



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

August 3, 2026

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: *Consider a request to rezone at 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street*

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: July 8, 2026

Chair Baugh read the request and asked staff to review.

Ms. Dang said the applicant is requesting to rezone a +/- 2.75-acre site consisting of 10 parcels from R-3, Medium Density Residential District to B-1C, Central Business District Conditional. If the request is approved, with recent proffer changes the applicant is now proposing to construct a four-story multi-family building consisting of a maximum of 180 units (which is about 65 units per acre), between 2,500 to 5,000 square feet of non-residential space, and a five-level parking garage consisting of a minimum of 320 off-street parking spaces.

Planning Commission and City Council have previously reviewed requests to rezone the subject property in 2025 and earlier this year. Most recently, on April 28, 2026, City Council tabled the request. Due to substantial revisions to the proffers by the applicant following the April 28th meeting, the rezoning request must return to Planning Commission for public hearing. Previous meeting minutes, staff memorandums, application materials, and public comments are available at the following links:

- July 9, and August 12, 2025 - <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=7507770&GUID=BCCA5060-6091-4F84-B392-674CDE97EBE5&Options=&Search=> and
- March 11 and April 28, 2026 - <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=7991334&GUID=05131103-00F1-40F8-BC7D-5007058D6DE2&Options=&Search=>.

Changes to Proffers

For the most up-to-date full list of proffers, please refer to the attached file “Applicant’s supporting documents,” which includes a document titled “Rezoning Request Proffer Statement.”

Since the April 28th City Council meeting, the applicant has amended proffers I.b., c., d., e., f., g., and h.; II. e.; III.a. b., c., d., and f.; IV.a.; and V.a..

The applicant has:

- Reduced the maximum number of dwelling units from 250 to 180 (Proffer I.b.),
- Reduced the maximum number of bedrooms from 555 to 440 (Proffer I.b.),
- Reduced the minimum number of studio or one-bedroom multi-family units from 110 to 72 (Proffer I.c.),
- Maintained the previously planned maximum number of four-bedroom units at 85 (Proffer I.d.),
- Reduced the proffered minimum number of structured parking spaces from 480 to 320 (Proffer III.a.),
- Reduced the proffered minimum number of electric vehicle charging stations from 14 to 10 (Proffer III.c.),
- Reduced the minimum number of secure indoor/covered bicycle storage spaces from 120 to 90 (Proffer III.d.), and
- Maintained the proffered minimum number of exterior bicycle parking spaces at 16 (Proffer III.d.).

In addition to the above details, the applicant has reduced the cash contributions for:

- Traffic-calming improvements from \$60,000 to \$45,000 (Proffer I.e.),
- Parking enforcement or enhancements from \$30,000 to \$22,500 (Proffer III.f.), and
- Affordable housing from \$93,738 to \$70,000 (Proffer V.a.).

The applicant describes the cash contribution reductions as “generally proportionate to the number of units and bedrooms proffered for the Project.”

Table 1, attached to this staff report, summarizes the evolution of the proffers specifically associated with the number of units and bedrooms and how they have changed throughout the different public hearings in August 2025, April 2026, and for July 2026.

With regard to building height, Proffer I.h. has been revised to restrict building height to 52-feet. Without this proffer, the B-1 district allows buildings and structures to be a maximum of 75-feet in height by right. The proffer also clarifies that building height will be measured from the midpoint of the curb along the Paul Street extension, consistent with the Zoning Ordinance’s methodology for measuring height from the curb of a public street, private street, or travelway in front of the

building. Depending on how the site is graded, the building height measured from the ground may be taller on the northern side since height is measured from Paul Street. Existing ground contour data indicates an approximate 10-foot drop in elevation from the southern to northern side of the property. Additionally, Proffer I.h. allows rooftop structures such as solar panels, HVAC units and other mechanical equipment, and parapets to be up to 55 feet in height so long as those structures are screened from public view.

With regard to non-residential uses, the applicant has increased the proffered minimum square footage from 2,000 to 2,500 but retained the maximum of 5,000 square feet along the southeast corner of the building at the proposed Paul Street and South Main Street intersection (Proffer I.e.). The proffered 5,000-square-foot maximum reflects the largest non-residential space evaluated in the Traffic Impact Analysis.

The applicant previously proffered to restrict occupancy in a way that staff believed would be overly restrictive in certain circumstances for non-student living arrangements. Staff believes that shared housing scenarios for the City's non-student population can at times make housing attainable for some residents. In response to staff's concern, the applicant removed previous proffer I.f.

Also note the previously proffered Parking Agreement with the City to reserve up to 65 parking spaces for municipal/public uses in the parking garage has been removed.

While the language of Proffer I.a. has not changed, there are some changes to the Concept Plan referenced in that proffer. Previously, the parking deck was separate from the mixed-use building and the west and east courtyards were slightly larger. While the general locations and footprints of the parking deck and mixed-use building have not significantly changed as they are viewed from the public streets and from City Hall, the footprint of the mixed-use building has been expanded within the center of the development.

Land Use, Downtown 2040 Plan, and Housing Study

The applicant has stated they plan for a mixture of one-, two-, three-, and four-bedroom apartments. The revised proffers require a minimum of 72 one-bedroom units and continues to permit up to 85 four-bedroom units. Staff encourages developers to provide a balanced mix of bedrooms per unit so that such buildings can serve a variety of needs. There can be disadvantages to providing too many four-bedroom/four-bathroom units, which the applicant states is their intended design. Such designs typically best serve college students and can be difficult to accommodate for non-student users. However, staff continues to recognize the advantages of providing student housing in close and walkable proximity (about ¼-mile) to the JMU campus as well as to the downtown area. Providing college housing in such locations can help reduce daily

vehicle trips on City streets—especially Reservoir Street and Port Republic Road, off of which many college students currently reside.

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

Staff continues to believe that the proposed uses, with the submitted proffers, generally conform with the Mixed Use area designation.

Additionally, the proposed development would support the Harrisonburg Downtown 2040 Plan goal to “Grow Downtown as a Neighborhood.” The development would further support the following two action items from the same plan:

- #16: Encourage mixed-use and residential development in key clusters (page 58) and
- #17: In the long-term, seek opportunities to add density and improve the urban design at key Downtown sites (page 58).

The Harrisonburg Downtown 2040 plan describes that “[w]hile the number of housing units and residents have grown Downtown, there is need for more housing to support local businesses.” Additionally, the subject property is within a key cluster area for potential residential development

identified as “South Downtown.” The Harrisonburg Downtown 2040 plan is available at the following link: <https://www.harrisonburgva.gov/downtown-2040>.

The Comprehensive Housing Assessment and Market Study (Housing Study) identified that there is strong demand for expanding rental housing inventory at the lowest and highest income spectrum because the number of households in the lowest and highest income groups significantly exceed the number of housing units available for and affordable to them. The Housing Study is available at the following link: <https://www.harrisonburgva.gov/housing-study>.

James Madison University's campus strategic plan

On April 24, 2026, the James Madison University (JMU) Board of Visitors endorsed the campus strategic plan (The Madison Promise, <https://www.jmu.edu/madison-promise/index.shtml>). The strategic plan states that JMU plans to grow overall enrollment and to build more on-campus housing to house approximately 60% of the students on campus by 2040. In a JMU Breeze article, President Jim Schmidt is quoted saying that “JMU currently only houses 28% of students” and “[t]he goal is to build 1,000 beds per year for 10 years¹² Table 2 below summarizes current conditions and planned future conditions.

Table 2. Current and Future JMU enrollment, number of students on campus, and number of students off campus

	Current (Fall 2025)	Future (2040)	Change
JMU enrollment	23,157³ (Undergraduate & Graduate)	30,000⁴ (per draft JMU strategic plan)	+6,843 (30,000-23,157)
Students residing on Campus	6,484 (28% ⁵ of 23,157)	18,000 (if 60% of students live on campus per	+11,516 (18,000-6,484)

² Newsom, Alexa. “President Schmidt outlines strategic plan at SGA meeting.” *JMU Breeze*, March 11, 2026. https://www.breezejmu.org/news/president-schmidt-outlines-strategic-plan-at-sga-meeting/article_edcc8b9e-212c-4e61-90bd-74e8ed3d18b8.html.

³ JMU Facts & Figures: <https://www.jmu.edu/about/fact-and-figures.shtml>, accessed on July 1, 2026

⁴ The published JMU strategic plan (The Madison Promise) website’s frequently asked questions page states a guidepost goal to “[g]row overall enrollment” (<https://www.jmu.edu/madison-promise/faqs.shtml#guideposts>). However, the website does not state a goal of 30,000 students by 2040, but this number was available in prior drafts (https://www.jmu.edu/pair/strategic-planning/docs/jmu_strategic_plan_final_draft_april2026.pdf).

⁵ Newsom, Alexa. “President Schmidt outlines strategic plan at SGA meeting.” *JMU Breeze*, March 11, 2026. https://www.breezejmu.org/news/president-schmidt-outlines-strategic-plan-at-sga-meeting/article_edcc8b9e-212c-4e61-90bd-74e8ed3d18b8.html.

		JMU strategic plan)	Or +10,000 ⁶
Students residing off Campus	16,673 (23,157-6,484)	12,000 (30,000-18,000)	-4,673 (12,000-16,671)

If JMU executes its recently proposed strategic plan targets by increasing the student population to 30,000 and housing 18,000 students on campus, the total number of JMU students residing off-campus would decline by roughly 4,673 students. Given this anticipated decline in the off-campus student population, staff questions the need for continued growth in off-campus student-oriented housing over the long term.

Conclusion

As JMU increases its supply of university-managed housing, demand for off-campus student-oriented housing is expected to change. Staff believes that such changes will not affect all off-campus housing equally: student-oriented housing located further from campus may see a greater shift toward vacancy or non-student households, while student-oriented housing that is easily walkable to campus and that provides convenient access to services such as those located downtown, would be better positioned to continue having students reside there. For this reason, staff believes the subject site is among the more appropriate locations in the City for student-oriented housing. Its proximity to campus and downtown supports walkability and may help reduce reliance on personal vehicles compared to student housing located further away and in less accessible areas.

Staff also recognizes that the geographic distribution of student-oriented housing is an important community policy question that extends beyond this rezoning request. As JMU's housing strategy advances and off-campus demand patterns shift, the community will need to consider where student-oriented housing is most appropriate, where broader community housing needs should be prioritized, and how those decisions align with future land use and other City and community goals. Staff believe that discussion would be best addressed through a focused initiative on that topic.

In conclusion, staff believes rezoning the property to B-1C has more advantages than disadvantages and it generally conforms with the City's Comprehensive Plan and the Harrisonburg Downtown 2040 Plan.

Staff recommends approval of the rezoning request.

⁶ Newsom, Alexa. "President Schmidt outlines strategic plan at SGA meeting." *JMU Breeze*, March 11, 2026. https://www.breezejmu.org/news/president-schmidt-outlines-strategic-plan-at-sga-meeting/article_edcc8b9e-212c-4e61-90bd-74e8ed3d18b8.html.

Chair Baugh asked if there were any more questions for staff.

Vice-Chair Porter said as it relates to the change in language on the proffers related to the design standards, switching from substantially conforming to generally conforming, in terms of enforceability and what that actually means, can you provide us with some insight as to what that change in language, in nomenclature, how that impacts the proffer and our ability to be able to enforce it?

Ms. Dang said I think that the language is appropriate. The two different terms being used in two different contexts that they have. The substantial conformance is used in proffer I.a. and refers to the concept plan. So it is more rigorous and restrictive in terms of the footprint and this is what we expect that the site would look like. The general conformance proffer is used when describing the proffer that has to do with building elevations and the renderings. The first word that comes to mind, it is a little more squishy, but I am trying to think of a better word to describe it. It is talking about the general idea of architectural features and things that we would see, and then there is also that flexibility built in that building materials... I am trying to pull up the proffers here... is subject to availability of materials and other things like that, so it will not look exactly the same. So substantial conformance being more strict and general conformance less strict. But you know, we have a Zoning Administrator who would be responsible for ultimately making that interpretation when the time comes. Is there anything else any staff would like to add to that?

Mr. Russ said I think that is good.

Commissioner Seitz said I have a question about one particular email that we were sent. There was an email that expressed concern about... it was sent to us by Mr. Tennyson. He made reference to concern about the Paul Street configuration. He says I am ready to formally object to the apparent use of the subdivision ordinance process to approve elements of the proposed Paul Street extension that would otherwise require a variance, and I do not know if that is the right use of variance or back to variations and exceptions, under the City's zoning and development standards. I mean, we are not really approving any specific confirmation of Paul Street if we recommend this, correct?

Ms. Dang said that is correct. I respectfully think that there is some... the point made earlier in the prior conversation about the Subdivision Ordinance, the term variance is confusing in the way that we are using the same term for zoning variances that go to the BZA and subdivision variances that would go to you all and City Council. I think that there is a bit of confusion in his email. You are correct that if City Council were to approve this rezoning, the applicant still would have to come back through this body and City Council to ask for the variations and deviations from the Subdivision Ordinance for reduced street widths or other things related to the street things that do not meet the basic standard.

Commissioner Seitz said and we saw that recently in the proposed extension of Franklin Street.

Ms. Dang said that is correct. That is a good example. And that was discussed in a prior report. It was documented in the March and April 2026 staff report. There is a paragraph that explains that the applicant will have to come back through the process.

Commissioner Kettler said this may or may not apply to that particular comment or other comments, but I would generally say that relying on AI in creating public comments is often not the most helpful input. There are a couple of comments which have the telltale signs that they could be produced by AI. I am not particularly interested in hearing what AI has to say. I am very interested in hearing what the public has to say. I will leave it at that.

Commissioner Jezior said on the cash contributions, the changes in the proffers. I know in the past meeting for The Link there was a certain amount for the affordable housing per resident. The \$93,738 was calculated based on per resident. Are all the other changes in there, is there any specific reason why they would be reduced or was that just a decision that the developer made based on...

Ms. Dang said I will defer that question to the developer when they come up.

Chair Baugh said are we okay with staff at this point?

Commissioner Seitz said I want to express appreciation for the analysis that was done in the staff report, the comparison of bedrooms and units and the tables. It was very helpful.

Vice-Chair Porter said it has been a lot of changes.

Ms. Dang said thanks for the feedback.

Chair Baugh invited the applicant or applicant's representative to speak to their request.

Todd Rhea, local land use attorney with Clark and Bradshaw, 92 North Liberty Street, representing the applicant said with me this evening is Seth Roderick with Monteverde Engineering our local traffic and civil engineer. For efficiency, I will be making the applicant presentation this evening. Mr. Roderick is available to field questions in relation to his area of expertise including traffic, streets, engineering, height of building, those types of questions. The land use considerations of The Lindsey project would appear to be fairly well settled at this stage given its recommendation for approval three times by city planning professionals and twice by this body. While not presuming a further recommendation in advance, there appears to be no land use justification to depart from prior recommendations of approval. Planning staff have detailed how the present application meets the Comprehensive Plan, the 2040 Downtown Plan, and related city goals to increase density in downtown to activate redevelopment areas for higher economic use and to locate sorely needed customers in walking distance of downtown businesses.

The zoning justification letter in your packet and posted for public review focuses on the revision to the project since your consideration in March. My presentation will largely focus on those revisions and comments received since that hearing. The applicant has been consistently proactive and responsive over the past 12 months, from the complete redesign of the project's exterior appearance to align with those found downtown, the addition of the gateway clock tower element, changing the unit mix to provide much needed one-bedroom downtown apartments, providing street activating commercial space along South Main Street, providing extensive cash proffer

commitments consistent with project generated impacts, to finally the removal of two full stories and over 20-feet of height from the structure, going from a maximum of 75 feet to 52 feet. In direct response to community and Council concerns, there are some who will not support an urban style apartment project on this site no matter the scale. They are entitled to that view. But for many others, Timberwolf's commitment to making responsive changes to the project based on community feedback has been recognized. From the Lindsey family's perspective, having their name on the project is meaningful given their century-long ownership of the property. Both the City and the Lindsey family have been discussing redevelopment of the site for over a decade, and the family intends to see it developed. There has been some discussion [unintelligible] to have the City reach into its coffers to spend millions of taxpayer dollars to turn it into a larger public park and event venue. That is an expensive proposition not supported by the Lindsey family and represents a move beyond requesting changes to the existing Timberwolf proposal to something entirely different which does not respect Timberwolf's investment and collaboration in bringing this project to the City.

In fact, there is a fantastic public park and concert venue planned right next door and integrated into The Lindsey project. The Build Our Park leadership has worked tirelessly over a decade of planning and fundraising to make that park a reality with city support. We would encourage those who desire a downtown park to consider contributing privately to that effort or lobby the City for additional funding for the Build Our Park plan. Even with the reduced height and unit count, The Lindsey project will create an ongoing income stream to the City to maintain City budgetary priorities. Removing The Lindsey income stream and replacing it with a major park capital project not in the CIP [Capital Improvement Program] and ongoing operational expenses would simply create additional funding challenges for the City budget. Let me also share that the predecessor organization to Build Our Park, namely Greener Harrisonburg, had the Lindsey property under an option to purchase for 18 months in 2013 and 2014.

At that time, City funding was not available to provide the park committee the fiscal support to make that purchase and fund a larger downtown park project. Today, the City arguably has much less room or appetite to fund an expanded downtown park at the expense of the substantial tax benefits and critically needed downtown residents that The Lindsey project would provide back to land use. The primary consideration of this commission as highlighted by staff, the Lindsey Project has been guided by the 2040 Downtown Plan. The 2040 Plan is the adopted City plan for downtown land use and redevelopment goals. In this slide, an overarching goal of the Downtown 2040 Plan is the pressing need to increase population within walkable distance at the city center through density initiatives. Simply stated, downtown needs more residents and more residential density is needed to help support downtown businesses. Those of us who work and live in downtown Harrisonburg know that need from the small business community.

The plan also recognized the City's running out of old buildings to remodel and focused on areas where new and dense residential construction should be directed. South Downtown containing The Lindsay site is highlighted in the 2040 plan as one of those targeted areas ripe for reinvestment to accommodate the goal of encouraging mixed use space and residential developments in key clusters of underutilized space. Zooming in closer, the Plan calls for integrating new housing close to City Hall to activate the area south of Turner Pavilion. This slide specifically shows urban scale

residential buildings on the Lindsey site that could not be built under the current R-3 zoning classification.

I have talked extensively during these presentations about the last 15 years of development patterns which have pushed almost all new growth and permitted residential units into Rockingham County near the City limits. As the recent Peach Grove student housing project's public discussion and tonight's staff report confirms, placing students closer to downtown in realistic bike-walk distance of campus and away from autocentric corridors is an expressed city goal that the Lindsey property aligns with and supports. As the staff report states, the Lindsey site is among the more appropriate locations in the city for student-oriented housing. The new Lindsey concept plan shows a project that fits neatly on the site with natural separation and buffering on the east and west from Main and Liberty Streets on the north from the existing city parking lot and on the south from the Baptist church parking lot and the new Paul Street extension, it has natural buffering.

This building does not loom over anybody. It does not press up against anybody. Just giving the natural improvements around it. The project also provides significant upgrades to bike and pedestrian connectivity, through the Liberty Street cycle track, through installing wider sidewalks along its main frontages, and public seating space in south downtown along the major street corridors. That is an important proffer. It has not been touched on in these hearings so much, but this is an activated area around this building. Finally, a large drop-off area is designed along the Paul Street extension to serve all ride share delivery and related needs for the property purposely moving those stops off of Main and Liberty Streets.

The applicant's architectural team has retained the updated traditional appearance of the building, utilizing finished colors and elements such as brick and greystone materials, townhome style elements to break up the massing of the building, traditional balconies and signage, cornices, varied foundation materials at pedestrian level, and a signature clock tower element as a gateway to downtown. All suggestions received and responded to through the public comment and discussion process. The building has been reduced to a maximum of 52-feet finished roof height with some small leeway for the clock tower and roof screening via architectural elements. The height of the building now aligns with the height of City Hall. The natural curve of Main Street as you can see on this picture and the lower height of the northeast corner of the building - you can see a little bit of a setback there on that corner and that area on the other side of the drive aisle is a little bit lower - is intentional to provide additional visual clearance for City Hall. And City Hall, as you can see, is oriented and aligned. Looking out toward the street, it doesn't face directly into the back of The Lindsey building. Exterior design is a subjective process. It is not governed by existing City ordinances, but as is evident from the traditional redesign and the lowering of building height, The Lindsey project team has listened to feedback and invested significant time and resources in the evolution of this proffered design.

[Referring to the powerpoint presentation] This initial view shows the building from the southeast corner near the Paul and Main Street intersection looking northwest. The clock tower feature in the middle, the commercial area under the clock tower and along South Main with sidewalk patio, a more traditional mounted sign above the main entrance off Paul Street and building design elements and colors are clearly shown. The gateway corner under the clock tower contains a wide pedestrian circulation and seating area at its base in front of the commercial shops. The second

elevation from the northeast looks toward south toward the back of the building. This view provides an example of how parking garage screening through muralization can provide a palette for natural or other art installations which are proffered to a 60% coverage level by the applicant. It also shows how the South Main Street sidewalk is widened and landscaped as an attractive and activated pedestrian corridor.

Activating South Main Street is a key goal of the Downtown 2040 Plan. The third elevation is from the southwest corner of the property looking north up Liberty Street. This view shows the new Paul Street intersection, the Liberty Street cycle lane, and additional views of the transformed exterior building design elements. This view along Liberty [Street] gives you a great view of the very greystone foundational element at pedestrian level seen with many older structures in town. You can also see an example of street level landscaped space and pedestrian seating along Paul Street. I will briefly discuss project impacts that I more thoroughly covered in previous presentations.

First, transportation improvements. Despite the reduced size and unit count, The Lindsey continues to fund the full installation cost of the Paul Street public street extension and provides City Public Works directed transportation calming funding for the Paul Street Corridor. Parking. The project continues to be designed to meet its resident parking needs within an onsite parking garage. Timberwolf plans to charge separately for parking as an economic incentive to promote bike, walk, and transit options. There are transit stops on Main and Liberty [Streets] close to this site today. The parking garage will be built over what is largely today surface parking, greatly increasing the parking efficiency of that space without taking up new land for parking spaces. The garage will offer EV charging stations for resident use at a level which are in line with EV charging station standards adopted for City public projects. The removal of two levels of the parking garage to reduce structure height while maintaining resident parking ratios does mean that the applicant will no longer be able to provide dedicated City parking spaces in the structure. The project continues to provide improved parking solutions and circulation for the Baptist Church parking lot. It continues to provide a parking impact cash proffer for City utilization and continues to proffer full-time onsite management to address any overflow parking concerns. Finally, affordable housing. During the community engagement process and past public hearings, affordable housing needs were stressed by citizens. The Lindsey team took the initiative to develop an affordable housing cash proffer supported by legal and financial analysis prepared by Virginia Proffer Solutions. In the absence of an affordable dwelling unit City ordinance as authorized by the Virginia Code and the lack of a local housing trust or other dedicated fund, Timberwolf has provided that affordability cash proffer, legally supported under existing laws and ordinances. The concern has been consistent. Hey guys, what you proffer, make sure it is legal and enforceable. We have taken the steps to do that.

The good thing is the current entitlement process, lengthy as has as it has been, has raised awareness and public input into the work to be done in this critical area of need. Given the range of demonstrated benefits of the Lindsey Project and its consistency with City land use plans, we hope that a recommendation for approval will not be withheld on affordable housing grounds where the City itself has much remaining work to do in order to legally facilitate higher levels of affordability support from new market rate projects. I want to thank the Commission for its time and consideration this evening. There are obviously political considerations outside the purview

and scope of Commission consideration. The Lindsey site application has certainly taken a unique path to come before you for the third time and the fifth time for Councilmember Dent. We realize that the nature of compromise means that folks on all sides of this project may not get their full desired outcomes, but we are comfortable that this final proffered plan represents Timberwolf's best efforts in arriving at both an economically viable and politically approvable project. As discussed at the beginning of my remarks, the land use decision before you is clear and compelling with the reduced height. The project is now below the midpoint between allowable R-3 and B-1 heights, a challenging but reasonable compromise. We ask the Commission for its continued vote in support of the project on land use grounds consistent with the renewed recommendation of approval by planning staff as we continue forward with the process to move The Lindsey back before City Council for consideration and hopefully resolution in late August. Thank you, Mr. Chairman.

Chair Baugh said thank you. Questions for the applicant.

Commissioner Jezior said same one that I brought before for Ms. Dang. What was the thought process in the reduction in the cash proffers?

Mr. Rhea said cash proffers are based upon identifiable impacts from the property. These are all offsite proffers; they are not within the building or the site. So, as the building reduced its resident count, bedroom count, and parking space count, those cash proffer impacts were reduced proportionately to those reductions. Again, not a scientific process but well within what was supportable, and we have gone through how those were calculated on affordable housing through the VPS report on the traffic calming measures through other similar type improvements, traffic humps, speed cameras, stop signs and that nature. So again, it was what we believe as a fair and proportional reduction based on similar reduction in the number of residents there.

Commissioner Kettler said in terms of the internal layout change and like the atrium area there, what was the thinking behind that?

Mr. Rhea said it was an ability while we were losing roughly one-third of our building height - buildable area from six floors to four floors - we were able to add back a little bit by adding a couple wings internal so you would not see those additional units from the street. They are all hidden internally and it allowed us to attach the building itself to the parking garage so that there would be direct resident access from the garage into the full area of the building on site.

Commissioner Jezior said a question that came up at public comments that I want to bring up. I know there was some concern that the four stories were not proffered and that there might be a way to fit five stories within 52 feet.

Mr. Rhea said we have heard that concern. The elevations are proffered; they show four stories. If you look at City Hall and you look at the backside of City Hall, when you come in the entrance out here, it is three stories. On the backside of City Hall, it is four stories because there is an exposed below grade area. The roof will be flat. So, people visually looking for whatever impacts there are, it will be at that capped at that 52-foot height. Why we came up with Paul Street is the City has a very technical definition of "building, height of" and where you measure that from and

how it is measured. That is our primary entrance for this building; it has been from day one. So that is the most consistent area. It is not the most favorable nor the least favorable for the project. It is kind of a midpoint for fairly measuring that height.

Commissioner Kettler said what costs are associated with a delay of a project of this size. So, I'm thinking, financing or other additional costs over a period of time, like months here.

Mr. Rhea said there is certainly a cost to the City of delaying a project like this. Although there have been substantial material changes to this project that could be justifying that delay, costs go up over time. Generally, it is going to be more expensive to build tomorrow than it is today unless we have deflation and deflation of building materials, which we have not seen for quite some time. Interest rates are more variable, they go up and go down. That is kind of the luck of the draw as to where you are in the economic cycle and the rate cycle when you lock in your rates. So that could go up or down but, but generally the cost of things continues to go up. So, delaying it does make it more expensive.

Commissioner Kettler said in terms of the layout. It is an overall reduction in the number of residential units. So, I'm wondering on the ground level, are there intended to be more residential units or any residential units on the ground level that were not there before in previous iterations?

Mr. Rhea said the commercial space has remained the same. The ground level will still be primarily used as office space and recreational space. There may be some more on the ground level. The question again came up relative to Mr. Seitz's question about substantially versus general conformance. One of the most challenging things is this has been the most detailed proffered project from an exterior design appearance in my experience in the City, but we have not gone through construction documents yet. And so, when you go through the construction documents there is some variation with that, but the intent is to be consistent with those elevations that were provided. The concept plan, the city knows what it gets if it approves this project.

Vice-Chair Porter said could you speak to the process with the transportation changes and the communications related to Harrisonburg Baptist Church. Since the last time we have seen you, has there been material discussions between you and the church? Have you reached some accommodation?

Mr. Rhea said there have not been. I do not think they have objected to what we have proposed with respect to their parking lot. It remains completely optional to the church if they want to leave their parking lot as it is today. So there have not been specific conversations regarding that because I do not think there has been a specific objection to that portion of what is being proposed. That remains within the Baptist church decision. If they want to close that, Timberwolf will pay for extending the sidewalks and closing in those ends and giving them the entrances onto the new Paul Street extension as that is constructed.

Vice-Chair Porter said I also want to have you speak on the rationale and the decision-making as it relates to the reduction in the number of bedrooms, the rationale behind that and also the mix that you chose. You know, I have given you a hard time about the four-bedroom units, and I still have concerns about four-bedroom units and that has been well trodden ground, but that percentage

has gone up significantly as the project has changed and you have reduced one-bedroom units and significantly reduced two and three-bedroom units. So, I am just curious what the rationale was.

Mr. Rhea said that is economically based. The four-bedroom student housing component to this building is a key part of what makes it economically viable to be constructed with all the proffers and bells and whistles that go along with getting the project approved. We were very intentional about not raising the amount of four-bedroom units, so there are not any more there now than when you all considered this back in March. If you look at a lot of other downtown student-oriented projects along West Main Street in Charlottesville, the project formerly known as The Standard, it is called something else and was sold last year, that is 90% four-bedroom and five-bedroom units. So, this has been an intentional mix. We have had conversations with City officials. We have done our best to provide a project that works and maintaining that one-bedroom scale that young people really are clamoring for. There are people who live at the Ice House, there are not that many units there, they are all the all one-bedrooms. It is where the young professionals want to live. That is who we want to see downtown. I think in terms of opportunity, the ability to live without having a car at that age. Still being tied to the university scene in your twenties, but not being a student there.

Vice-Chair Porter said that is a fair answer.

Chair Baugh asked if there were any additional questions for the applicant. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

David Bernstein, 521 Ott Street said I will be very brief because a lot has changed since your last discussion of this proposed zoning change and it is clear that you should now oppose it. It is not needed and it is counterproductive. We now know that JMU plans to construct dorms and have 60% of its students live on campus. If the student body does not grow, remains at 23,000, this will amount to an increase in on-campus students of about 6,400 to about 14,000, which is a decrease in off-campus students of 7,300. If the student body does grow to 30,000 as planned, it will still lead to a decrease in off-campus students of about 4,700. In other words, the City and surrounding County could see a decrease in demand for student housing of between 4,700 and 7,300 bedrooms. That is, we have plenty of student-oriented housing. We also now know for sure that The Lindsey will be a student-oriented complex. The most likely configuration consists of 85 four-bedroom units between nine and 14, two- or three-bedroom units and 72 one-bedroom units. This means that out of a total of 440 bedrooms, 340 or about 77% will be in four-bedroom units. Twenty-eight, about 6% will be in two- or three-bedroom units and 72, about 16% will be in one-bedroom units. The four-bedroom units, as we have all discussed, is attractive only to students and ultimately this means the entire complex is going to be attractive only to students. Hence, we will soon have plenty of student housing and there is no need for The Lindsey. There is, however, need for other kinds of housing. According to the 2020 Harrisonburg Housing Study, 94% of owner-occupied units are traditional single-family homes. In other words, the City has a clear need for other kinds of housing, exactly the kind of housing that is likely to be built if the zoning remains R-3. In

conclusion, there should not be a change in zoning. What is best in Harrisonburg is to leave these lots at R-3. Thank you.

Lynn Adams, 906, Circle Drive, said I have been here for 45 years. My husband and I, before we retired, were very involved in the building industry of Harrisonburg and depended on it. That helped our family grow. But as things have changed, so have certain needs, I feel, for downtown Harrisonburg. One thing that concerns me is the future of the ownership of The Lindsey. How long does Timberwolf plan to hold onto it before it sells? Then, will it maintain its beautiful pictures that we are seeing today? That is an entrance to our historic city, which is a very important thing. Four-bedrooms, if it goes as the gentleman before me said to where we do not need student housing as much as they are saying we need it now and it goes to families that need to live in things like that, a four-bedroom, four-bath, one will be too expensive for a normal family to afford. So that is one concern and as JMU goes to living on campus, we have an awful lot of housing for students off campus now. That is not going to change by building this here downtown closer. They are still going to want to be off campus but not under the thumb of downtown restrictions. Parking is going to be affected. I am not sure how the surveys and the tests and all that were done. Anybody, if you talk, I talk to a lot of people downtown, and I am downtown quite a bit. The people that come into our area, one of the big things they bring up is parking. Where do you park? I cannot find a parking space. These students, and I do not know how many of you have young children or teenage kids or grandkids like we do, they are not going to leave their cars at home. They are going to bring their cars and, if you try parking on any of these streets that are the 10-hour-parking during the week, Monday through Friday, they are all student cars that are taking up all those. And when you bring more students living at The Lindsey, there is not going to be any parking that is available for the people that are going to come down, the residents that live here 365 days a year, to shop downtown. They are not going to be able to park. So, I think, I hope that you consider the long-term effects that we are going to have to deal with after Timberwolf sells the building and moves on to the next town. Thank you.

John Mansfield, 505 South Mason Street said I certainly want to compliment Ms. Dang and Mr. Rhea for their presentations and also Timberwolf for their efforts. I think one question I would have is if the majority of city residents really believe that what appears to be purpose-built student housing is preferable over a festival center that might have other benefits both culturally and in the long term. I also wonder, in considering a festival center, if you are looking at the value as opposed to just the cost. Well, thank you. I appreciate having been able to meet with a number of you and also hopefully you have read some of the emails that I sent. Thank you.

Todd Alexander, Paul Street, said Parking. We are 120 parking spaces short. We already have parking issues on Paul [Street]. We brought it up to City Council. They sent police officers out and for two weeks they patrolled it, ticketed, towed, did all the things that they needed to do. We appreciated that. But that is a two-week period, you know, this is going to be every day. We are going to have 120 cars and when they cannot park in the parking garage, they are coming into the Old Town Neighborhood. We already have issues. And if you think that JMU students are not going to own a car, you are not thinking correctly. If the developer is in the proffering stages and they are so certain that parking will not be an issue, they are going to cover all the parking, then

let them pay to add onto their parking garage when it is a problem. Let them proffer that, if they are so certain that their parking is correct, it should not be an issue because they should not have to build it. We still do not have a clue what the price of these units are going to sell for or rent for because they have never told us. We have no clue how expensive the parking is going to be. If you go and look at The Standard, which they keep referring to, you will find that the reviews are not good. Parking is high. Outrageous, they say. But they still park there because they have no choice. They say that their parties are so loud in the hallways that they do not sleep at night, that people are throwing up in the elevators and throwing up in the hallways and it takes weeks to get it cleaned up. Now those are student reviews, good, bad or ugly. That is what they are. But if you are going to make references to that, then you are going to have to take the good, the bad, and the ugly with it.

What is the plan to address the future problems with traffic? The developer is going to give a small sum of money for traffic calming. What are you going to do with the rest of it? How are you going to fix that? Because once they walk out, it is done. Then we, the taxpayers and the City, are paying for this. Developer is not paying for it anymore. They gave their small amount of money and they are done. So once again, if they are so certain that it is not going to be an issue, let them proffer to pay for that. Look at the study a year later and they can pay the expenses to fix that. I do not know what else to say about that. Four-bedroom units are difficult, almost impossible to convert and in 10 years we are going to be stuck with a whole building full of them. What are you going to do then? Water. We have not even talked about water.

Water, next 25, 50 years. I mean we have water today because the City Council had the foresight long time ago to buy multiple sources of water. We need that same foresight today. Especially if the answer is to rely on the Shenandoah River where there are environmental concerns. The river is at record low. I have never seen the river this low in my entire life, and we have property on the river.

I am still confused. Maybe you guys have the answers to this. I do not understand why you can build a six-story structure with 62 feet, but it takes 52 feet to build a four-story structure. If you have answers, I am listening. It seems to me that a four-story structure should be 42 feet. It still has not addressed affordable housing. Adding rental units does not automatically mean that you are increasing the working... The residents, the young professionals, families, seniors, nobody can afford that housing. You are just not going to be able to do it.

Some of the proposed developments are now described and are less necessary because of changes on the JMU campus housing. Why is that reasoning basically applied selectively? We apply it in one area, but we do not apply it in the other. I think we need to apply it in all areas, not just one or the other. We need housing for young professionals, working residents, people who want to live and invest in the community year-round, not just part of the year. We already have plenty of that. If you walk downtown now, you can actually walk down the sidewalk without having to walk out into the street to get around. You can see the difference, which is just going to compound that. The

housing study has been referenced in this for some reason. The Housing Study says that there is an increased need for rental housing, but I do not understand why it is now being used to justify recommendations that and why it has not been followed with the same urgency for all the other things. We just chose to apply it to this. What is going to be built on the property? We have an idea, but we do not because things are generally this. I think we need specifics. These are not minor details. They are basic questions about infrastructure, affordability, transportation, water, and neighborhood character.

A zoning change or major developmental approval should not move forward just because we need revenue. The City is like, oh, we need money and this is great money for us. I do not think it is. I think you should look at some of the other projects from this developer and see how much revenue is generated from that. I think that would help you a lot. And so, I would ask if it is not your job as Planning Commissioners to protect citizens' quality of life, then what is the responsibility and who is responsible to protect our quality of life? We are depending on you guys to do that. I ask the Planning Commission to require clear, concise answers to this and many other questions and ensure that the public input is not treated as an obstacle, but as an essential part of responsible planning. Harrisonburg deserves thoughtful growth, not growth that leaves residents with unanswered questions and multiple costs. We are going to get stuck with all these costs as the residents. I ask you to protect our quality of life. Thank you very much.

Carl Larsson, 47 South Mason Street, said I have lived in Harrisonburg for 10 years now and I absolutely love our city. I share in the desire of many in this room to have greater density and more neighbors living in and around our downtown. And yet I am here to respectfully ask that you vote no tonight on recommending approval of the rezoning as a first step toward a better yes on this property tomorrow. I want to be very clear, I do not believe that voting no is a vote against housing or against downtown growth. Voting no tonight is a vote to uphold our City's planning documents. It is a vote to ask that this rezoning application is not just or does not just partially align, but that it should fully align with our city standards before recommending approval to our City Council.

I would like to offer three arguments. First, this proposal contradicts our Downtown 2040 Plan. Second, the proposal does not have the support of the community and there are too many unresolved issues to allow it to move forward for a vote by City Council. Third, there are many alternative uses for this property that could better serve the needs and goals of our community.

First, this rezoning proposal contradicts the Downtown 2040 Plan in several important ways. The Downtown 2040 Plan was adopted by City Council, and it represents our community's shared vision for downtown development. While this development proposal may deliver development and density downtown, density alone is not enough. I would like to show a poster, and you should have a handout of this in your docket as well. This image, from page 60 of the Downtown 2040 plan, clearly depicts a B-1 style building at three stories, not four or five or six, but three stories with both historic buildings preserved. The applicant's proposal contradicts this plan by first demolishing historic buildings and second, introducing four- to five-story structures and massing

in an area next to two- to three-story buildings. That scale and massing violate the sound planning principles of transition zones and the need to match existing neighborhood character. Some additional contradictions with the Downtown 2040 Plan include the following: The Downtown 2040 Plan calls for green building solutions on page 60. It is my understanding that the comparably sized Urban Exchange is LEED certified, but I do not see any similar environmental certifications being proffered in this proposal. This proposal also risks the negative environmental impacts of removing mature trees and green space next to the Blacks Run watershed. Page 44 of the Downtown 2040 Plan calls for the highest standards of design at this downtown gateway. The proposal's proffers, however, allow for an exposed parking deck rather than wrapping the parking with apartments, which is standard in many cities. The proffers even seem to allow for future changes to the design and materials after rezoning, and I simply feel that we should not accept, as Ms. Dang described as squishy general conformance language for the final design in building materials at this key gateway to our downtown. I do not think the Downtown 2040 Plan says that these issues I have mentioned can be ignored as long as density is delivered. Until all of these criteria are met, we have to conclude that at this time the current proposal contradicts the Downtown 2040 Plan. Thus, I respectfully ask that, even if there are aspects of this project that we appreciate, we nonetheless hold off in recommending approval until the proposal fully rather than only partially aligns with the content of our City's adopted Downtown 2040 Plan. Second, the proposal does not have the support of the community and there are too many unresolved issues to allow it to move forward for a vote by City Council. Over 1,600 people have signed the petition against rezoning and the map in your docket shows that the petition signatures come from neighborhoods all across the city.

Commissioner Seitz said sorry to interrupt. Are you referring to this? [Referring to a handout.] There is no label or context on this, so can you just describe explicitly what this page represents?

Mr. Larsson said that represents the addresses of those who have signed the petition against rezoning to B-1C, in favor of keeping the current R-3 rezoning.

Commissioner Seitz said thank you for the clarification.

Mr. Larsson said thank you for the question. It does not come as a surprise to me that there are so many people opposed to this given how many unresolved issues still linger. Affordability, traffic, parking, management plans, fiscal impacts, and the possibility of future tax breaks on the property and environmental impacts the legal enforceability of the proffers. None of these are small details. They are fundamental issues that demand answers, and the proposal now has an increased focus since last March on student-oriented units with the proffer now allowing up to 77% of bedrooms to be housed in student-oriented four-bedroom units. Increasing the proportion of student-oriented units simply does not make sense to me in light of JMU recently approved plan to build around 10,000 new beds on campus. We already have plenty of student housing in town and JMU on campus housing projections, we have heard forecast that will now be around 4,400 or more fewer students living off campus by 2040. Our City does not need a building with 440 new bedrooms

marketed to students. If anything, we need 4,400 already existing bedrooms to convert from student off-campus housing to workforce and family housing between now and 2040. As our City Community Development Department recently said in its memo for the Peach Grove rezoning request, staff does not believe that more student-oriented housing is needed at this time. And secondly, they said, quote, it would be better for the community to provide the appropriate style of units at the initial time of construction.

Let me pose a question. What do the following recently completed multifamily apartments in downtown Harrisonburg have in common? The Ice House apartments, the Kavanaugh apartments, the Foundry apartments, and the Keezle building apartments. Besides all being very popular downtown Harrisonburg apartments, as far as I can tell from a quick internet search, it looks like they consist of only one- and two-bedroom units with no three- or four-bedroom units at all. I feel that the absence of three- and four-bedroom units is a major factor that makes properties like this attractive to year-round, non-student residence. Even Urban Exchange is predominantly made up of one- and two-bedroom units with only about 20% of their units listed online having three-bedrooms. And there are no four-bedroom units at Urban Exchange. None at all. We simply do not need more four-bedroom, student-oriented housing in town. On the other hand, one- and two-bedroom units appear to be in high demand downtown. Completely eliminating three- and four-bedroom units from the proposal not only seems to be financially feasible, but I also believe that this change would much better serve our City's current and future housing needs.

Finally, very briefly, I would like to show you how your no vote tonight could open the door to a better yes vote on a different plan tomorrow. First for reference, this is the developer's updated rendering that we have already seen this evening. I feel that it visually downplays the height of The Lindsey making its five-story parking decks somehow appear to be shorter than our three-story City Hall. In reality, the building and parking deck would likely feel very out of context with their surroundings. City Hall would no longer be the focal point of our civic core. Center stage would be taken by these apartments. Now here is a possible alternative use of the property [referring to a poster he held up]. The first possible alternative use of the property would be an expanded public park. Please think about how great an expanded public park could be for this area, our downtown environment, and the ability to attract new investment in dense housing and businesses to downtown. The Urban Land Institute and other planning experts agree, great downtowns need great parks and public spaces. Think of how great an expanded downtown park could be to catalyze downtown growth and investment for generations to come. Will a student-oriented apartment building have the same effect?

A second alternative use of this property could be to build context-sensitive multifamily. If the landowner wishes to pursue B-1 housing here, then please vote no tonight and let us wait for a plan that fully aligns with the Downtown 2040 Plan by focusing on three-story apartments, built side by side with the existing historic buildings on the property. This would be consistent with the scale of other recently completed downtown apartments, the ones I mentioned earlier, and thus, it seems to be economically feasible and in high demand for our City. It could still provide downtown

density, and it could be absolutely beautiful for our downtown. These are just two examples of a better path forward. I feel that it would be a false dichotomy to believe that this is a choice between something like R-3 townhomes or an out of context student-oriented apartment block. On the contrary, I would hope that there are many more options available for the applicant to explore that could better serve the common good of our city.

To conclude, a no vote tonight is not a rejection of downtown growth. It is an opportunity to reset and invite this talented development team to come up with a proposal that fully aligns with the needs of our community and the guiding documents adopted by our city government for the sake of our downtown today, as well as our legacy in the downtown that we leave for our children and our grandchildren. I ask that you please vote no tonight so that we can reset the process and work together towards a better yes tomorrow. Thank you for your time and consideration.

Sierra Lambert, East Elizabeth Street, said my comment was not written by AI. A classic social psychological tactic is where a negotiator makes an extremely unreasonable request that is sure to be rejected when the other party inevitably says no. The negotiator follows up with a slightly smaller but still extreme request because the later request feels like a compromise. The other party is much more likely to agree. I ask that you do not fall for the psychological trap created by the developers and the attempts to convince us that this is a good thing for downtown. This updated plan still emphasizes the same 84 four-bedroom units, which undoubtedly primarily focuses on JMU students who are willing to be living in shared spaces. This proposed development would be just housing students who already go to school every day within walking distance of downtown, many of which will already be housed close by due to JMU's new on-campus housing plan. The argument of boosting downtown business from this development is invalid. I also just want to remind you of the likelihood of this development being sold to JMU. Being the developer is incentivized to sell because of certain tax breaks they would qualify for, then the City will be receiving absolutely no money from taxes from this development. Keep the dorms on campus where they belong. The new plan removed all public parking proffers and will only provide 320 parking spaces for 444 bedrooms, forcing residents to overflow into public parking that is already limited, especially during the farmers' markets and church services. Not to mention the traffic that would be added to the two roads this development would be situated between that the Downtown 2040 Plan intends to reduce to one lane. If this development was proposed to go in place of the Courthouse on Court Square, would you consider that location because of any twisted attempts to argue that the Downtown 2040 Plan supports that. We have to think critically about the location of where we allow a massive, as massive of a structure as this, a four-story wall of brick, the same height as Urban Exchange and concrete wall, a story higher spanning from Main [Street] to Liberty Street at the entrance of downtown towering over our tiny pavilion park. Not to mention the historical destruction that will be caused by this development, which Downtown Harrisonburg cannot afford any more of. I will hit on, as I have in many other meetings, that there are plenty of other properties for sale already zoned for this type of development within walking distance of downtown and JMU. Some great alternatives I have mentioned prior include many buildings

downtown that can be renovated into housing and the Roses and CVS lots. Some new properties that have come onto the market since the last meeting are 625 and 635 West Market Street, which is Black's Paint and Floor Covering. It is \$1.32 million, B-2 zoning, 3.46 acres. Another property is 291 West Wolfe Street. It is where the big white Graham Packaging plastic products plant is located right when you turn onto West Market Street, it's M-1, \$2.95 million, and 5.35 acres. A proposed alternative of a Lindsey Park is the best and highest use for this property with the greatest potential to benefit all of the members of not only the Harrisonburg community, but visitors as well. The public performance space will also provide a place for many local and tour musicians who have lost a place to play in Harrisonburg due to the closure of Crayola, the Warehouse, the Golden Pony, and many other venues downtown within the last few years. And the \$6 million is not really a lot to invest in a public park for everyone to enjoy when the City is proposing to spend \$26 million just to renovate the building we are standing in. The power is in your hands to make the best decision, and it is well within your right with a multitude of valid reasoning to say no to B-1C.

Sarah Baker-McEvilly, business owner at 157 North Main Street and resident in the Northeast Neighborhood, said I have been in support of this project since the beginning. One of the things that really concerns me about tonight from the opposition especially, is that we are making a lot of assumptions on hypotheticals. Everybody is really concerned about what is maybe going to happen to this building in 10 years. If JMU is able to follow through on this completely radical project to get 60% of their students living on campus that a brand-new president submitted and supported because he is new and wants to make his mark on the University, then that is great, that is totally within his rights to do that. But this is a really large undertaking, and we are assuming that there is going to be no delays in this project and that all these students are going to immediately start living on campus and then all of the student housing in town is going to be vacant quickly, overnight. And then there is going to be no use for these housing anymore. I think it is a very, very poor decision to decline this project because you are worried about something that could happen 10 years from now when the vacancy rate in town is 2% right now, and we need housing. I also think it is worth addressing that just because they are students does not mean they do not deserve a place to live. We are having this entire conversation around a group of people who, yeah, it sucks that they leave in the middle of summer. As a business owner, I feel that stress, but when they come back in the fall, they throw their money around, and that is beneficial to me. I am not saying that the community does not support me throughout the year, but these people still participate in our economy, and we are treating them like second-class citizens who do not deserve a place to live. It is the unfortunate consequence of our economy in town that we need a certain amount of four-bedrooms to ground the economic feasibility of a project so that we can have one-bedrooms that young professionals can live in. I mean, this project has seen so many reiterations in the name of compromise that I think this is the best that we are going to get. And I am genuinely scared for what other things we are going to get brought to the table. I do not want us to be making decisions on city planning on hypotheticals that JMU is going to do this, or the hypothetical that this is only going to attract students or the hypothetical that this could be a drain on resources when I am

assuming you have not had anybody who is an expert on water use come in and look at the wells underneath the land yet. And we do not really know anything about this project because this is just an approval to continue. I think that people asking for definitives are being willfully ignorant to how planning processes actually work. I also take huge offense as a business owner for people who do not own a business downtown, coming up here and saying, this is not going to benefit the local businesses. We have seen 15 businesses close in the last two years, and it is scary. We are seeing three open in the next month, and that is really, really great. I am super happy to have these people joining our community. They are not going to succeed, and the people who are here already are not going to succeed, if we do not have more people coming in downtown because while the community grounds us and has supported our downtown, the inflation rates are insane. We cannot keep up with the expenses and how everything is rising. I cannot tell you what I am going to have to raise my prices next year because my electricity bill just almost doubled because of how much we are paying Dominion for electricity now. There are so many outside influences to cost that you just simply need more people because it is not fair to demand our community to spend more money when the influx of money that they are getting from their jobs is not keeping up at the same pace. I fail to see how the park alternative that people have brought up with almost no planning or background or input from the city is ever going to support businesses downtown. People are saying it is going to drive people, attract people for businesses. A walking area separate from most of the businesses downtown is not going to bring people to my bakery. It is probably not going to bring people to Bella Luna, which is like a block away from wherever this park is. People go to parks to spend the afternoon. They maybe have a picnic there, they are not doing it to go hit up the businesses around it. And even with the numbers of signatures against this project, I would like to point out that that's only 4% of the City of Harrisonburg. And I do really love the opposition's vocalness and how involved they have been in this project. And I think the compromise that has happened in this process has been ultimately for the better. But now we are hitting a point where nothing that is going to be compromised on is good enough for this opposition. I would like to ask you guys some questions if you are able to answer. The traffic study has kind of identified points of failure in the traffic that's happening, right? The Lindsey is supposed to be addressing that with the Paul Street bypass. If they do not do that, do you have any alternatives to fix the traffic patterns? I do not know of any alternative projects in the works to fix the traffic issues other than what The Lindsey is proposing to pay for. I do not know of any projects that are in the works to fix the parking problem. Everybody keeps talking about parking, meaning more parking garages. This is the only parking garage that has been put forward to be put downtown that I have seen in the last two years. I mean, it is directly addressing the problems that people are bringing up in opposition to the project that we have no other alternative to fix. I just do not see how not approving a project that is going to give you a solution to track problems in parking garages is not worth approving. But all that to say that as a business owner downtown, I do think this is the best way forward. I think that the compromises that have been made are incredibly generous. I am happy with the approval process that this has gone through. I think that this is great. I also am really happy with

the reduction in scale, but we cannot keep denying this project. It is what I believe downtown needs. Thank you.

Keith May said I am the broker on this property. I appreciate the position the staff has taken on this project in the past and also the Planning Commission members. The opposition seems to think that they can actually determine what will be done with this property whenever it is privately owned. It is simply not their choice. The developer now could build townhouses, and they could say nothing about it. We have already approved a similar project like this when we approved the Urban Exchange Building in 2008. The residents of that property are not unruly, they are not loud, they are not disruptive, and they are not throwing up in the elevators. And whenever we talk about the gateway into Harrisonburg, I would argue that the Urban Exchange is on Route 33. That is more of the gateway to Harrisonburg than South Main Street. I would like to talk about affordable housing because we always talk about this is not affordable housing. I would say every single unit of housing that is built, either for rent or for sale, contributes to affordable housing. The more housing we provide, the more we contribute, the more we contribute to affordable housing. Building all types of housing increases housing supply, which in the end other people move up from lower housing into the higher housing and then other people from even lower housing move into that housing. So, it all relates to affordable housing. And I would argue that this very decision could contribute more to affordable housing than any other decision that the City has made in the past 10 years. Thank you very much for your service.

Aaron Garber, Paul Street, I was not going to speak tonight, but as the small business owner stated we cannot go off what ifs. Well, what if you take a president from another college, he comes in, makes a proposal to bring students on campus. Guess what? He has done it before at his previous college. He has been doing exactly what he is proposing here at JMU. So, it is not as much of an amorphous “will this happen?” “Could this happen?” It is probably going to happen because he has done it before. This man knows what he is doing and how he is going to do it. He already has made proposals, and I would almost say it is probably going to happen with a 98, 99% probability. Now Mr. May gets up here, he speaks to affordable housing. Well, we all remember Reagan and trickledown economics. So, are we talking about trickledown affordable housing? That is a joke. We all know it. We know it from Reaganomics. We know it for this. So, Mr. May, he stands to earn big on this. Mr. Rhea does as well. That is the 900-pound gorilla in the room. You look at this room, the majority of us are against this project, and we are going to be the ones that are going to shoulder the burden if things go the way that the JMU president wants them to go. Not Mr. May or Mr. Rhea, because they are probably not going to be in town anymore. Again, I hope you oppose this. Thank you.

Bucky Berry, city resident, called in. [The call was not clear.] Mr. Berry stated his opposition to the rezoning. He asked how much the rent will be and stated this will not be affordable housing. He said the Water Street Parking deck should be rebuilt.

Chair Baugh recognized Mr. Mansfield back up for a second comment.

Mr. Mansfield said I guess from what the lady said that owns the bakery, that if 15 businesses have actually closed downtown and you have only gained three, are we doing something wrong? Might it be better to build something like a festival park, much like the Ting in Charlottesville that has been very successful in helping the downtown and is also economically self-sufficient. And also, I have a question is if you build more fours, does that mean that you are going to sell more [unintelligible]? That is regarding the affordable housing that these are not convertible. Apparently from what Mr. Rhea said in the past, that four-bedroom student housing is not easily convertible to affordable housing for workforce. And so if you have 4,000, you say it's hypothetical... well, I guess you could take that either way. Is it true or is it not true? And what are the consequences if it is true. Thank you.

At this time the Commission took a 5-minute recess.

Chair Baugh said we have completed the public hearing on item 4.d. and it is now before us for discussion and consideration. Alright, I will go first, I guess. There is a whole lot of really good thought that has gone into all of this stuff from a lot of different directions. I will spare everybody my commenting on every one of them. I have got sort of three points that jump out at me. One, is this last point that has come up. I have said this before, publicly, we know from data that people are not that good at predicting the future. So at some point, I think one of the speakers said the more the statements present certainty about this is what the future not just beckons, but will in fact occur... We are all entitled to our opinions and who knows sometimes those things are right and maybe somebody does make a right call. I think here, particularly, it is not really all that meaningful to look ahead and say, "I know what happened with this building in five, ten, 15 years" even in terms of things like internal configurations, because at least my observation has been, especially when you are at a market where housing is tight, you would be amazed at what people can do once they find that their market interests cause them to want to modify what they have or go in a different direction.

The second thing I want to say is that it surprises me a little bit, and this was discussed at the last public hearing on this... although I am not unfamiliar with there being a large group of people and I am the only one who holds the opinion that I hold. Will not be the first time that ever happened. But I think the point that I emphasized when we last considered this is that our existing planning, it calls, it is anticipated that our core downtown area would ultimately extend southward along the Route 11 corridor essentially until such time it gets met from the JMU development creeping north. At some point, that is what we envision things to be. And why would we do that? One of the reasons is that our core downtown area is in fact already our best economic engine and driver. It is surrounded. There are only so many directions you can go in it. Yes, there is some potential for some redevelopment and sort of the longstanding part of it, although that is fairly limited. There is some potential to go north, although that has already kind of a hit the northern boundary in a lot of respects. And there hopefully will be some future infill up there. And you have got this, where

you are hemmed in. There is no interest in crossing over to redevelopment in the existing residential area. I would say heaven forbid we ever consider doing that. The thing I keep coming back to, I think we would agree that generally it is good to expand our core downtown area. That is to have the kind of more urban downtown development along that Route 11 corridor is not only kind of makes sense, but it is a thing that is done. I mean, we could go other places and look at main drags that have sort of an urban feel and there are residential areas a block over. It is a thing you see in communities that are successful. And I guess what hits me going the other way is well, we are not going to do that. There is a suggestion to do R-3. R-3 is not what you would think of as an urban core downtown zoning category. I will spare the speech over why that is all R-3 because it is just old inertia. So, R-3 is probably not it.

I will touch on the park related areas and my last point. I understand why a lot of people like what is there, it is what has always been there within the memory that this is sort of a little quiet break between what is perceived as the downtown and the JMU part. And there are things to like about that as a person who lives here. But from a planning standpoint, is that something that rises to the level of something we want to preserve to the point we are saying no to urban expansion southward? That is hard for me. That just sort of feels like it does not make sense to me that the plan is wrong because it should be about maintaining some sort of quiet buffer in there. I understand why people would like that. But that just does not seem like a great planning strategy to me.

And then the other thing... as I go back to discussions that we were having about this a little over 20 years ago when we were still talking about downtown revitalization as a hopeful thing. And what we were saying when we were doing our planning? One of the things that kept coming up was that for the places where this works, what has to happen economically for your businesses... if they can pay the bills off of pedestrian traffic that comes by, and then the events that come downtown that pull in larger groups of people periodically, the parades and those things... there is your gravy. But to make it work, you need people walking by your establishment on a regular basis. And this was when this was still somewhat aspirational for us. And what we said was yes, we want to promote things to get people living downtown. And based on what we had at the time, what did we anticipate? Well, like a lot of places, the more common model than what we have had here is the older buildings redevelop. They spruce up. We have some of this, we spruce up the upper levels of things that are still commercial on the ground level and that will take care of it. We have had some of that. We have never had enough of that to really get the bodies downtown to support the downtown businesses. What happened instead, that we did not predict correctly... I try to place this conversation, and it was about 15 years ago I was speaking to JMU President Jon Alger when he was new. I was repeating the conventional wisdom of the time, which is not the conventional wisdom anymore, which is we used to say over and over as part of the discussions that if people cannot see where they are going when they park, they will not go there. And how do you factor everything in there? That was just accepted as truism and there were many examples of it. We used to talk about how at a time you had these things called shopping malls that sometimes

would have a whole lot of people? Somebody will go to the mall during the holidays and park, get the last spot furthest away from the door, but would say I tried to go to a downtown merchant, and I had to park around the corner to walk half as much distance and then say we cannot support those downtown merchants anymore because there is no parking. That was the world 15 years ago. And what changed after that? And now the truism, something that we absolutely did not anticipate, is now if I can walk 15 minutes, it is easily walkable. That is just a no brainer. I do not see it. I do not have to pull a car up to it. I can walk to it in 15 minutes. And what happened with us and our downtown businesses was not predicted. The neighborhood in the northwest quadrant there between High Street and Market Street, they walk downtown and support businesses. 15-20 years ago, we would not have predicted that would happen. I know people who live in the neighborhood on the other side of Memorial Hall who can walk downtown in 15 minutes. It is great. Good way to clear your head on a nice night after you have been downtown. I understand the impulse about the park. I am not against the park although you have two huge challenges here that nobody has talked about. One is this is private property, so you have to work out something with the private property owner. And two, maybe Councilmember Dent wants to speak to it... what is in the budget? Not sure there is any money lying around.

This has been a known thing to the City about the property and the lack of interest of the City acquiring this property has been around for a while. I do not think it is brand new, and I am not quite convinced that anything here is going to change it. But aside from that, it seems to me, and I think this is what a couple of speakers are really saying is that, we are at a point right now where the economics of the City and the downtown it is not really about creating more space to attract people to come downtown. People want to come downtown already. We have been fairly successful about that. We need more bodies who live closer to it. And the thing that has been weird about us, where we deviated from that typical model of just redevelopment of upper stories is of course, part of our history is that Urban Exchange came online at what had to be about the historically worst time it could have ever come online since the seventies. So they had to change their business model. They really were not going to rent to students. Well, guess what? There was not any way to get anybody in those in 2009 unless you were willing to rent to students. And oh, by the way, they filled up and they raised rates and got people downtown. Since it was part of a recession, it also sucked the air out of people who were looking to develop other projects downtown. So, we have had this history of these sort of bigger buildings coming in... I remain unconvinced that it is a bad idea for our core downtown to keep extending in this direction. And my sense from what I am hearing, what I hear from the business community is that they like the idea of more bodies downtown living closer to the businesses than they do trying to find another way to attract people downtown.

Commissioner Kettler said it is a good framework for discussion. I appreciate some of that context. Some of the context that I'm thinking about is at least as far back as 2011, the future Land Use [Guide] map for this area was designated the same as the rest of downtown. That is to say exactly along the lines that Chair Baugh has suggested, it should be part of downtown. And that is

reiterated again in 2018 with the Comprehensive Plan then. The Downtown 2040 Plan specifically identifies this area as one key area to be redeveloped for housing. Arguably this is ultimately a debate over the vision of what downtown should be, and ultimately it is kind of along the same lines as it was in that discussion 15 years ago. Because a lot of it is, are we building for people? Or are we building for cars? That is an important distinction because if we are building for people, if we are building for foot traffic, that activates downtown in a way that absolutely nothing else will. We have had lots of business closures recently, apparently 15 in the last two years. The few that I know about and went to plenty were Mashita, Golden Pony, Friendly Fermenter, and Joshua Wilton House. And when I think about that and I think about those plans, I think they reflect a common vision. Downtown is better when it has more people, when it has a stronger economic engine, when there is more people driving it. And density is something we talk about here sometimes as a virtue. And nowhere is that more true than downtown. Downtown is the living, breathing heart of our City, and it is what needs that engine more than anything. It is not a new idea. The fact that you need people for a city to exist. I mean, that has been true since time immemorial. But what I think some of the anxiety from folks opposed to it have noted is concerns about parking and concerns about traffic. If your view of new development is that it means more cars, more cars means a flying hunk of metal that is repeatedly going by your house and making things less safe. That is the vision of it. But there is one way and one way only to reduce traffic-viable alternatives to driving. When you have housing that is close to other places, housing that is close to JMU, housing that's close to downtown, where you can walk to other businesses, that is the only way you get rid of traffic by providing meaningful alternatives. Fifteen minutes is good, five minutes is better. We need a lot of that kind of housing. We needed a lot of that kind of housing. That is reflected in our housing study and several other documents. And you know, the attitude that we have with that, it, it cannot just be, I support housing but not here. I support housing, but not now. I support housing, but not for students. I support housing, but not in my backyard. It has to be, I support housing. That's the only way we get out of a housing crunch by actually allowing that housing to exist in a way that creates a community that you don't just drive past, but one that you are a part of, by one that you can walk down the street that the easiest thing to do is to walk down the street and see your neighbors and to walk to the local store and to make that a reality for more people.

Commissioner Seitz said the reconsideration of this has been an exercise of being careful what you wish for. I think that there were statements made when we considered this before that people were saying, in principle we understand the need for housing and, and some people, not everybody said this is a good place for it, but I wish it was not six stories. Credit to the developer for coming back. I supported it, I voted for it in its last iteration. And, and I did so not because it was a perfect project, but I thought that there was enough general benefits to the City, some of which had been discussed up here. Some of that was a worthwhile trade off to accept the engine of housing to be marketed to students relative to the other benefits; the extra parking spaces dedicated to the City, the greater dollar proffers. But in reducing scale, the developers have taken a lot of that away. I agree with the assessment that this is a housing development targeting undergraduate student

residents. There have been comments made by people about the benefits of that relative to the benefits of other people occupying that building. Also, I voted against the Peach Grove and Port Road development and made the statement in that meeting, "I do not think Harrisonburg needs more student housing." That is kind of a blanket statement. I have nothing against students being accommodated in off-campus housing. But the situation we have found ourselves in is that whether it is development, whether it is up zoning of places like this property, right now, the only free market economic engine that will build new housing is housing oriented towards students. So, as I have thought about all the pros and cons of this, I come back to this core issue. And my audience for what I am about to say is not the developers, it is not the residents of Harrisonburg, it is my fellow appointed officials that I serve with that are serving other parts of the City. It is to our elected officials. *t is to our city staff. The will to create the conditions to develop the type of housing other than student housing requires more than just leaving it to the free market. I am going to oppose this project more symbolically because I am asking all of us that are involved in leadership and I am asking citizens, everybody who is glad to say no, to come out when we do the Comprehensive Plan, to come out to do other things and get involved in solving the problem. Because we are not going to get to what we all up here are advocating for simply by saying no to projects. We are going to have to get involved. And, you know, it is incredibly complex. I think, first and foremost, we have to start with good planning that includes inclusive public input, skilled leadership towards consensus building, and a community-wide willingness to understand we do not get anywhere unless we compromise. I think we have to understand - this is not why this graphic was generated (holding up a graphic provided by Mr. Larsson) - but I had the thought in going through this material that Harrisonburg is a small enough place that everywhere in Harrisonburg is my backyard. So, to say I know we need housing, but put it over here on somebody's land that neither we nor the City control is not constructive in terms of getting this to where we do. You do it by engaging in the messy, dirty, drawn out, inefficient process of legislative endeavor, beginning with comprehensive plans, zoning ordinances, petitioning City Council, electing City Council officials that are willing to get out in front of these issues. It is going to require that we wrestle with that we are not simply reactive in terms of utilities, transportation, general infrastructure, and so on. We were proactive in terms of building a second school. But if I considered transportation a critical issue for vetoing things, I am not sure there is anything in Harrisonburg that I could vote for. I voted against the project out on Betts Road because I understand the severity of that situation. I also voted for the project on South Main Street where people have a legitimate concern about the traffic situation there. But again, where does the will come to make the public investment in improving traffic infrastructure? In utility infrastructure? In considering do we have enough water? Mr. Alexander, you referenced city governance that had the foresight to look ahead and plan. Where is that foresight now? Where is that political will now? Because we need the growth. And I also want to say I still think high density housing and mixed use is the highest and best use, hopefully designed in a way that it makes a gateway that makes us proud as Harrisonburg residents. And also in a way that honors the decade-long efforts of people to actually build a park and who have done the heavy lifting and the legwork of building consensus,

of raising money, of coming to a legal agreement with the City. I think this proposal of an alternative use, again, falls back to this thing of, here is a great idea that proposition somebody else's land and the government should pay for it without doing the heavy lifting of true economic pro forma. Candidly just honoring the efforts of people that have been involved in this, in efforts going back to 2007. I wish that this was a different type of housing. I think the changes that have been made architecturally have made it better. But I at some point, as a citizen, as somebody that is part of hopefully being somebody with some foresight on behalf of the City, at some point we have to start drawing a line in the sand and saying, we have got to do the hard work because if we do not, it is just going to be the same thing over and over again. Thank you.

Vice-Chair Porter said I absolutely 100% agree with everything that this gentleman [Commissioner Seitz] just said. I think that this is a bigger issue that is structural in nature. One thing about having something like this come before us three times is I have had a lot of time to think about this. Sometimes projects come before us, I give it some thought the week of. Sometimes I may lie there at night after we have had a discussion about it, and I think about whether I did the right thing or whether I voted the right way. Did I give it the right thought? This, I have had some time to really contemplate, and I have heard commentary from friends and neighbors and folks that have come here on three separate occasions. I have heard a lot of very salient points on both sides of the issue. I think, for me, this comes down to a clear understanding of how difficult it is to build in a community. Also, how broken our system truly is. With all due respect to our developers in this particular case, you know, the market is in a position right now that what is being brought to our community is exactly this type of building. We are looking at being able to effectively service a student population where we know that there is a revenue stream that is predictable and we are adjusting and building to meet that revenue stream. I guess on some levels, I cannot blame a developer for coming in here and choosing to do that, but the reality is that the market and market forces are not bringing us the type of houses that we need in this community. That is not to say that student housing is not important or that there that if you are opposed to student housing in this location or to this degree or in this configuration, you are opposed to students. I do not view that that way. I think that my long-standing opposition to four-bedroom configurations has a lot to do with the community that it creates. And then what happens when that housing is no longer desirable for students? We have watched students migrate around our community and those units do not fall back into our housing stock as well as they could have. I have seen some pretty deplorable circumstances during my time in homeless services where individuals are shoehorned into these four-bedroom units that really need permanent supportive housing because it is affordable or at least more affordable. The fact is, is that we have a misfit between the housing stock in our community and our needs. And the market is bringing us things that are economically viable. Only if you put 75% of it in four-bedroom student units, nobody is bringing us housing that says this is your workforce housing solution. I struggle with this because I do believe that Mr. May's point about more units drives affordability. I would agree with that up to a point. I think that there is some efficacy to that. But the types of units that we are bringing in and how easily those can convert to affordable housing is where I have the difference of opinion. I do not believe that these

units fall into our housing stock in a very effective way. And for someone to have to come in and put additional cost into renovating these units or retrofitting these units, ultimately that cost is going to be passed on to the consumer like almost everything is. We do not end up with affordable housing. I believe very much, as Mr. Seitz does, that we have to look at really thoughtful, informed reform of how we do housing. And it goes much beyond this development.

I am disappointed that this facility will not allow for someone to come in and use a voucher because it will most likely be over the FMRs [fair market rates]. I am, again, be careful what you wish for. I think that I was a bigger fan of this project when there were more units in it. The fact is that we had to do that, or this was done to accommodate the community's desire to have a lower profile. But from just a sheer housing perspective, this might have been a better project before all the changes. I am still concerned about the fact that the percentage of units in this building that are four-bedroom units is going to actually create increases. I think it makes this building less viable for the long term. And to the point that was made about whether we can predict the future, we certainly cannot. I am not sure where this university and its housing is going to go. But what I can tell you is that I know that our present state does not allow for people who work in this community, that work at JMU, that work in downtown, that they are able to afford to live in this community based on the direction that we are headed. And every project that comes forward is focused on trying to be able to maximize a revenue stream. And maybe this is a bigger commentary on how we do housing in America, but the fact is that affordability is very rarely the primary concern. Will we look at housing? It is about "can we build it?" and "can we build it profitably?" And it is always more, more, more. Unfortunately, these are the type of products that we are going to continue to get. I do think that we, as a community, need to do a better job of curating and planning around this type of housing. I struggle with this layout. I will continue to have problems with the way the four-bedroom units are laid out, and I have seen the impacts that they have had, and I cannot support it. I will tell you that a lot of the issues here that this developer faced, they have accommodated. They have made significant concessions. I have been extremely impressed with the fact that they have been able to continue to engage. And I do believe that the statement that it does not matter what is going to get built here if it is this size and tenor, some folks are never going to support it, whether it was six stories or four stories or three stories. I do believe that. But there are also legitimate concerns that the community has about traffic. What the burden on the developer to address that is, that line is in my opinion, partially on the City. I have concerns for the folks on Paul Street in terms of traffic flowing back up that street. I think it is a legitimate concern. If this expansion goes through Paul Street, I would like to see it be one way, flow out of the neighborhood, come across the building, do not flow back into Paul Street. I do think students are going to use this as an avenue to get to the other side of campus. If I lived in that neighborhood, I think it is a reasonable concern. But at the end of the day, the [unintelligible] arrow did not change for me on this. I changed my vote for this. I voted for this, and then I voted against it. The things that made me vote against it are still very much in place. So, I have a hard time changing my vote or even endorsing the project as currently configured.

With that being said, these developers have done a fine job of trying to meet what this community is asking it to do, not in the area that I would have voted for, which is affordability. And again, we have affordability arguments that are based on bigger macro discussions as opposed to what this building actually does to contribute to affordability. Affordability ultimately is somebody else's problem. I am telling you that I am of the opinion that we as a community are going to have to start to address this affordability issue and take some responsibility for it in terms of the type of housing that we are attracting and incentivizing to come to our community. But we are going to have something less than a community that we currently have.

Commissioner Jezior said I wanted to thank the members of the public that did reach out to talk. Sorry I did not get to accommodate everyone that did. And the developers as well, I am very impressed with the changes that were made to the look of the building. I mirror a lot of my Commissioner's viewpoints here. I voted for this project in the past, specifically because of the mix of family units, young professional units and student housing that was meant to be accommodated here. My main issue with the way this is being presented now is with the change in proffers. We are switching to three quarters of the building being four-bedroom and really just accommodating students. And like the other members here said, be careful what you wish for. Because of those changes, I do not think I will be able to support this anymore. I think everyone else has said what I have been thinking too, so I do not need to reiterate.

Councilmember Dent said I liked it the first round. I liked it more the second round, and I liked it even better the third. We need housing, and we need to continue revitalizing our downtown and the prejudice against student housing is unfortunate for a university town. The idea of having students walkable to campus and to downtown where many of them will work, as well as, supporting the downtown businesses. I have said all along, Harrisonburg is a city. We need to grow inward and, to some degree, upward or we keep losing all the people and the revenues to the County, which is exactly what has been going on for years. I will still support it enthusiastically. I am a little disappointed to lose some of the units, but I understand the accommodations to the community pressure for a smaller scale and even I can admit that it fits more comfortably within the community and having a smaller parking deck so that looking out of City [Hall] you don't see quite as huge a thing. I still like it. I understand the dilemmas about student housing. I think that is more what will more appropriately addressed in the ongoing zoning ordinance updates. So that is where we can get involved. That, and the comprehensive plan when that comes around. So yes, I support it.

Commissioner Kettler said Commissioner Seitz, you were saying a lot of the things that I was thinking, but did not say in my initial remarks. So, I just want to touch on that briefly. This is, in my opinion, measurably worse project in almost every way compared to four months ago. Given the issues that three the Commissioners noted, it is a substantial reduction in all of the non-four-bedroom units and that makes it a project that is considerably less of what we need. I have spoken less about the difficulties with student housing with this, primarily because of its proximity to JMU in a way that is not true for almost any other development. Part of the reason I am not taking the

developer to task about it is because it seems clear that that is the only path forward. That will not engender enough resistance to stop the project. Coming in tonight, I did not know whether I was going to vote yay or nay. Ultimately, I am going to vote yay for the reasons I discussed earlier, but I completely understand where you all are coming from. Fundamentally, the idea that we are discouraging more and more housing and this is back and forth the third time. It is discouraging. We have dodged a serious opportunity here. Another way that is less obvious, but the parking spaces that were previously proffered for municipal use could have been a useful part of solving the jigsaw puzzle of south downtown parking because we have the area north of the Turner Pavilion, which in the long term may still be viable as part of the downtown park. And part of the reason that did not work is there was not enough parking for city employees. Looking at the Water Street parking deck, that is, eventually, going to have to be redeveloped. In the meantime, we will need additional south downtown parking. That could have been a useful part of solving that problem. Now it is gone. I stand by my vote where I said previously, but I just wanted to recognize that I understand those concerns.

Commissioner Seitz said I would like to address Councilwoman Dent's comment about prejudice against student housing. I am not prejudiced against student housing. My family and my business have benefited tremendously from the presence of JMU, and I am proud that JMU is part of our town. I think the difference is that approving student housing and using the rationales that we do distracts us from the harder work of really getting the housing that we need. Maybe it is splitting hairs, but I feel like I want it in the record that it is not a prejudice against student housing. It is that I think it is a distraction from doing the hard work that we need to do to get the type of housing we really need.

Vice-Chair Porter said I think that this has also uncovered some inadequacies in terms of how our city has managed its business here in the last 15, 20 years. The fact that we still do not have a housing trust fund in this community, despite the significant need for it, is a problem. And again, I will continue to push our elected officials and anyone that will listen on the importance of having that. The proffers that are being presented this evening, I am not entirely sure I fully understand the consultant's view on what is proportionate and what have you, but I do feel like that larger proffers for offsetting affordability, if they did want to make these units affordable, could have been something that could have been negotiated and that funding could have come into a fund that could have received a proffer as opposed to whatever convoluted process of a line item that this is going to end up being, if this moves forward in this manner. It is a problem, it is an injustice. We as a community are in a crisis as it relates to housing. And the fact that we do not have a housing trust fund and cannot receive proffers that would allow us to be able to build the type of housing that we truly need in the community, also even maybe foster some home ownership in our community, which is also a huge problem in terms of the mix of housing that we have in our community right now is a structural issue. We have traffic problems, we have significant infrastructure issues, we have difficulty being able to build in this community because it is hard to

build in this community. And I understand the frustration of the developer getting into this process. I question if I was in their position, how comfortable I would be having to go through all of these meetings and all this process. It is difficult to build, but at the same time we have got to create a city that is going to not only accommodate this discussion, but also drive this discussion with some sort of vision. What should this community look like in 10 years? I think we are blind right now. I think we are literally reacting. The market is just bringing us whatever will be economically viable without putting us in a position of being able to say what best serves our community. So, I think this is part of the larger discussion that Commissioner Seitz has brought up. We as a community have to make some very serious decisions about what Harrisonburg looks like in the next 10 to 15 years. And affordability is going to have to be a key issue. And again, this is not just a Harrisonburg problem, this is a national issue. This is an issue that we as a nation have to think about who deserves housing, what should it cost, how much of their income should have to go to be able to put a roof over their heads. And the fact is that our systems are set up in such a way to make building more expensive and more difficult. It also puts us in a situation where the only things that can be built economically or these sorts of things that require pro forma, that have 77% of the bedrooms to be four-bedroom units because that is where we can get the maximum return. I think that, unfortunately, that is the reality that we are facing and will continue to face until we start doing some proactive thinking about what the City should look like.

Chair Baugh said I have a couple of thoughts. One, Councilmember Dent, I disagree with you on, on the point that yeah, I like the second iteration better than I like the third iteration. That is the only thing I think I disagree with you on about this. There is a part of me that ... this just seems odd that for all of the comments and input that was out there, and I know we received all of it, that was talking about how the essential issue with this was the scope and the scale and how big it is. And again, I was certainly in the group that supported it in that version. Essentially that is all this is, it is scaled back from what we saw before. And, somehow, the applicant is now in a worse position for having scaled it back. I am really having trouble getting my brain around that. I note that when we voted against the Peach Grove proposal, one of the things I pointed out was that, as almost all communities in this country are wrestling with these same questions right now, that one of the things that many, if not most, localities have found on their list of things that they needed to correct, was something that we had not particularly had. When they looked at the list of all of the proposed projects that they voted down for one reason or another - it was not in the right place, these people did not like it, it is not forward looking enough. Those communities have come to realize that they would not be in some of the spots that they are in now if they had said yes to some of these things. We had not been that jurisdiction. So now we voted down Peach Grove. We voted down Betts Road; I was not here for that, and I would have had to recuse myself if I was. And now we have got apparently waning support for this. Meanwhile, the unchallenged figures going out, we still have a, what, 2% occupancy rate? As somebody who over the years has at times made these arguments about, if we really want to see what we have in the future, maybe you have to say no to some things to do this. I have found remarkable unwillingness of people to go along with

that at a time when we seem to have a decent housing stock. But now, that we clearly do not have decent housing stock, we are “now is the time that we raise the bar and need to make the point about, you have to be willing to say no to this stuff.” Which is, you know, sort of generally true. I have also said my continued support for this plays into two other things that are just me and maybe I may be all by myself or part of a small minority. One of the things I have consistently opposed, and expect I will continue to oppose, is while I can agree that perhaps leadership in the City could have done more to have gotten us further along the line with this, it always bothers me, will continue to bother me, to think about voting against a proposal, largely driven by arguments about it not addressing affordable housing sufficiently, when we have not set any guidelines for that. And so the development community then bears the brunt of that. What do you have to do to get these things? Well, gee, we do not know what, you just know that there are people who are going to talk about affordable housing. If they are not satisfied, how do you satisfy them? Oh, we nobody has come up with that. It is certainly appropriate for this body to be involved in that discussion and consider making recommendations, but we are not the ones that ultimately decide those things. That circles back a little bit to my point of how in the world did this thing get smaller and smaller in response to input, and now it is a worse idea? That feels a little odd. And again, this is just me personally. I probably have, but I cannot think of one. Of all the votes I have taken on things, I just have a hard time with arguments, I am not talking about anybody else just talking about me, that at some point in my mind where I feel like I am being asked to let the perfect be the enemy of the good, I cannot think of a time when I ever voted that way. I probably have. I would not say I am an absolutist on that. I absolutely believe there are times to take a stand. But I say, this checks more good boxes than bad boxes, but I am going to vote no on it to make a larger point. The world is awfully speculative when you get there. We do not know what is going to happen tomorrow. It is just a few years from now. And as I said this checks off more good boxes than bad boxes. In my mind, the best arguments to vote against it are these arguments that are about “somehow we need to hold up for something better or need to be working for something better or we need to get our act together.” Meanwhile we have a 2% [vacancy] rate and we are now potentially on the third project here where, nope, wrong place, wrong time, did not check enough. I know we need more housing, but not this one in this place. This is a place that, there are a lot of places that things about this where we are in uncharted waters. One of the places that I am seeing that we are uncharted waters is the extent that we are now suddenly voting against stuff at a time when, first and foremost we, we know we need more housing.

Commissioner Jezior said my change in vote on this now is because of that percentage difference here. It is not anti-student. *t is that if you have 77% units filled with students versus a closer to 50-50 split, that building is going to have a much different feel. It is going to be much more of a dorm than a community focused building bringing students and bringing young professionals and families that need the two- and three-bedroom units in. That is going to change the way that the students respond and live in that building when they see kids and other people that are not students in the building.

Chair Baugh said I do not disagree with that. All I said is that is a good succinct way of saying why I like the second version a lot better than the third version. I just end up on another part of the scale from you, which is fine. I am trying to say well, good thing this developer listened to all the community input and all the small “d” democratic stuff that was going on, telling them you have to make this smaller. Well, if you make it smaller that is what you have. Anybody want to make a motion, or do we want to keep talking?

Commissioner Kettler said I agree with your logic.

Vice-Chair Porter said the irony is not lost on me, in terms of the direction that this went. I think a lot of the folks that are in opposition had one point specifically about the size of this. Despite being the only Commissioner that voted against the last time it came before us, that was not my primary driver. Maybe my vote is a protest vote that is probably rooted in something that is much bigger than just this project. And the fact that we are making a recommendation as opposed to deciding the actual outcome of this project gives me some latitude to do so. I just think that this is simply a symptom of a much larger issue that I think is solvable, but it is something that we have to start really working on. I think you could be pro student and not support this configuration at the same time. And I think that the reality is that the density was never a concern for me. It was more about why do these units have to be \$2,000 for a one-bedroom? Why do we have to have the majority of the units be four-bedroom units that will maximize the return? The premise of what I am trying to say here is probably rooted in something that a lot of folks will not appreciate, which is that sometimes for the good of the community, I would like to see somebody take less. Or do something and say I am going to go ahead and offer up 5% of our units. You can accept a Section 8 voucher. That sort of thinking is not probably good business. But I do believe that that eventually doing good is good business. And I think that we will eventually find, hopefully somebody in this marketplace that will come forward and help us try to solve our housing problems. And we as a community need to incentivize that in terms of our development. We as a community need to do a better job of attracting the type of housing that we want. Work more closely and inclusively with developers that come to this community to build that type of housing and make it as affordable and as easy for them to be able to do so as possible. I still think that there are huge barriers that affect affordability, that are systemic issues that are not necessarily germane to this specific case. But it does speak to the larger issue and why I am concerned about the fact that there is no affordability here.

Commissioner Kettler made a motion to recommend approval of the rezoning.

Councilmember Dent seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Jezior	No
Commissioner Kettler	Aye
Vice-Chair Porter	No
Commissioner Seitz	No
Councilmember Dent	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning failed with a split vote (3-3). The request will move forward to City Council on August 25, 2026.