, and the red light meant to stop. She said if there was an interpreter, they would have extra time so the interpreter could interpret what they said for them, so that would be a 6-minute period.

Ms. Candelaria wished the Planning Commission a good evening. She introduced herself as Luisa Candelaria and said she was actually a city resident. She said she lived at Sunrise Park, another Habitat community. She said she had been a homeowner there for almost 10 years. She said she was not an expert on numbers, and she knew they had seen a lot of that today. She said she wanted to tell them about her experience as a homeowner. She said when she looked around the room, what she saw that she had in common with a lot of the people here was that she was the daughter of an immigrant, she was a first generation American born and raised in the United States to parents who were now naturalized citizens. She said she was a mother and also a Habitat homeowner.

Ms. Candelaria said when she first began working with Habitat 13 years ago, it was something she never thought she could accomplish. She said her parents had always talked about the American dream and about owning a home in the United States, and it was something she never thought she could accomplish. She said when she came across Habitat, the dream became real. She said she put in the work, put in her hours of doing community service with helping other homes around the community and her own as well, doing caulking, sanding, and all sorts of things she never thought she could do. She said she went to a lot of City meetings, her children stuffed envelopes, and they were a big part of the process as well. She said she started to see a lot of growth in herself and her children, and it made her emotional thinking of all the work that a Habitat homeowner put into their home and the confidence it gave others. She said it bettered one's credit and made people into upstanding citizens who were interested in taking care of their community. She said her community was also previously a trailer park, and Habitat did a good job of not displacing anyone.

Ms. Candelaria said they had a building called “The Promise Keeper” where a lot of the trailer park residents lived. She said they were able to mingle in the community with all ages, races, and different genders. She said her kids had grown up there for 10 years on the bus with the same kids and green spaces. She said it was a beautiful area in that location, which made not only them feel good but everyone around, even at the bus stops. She said they had several community days, had community clean-up days, had a lot of meetings there, grandchildren born to some of the residents, and had some of the residents pass. She said it had been beautiful and an amazing experience, and she wanted the Planning Commission to know that. She said it did not provide them with a lot of facts but gave them that feeling. She thanked the Planning Commission.

Mr. Butler-Cisneros introduced himself as Elliott Butler-Cisneros. He said his name became Butler-Cisneros from the former Cisneros in September when he married the woman behind him, and the person who married them was a Habitat owner, Sharone Sinclair. He said he was very glad to be here. He said he had been involved with Habitat in some really different ways. He said they would actually be market buyers in Phase 1. He said they already had their house and were so excited about this community. He said he came from Colorado through New York and came here after the violence that occurred in 2017. He said he had a nonprofit that did work around difference, and how to get along with people who were different than they were. He said when they moved down here, he began working with Heather Heyer’s mother Susan and they created a program called Higher Voices to work with area youth in their schools. He said he was formally a school principal, directed the Human Rights Office for the city of Fort Collins, and also taught multicultural classes at Naropa University.

Mr. Butler-Cisneros said he was telling this because cultivating bridges was important, and this opportunity at Southwood was a chance to cultivate bridges. He said through race, socioeconomic class, and religion, Southwood represented the next evolution of what a neighborhood could be. He said it aligned and supported Albemarle’s affordable housing and comprehensive plans. He asked them to please consider supporting Phase 2 of Southwood. He said it took boldness and heart to take this kind of step for them as their governing body. He said it was not business as usual for them, it was a momentous undertaking, but this had such a strong foundation and partnership, and its time has come for them to cultivate these bridges together. He thanked them for supporting the Phase 2 of the redevelopment of Southwood.

Ms. Butler-Cisneros introduced herself as Cathy Butler-Cisneros. She said she and her husband Elliott lived in Belmont, in Charlottesville City. She said as they knew, they were moving with her daughter to be homebuyers into Phase 1. She thanked the Planning Commission for their vision in approving Phase 1. She urged them to, as quickly as possible, recommend approval for Phase 2. She said she was so thrilled about this project in many ways. She wrote a few reasons for why it was so important to her. She said it was vibrant, well-supported, and she did not already know how much had been done to support the land, the community, and the infrastructure. She said it aligned strongly with the County’s affordable housing plan. She said Habitat was on fire with providing low-income housing with Phase 1 and more coming with Phase 2 if it was approved.

Ms. Butler-Cisneros said the community created the richness of culture, race, and class, that did not exist and that she and her family wanted to be in and were so excited to be in. She said she loved that it encouraged the use of this other amazing resource, Biscuit Run, and that it connected and encouraged all the benefits of being out in nature that they continued to learn more and more about. She said one thing she did not know and was happy about was how much Habitat had already contributed to the infrastructure in the County, such as the 12 years of cleanup of septic tanks and other efforts.

Ms. Butler-Cisneros said on top of all of this came affordable housing. She said it was not only the current Southwood residents who benefitted, but people like herself and her family. She said it was visionary and brought together people from different classes, races, and cultures, and when that could be done with intention, as it was being done, it expanded and had the possibility to expand into an incredibly rich part of their world that was right here in the County. She said she was excited to live there and thanked the Planning Commission for their vision and for quickly approving Phase 2.

Mr. Miller introduced himself as Andy Miller, Director of Real Estate Development for the Piedmont Housing Alliance. He said he was present tonight both as a resident of Albemarle County and an advocate for affordable housing, as well as a partner with Habitat on the LIHTC development within Phase 1. He said as most of them in the room already understood, affordable housing was an essential foundation that supported the wellbeing of their families and communities within Albemarle County. He said the stability it created allowed families to plan for their future, improved educational and health outcomes for residents, and lowered the risk of homelessness for vulnerable families.

Mr. Miller said that opportunity for so many families in their region was slipping through their fingers, and for many others it had been out of reach and had been for quite some time. He said with rapidly rising home prices, increasing rental rates, and now inflationary pressures on family budgets, affordable housing was becoming increasingly harder to find. He said this was especially true for their most vulnerable households who were working in low-wage jobs, which were making up a larger share of their workforce. He said to address this crisis, they needed thoughtful, creative solutions that sought to produce change through meaningful partnerships.

Mr. Miller said in his professional opinion, the plan in front of them were just that. He said it was as thoughtful at its core as evidenced by Habitat's commitment to a resident-led design process. He said this process had enabled current Southwood residents to actively participate in the revisioning of its community into a vibrant and inclusive mixed-income and mixed-use center. He said its creativity was on full display through the proposal's ability to weave complexities of resident aspirations, financial requirements, and County development goals into a comprehensive vision for the transformation of the Southwood community. He said this was evidenced through alignment with the future Land Use Designation, planned extension of the Phase 1 Neighborhood Center, inclusion of 20 acres of green space, and the inclusion of 287 affordable homes. He said as an architect by training and now an affordable housing developer by profession, he could attest that the thoughtfulness and creativity of these proposals were reflected in the partnerships that supported them. He said Albemarle County had been a strong and creative partner for Southwood, and he would encourage that this partnership continued through the support of this application.

Ms. Elena Cleveland said she was also a Habitat homeowner. She said in 2017, they moved into their home in Wickham Pond in Crozet, and they had been so happy living there. She said when they first got there, her son said it was like being in a movie and he could not believe they were living there. She said it made her skin crawl just remembering. She said they had been so happy, and she felt so blessed. She said she loved Habitat, and this was her way of showing and paying forward what they had done for us that there would be no chance for them to get into that home or that area. She said homes sold for half a million dollars around the area they lived in. She said they helped them so much; they had meetings with their neighbors, so they got to know each other before they moved into the actual neighborhood. She said many of the people living there

were single mothers, so they were busy doing things, but made time to go to the meetings to put in the work for the construction. She said it was overwhelming sometimes, but she understood now what their point was to get them to know each other so they could get along and learn they were more alike than different if they just gave each other the time.

Ms. Cleveland said affordable housing is nonexistent here. She said she was doing real estate for a little while and the houses were like $330k to start, and now they were a lot higher. She said it was getting more expensive everywhere, now with the market of everyone wanting to buy a house and with cars being more expensive. She said before, she was paying rent not knowing if next year they would raise her rent, sell her place, and make her leave. She said she meant to write everything down, but she was too nervous. She thanked the family who is going to live in Southwood for welcoming diversity, especially in times when people were so crazy, it was nice to see somebody still wanted to take a chance and meet someone who was different because of their background. She said she came here from Mexico when she was 12, and while some people did not think she was, she was from Chiapas and her family was half-Mexican and half-American. She said she loved diversity and if someone cut them, they would all bleed the same red. She said they needed more love. She thanked the Planning Commission.

Ms. Gensis addressed the Commission and said what she had to say was quick, so she would probably finish before the red light. She said she was a resident of Southwood. She said she was nervous.

Ms. Firehock told her to take her time.

Ms. Genesis said she had many thanks to give to Habitat for giving her the opportunity to speak before Albemarle County and respected the residents of Charlottesville, and acknowledged the respect that all of them there deserved. She said she would like to say that many of they who spoke Spanish had dreamed of living in a home in this beautiful country of the United States, but few of them had the resources to achieve this dream, and for this reason, they were very grateful to Albemarle County and Habitat that they had been given this opportunity to be able to reach their dream of being able to live in a home. She said many like herself were in need of a respectable home and she knew many others like herself were equally in need of a home. She said with all respect to Albemarle County, please reconsider their work to continue this lovely project and help them. She said they were many families that had hopes of homeownership and with this project, herself and many others were hoping for better housing. She thanked them and said that was the end of her remarks.

Ms. Vasquez [through her daughter translating] introduced herself as Lubina Vasquez and said she had lived in Southwood for 12 years and had participated with planning more than 150 hours. She said in March of this year, her family and she had the opportunity to choose a lot on which to build their house. She invited them to support this project. She said without them, her dream that she and her neighbors had would come crashing down. She said they wanted a decent house where their family felt safe and happy. She said houses and rent in Albemarle County were very expensive, and with the support of Habitat, they would be able to acquire a house they could afford.

Ms. Vasquez said they were their representatives, and if they voted for them, it was because they believed in their values, because they knew they made the best decisions and did so for the wellbeing of the community. She said Southwood was a community full of people who worked and strived for the futures of their children, because they knew they deserved the same

opportunities as all residents of the country regardless of their origins. She said she wanted to thank them and every person who had taken an interest in the wellbeing of Southwood. She said they knew them and knew within each one of them was a human being capable of achieving what was being proposed with the work and effort.

Ms. Lourdes Lopez [through translator Scarlet Mulgar] said she had lived in Southwood for more than nine years, and she had volunteered for more than 100 hours. She said Habitat had given her the opportunity to buy a house. She said it was a long process in which they had to give a lot of time, but they wanted to be in the community—it was calm and safe. She said her children went to the club. She said there were many friends who supported them and with whom they lived.

Ms. Lopez said they had lived in the area and did not have money to rent or buy somewhere else to live in the County. She said it was expensive. She said the conditions of the trailer were not the best—they were cold occasionally and the heat was unbearable—but it was their home and the place where her children grew up. She said Habitat staff supported and respected them. She said if the project were not supported, more than 300 families would be affected. She said they were hard working and responsible people, had different accents and skin color, but in the eyes of God, were all the same. She said being white was a privilege, and perhaps the color of their skin, accents, or income would determine whether the project was approved or not. She said they wanted to make a community in Southwood.

Ms. Lubi Mulgar said she was a member of the Southwood community, and she was from Honduras. She said she had lived in Southwood for nine years. She said the project was a dream come true. She said the project needed the Commission's support to continue. She said Southwood was a multicultural community. She said people came to the County, state, and country for a better future and better house. She said she hoped the project happened because she wanted to continue living in the community.

Ms. Jocelyn Rosa Castillo said she had lived in Southwood since she was born, and she lived in a household of seven. She said the redevelopment project was important because they accomplished many things to live in a whole new house of their own. She said in the trailer, they made themselves fit in the tiny space. She said it was unfair the project would be unable to continue because of the worry of overpopulating Mountain View when the schools could be expanded, like in Crozet. She said as a community, they worked together to have the affordable housing. She hoped the Commission would support the rezoning application.

Ms. Tatiana Serrato [through translator—unnamed] said she had lived in Southwood for six years. She said the Commission knew about Southwood because it was on a map, but they did not know what Southwood was like. She said the park looked like a dump. She said the community did not want it to look like a dump, but they did not have the support to improve the situation. She said Habitat was giving them the opportunity to improve their lifestyle—to have a home with heating and air conditioning and a place to raise their children.

Ms. Serrato noted the heavy snowstorms in January and that her babies were six months old at the time. She said Habitat provided help with a hotel. She said Habitat knew of the conditions in which they lived. She said trees constantly fell and endangered their lives. She said they needed a home. She said the country was multicultural and made of immigrants. She said the Commission should approve the project because the residents of Southwood were people, not animals.

Ms. Serrato said she wanted to leave her children a healthy future. She said the people who came after them should have the opportunity for decent housing. She said the conditions of all Southwood inhabitants had to be improved because they were part of the County. She invited the Commission to visit the community so they would realize the urgent needs of Southwood. She said only then would the Commission be able to understand the needs of the families.

Mr. Alfredo Martinez [through translator—unnamed] said he had lived in Southwood for 16 years. He said the Southwood project was important to him, his family, and others in the community. He said Habitat provided the opportunity to live in more secure, healthy, and affordable housing. He said the project was important because many families in the community did not have access to many resources. He said many of the residents were entrepreneurs trying to survive. He said the project provided the chance for better housing at prices the community could afford.

Mr. Martinez said he had two sons who loved to live in the community because of the access to many programs, such as a good soccer program and better schools. He said it was important that his children have access to these resources so they could grow up in a safe and healthy environment. He said he had attended the community planning meetings held by Habitat since the beginning. He said he had been included in the project and noted how Habitat helped people stay in the community. He said Habitat had provided the community with the best information possible throughout the process. He mentioned he had seen many signs in Charlottesville that promoted "love" and "inclusivity." He hoped that when the decision was made, it was made for the benefit of everyone.

Ms. Martha Doggett [read by unnamed person] said she had lived in Southwood for 28 years. She said her trailer was built in 1993, and it was falling apart. She said the roof leaked and the breaker box was not working well—rain ran behind the panel box. She said she had to put buckets everywhere. She said the homes were needed and would be better for everyone. She said Habitat had done a lot, but it was not enough.

Ms. Doggett said other people needed a place to live—she had friends who she would like to live around. She said she liked to be around people. She said her neighbors were always willing to help. She said Michelle, a Habitat staff-member, was always willing to help her. She noted her doctor's appointments were at the University of Virginia, which was close and easy to get to, especially in emergencies. She said it would be better if there was a place they could afford. She said she would love to move into something new. She said in her life, she had not had anything new.

Mr. Richard Trembley said he was a resident of the Samuel Miller district and on the Habitat Board of Directors. He noted the environmental challenges related to the Southwood redevelopment. He said he had emailed his comments to the Board earlier during the day. He said he was referencing specifically the Phase 2 area. He said there were over 300 trailers to be moved out of the community, including outbuildings next to most of the trailers.

Mr. Trembley said there were over 400 oil storage tanks and septic tanks that had to be carefully excavated, removed, and documented. He said there were more than 50 septic drain fields that served multiple homes that had to be taken offline once there was an alternative in place. He said there were about 20,000 linear feet of asbestos waterline which had to be carefully excavated and removed with proper permits. He said there was about 10,000 feet of sanitary sewer line that also had to be removed and relocated offsite. He said there was about 80 acres of existing infrastructure—roads, concrete sidewalks, and electric lines—which had to be removed.

Mr. Trembley said based on the experience from the first phase, there would be about 100,000 cubic yards of dirt that would have to be stockpiled and moved offsite into an approved area. He said once the rezoning was approved, Habitat would continue to seek federal, state, and County grants to make the project happen along with other sources of revenue.

Ms. Abigail Turner said she lived in the Samuel Miller district. She said she wanted to celebrate the advances that the City, the County, and the state had made in terms of breaking the mold and creating something that was in the progress of being a model for the country. She said she was a retired civil rights lawyer. She said she had spent more than 40 years representing people who were low-income. She said a lot of the work related to housing and discrimination. She said she represented a non-profit housing developer in rural Alabama. She said she knew to some extent some of the problems faced by residents and the problems the Commission faced in making decisions.

Ms. Turner said the project was a big deal. She said she was a master gardener, and her organization, the Piedmont Master Gardeners, had a program where they helped families landscape properties before they moved in. She said she had heard convincing anecdotes about how the differences Habitat made. She said the children were involved with landscaping. She said the Commission should approve the second phase. She noted that interest rates were rising, and with the federal funds available, the County and the citizens could not afford to not take advantage of the timeframe available to get funding.

Ms. Pam Riley said she lived in the Mill Creek neighborhood, which was in the Southside. She said she supported Southwood redevelopment and Habitat, and she supported affordable housing. She said she stood with all the residents of Southwood and the businesses of the southside. She said as a longtime Scottsville resident, and a former Planning Commissioner of the Scottsville district during the Phase 1 Southwood rezoning, she repeatedly advocated for more affordable housing and the protection of the legacy residents of Southwood. She said she had a degree in community and regional planning, and most of her working career had been devoted to the creation and preservation of affordable housing.

Ms. Riley said she had sent her comments by email to the Commission. She urged the Commission to follow the staff recommendation to not approve the ZMA. She said it was a worthy phase, but it needed more time. She said she believed the staff recommendations had addressed the potentially disastrous impacts on schools, roads, and on the park that needed to be addressed before this went before the Board. She said the applicant had admitted it had been rushed and not been able to provide all the necessary information. She said the applicant came forward with some proffers and amendments.

Ms. Riley noted the school impact issue was critical. She said the decision to rush the project had to be considered carefully. She said the impacts of the application were at stake, and she cautioned the precedent set by allowing developers to come with applications that did not address the impacts. She said she was concerned about the children in the market-rate homes and along Avon and 5th Street that would attend Mountain View. She said it was an issue the Commission had discussed for years—a building catastrophe. She said it was so over capacity that it could not be ignored. She mentioned there was a proffer to sell land for a site in the neighborhood in Phase 2, and it would be better to allow more time for the project to work out.

Ms. Firehock said that concluded the list of in-person speakers.

Ms. Shaffer asked for people participating virtually to indicate if they would like to speak.

Ms. Firehock said comments from people who did not sign up would come after the virtual participants.

Ms. Shaffer said there were three people wishing to speak virtually.

Mr. Ken Garrison said he was a resident of a community adjacent to Southwood. He said he was speaking on behalf of Sean Bridges who was a member of the 5th and Avon CAC. He read Mr. Bridges' statement into the record.

Mr. Stephen Cornelison said he worked at the University of Virginia, and he and his family were purchasing a home in Southwood Phase 1. He said his wife had taught at Mountain View Elementary for five years. He highlighted two major concerns raised by the County staff in the staff report—the schools and the traffic. He said Mountain View Elementary was already over capacity, regardless of the impacts of Phase 2. He said as was noted regarding the traffic concerns on 5th Street Extended and Old Lynchburg Road, there was already over capacity issues regardless of Phase 2 impacts. He said those were issues the County had already planned to address in the FY23 budget and CIP.

Mr. Cornelison said there was a new elementary school planned and there were projects to address the traffic concerns on 5th Street. He said the timeline for Phase 2, starting in 2025 and lasting 15 years, would take a long time for an increase in density to show up in school enrollment numbers. He noted the projected enrollment of a maximum of 95 students at full density which might not show up until 2040.

Mr. Cornelison said the enrollment projections were a positive for the project because the County was taking measures to provide the adequate and necessary infrastructure, for the schools and the roads, to provide sufficient capacity by the time the density was realized for the project. He said given the macroeconomic factors, interest rates, and available ARPA funding, the project was a strategic chance for the County to move the project forward knowing that the infrastructure would be there by the time it was needed.

Mr. Peter Krebs said he was on the Piedmont Environmental Council (PEC) and a Charlottesville resident. He said PEC supported Phase 2 of the Southwood redevelopment. He said the proposed rezoning was consistent with the Comprehensive Plan—it would provide additional housing in an appropriate location and include affordable housing. He said there were areas where the proposal could be more fully clarified.

Mr. Krebs said Hickory Street would be a major transportation connection. He said Hickory Street would serve as a through street for residents of the southern urban area and provided access to the western entrance of Biscuit Run Park. He said the street should be designed and constructed as a complete street with sidewalks and protected bike lanes. He said the streets were designed in some of the literature but were not apparent in the renderings.

Mr. Krebs said easements for future connections to Biscuit Run Park described in the proffer should link to the public network so they would be accessible to all. He said the County should not connect the park to a private area. He said there was a need for trail-head parking near the southeast corner of the Southwood project. He said it would serve park visitors from Southwood

and other locations. He said residents needed space to store commercial vehicles. He said they looked forward to working with their partners, the County, and Southwood residents.

Mr. Matthew Lawless said he lived at 495 Valley Street in Scottsville, and he served as the Scottsville town administrator. He said part of his job was to advocate for regional policies which benefitted the town of Scottsville. He said the town of Scottsville would be well-served if the Commission voted to approve the rezoning proposal as presented. He said he disagreed with the County staff opinion. He said the infrastructure issues were surmountable, and the project design and plan alignment were excellent.

Mr. Lawless said Scottsville saw increased development pressure from the Charlottesville housing market. He said prices for existing homes were increasing, and town council discussed workforce and middle-class housing affordability as an important issue in a way that was not discussed five or 10 years ago. He said the town's comprehensive plan recognized its responsibility to generate regional housing solutions. He said it had welcomed Habitat to build in Scottsville. He said Habitat's capacity was limited. He said it was important to Scottsville that Southwood proceed on schedule and as planned.

Mr. Lawless said he could bring a small Habitat homebuilding project to Scottsville if Habitat remained at Southwood. He said the throughput on the housing development pipeline was critical to meet the regional housing needs. He said if Southwood were delayed or fell short, Scottsville would face consequences. He said increased housing demand throughout the region would impact working class residents of Scottsville.

Mr. Lawless said his neighbors may be displaced. He said he had counseled business and residential tenants who were in tears because rent was increasing faster than their income. He said the rezoning to continue the Southwood project would help create the needed supply of homes in the market and help alleviate the demand pressure which would allow him more time to work out the appropriate neighborhood projects in Scottsville.

Ms. Shaffer said there were no more speakers wishing to participate virtually.

Ms. Firehock noted even if people did not sign up, they were welcome to come forward and speak.

Mr. [02:50:40 unnamed] said the housing was needed—he was a Habitat house buyer. He said he had lived in Charlottesville for 10 years and rented all his life. He said every month was one way or another—sometimes his car was towed. He said he was a law-abiding citizen and paid his taxes. He noted the Commissioners likely owned their own houses. He said Habitat was helping people become homeowners. He urged the Commission to approve the rezoning so that people would have a place to sleep.

Mr. Larry Scott said he lived in Charlottesville. He said he had listened to previous comments before deciding to speak. He said there was no word to describe how a person may feel to live in an affordable, safe home, or their own home. He said he was a Habitat homeowner since 2006. He said he was homeless, and Habitat helped him get housing. He said he had worked at the Habitat store for many years. He said the people who worked for Habitat did it because they believed in the mission. He said the Commission should approve the zoning amendment, and he would use a magic wand to make it happen if he could.

Mr. Overton McGee said he was with Habitat for Humanity Virginia, the state support organization for the 39 Habitat affiliates in the state. He said he was not an expert on Phase 2, but he was the executive director for Habitat for Humanity of Greater Charlottesville when Southwood was purchased 15 years prior. He said he had witnessed 15 years of cooperation between the County and Habitat. He said County elected officials, planners, school officials, social services, and the sheriff's department were concerned about Southwood and encouraged Habitat to purchase the property.

Mr. McGee said the operation had continued to the present. He said the Commission should help Habitat maximize the affordable housing in Southwood by minimizing the proffer requirements. He mentioned relatives of his who, in the 1940s, 50s, and 60s, were able to buy homes in the Charlottesville area on working class salaries. He said that was no longer possible. He said it took a miracle for low-income families to become homeowners in the area. He said it took a community to help low-income families achieve homeownership.

Ms. Melissa Spitzer said she lived in Belmont. She said she was a soon-to-be homeowner. She said she left an abusive marriage four years ago, and she took her four children with her. She said she lived in a camper for a few months, then she moved to Charlottesville. She said she lived in a 2-bedroom apartment with her four children. She said the night they stayed there; they only had a pile of blankets. She said she drove a school bus and worked for the school. She said Habitat had given her the opportunity to own a home. She said she would move into her 5-bedroom home in Spring Creek with her four children.

Ms. Melva Jones Myers said she currently lived in Southwood and had lived there for almost four years. She said she was born and raised in Charlottesville and had lived there prior to Southwood. She said she was the first Black person born at Martha Jefferson Hospital. She said she opened the Shelter for Helping in Emergency (SHE). She said she raised four children. She said all of her children were proud to be in Charlottesville.

Ms. Myers said she was working since she 16 years old to retire, and she was not able to own anything in the town. She said she could not rent anything because all she had was her retirement check. She said she retired helping women get out of Charlottesville to Richmond to save their lives. She said if the County could not help the residents of Southwood, then they had nothing. She said all she needed was a one-bedroom unit. She said in the County and in the city, a one-bedroom cost $1,200 to $1,300 a month. She urged the Commission to do what was necessary to ensure people could have a door, a key, and be proud of their homes.

Mr. Brian Chico Esteban said he was a resident of Southwood. He said the community wanted and needed the project. He said they had been blessed with the opportunity and with Habitat. He said he was born in Charlottesville, and his parents had lived in Southwood for nearly 20 years. He said the community was from all over the world. He said his neighbors were friendly and cared for each other. He said he had noticed the power and beauty of his community as he got older. He said he was 15 years old. He said the people of Southwood were special. He prayed and pleaded that the Commission approve Phase 2.

Ms. Sherika [no last name 03:02:45] said she had been a member of Southwood all her life. She said she wanted a place that was safe to enter and leave. She said she had cerebral palsy and wanted a safe place to come and go without casualties.

Mr. Stephen 'Woody' Wingfield said he lived at 583 Old Lynchburg Road—neighbor to the Southwood development. He said he was unaffiliated with Habitat. He said he was an employee of the University of Virginia. He said he was hired at the Development Office a year before Mr. Bivins retired. He said his job afforded him the opportunity to live in the County. He said he was able to buy his home four years ago.

Mr. Wingfield said people had dealt with the pandemic in different ways—he was able to work from home in a safe environment. He said he was embarrassed to say that he did not realize how bad the conditions were in Southwood. He said he was grateful to the work that had been for his neighbors. He mentioned the university had its role to play in affordable housing. He said while he was a student in a Spanish class, he had the opportunity to canvass the Southwood neighborhood with information in Spanish and in English about the services offered by the County. He said he stood in support of his neighbors and wished the County would support the project.

Mr. Alex Partridge said he lived off Preston, and he was a fourth year civil and environmental engineering student at the University of Virginia. He said he was a longtime volunteer with Habitat. He said he was in support of the housing project. He noted how Habitat had prioritized community engagement and acceptance. He noted Habitat's environmental remediation efforts.

Mr. Partridge said the redevelopment may affect traffic flow and school volume. He said those concerns were reasons to pursue further solutions rather than reject the proposal for affordable housing needs. He said he saw the proposal as an opportunity for the County and the state to approach infrastructure projects that already needed to happen. He said Habitat's application would do more than enough to support County residents. He said the tangible and intangible benefits to the Southwood community were not to be understated. He urged the Commission to approve Phase 2 as presented.

Mr. Jim Lowman said he lived at 232 Larksburg Way in Lake Reynovia. He said he began volunteering for Habitat 40 years ago, in the United States and overseas. He said he was impressed with the achievements of Habitat with the Southwood project so far. He noted there had been 15 years of engagement with the County. He said he was a neighbor to the park, and he looked forward to saying that Habitat had ensured the residents who wanted to stay were able to stay in the community and own their own homes. He said he was an architect and worked for the University of Virginia as a project manager. He said he supported the current proposal. He noted there could improvements, but the past 15 years proved Habitat was engaged with the County and the concerns and challenges faced by the County.

Ms. Firehock asked if there were any other speakers. She noted there were none. She said the applicant had the chance to respond to the public comment.

Mr. Rosensweig said he looked forward to continuing dialogue with the Commission. He said if they had questions, he could come back to the dais.

Ms. Firehock closed the hearing to the public and brought the matter back before the Commission.

Mr. Clayborne requested a recess before they discussed the matter.

Recess

Ms. Firehock said they would take a five-minute recess.

ZMA202100013 Southwood Phase 2

Ms. Firehock called the meeting to order. She said the commissioners would deliberate on the application, the staff report, and the comments from the public. She explained that the Commission would take a vote on whether to move the application forward or deny it. She said the Commission's recommendation was advisory to the Board of Supervisors who had the final decision. She explained the Commission was an advisory body to the Board, and it did not make the final decision.

Mr. Bailey said he had a question regarding Hickory Street. He said there was a comment that there was deferred maintenance obligation for Hickory Street. He asked if Hickory Street could support the traffic in its current configuration if the maintenance obligation were met, or if more substantive improvements had to be made to Hickory Street to support the development.

Mr. McDermott said the County had been in conversations with Habitat and Facilities director about ways to perform interim maintenance on Hickory Street. He said the road was in bad shape and required maintenance. He said those conversations had to continue to determine how long the road could last under the additional expected traffic. He said ultimately, the road would need fixed. He clarified that the maintenance agreement for the road came with Biscuit Run Park—when the County took over the park, it acquired the maintenance agreement formerly held by the state.

Mr. Bivins said Hickory Street was a long street. He asked if Mr. McDermott was referencing the section in Southwood or outside of Southwood. He asked if any were public streets.

Mr. McDermott said the entirety of Hickory Street was not public. He said there were varying percentage of responsibility for maintenance from each party.

Mr. Bivins clarified that VDOT would not accept the street into its network because it was not public and of subpar quality.

Mr. McDermott said the street was not constructed to what VDOT would accept at this time.

Mr. Bailey said before the Commission was a request for expedience to capture federal money to help fund the project with incomplete information. He said proffers were a frequent discussion among the Commission—what was the value of affordable housing as a proffer. He said Habitat was not giving the typical proffers associated with infrastructure improvements for schools and roads. He said Habitat wanted to increase the affordable housing percentage as a proffer. He said it was proven all over the country that the poorer neighborhoods were disproportionately lacking in infrastructure. He said the Commission was being asked to make a decision without all of the typical information.

Mr. Carrazana said there was a lot of affordable housing developments in the County. He said there was a vision for the project. He said it was rare to have a vision and a team to manifest the vision. He said the project was a P3 initiative. He said for all those reasons, he supported the project in many ways. He said the scale of the project was not sustainable with the current infrastructure. He said the County was partly responsible. He said the magnitude and timing of the project was not sustainable with the infrastructure.

Mr. Carrazana agreed with a public comment that stated the County's problems were not insurmountable, but there had not been time to work out the issues, discuss how to partner with

the federal funds, and how to get there. He said it was not just about developing the homes, but about moving people into them in a safe way. He said safety in the homes and in the streets was important.

Mr. Carrazana said safety should be thought of holistically—he questioned the safety and efficacy of overcrowded schools. He said there were issues that needed to be considered. He said that area of the County was not prepared for the magnitude of development that was proposed. He said the community was there, and it was being made larger and safer. He wanted to know how to get to a point to make recommendations for conversations to happen and partnerships to continue in pursuit of the additional federal money.

Mr. Missel said the project was challenging. He said he could not imagine a more well envisioned project, engaged community, and supportive project. He said on one side, there was supporting the project, and on the other side was balancing it with the County role. He said he had taken three pages of notes. He said there was the mission, vision, support of families, quality of life, pride of place, affordability, environmental benefits—all positive, necessary elements of a development that were not necessarily seen in all commercial developments.

Mr. Missel said there was the County obligation and their role as commissioners. He said there was the idea of funding and ongoing maintenance of trails and roads. He said proffers were voluntary and could not be required. He said the Commission was advisory. He said the fulcrum of the whole decision was funding and timing.

Mr. Missel asked how much the County could afford. He said the needs of the community were considered along with the school challenges and roads. He said the value of 20% off market rate was arbitrary. He said there were no plans. He said it was important to talk through the issues. He said he wished there had been time in advance of the hearing to discuss and get better communication with the applicant to understand ways to get to a point where they could say the issues had been discussed. He said he appreciated the applicant's offer to workshop the proposal.

Mr. Clayborne said it was a once-in-a-generation project—it began in 2007 and was projected to conclude in 2040. He said failure was not an option. He said it was part of his core values that people deserved a safe, healthy home in a vibrant neighborhood. He said there could be a way to talk through the issues and peel them back so that the proposal could move forward. He said he would support the proposal. He said he wanted to provide a strong advisory recommendation to the Board.

Mr. Bivins declared he had his hands in a lot of Habitat projects from a funder standpoint—from Esmont, Louisa, Sunrise, and others over a 30-year period. He said rules and conditions were not followed at Southwood. He said given that the infrastructure was allowed to fail, there were 300 plus people whose lives were put into various degrees of being spoiled and held up. He said the project value was $180 million. He said there were 1,000 new homes.

Mr. Bivins said there should have been a work session on the proposal. He said he would not have a work session on the project that night. He said it was not his role to substitute for staff. He said there were issues that staff needed to address with the applicant. He said he would not do that because the nuances on the issues were beyond his pay grade. He said it was not his place to negotiate what went to the supervisors. He said the staff should be given the chance to sit with applicant and work out the issues.

Mr. Bivins said he was concerned because there was no commercial, non-residential space. He said Southwood was not ripe for Phase 2. He said things had to be addressed in Phase 2. He said there was time since they did not plan to break ground until 2025. He said the federal government were not likely to push the money out soon. He said every jurisdiction required infrastructure—roads, sewer, water. He said it had to be figured out why nothing had been done.

Mr. Bivins said Mr. Carrazana could provide an update on the number of bridges that required funding for maintenance. He noted the sewage issues, buried oil tanks, utility pipes, and it was unknown what the actual condition of the infrastructure was until they broke ground. He said it could pause the development for a number of years as remediation was performed on the site. He said he would not negotiate solutions when he was not part of the conversation.

Ms. Firehock said one of the debates of the night was whose job it was to provide schools. She said it was the County's policy to build up in the urban ring to preserve the rural areas and consolidate services to provide cheaper and more efficient service. She said she did not see the County moving with the alacrity that was required if it was to facilitate the infill it wanted to see. She said it was why the County had not gone forward and done what Charlottesville did twice, to rezone the entire area around the urban ring to exactly what it wanted, to the intended density, and then pay for the needed infrastructure. She said it would save a tremendous amount of money by not sprawling out.

Ms. Firehock said it was owed to the people who lived in the urban ring, in Southwood and neighboring areas, that the schools provided were quality. She said there were multiple schools in the County where students attended classes in trailers. She said when the first trailer was installed, they probably said it was temporary. She said the kids were in trailers for decades—she said she went to public school, but never in a trailer. She said it was her biggest problem with the application. She said whether it was the County or Southwood's job to provide the school and provide land, a solution had not been worked out.

Ms. Firehock said staff did discuss the school issue with the applicant, and they did not find that the applicant was willing to figure out a further solution than what was proposed. She said the County could purchase the 5.7 acres for about $9 million, and then the County would be responsible for relocating any trailers that were on the parcel, about an additional $1 million. She said in addition, the County would have to construct a school. She said if it were her decision on the Board or the School Board, she would pay for the school, but the Planning Commission had no authority or role in funding schools or planning for schools.

Ms. Firehock said the Commission was supposed to advise the County on whether a development was right to move forward and whether they had done due diligence to put infrastructure in place ahead of time so that the children did not have to attend class in a trailer for a decade. She said she would like to see the development work with the County to figure out a solution—some commitment—regarding the schools. She said there might be pushback with the small site. She said she went to an inner-city school, and it was not bigger than 5.7 acres.

Ms. Firehock said because the development was next to a new state park where the County was investing in playing fields, it would be relatively easy for the school to utilize those fields for sports and maintain a small urban footprint. She said it would be attractive to be able to walk to school. She said the fact that the County and applicant had not worked out the problem with the school, and her lack of faith in the problem being addressed, meant she could not support the application

moving forward. She said she would entertain a deferral, but she could not entertain support at this stage.

Ms. Firehock said she had been mocked by the public for allowing developments to go forward that had allowed 20 children in the school and that she did not care about children. She said she did care about children, and there needed to be a strong statement that the infrastructure had to be in place. She said she had lived in roach infested apartments with no heat and leaking roofs, and the Piedmont Housing Alliance helped her get her own home.

Ms. Firehock said she did not have enough faith that if the project moved forward, there would be some magic signal that would make the School Board support an urban school design and the County would purchase the property. She said she had seen stalling and stalling and stalling. She said the blame game was two ways—the School Board said the County did not give enough money, and the County said the School Board did not have a good plan. She said the County was not ready for a large development with the state of its school system. She said there was not a plan that was in place to address the school issue.

Mr. Missel said he had seen the responsibility of the school system and expansion of the schools to be a requirement of the County to keep up with the path of growth. He said there was an increase in residential rezonings in the County. He said there were findings where the County was the responsible party. He said he understood the impact of 1,000 homes and that those homes would not be built overnight. He said it was unknown if the schools would be expanded or if there would be funding to keep up with the phasing plan for Southwood. He said the growth of the 1,000 homes should be able to move forward with the school system expanding. He said there could not be assurances because it was not up to the developer, it was up to the County, and it was the responsibility of the County.

Ms. Firehock said she wished she could have the faith if they made a strong recommendation to address the school issue. She said in the short time period between a recommendation for approval and presentation to the Board, there was not enough time for discussions to be held and decisions to be made and time to convince the School Board to support an urban campus. She said more urban schools would have to be built because they could not spend time and money looking for 20-acre sites in the urban ring—it was not practical.

Ms. Firehock said because she had served on the CIP and seen the School Board's request 2 schools and only get one, she noted people did not want to pay to fund the growth. She said the County had stated it wanted to develop densely in the urban area, but she did not see the financial commitment—more schools, parks, and bike lanes. She said to be fair to the residents, quality communities had to be created. She said she lacked faith that County leadership would step up and solve the problem.

Mr. Bailey said there was not clarity on the actual impact to the school systems. He said better information was needed. He said the whole justification for the proposal was that there was a set of funds available that could be used for infrastructure. He asked what was required for the applicant to pursue the funds and if they needed the rezoning to happen to get the funding source. He said he was unclear what was required to pursue the infrastructure funding.

Ms. Firehock said the federal money would not disappear on July 1. She said there were other grants. She said each time Southwood was discussed, it was an emergency. She said it had been a period of years since Phase 1, and she did not understand why there was an emergency.

Mr. Bailey said he moved seven times before graduating high school because of rent increases. He said he wanted to see the project move forward, but it had to be planned effectively.

Ms. Firehock said the applicant could respond. She said they did not usually let the applicant make a further statement.

Mr. Rosensweig said the emergency was not made up and related to funding that was immediately available. He said the issue was not a chicken or egg situation—it was just the egg. He said they had put in applications to work with County staff to put in applications for funding that had been allocated. He said they were told the applications met every criterion for a sewer line funding by ARPA moneys that were now gone. He said they were told that until zoning happened, the County could not provide the funding. He said it had been the unofficial policy of the County that until the zoning went forward, an application could not be submitted for the funding.

Mr. Rosensweig said the money went fast—ARPA was allocated the year prior and was almost gone. He said he understood not negotiating from the dais—he said he was a former planning commissioner for eight years. He said he was willing to give and did not want to negotiate. He said there were two sets of issues: land use issues and offsite impact issues. He said the land use side was easy staff looked for a floor of commercial square footage. He said the applicant was willing to commit to a minimum of 10,000 square feet of commercial area in Phase 2 as part of the recommendation.

Mr. Rosensweig said the applicant was also willing to commit to a 10-foot multiuse path running the length of Hickory Street. He noted the residents originally did not want Hickory Street to be complete because of the residential nature, but he acknowledged the street had become a major thoroughfare. He said the applicant was willing to extend the sunset clause on the County's decision regarding the purchase of the parcel for the schools. He said the original sunset clause was arbitrary. He said the applicant was willing to take on the responsibility of rehousing the people on the parcels.

Mr. Rosensweig said federal funding could not be used on the section of Hickory Street between Southwood and Oak unless Habitat was involved. He said the federal infrastructure money was specifically for serving low-income communities. He said if there was a joint application for the whole of Hickory Street, then the application would most likely be successful and provide a funding source that would not be available to the County on its own.

Mr. Rosensweig said there was a joint maintenance agreement, but Habitat had paid for 100% of the road maintenance for 15 years because no one else had. He said the applicant was willing to proffer commitment that when they make an application for funding for Hickory Street, it included the entirety of the street. He said there was not time for a deferral. He said the way the docket worked; it would likely be three months before the Board addressed the matter. He said if the commitments were included in the recommendation, then the project could move forward.

Ms. Firehock said no one was present from the School Board.

Mr. Bivins said the School Board generated the capacity plan that was brought before the Board. He said the supervisors would not ask the School Board for a new school. He said the General Assembly was not letting jurisdictions hold referendums for bond markets. He said there was a

multilevel set of obstacles to get there. He said the applicant's commitments were helpful, but he needed to be informed by staff whether the proffered items would help with the infrastructure. He said he wanted to be clear about what was recommended.

Ms. Firehock said some staff members with expertise were present, so if Mr. Bivins wanted them to answer any questions, they could be called to speak.

Mr. Bivins said he would like staff to answer his questions, particularly regarding Hickory Street.

Mr. Carrazana asked staff what conversations had been held with the applicant regarding the funding. He asked if the conversations would yield additional funds.

Ms. Ragsdale said she could not comment on funding questions. She said she could only comment on the review of Phase 2. She said Ms. Pethia was knowledgeable on the funding and timing issues.

Mr. Carrazana asked if there had been conversations about partnering to pursue additional federal money for infrastructure.

Ms. Pethia said she had reviewed, along with members of the grant team and Office of Finance and Budget, which federal grants were available and which ones were possible to partner on. She said part of the problem with ARPA funding was that it needed to be committed and fully expended by the end of 2024, which was why the Finance team did not recommend providing the funds to the project. She said infrastructure bill funding was being considered along with various types of CDBG programs, and Virginia brownfields grants.

Mr. Carrazana asked if they would partner with the applicant.

Ms. Pethia responded yes. She said there were some programs the applicant could apply on its own, but most of the federal grants required a partnership between the County and the applicant.

Mr. McDermott said regarding the proposal for Hickory Street, the 100% design funds were wonderful and would help with whether they would be able to move forward with a grant immediately. He said he would have to discuss the grant opportunities with the applicant. He said he did not know of existing grants that there was a notice of funding availability out for right now. He said the applicant would have to fix the section of Hickory Street during the site planning stage of Phase 2 regardless of anything proffered. He said if the traffic problem were addressed, it would relieve the pressure on the other areas.

Ms. Ragsdale said what needed to be done was understood. She said there was a not a lot of concrete information to provide.

Ms. Firehock said it was a question of timing. She said the County supported the project, and the project would happen. She said it was a question of whether it was ready to move forward. She said she agreed the problems were surmountable. She said the details of the project had to be clarified. She said a clear signal had to be sent to the Board that they needed them to figure out the issue with the School Board and Southwood. She said it was their job to determine if the project was ready to move forward.

Mr. Missel asked if it was possible to approve items with conditions.

Ms. Firehock said conditions could be placed on the application because it was a rezoning, but they had to be germane to the impact.

Mr. Herrick explained what was before the Commission was the application as submitted. He said there had been comments about commitments that the applicant was willing to make. He said it was up to the Commission to vote to recommend approval or denial of what had been submitted. He said it was conceivable that the Commission could choose to recommend approval if certain conditions were met and impacts were addressed, but it was not up to the Commission to request or require proffers. He said if the Commission believed there were unaddressed impacts, it could make as part of its motion a statement that certain impacts had to be addressed before the Commission would recommend approval.

Mr. Missel asked if approval could be recommended with the conditions that they would like to see addressed.

Mr. Herrick said it was conceivable the Commission could recommend approval provided that certain impacts were addressed.

Ms. Firehock said a proffer could not be negotiated.

Mr. Missel noted that every application stood on its own and precedent was not an issue, and the applicant was unique and had been known to the community for years. He said the applicant had been shown to have great credibility and shown continued good faith to collaborate with County staff. He noted that schools were a major issue, and as representative of the Scottsville district he felt responsible to help with the issue. He said if the County wanted affordable housing, then it needed to step up and address the issue, and the process before them would address the issue. He said he was willing to take a leap of faith.

MOTION: Mr. Missel moved to recommend approval of ZMA202100013 Southwood Phase 2 with a provision that certain aspects of the conditions be addressed as outlined by staff with specific focus on the applicant's statements at the meeting in terms of willingness to negotiate, and the five areas as outlined by staff that were unfavorable to the zoning request. Mr. Clayborne seconded the motion.

Ms. Firehock clarified that Mr. Missel would like the conditions addressed before appearing before the Board.

Mr. Missel said that was ideal.

Ms. Firehock clarified that the motion was worded clearly enough.

Mr. Herrick asked Mr. Missel if his motion was to recommend approval provided that the conditions unfavorable in the staff report were addressed prior to the Board of Supervisors hearing.

Mr. Missel asked how addressed was defined. He said they would need to continue dialogue with staff. He said staff may still find unfavorable conditions when the applicant appeared before the Board, but that the dialogue be continued.

Mr. Herrick said the Chair was concerned about measuring whether the conditions had been successfully addressed.

Ms. Firehock said it was difficult to attach a good-faith clause to a motion. She said Mr. Missel could make a cleaner motion then make a statement that he would like those things to be included in the record that they needed to be addressed between the vote and the Board hearing.

Mr. Missel said his amended motion was to recommend approval of ZMA202100013 as outlined in the staff report. He stated that continued efforts with staff be undertaken, specifically focused on schools, transportation, and the other three areas outlined by staff as factors unfavorable.

Mr. Herrick said it was up to the Commission whether that was specific enough. He said he had his doubts that it was.

Ms. Firehock said Mr. Missel should make a clean motion to recommend approval, and they could make statements after the vote that staff and the applicant should work to solve the issues.

Mr. Missel said that was his intent.

Mr. Carrazana said they could be more specific in terms of the points raised regarding the schools, traffic, and land use. He said they could be specific on the commercial land use. He said 10,000 square feet was a significant decrease from the proffer in Phase 1.

Ms. Firehock said a minimum amount of commercial space could be a condition of approval without stating the actual minimum.

Mr. Carrazana said they could be more specific in terms of identifying funding strategies for Hickory Street and internal infrastructure. He asked how the school issue should be addressed.

Ms. Firehock said she did not know if the meetings that needed to happen would happen before the Board hearing.

Mr. Bailey said the sunset clause would need to be removed. He said the offer for the site could be reworked with a longer timeline.

Ms. Firehock said a more flexible timeline would allow the adequate dialogue to occur on the appropriateness of the site.

Mr. Herrick said his concern was not just the specific but the measurable. He asked how the Commission would know that the condition had been achieved prior to the Board hearing. He said the condition should be more specific and measurable.

Mr. Bivins suggested to remove the sunset clause.

Ms. Firehock allowed the applicant to comment. She said they had to ensure they were not negotiating.

Mr. Rosensweig said the timeline could be extended, but the land could not be held in perpetuity. He said they were happy to negotiate a longer timeline.

Ms. Firehock said staff would determine a reasonable time frame for the conversation to occur.

Mr. Missel said he would add as conditions for his recommended approval the following: establishment of a minimum square footage related to non-residential uses; identify funding strategies for infrastructure; clarify the 100% engineering drawings for Hickory Street; and that the sunset clause for the school site be amended or extended through discussion with staff and the School Board.

Mr. Herrick asked if the clerk had captured that motion.

Ms. Shaffer said she would listen to the recordings.

Mr. Herrick asked Mr. Missel if his motion was to recommend approval provided that those four conditions he outlined were met.

Mr. Missel said that was correct.

Mr. Clayborne seconded the motion. He said he visited Southwood because he did not know anyone who lived there. He said when he heard sentences like, "this has been going on for years, what is three more months," his reaction was that the commissioners should then live in those conditions. He said every day mattered when you lived in those conditions. He said he supported the motion.

Ms. Firehock noted there was no further discussion. She called the vote.

The motion carried 4-2, with Mr. Bivins and Ms. Firehock dissenting.

Ms. Firehock said the proposal would move to the Board with the additional conditions. She said to the applicant, she wanted to emphasize the importance of the dialogue and working through negotiations.

Recess

Ms. Firehock noted that due to the late hour, the Commission would not be hearing the Rio Road Corridor Plan presentation.

Mr. Rapp said the work session was on May 24, so he would adjust the schedule to have the presentation at the 4 p.m. May 24 meeting.

Committee Reports

Ms. Firehock asked if there were any committee reports.

Mr. Bivins asked if they could get more food.

Ms. Firehock asked if there were committee reports.

Review of Board of Supervisors Meeting – April 20, 2022

Mr. Rapp said there were no public hearings, so there was nothing to report.

Old Business/New Business

Mr. Bivins asked for the supervisor procedure to come before the Commission.

Ms. Firehock asked what the supervisor procedure was.

Mr. Bivins said he was referencing the ability to attend meetings virtually.

Mr. Herrick said his office was working on the issue. He said he could provide some detail, but given the hour, he could address it at the next meeting.

Mr. Bivins said that was fine.

Mr. Herrick said the General Assembly passed legislation that took effect on September 1, and a policy would be prepared for the Board or Commission to review and approve before then that would allow limited remote participation. He said the Commission was not allowed to have all-virtual meetings moving forward under new state law, but remote participation had been liberalized.

Ms. Firehock asked if there would be limitations to the number of times per year a member could attend a meeting virtually.

Mr. Herrick said that was correct, but state law specifically excluded board of supervisors, planning commissions, school boards, ARBs, and BZAs from having any all-virtual meetings. He said other advisory bodies were allowed two or three all-virtual meetings a year.

Ms. Firehock said they would await the report.

Mr. Carrazana said he would not be present for the May 24 meeting.

Ms. Firehock said he could send comments.

Adjournment

At 10:30 p.m., the Commission adjourned to May 10, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 05/24/2022
Initials: CSS