

Minutes

**PLANNING COMMISSION REGULAR MEETING  
September 14, 2021 – 5:30 P.M.  
Virtual Meeting**

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

***Beginning:*** 5:00 PM

***Location:*** Virtual/Electronic

**Members Present:** Chairman Mitchell, Commissioner Russell, Commissioner Habbab, Commissioner Stolzenberg, Commissioner Solla-Yates, Commissioner Lahendro

**Members Absent:** Commissioner Dowell

**Staff Present:** Patrick Cory, Missy Creasy, Alex Ikefuna, Joe Rice, James Freas, Lisa Robertson, Jack Dawson, Brenda Kelley, Matt Alfele

Chair Mitchell called the meeting to order at 5:00pm and he asked commissioners if there were any concerns with the minutes. Commissioner Solla Yates provided an update and Ms. Creasy noted 3 updates that were submitted prior to the meeting by Mr. Emory and Commissioner Russell.

Chair Mitchell then asked if there were questions concerning the PUD application. Commissioner Russell asked for clarification on the unit count threshold to require a 2<sup>nd</sup> ingress/egress for a development and Mr. Alfele explained. Commissioners Stolzenberg and Habbab did not have questions at this time. Chair Mitchell asked if the financial agreement for the work on Stribling Avenue was essentially a loan. Chris Engel noted that it could be called that. Chair Mitchell asked if there are legal reasons for the loan. Ms. Robertson noted yes and also noted reasoning for why this could not be considered under the proffer requirements. The infrastructure need for Stribling is documented and this development would have some impact but not all. Chair Mitchell asked for clarification on the order of decisions and Ms. Robertson noted that Council would need to approve the agreement prior to approving a rezoning request. Commissioner Habbab asked about consideration for the sidewalk to be a condition. Ms. Creasy provided the process for the hearing for this evening. He followed up by asking for additional background on the proposals for this site in the past and Commissioner Stolzenberg provided some information on the past proposals.

Commissioner Stolzenberg asked about the traffic impact of this development and Ms. Robertson reiterated the long term documentation of need for the sidewalk.

**II. COMMISSION REGULAR MEETING – Meeting called to order by Ms. Creasy and Chairman Mitchell at 5:30 PM. Ms. Creasy started the meeting with the election of new officers for the Planning Commission.**

***Beginning:*** 5:30 PM

***Location:*** Virtual/Electronic

**A. COMMISSIONER'S REPORT**

**Commissioner Russell – No Report**

**Commissioner Stolzenberg** – I attended the Thomas Jefferson District Planning Commission meeting. We reviewed the draft Home partnership report to HUD of how each locality has been spending the funds. We have been spending it on AHIP and Habitat for Humanity down payment assistance. We reviewed the draft solid waste plan, which is the plan for how the region will manage its solid waste (recycling and trash). There have been some challenges in the recycling industry lately. A lot less recycling has been taken lately. There is more emphasis on the reduce and reuse side of that. We do have an MPO Tech Committee meeting next Tuesday.

**Commissioner Mitchell** – This has been a Parks and Recreation month for me. I have had five different engagements/meetings with Parks and Recreation. Jody and I spent the weekend with a couple people from Parks and Recreation. I want to talk about the Capital Improvement Budget for Parks and Recreation. The direction we have been given in Parks and Recreation is not to ask for anything new in the Capital Improvement Budget unless it is an emergency or it is an absolute need. We have at least four things that fall into that category. The first thing is the drainage in McIntire Park. The drainage in McIntire Park is creating a violation in the Department of Environmental Quality standards. It also is causing water to run off into the waterways. That is going to be a top priority. That's going to be about \$350,000 that we're going to be asking Council to approve. We are in violation if we don't fix that. The next big thing is Honesty Pool. That's the pool at Meade Park. It has been out of use for a couple of years. We think it is going to take about \$400,000 to bring that pool back online. I am asking my colleagues on the Planning Commission to make that a priority. The next thing is Oakwood Cemetery. There is a lot of water erosion there and standing water that we need to address. That's going to be about \$52,000. The last thing is a comprehensive Parks and Recreation master plan. We haven't had anything like that in a number of years. Our future is going to be perilous for Parks and Recreation unless we do that. That's going to be about \$150,000. The last thing is an interesting project that we have a lot of VDOT funding for that is sitting there. It has already been spent. They're just waiting for us to put our money in. The Washington Park pool is no longer open for the season. Crow pool is open. Smith will hopefully be open by the late fall. The City Market has been very active. The athletic programs have been busier than they were in 2019. It has been busier this year than Pre-Covid. We're low on staffing. We're missing a lot of key people. We're short on key leadership positions. Unfortunately, we recently announced that Mr. Todd Brown is going to be leaving Parks and Recreation. He is going to Fredericksburg.

The leader of the Parks and Rec Board asked a couple key councilors, key councilor candidates, a representative from VDOT, and Jody and I to join them to walk through what will be the Meadow Creek Trail. That trail begins in Greenbrier and runs to behind Whole Foods and back into Greenbrier. Much of the work has been done. Much of the work has been funded by VDOT. They have \$750,000 that they're going to add to what they're doing. The only thing we have to add to that is another \$650,000. It's something that is very dear to the hearts and minds of the Parks and Rec team. The question is where we're going to get the money to do it. We can maybe get it squeezed into the Capital Improvement Budget this cycle. I suspect that Mr. Sanders is going to ask us to give something up in order to get it into the cycle.

**Commissioner Lahendro** – I attended the BAR meeting on August 17<sup>th</sup>. At that meeting, we had one new important item, a new apartment building behind Preston Place that was deferred for more design consideration. We had two items receive Certificates of Appropriateness. The Tree Commission is meeting right now. As for the walk in the woods, I am going to ask Mr. Mitchell if he wouldn't mind sharing that experience.

**Commissioner Habbab** – I am going to be attending the Citizens Transportation Advisory Committee meeting tomorrow.

**Commissioner Dowell** – I do have an update with the CDBG Task Force. On August 16<sup>th</sup>, HUD approved the environmental review. The traffic safety signs have been ordered. I will be attending the school CIP committee meeting, which will be Tuesday, October 26<sup>th</sup>.

## **B. UNIVERSITY REPORT**

**Commissioner Palmer** – There is a lot happening at UVA. We continue with our Grounds Plan Update and the Affordable Housing Initiative. The consultant teams have been hard at work reaching out to the community, Albemarle planning establishment, and City Government with the Grounds Plan. The Health System is doing a strategic plan. They have a website for the community to leave comments on any aspects of the Health System. They have two areas that the community will be more interested in. One is Community and Public Equity. The other is Patient Experience. Those are two areas where people might want to comment. The Ivy Corridor utility work is beginning. The three buildings being designed continue to be at various levels of design. That's the Data Science, the Hotel and Conference Center, and the Institute for Democracy. Alderman Library is starting to come out of the ground. They have removed the new stacks and are adding an addition for the 21<sup>st</sup> Century onto that building. There's a Board of Visitors meeting next week on September 23<sup>rd</sup> and September 24<sup>th</sup>. On the 24<sup>th</sup>, there's a Friday night football game at Scott Stadium.

## **C. CHAIR'S REPORT**

1. Annual Meeting – Election

**Commissioner Lahendro – Nominated Commissioner Solla-Yates as Chair and Commissioner Russell as Vice-Chair.**

**Motion – Commissioner Lahendro (Second by Commissioner Mitchell) to approve the new Chair and Vice-Chair – Motion passes 7-0.**

**Chairman Solla-Yates** – The Charlottesville Plans Together Steering Committee met on September 1<sup>st</sup>. The feedback from the team was very similar. The Housing Advisory Policy Subcommittee met on September 10<sup>th</sup> to discuss how to move forward with housing since we don't have a Housing Coordinator on staff.

## **D. DEPARTMENT OF NDS**

**Ms. Creasy** – On September 21<sup>st</sup>, next Tuesday, we have a work session starting at 5:00 PM. It will be our continued review of the Comprehensive Plan. We will talk further about some of the items that we had at the last meeting. We're currently scheduled at our regular meeting on October 12<sup>th</sup> for the Comprehensive Plan public hearing. We have a placeholder on the calendar for October 21<sup>st</sup> as we're trying to manage the agendas the best that we can in October.

**James Freas, New NDS Director** – I am very excited to be here. Today is my second day. I am still 'finding my feet' and learning my way around the building. I would really like to find some time to meet

with all of you in person. There's a lot of great work happening right now. I am hoping for an opportunity to get to talk with each of you about what we have going on. I am excited to get involved in it.

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

**Benjamin Heller** – I wanted to chime in on an environmental question related to the Comprehensive Plan. I have a concern about whether there's not more analysis potentially required to know whether the impacts are going to be as positive as we want them to be or potentially fall short. If we were building a city from scratch, with the goal of minimizing greenhouse gas emissions, we would build dense. The impact is going to depend on decisions that economic agents make. I fear there hasn't been any modeling of that. I wonder what analysis has been done. When I look at the census tables, I don't see a lot of commuters from outlying areas. I would like to know if they are there for economic reasons. Are the policies are going to push in the right way? When it comes time to impose these rules, are we going to hear that the city is mighty enough to redo the whole built-in environment but have a Council powerless against the built-in rule? I want to flag that.

#### **F. CONSENT AGENDA**

1. Minutes – March 30, 2021 – Work Session

**Motion to approve Consent Agenda – Commissioner Russell (Second by Commissioner Dowell) – Motion passes 7-0.**

**Meeting recessed until 6:00 PM and/or a quorum of City Council was available. Once there was a quorum, Council was called to order by Vice-Mayor Magill**

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

### **III. JOINT MEETING OF COMMISSION AND COUNCIL**

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

*Format:* (i) Staff Report, (ii) Applicant, (iii) Hearing, (iv) Discussion and Motion

1. **ZM20-00002 – 240 Stribling PUD** – Southern Development on behalf of the landowner, Belmont Station, LLC, has submitted an application seeking a rezoning of approximately twelve (12) acres of land, identified within City tax records as Tax Map and Parcel 18A025000 (“Subject Property”). The Subject Property has frontage on Stribling Avenue. The application proposes to change the zoning district classifications of the Subject Property from R-1S (Residential Small Lot) / R-2 (Residential Two-Family) to PUD (Planned Unit Development) subject to certain proffered development conditions (“Proffers”) and development plan. The Proffers include: (1) a. For the purposes of this Proffer, the term “Affordable Dwelling Unit” (ADU) means a dwelling unit reserved for occupancy by a household that pays no more than thirty percent (30%) of its gross income for housing costs, including utilities, provided that the annual gross income of the household/occupant is sixty percent (60%) or less than of the Area Median Income (AMI) for the City of Charlottesville, as said AMI is established annually by the federal Department of Housing and Urban Development (HUD). Fifteen percent (15%) of all dwelling units constructed shall be ADUs. Thirty percent (30%) or more of the required ADUs shall be reserved for

rental to low- and moderate-income households for a period of a least ten (10) years. Thirty percent (30%) or more of the required ADUs shall be reserved for ownership by low- and moderate-income households for a period of at least thirty (30) years. During construction the For-Sale ADUs shall be constructed incrementally, such that at least five (5) Affordable Dwelling Units shall be either completed or under construction pursuant to a City-issued building permit, prior to the issuance of every 30th Building Permit for non-affordable dwelling unit. The rezoning would allow a PUD referred to as “240 Stribling PUD” containing no more than one-hundred and seventy (170) residential units divided between single-family attached, townhomes, and multifamily buildings at a density of fifteen (15) dwelling units per acre (DUA), with open space in the amount of 4.76 acres, and the following unique characteristics/ amenities per the development plan: approximately two (2) single-family attached style units, approximately sixty-nine (69) townhome style units, three (3) multifamily buildings, central green space, nature trail, four (4) new City standard public roads, pedestrian and vehicular access to Morgan Court, and six (6) new private roads built to City private road standards. The proposed development is intended to be completed in approximately twenty (20) phases. In order for the Landowners to implement the PUD Plan, they will need to disturb areas within Critical Slopes; this application also presents a request for a Critical Slopes Waiver per City Code Sec. 34-516(c). The Comprehensive Land Use Map for this area calls for Low Density Residential (15 DUA or less). Information pertaining to this application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-developmentservices> (available online five to six days prior to the Public Hearing) or obtained from the Department of Neighborhood Development Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this Rezoning may contact NDS Planner Matt Alfele by e-mail ([alfelem@charlottesville.org](mailto:alfelem@charlottesville.org)) or by telephone (434-970-3636).

#### **i. Staff Report**

**Matt Alfele, City Planner** – Southern Development on behalf of the landowner, Belmont Station, LLC, has submitted an application pursuant to City Code 34-490 seeking a zoning map amendment to change the zoning district classifications of the above parcels of land. The application proposes to change the zoning classification of the Subject Property from “R-1S” (Residential Small Lots) & “R-2” (Residential Two-Family) to “PUD” (Planned Unit Development) subject to proffered development conditions. The proposed PUD development plan calls for a density not to exceed 15 dwelling units per acre, roughly 20 rows of townhomes, 3 multifamily buildings designated as condominiums, 2 single-family attached dwelling units, a use matrix that allows residential and related uses such as single-family attached townhouses, single-family detached, two family dwellings, and multi-family Day Home and Residential Treatment Facility up to 8 residents, non-residential uses, such as house of worship, ballfields, and swimming pools. The use matrix prohibits such uses as nursing homes, animal shelters, libraries, and gas stations. The use matrix allows parking garages, surface parking lots (under and above 20 spaces), and temporary parking facilities as ancillary uses. Fifteen percent of the dwelling units constructed on site shall be affordable dwelling units. There will be two central greens/open spaces and preservation of existing wooded areas between the development and Moore’s Creek. The total open space will be 4.76 acres or roughly 41.9% of the total site. There will be a shared use public path connecting the development to Moore’s Creek built to city standards, four new city standard roads, a public road connection to Morgan Court, six private roads built up to city standards for rear loading of townhouses, on street parking, and structured parking for the three multifamily buildings to be provided within each building. Dwelling units within the development will have porches and balconies, zero minimum setback for structures within the development, five foot setbacks for structures adjacent to the property outside of

the development, and maximum building height of 55 feet, except for lots 1 through 7. These lots will have a maximum height of three stories, subtle variation and massing, wall openings, and color will be used on the dwelling units to reduce repetition. There will be a widening of Stribling Avenue along the north side of the property adjacent to the entrance road, a preliminary landscape plan with screening on the edge of the properties and general location of street trees, and sheltered 5 foot sidewalks along both sides of all public roads and one side of all private roads. The project is being proposed in a 20 phased process. In addition to the physical characteristics of the development plan, the applicant has also proposed a proffer statement with the following condition: Fifteen percent of all dwelling units constructed on site will be affordable. Affordable dwelling units per the proffer will mean a dwelling unit reserved for occupancy by a household that pays no more than 30% of its gross income on housing costs including utilities, provided that the annual gross income of the household is 60% or less than the area median income for the City of Charlottesville. Of the affordable dwelling units, a minimum of 30% will be reserved for rentals to low and moderate income households for a period of at least ten years. Of the affordable dwelling units, a minimum of 30% will be reserved for ownership by low and moderate income households for a period of at least 30 years. During construction, the affordable dwelling units shall be constructed incrementally such that five dwelling units shall either be completed or under construction pursuant to a city issued building permit prior to issuance of every 30<sup>th</sup> building permit for non-affordable dwelling units. In addition to the requested rezoning of 240 Stribling Avenue PUD, the applicant is also requesting waiver to the critical slope requirements. Per section 34-1120b and 34-516c, this request must be heard simultaneously with the rezoning request by the Planning Commission. 14.3% of the total site is designated as critical slopes per the city code. The applicant is requesting to disturb 41.7% of the slopes. The applicant is proposing to disturb these slopes to provide the public access to Moore's Creek, public road connection to Morgan Court, building envelopes for two of the three multifamily buildings, five of the townhomes, and one of the private roads plus the stormwater infrastructure. Staff, Planning Commission, and City Council have received multiple comments related to this project. The applicant has held a number of community events. These comments can be found in the staff report. One of the main concerns is the pedestrian infrastructure of Stribling Avenue.

**Chris Engel, Director of Economic Development** – I am here tonight for the City Manager. A couple of months ago, the City Manager and I were approached by the applicant and developer of the 240 Stribling PUD to determine if the city would be interested in considering any alternative funding approaches to address the pedestrian infrastructure needs on Stribling Avenue near this proposed PUD. The approach we're going to outline for you today models a previous approach that the city has used for economic development projects. Mine and the City Attorney's involvement is to negotiate this infrastructure funding agreement. This agreement is not part of the rezoning request. It does impact the nearby area. It is certainly of interest to many in the neighborhood. As proposed, it is a separate agreement entered into by the parties to help facilitate a solution to the needs in a timelier manner than the typical CIP process may allow. In its simplest form, this agreement stipulates that the developer provides up to \$2 million in funds to construct the needed improvements. That is in a timeframe that is contemporaneous to the PUD development to create some efficiencies there. The city will repay those funds to the developer over a period of years based solely on the increment increase in real estate value generated by the PUD project. As the new units arrive and are assessed, that increase is used to pay back the developer for the \$2 million that is essentially provided upfront to do the improvements in advance and in conjunction with the new PUD. This project has not been designed. It has not been engineered. It has not been bid by formal contractors. Many of the detail questions that people might have cannot be answered at this moment. There's work to be done should this agreement and PUD move forward.

The agreement covers sidewalks and associated utility and stormwater infrastructure for approximately the length of Stribling Avenue from its intersection at JPA to the city boundary. A preliminary survey and engineering survey have been completed by the developer. Those are current and recent. Activities that have been done in preparation for this did result in a cost estimate for these improvements in the range of \$1.5 to \$1.6 million. This project has not been designed or engineered. These figures are likely to change up or down until that final design is in place. The agreement provides up to \$2 million to be made available in conjunction with land disturbing activities related to the PUD. It is designed to happen in accordance with the PUD development to allow the improvements to take place along with that work to minimize the impact to the whole area and to do it in an efficient manner. Any amount over the \$2 million would need to be sourced separately by the city and is not covered by this agreement. The city is obligated to repay only when the increment is realized. If the increment does not accrue, our obligation would be fulfilled at the end of this agreement. There is an incentive for the developer to finish this development and to have the increment accrue to get the full recuperation of funds that they have advanced. Our estimates are varying. Depending on how the buildout happens, if the buildout happens over a 4 year period, a full repayment of the \$2 million could occur in 5 to 6 years. That is just an estimate. This agreement is in draft form. We did provide it yesterday to interested parties and the Planning Commission. The key elements have been agreed upon by the parties. Until it is approved by City Council, it is not final. It would have to be executed by both parties to be official. Should the rezoning proceed, this infrastructure funding agreement would also need to be approved by the city. The city would need to design the project, perform right of way acquisition, and engage a contractor to make the improvements. All of that would happen pending your activities tonight and Council's future hearings on this project. Based on the concerns people in that neighborhood have had over the years about sidewalks and drainage and vehicular movements, this allows a project that has been needed for some time to happen at a quicker pace than what might be anticipated in a normal CIP in a manner that doesn't impact that CIP directly but by using borrowed funds up front and returning those funds as the planned unit development yields additional tax increments

**Commissioner Mitchell** – With the units that are available to be purchased for 30 years that are affordable, how do we enforce that? What happens if a person buys a house and sells their house 5 years later? Are they forced to sell it at an affordable rate or do they get market rate?

**Lisa Robertson, City Attorney** – This is an issue that we're seeing over and over particularly in relation to For Sale units. There is no internal consistency of policy with the city as to whether or not the city is looking for committed units at a particular location. A particular unit would remain affordable for 30 years or whether the city would like people, who purchase that unit for the first time, to be able to realize some benefit from it but later sell it for fair market value. Until we make some policy decisions and connection with the new zoning ordinance, we're left with a bunch of different provisions. If the city's current zoning ordinance and Section 34-12 requires a developer provide a certain number of units. Those required units are subject to the provisions of the city's existing regulations and housing policies. The existing regulations do specify that deed restrictions be recorded. People don't like those. People who favor allowing people who purchase the home to be able to sell it at a certain point in the future don't favor restrictive covenants; at least one that does not allow for the property to be sold at something that resembles fair market value. To the extent we had regulations, those regulations require a covenant applied to the standard operating procedures. They are lengthy. Those regulations do require individuals to record a deed restricting the use of the property. That's only in relation to the required number of units.

In a lot of developments that you see coming through, it might only be one or two units. If the developer, in addition to any required units, is voluntarily just offering an additional number of units, whatever promises you are receiving are only as good as what your application materials describe. If your application materials say “we’ll give you a recorded covenant,” that equates with the regulations. If the application materials say something else, you get whatever the applicant is proffering or offering you. What I will note with this particular application, is that if you look at the provisions of the proffer statement in paragraph 1C, the applicant is saying that the obligations set out in the proffers will be set forth within one or more written declarations of covenants. Everyone who buys property from the developer will be on notice, as a result of some declaration of covenants, that they will be purchasing a piece of property that has to remain usable as an affordable unit going forward consistent with what the proffer says. It is important that you all, in making your recommendations, are comfortable with what paragraphs 1a and 1b of those proffers say. To the extent there are units, which are subject to Section 34-12, the applicant is setting forth in those paragraphs what they are willing to do. The provisions of paragraph 1b do make reference to your existing regulations. To that extent, the applicant is promising to administer all of the rental units in accordance with the provisions of your existing regulations.

**Commissioner Mitchell** – It seems to me that it defeats the purpose if a long-term owner can’t build their wealth by, maybe after five years, marketing their property at a fair market rate.

**Ms. Robertson** – I want to note that is a big policy decision that the city has to make relative to ‘for sale’ units. If you’re saying at the time of rezoning, that something is going to remain affordable for 30 years, that’s an area you just described, means the property is affordable during that 5 years. It will go away at the end of 5 years. That’s a legitimate policy choice if the city chooses to make it. It’s not real clear in any of our regulations or requirements, what preferences you may have depending on what type of unit it is and the goals of a particular applicant.

**Commissioner Mitchell** – Long-term affordability in rental units is a good thing. Long-term restricting of a low-income person building wealth is problematic.

**Commissioner Dowell** – One thing I was concerned about was that the staff, as far as housing types, recommended the plan. Staff also said that they didn’t recommend it because of the street safety and affordability. I wanted some clarification on the mixed recommendation.

**Mr. Alfele** – What you’re seeing in that mixed recommendation is based on our current Comprehensive Plan. You’re not going to hit every point. There are points where this development hits and it meets the goals of the Comprehensive Plan. There are points where it falls short.

**Commissioner Dowell** – Per city staff recommendation, what points do you feel are more prevalent than others?

**Mr. Alfele** – Safety is always going to be paramount. That’s the main thing. It is hard to judge the way our current comp plan is. It doesn’t weigh different goals. The Planning Commission can have a legitimate discussion on whether the goals can be reached through this plan.

**Commissioner Habbab** – If it is slated for 60% AMI and that person gets a raise and makes 65%, does that mean they have to move out? How does that work?



**Ms. Robertson** – Within a rental unit, there is some leeway for a person to stay a certain amount of time. You want to allow some opportunity for a property owner to move around. On a rental unit, if they designate some units in the development as the affordable units and if they want to allow a person to stay in a particular unit, even when their income exceeds what is allowed, you want to allow some leeway to amend that designation so the required number of units can be maintained. You might want to designate a different unit instead of making someone move. I won't say that rental units are easy to administer. The process is easier to set up and manage. The rental affordable units are the ones that everyone is more used to dealing with because of the voucher system. The 'for sale' units are very difficult. It is not going to be a workable arrangement to say that when somebody owns a house, they have to move out even though they're the owner. Generally, your income would be established at the time of the sale to you as an affordable owner. With the 'for sale' units, you're changing income over time doesn't really matter as much. It's what your income is at the time you become the owner.

**Commissioner Habbab** – My other question was whether the traffic engineer had a chance to go over the proposed agreement on Stribling Avenue and if they had any comments.

**Jack Dawson, City Engineer** – We saw the agreement the other day. My concern is that estimate is a little light. It just isn't a sidewalk. It's essentially a streetscape. When you touch a road, you have to bring it to code. That road is not 20 feet wide throughout. You have an 18 foot wide road and you need to bring it to 20 feet. You're excavating to widen the road before you build the curbs. When you curb the road, you're concentrating water. Even though there's not a significant impervious increase, all of the water that diffuses through sheet-flow onto people's various properties will be concentrated in various places. There's no infrastructure to support that. We have a couple of different estimates. This has been lingering around primarily through the community CIP development process. It's not a priority for the city regarding sidewalks. We only have \$650,000 in our account now for sidewalks in the CIP and only \$100,000 for the next couple of years. All of that money is tied up in multi-modal revenue share, which is a match with VDOT. It won't hit the books for another 3 years. We literally cannot do any other sidewalks. The last estimate we conducted was \$2.9 million. That was just at Sunset. There's significant design and construction to facilitate this. I would be remiss if I didn't say that the primary concern is the cost. We have not reviewed plans. If the sidewalk gets built, it would be to code with minimal variances based on existing conditions. The issue is how we get from where we are now to that.

**Commissioner Lahendro** – I noticed that there are some very large, mature hardwood trees on the applicant's land on Stribling Avenue. They are moved in the proposed plan. Is there something the city staff and city engineer know about or are requiring that is causing those trees to be removed? Is this a decision made by the applicant?

**Mr. Alfele** – We're not at site plan level. This is more at the land use level. Any decision would have been the applicant's unless they were following a guideline in the zoning code. I don't know of any reasons other than construction reasons.

**Mr. Dawson** – From the engineering, I am sure there is a requirement that they build a sidewalk along the frontage of Stribling there and dedicate some right of way to increase that right of way to basic standards. If those trees are 8 feet beyond the existing property line, they will be removed for building the sidewalk there.

**Commissioner Russell** – I had a question about Morgan Court. In the pre-meeting, the question was ‘what is the threshold requiring two points of egress and ingress?’ It was communicated that 50 units triggers that requirement unless two access points would create an unsafe condition. Is it at 50 units that a development requires two points in ingress and egress? We have this proposed access along Morgan Court through Huntley. Presumably, a by right development would also require two points of access.

**Brennen Duncan, Traffic Engineer** – A few years ago, we redid this code section. It used to say 15 dwelling units. We changed the code section to be at the discretion of the traffic engineer and fire marshal. The project that prompted that was a very narrow lot. It was 50 or 60 feet wide. Per the code, they were required to do 2 points of ingress. It was actually more dangerous having two access points that close together. That is why we changed the code. If it is going to be over 50 dwelling units, we would be looking for multiple access points.

**Commissioner Russell** – I am curious if you had any thoughts on there being another option for achieving two points of access. I have concerns about Morgan Street capacity. It does have additional lots on it. There’s potential for 13 lots along that cul de sac. It doesn’t seem like a safe road. I am curious if there’s another option or if Morgan Street was constructed with an intent to be a connector.

**Mr. Duncan** – It was constructed with the intent to be a public street. It was not constructed to be a connector road. We had some questions from the public. Even if you add in the units that have not been developed on Morgan Court at this point in time, take 240 Stribling out of the equation, the average traffic on that roadway fully developed is only 150 to 200 vehicles a day. With this development, it would still push up to 400 to 600 vehicles, which is still well within an acceptable capacity for a neighborhood street. It’s not until you get close to 1000 vehicles per day, that normal livability standards start to be noise and traffic. Even with this development, it would still fall below that. There might be an opportunity to do two access points coming out to Stribling. That might be an option for the developer to consider. In this particular instance, connecting to Morgan Court is appropriate for the value standpoint and connectability. Otherwise, you do force all of the vehicles out onto Stribling as opposed to letting origin destination dictate where they’re trying to get to. It essentially makes this a big cul de sac subdivision rather than an interconnected street network that a city should have.

**Commissioner Russell** – You’re making that assessment on capacity. Is that also taking into account the existing conditions (lack of sidewalk, multiple mailboxes that don’t have a sidewalk, etc.)

**Mr. Dawson** – Brennen looks at it from traffic perspective. While it would be much better to have sidewalks there, the roads still serve the function of being a public city road with vehicular and pedestrian connectivity. While it is not an ideal situation, it was, in theory, designed to be a local street and carry those traffic loads. How it was built, designed does leave something to be desired. It is a local street. The purpose of a local street is to provide movability to large parcels within the city.

**Commissioner Stolzenberg** – Was the second connection driven by staff asking the applicant for it? The last time, they were talking about it as an emergency connection and didn’t have strong opinions either way.

**Mr. Duncan** – It was a request of staff.

**Commissioner Stolzenberg** – Looking at the 2013 Comprehensive Plan with how it talks about encouraging new street connections and increasing network connectivity. Is that the general theme? Is that driving us to ask for these additional connections here?

**Mr. Alfele** – When you look at a by right development, the traffic engineer and city engineer are looking at it through their lens of their discipline. When you're looking at a conditional rezoning or SUP, we're looking at other factors like the Comprehensive Plan. There is that factor that the need for connectivity in the comp plan is also driving staff's request to have these connection points in addition to the other requirements by the traffic engineer.

**Commissioner Stolzenberg** – Is it unheard of in the city for a cul de sac turn into a connected street? I can think of several roads that look like they were cul de sacs and were extended. Is that something unusual?

As I recall, the last line of the standard operating procedures schedule 2, which covers the 'for sale' units. It says the CIU commitment will describe how resales CIUs will be handled so that the term of affordability can be satisfied. Separately, it says a minimum of ten years. The applicant is saying 30 years. That creates this problem where most homes will be resold in 30 years. That proffer doesn't explicitly say that they have to be resold at an affordable rate. If they aren't, the developer has to provide an additional 'for sale' unit at an affordable rate somewhere else in the city. It's a safe assumption that the developer is going to make the owner sell it affordably. Is that a reasonable interpretation of that?

**Ms. Robertson** – I don't know if it is that specific. The way I read those regulations is that it says the first sale always has to be affordable in accordance with the provisions of those regulations, which says 80% or less. The way I read that additional provision is that what it requires is that the developer will establish, at the time the development is approved, a document that actually describes what is going to happen for all subsequent sales at that property. That provision was specifically there to leave some flexibility. The developer can partner with a nonprofit and use their model. It leaves some room to say that 'we want people to be able to sell and make some money but we would still like it to be a resale at a certain level.' It leaves some room for people to make proposals for the city's consideration. These regulations go with Section 34-12. By the time somebody is asking for a building permit, we want them to tell us what the plan is. You're either going to keep them affordable for no less than 10 years. If somebody is proffering 30 years, that might be the commitment. You're going to keep that specific unit affordable throughout that designated affordability period. At the very least you're going to tell us what's going to happen after the first sale. We have not been requiring people to identify how those resales will happen when the number of units required are 'for sale' units.

**Commissioner Stolzenberg** – Help me understand why this performance agreement is better than the initial offer from the applicant to just give us half a million dollars in cash. If I understand this correctly, the city collects the tax increment regardless if there's an agreement or not. If there's any construction, the tax assessment will go up and we'll collect more tax revenue. It's then a matter of allocating money to make the sidewalk improvements happen. We could allocate that money in the CIP, take out bonds that will be 20 years with roughly the same interest rate, and pay off those bonds with the tax revenue we get. Instead, we're essentially taking a loan from the applicant, and directing the tax increment. What are the

benefits? Even if they end up not constructing the project, we still get that money from them and basically never pay it back? Are there other benefits?

**Ms. Robertson** – The first scenario you described just talks about the city’s Capital Improvements Process. That’s the definition of a CIP program. You prioritize and identify what projects that you want to do. You project what revenues you’re going to receive from tax revenues that year and apply those revenues to your priority list. In the first scenario, it is not a TIF. It’s how you’re normally supposed to do a CIP.

**Commissioner Stolzenberg** – I was saying that we would ‘mentally’ earmark the extra money to pay for that in the CIP, which would move up in priority. We have this extra revenue. Nothing explicitly ties it together. That’s maybe an advantage. There’s a direct tie between these two things

**Mr. Engel** – That’s part of it. The other part is the pressure on the CIP, with regards to its capacity. This circumvents that. The developer provides those funds up front. We get some time to pay it back and we get additional revenue from the development to help pay that back. If for some reason the development doesn’t materialize, our obligation would end with whatever increment does occur within the period of the agreement.

**Commissioner Stolzenberg** – You said that we don’t have to allocate in the CIP. By email, I heard that we had to allocate in the CIP with this extra source of revenue. Are we saying that it doesn’t count against our bonding capacity for our debt rating?

**Mr. Engel** – There are a couple of components to it. Part of the design work still has to be done by the city. There would still have to be a CIP project. The design component would have to be accommodated there. The funds that the developer is proposing are for the construction of the improvements. That’s where that would come from. We would have to time all of that out with respect to how the developer intends to develop. There’s a drop-dead date that the funding must be provided by in the agreement if land disturbance hasn’t happened sooner. We would have to time all of those out so that it works appropriately. That would impact at least one of our CIP budgets on some level. We don’t know what that number is for the design cost.

**Commissioner Stolzenberg** – Eventually, cost overruns. If we’re saying the tax increment will pay it off in 5 or 6 years, based on what we expect it to be. If that cost goes a little high, even though we didn’t get that money from the developer, it reduces the amount of bonding capacity we have to use for it. That 7<sup>th</sup> and 8<sup>th</sup> year would pay it off?

**Mr. Engel** – In theory, that’s correct.

**Commissioner Mitchell** – I think we’re supposed to be talking about the critical slope and the actual application all at once. We didn’t talk much about the critical slopes.

It looks like Mr. Dawson is very cautious about the application. It looks like the people from the other side are not as concerned. The environmental sustainability people are pretty happy that the applicant is going to be able to keep 73% of the phosphorous out of the water. On page 8 of the staff report, Mr. Alfele walks us through eight different recommendations that would make him comfortable. I want to

make certain those 8 recommendations, if implemented and embraced by the applicant, would make Mr. Alfele comfortable with the issues related to the critical slope.

**Mr. Alfele** – Those recommendations really came out of engineering.

**Mr. Dawson** – When I am in front of the Planning Commission, it is to talk about critical slopes. Last time, I was in front of you all, it was South First Street and the conversation on the difficulties of overlaying engineering review with the planning process prior to design. That was mid-project. This takes us back to a very general idea of how to safely handle the water here. These have evolved from my experience in doing this over a couple of years to a boilerplate. I believe there was a concept-level plan for erosion control in the package, which I did look at when I put this together. These are boilerplate advisements on how to manage a project like this to avoid detrimental effects to the critical slopes and the environmental realm. It's not a guarantee. If you read the wording about the recommendations, it was carefully crafted with Mr. Alfele's help. If you feel that it meets finding #1, this is the bare minimum. I don't know how the project will be designed or built at this phase.

**Commissioner Mitchell** – Typically, it is very difficult for you to say that this is going to be a good thing this early. We have to go on good faith that they do these things and done the best that they can, at least until the site plan review.

## ii. Applicant Presentation

**Charlie Armstrong, Applicant** – You have seen this project before in three Planning Commission work sessions. It has been a very deliberate two year listening process to get to this point where we're asking for your formal recommendation. The community's feedback and your feedback helped us craft what we think is an excellent project now.

When we first looked at the property, we first considered what could be done by right without coming to the Planning Commission or Council. It was smart for us to know what our baseline is. By right is a viable plan financially, but it is not what we want to do nor is it what we think the city needs. By right on this parcel would be about 46 lots, mostly large single-family detached homes. Some are nearly an acre in size. It would potentially trip up to that connection in Morgan Court. That was not something we analyzed in enough detail to look at. We considered an R-2 rezoning. This concept would roughly be 68 duplex lots. We looked at this. We think it is better than by right because of the density. It's still a very urban feeling concept with no real design appeal. I first brought this to you feeling a little 'sheepish' about bringing it to you. You didn't like it. We really didn't like it either. The neighbors didn't like it. This was in August, 2019. Through that, the Planning Commission told us very clearly that you wanted to see something denser and less suburban. We engaged Mitchell-Matthews Architects. They developed this early concept for a PUD. We brought this to the community and to you in January and February, 2020. The Planning Commission, unanimously, indicated they liked the PUD approach. You liked this concept. We showed you this high level comparison of by right versus PUD highlighting some pros and cons of each. We came back to the Planning Commission and the community a third time in September of 2020 with most of the project specifics you see tonight. At that work session, the Planning Commission showed support for the PUD but told us that the \$500,000 we were offering at the time for Stribling Avenue improvements might not be enough. Mr. Lahendro, in that meeting, summed it up well talking about how

much he liked this PUD proposal because of its layout, design, and thoughtfulness. He could not approve it without ensuring Stribling gets sidewalks. That was a common theme at that meeting.

Three main themes stood out prominently with the community feedback. Those themes were that most people are in favor of density and affordability. People are concerned about a road connection with Morgan Court. Improvements to Stribling Avenue are needed and are long overdue. I pulled out four example letters from community members. This first letter is for density. It notes the importance of improvements to Stribling Avenue. It comments on housing history and housing need. This next letter notes the need for housing affordability, mentions concerns about Morgan Court, and notes the need for improvements on Stribling Avenue. This next letter had the same themes. This final example is the formal letter of the project from the Fry Springs Neighborhood Association. The Fry Springs Neighborhood Association voted to support this PUD proposal with the caveat that the city figure out how to make improvements to Stribling Avenue prior to completion of the PUD. We have spent the last year figuring this out.

**Kevin Riddle, Architect** – Mr. Armstrong approached our office a couple years ago to reconsider the design of this neighborhood. We began by evaluating the potential for more homes here. As we did, this goal could be coupled with the creation of a network of open spaces. We could increase the amount and variety of community greens or common ground. You would find a conventional development. We could go further and de-emphasize the presence of motor vehicles and exposed surface paving. We realized that more housing if thoughtfully arrayed, did not have to compromise the greater neighborhood environment. In fact, it might be essential to enhancing it. To accomplish this, we decided that a compact arrangement, more urban than suburban, had real potential and made sense. When you look at the following illustrations, we hope that you will see a few of the merits of this approach. In this birds-eye view, the proposed neighborhood is shown within the red property boundary. In this view, you can see that a significant belt of bottom land at the south and southeast side of the parcel is left largely undisturbed. On the west side (behind the 3 multifamily buildings), this belt continues around and to the north. By focusing street and building construction at the middle of the site and at the Stribling end, a large swath of woodlands remains. Compare the proposed development to the Eagle's Landing Apartments to the south. Those are visible at the bottom left of the image. With Eagle's Landing, large swaths of surface paving and parked cars separate buildings and tenants. In the proposed neighborhood at 240 Stribling, the majority of cars will be parked under the buildings. That leaves more room outside that can be set aside for yards, porches, paths, and greens. At the top of this image, you can see the close proximity of the proposal to Fontaine Research Park. It's only a modest bike ride or walk from the proposed neighborhood.

Next Slide

You start to see the interior environments this PUD could encourage. This view is taken from what is called Road B on the civil plans. It's adjacent to a large rectangular green. It's looking down the site for a cascading band of narrower green spaces that separate townhomes. You can see our strategy, while compact and concentrated, is not overly rigid or continuous. It's not arbitrary. We have intentionally designed openings in the built fabric to frame views and make visual connections. In this case, looking from the middle of the site down to the bottom. The inter-connected greens also potentially provide a recreational corridor. The very dimensions of these open spaces invite a variety of activities in a range of scales. The larger green might be good to throw a football or set up badminton courts. Another smaller

space is better for small family gatherings. The green spaces insinuate themselves in what would be a repetitious rank and file of townhomes. They contribute to a rich environment of outdoor space and common ground.

Next Slide

In this slide, you're looking between townhomes toward one of the multifamily buildings. You're standing in a muse arrangement. Another way to describe this is that it is like a garden apartment. In this case, it is townhouses that compose most of the dwellings around the garden. Here the scale is a little different than the last illustration. It's tighter knit and more intimate within the muse space filled with more paths, plants, and porches. Here you can see the potential for a nice pedestrian environment as an alternative to a street running down the middle. We show this image and the previous slide in support of an argument of city staff's concerns about the smaller, private roads are misplaced. Without these roads or lanes that access the backs of the townhomes, the project would require many individual driveways and curb cuts at the larger public streets; in many cases connected to garages that face onto the larger streets. As an alternative here, our proposal has very few driveways where the public walks, bikes, and drives. There are very few cars parked in front yards. In the place of cars and driveways, we have greater opportunities to create generous yard, garden, and pathways unobstructed by traffic. Without the private roads, what you see in this illustration would not be possible. It's our position that private roads cause a negligible downside and instead allow multiple advantages that would make this community distinctive, cohesive, and comfortable.

**Mr. Armstrong** – One of the staff concerns was private roads. It is very intentional to relegate those roads to a secondary status. They do meet city requirements. Two of the other concerns are things we resolve in final engineering. We just aren't at the level of detail yet to precisely be placing water meter and sewer lateral connections. How those relate to street trees will be worked out in the final site plan. There are requirements in the code for that. We're also considering adding ten foot maximum setbacks for townhomes from those roads. The other concern was about Morgan Court. Morgan Court is a secondary entrance. By design, it won't be the most convenient or fastest way in or out of this PUD. We think a second entrance is good planning practice. If the city wants to restrict that entrance, we're willing. One way traffic in whatever direction will create the least use and that is fine with us. It might be a good compromised solution that discourages daily use but allows it to be a good connection. Since it will be a city street, the city can make that decision. We're very happy to leave that in the hands of the city engineers.

Next Slide

We have a robust affordable housing proffer. Fifteen percent below 60% AMI. The City Attorney answered the question earlier about what happens if a unit is allowed to be sold at a market rate. We want an affordable housing partner that will bring in a mechanism in their deed. In the event a homeowner sells at market rate, there are some equity recapture provisions in the covenants sufficient to create a new ADU elsewhere within the city. Paragraph 1c of the proffer (the bottom of that paragraph) deals with that. We want that low-income owner to be able to participate in an opportunity for wealth earning that comes with homeownership. Buying a home doesn't mean much if you don't get to participate in that. For rentals, as income increases, it was mentioned earlier that they may not qualify for a subsidized unit for people who are below 60% AMI. There is a grace period of a substantial amount of time to allow them to find a new

rental if they do get a raise or a new job or have an event that changes their income qualification for a rental unit. If a low-income person buys one of the homes, they own it. They can live in it as many generations as they want to.

Next Slide

Figuring out how to fund these improvements with Stribling Avenue was a major challenge for us. It's the primary reason for the year gap between today and when we last presented this to you. There's no question about the need for this. Funding has always been a barrier. City staff has requested funding from Council in each of the last two CIP cycles. Council has never been able to allocate it. Those numbers for the CIP and cost estimates directly from the CIP request are there on your screen now. If Council had been able to allocate that money, the sidewalks on Stribling would already be in the works but they prioritized other things. The dollar amount the agreement covers is the highest of any of the city's CIP estimates. It's 30% more than a third party engineers' estimate. Both the CIP estimates and the third party engineers' estimates covers all of the costs of the sidewalks and the needed drainage improvements. I can't speak to cost overruns. We're working with estimates that have been produced by the city and other engineers as well. Council will vote on this at the same time as the PUD. They run 'hand in glove.' They can't be separated. One does not work without the other. The Stribling Avenue improvements can occur in concurrence with the PUD. We have, in our agreement, some language where we will help facilitate the contractor and make sure that happens. This is as important to us as it is to everybody else. We're trying to craft it to make sure the language in the agreement does all of that. It does require some action from the city. If the money is there, I have to think the action will follow. We're providing enough funding up front to fund this important CIP project. We're creating the real estate tax revenue stream that repays it. Doing that sooner gets the sidewalk done sooner. If waiting for the CIP and then doing this project, we will have to wait longer for sidewalks. Having these funds out there for an undetermined amount of time does have significant costs to our project budget. We have to carry that on our books. We do borrow money for a living. The money for this would be money that we source and we pay interest on. I guarantee our interest rates are not nearly as attractive as the city's bond rates. We're really excited that we can make this happen. It's been something we have been waiting to figure out before we came back and ask for a vote.

**Councilor Snook** – When the sidewalks get built at the developer's expense and it is to be reimbursed by tax breaks, when the ownership at that point is among many people, how are you going to distribute that?

**Mr. Engel** – It is essentially one parcel right now. It's really easy to determine that. We have determined the base value based on the value of the current parcel. Once it is platted and subdivided into multiple parcels, we'll work with the city assessor to determine the collective value of the improvements. That will give us the difference between the base value and the improved value. That will be the basis for the repayment. That will change each year as more units are built.

**Councilor Snook** – You're allocating unit by unit. It could be 100 different parcels eventually that have some sort of tax break at some point.

**Mr. Engel** – It is an improved value based upon the investment that they're making. We will coordinate with the city assessor. Whatever he assesses that value at will determine the rate of payback.



**Councilor Payne** – Trying to assess the likelihood that there will be cost overruns in terms of the cost of these improvements. Will it be \$2 million or will it be higher than that? I have walked the site. I am just curious if anything can be done to try to minimize the loss of mature trees, tree canopy, and greenspace? I think that is a serious risk for that site.

**Mr. Dawson** – I can speak to the first question. There have not been any estimates made on that CIP request. I am sure that everyone is familiar with how our CIP process works. It may not be an exemplary example of functional level government. What we have was \$2 million to get it started. We have to design this thing. The estimate to have this designed is somewhere around a quarter million dollars. This is not an insignificant effort. If it exceeded \$2 million, it will not be overrun. There is no estimate put together at this point in time. I would not categorize drawing a sidewalk over a survey an estimate. It is very important that you understand there is not a solid estimate for this. The most solid estimate that my staff did came out at \$2.9 million. That got us to Sunset. There is significant property stakes involved. I did see a piece of the proposed plan, which showed a 20 foot curb to curb. You can't park on a 20 foot street, which would eliminate all of the ad hoc, Charlottesville style parking that people do there now. You can't drive over a curb to park in your yard. While the community wants a sidewalk, they probably don't want that design. It gets more expensive when you get away from just drawing lines on the plan to how this is going to work and where the stormwater is going to go. There is no estimate as far as I am concerned. My general estimate is higher than \$2 million. It would almost be a certainty that amount would be exceeded. Trees are a shared responsibility with reviewers and city staff. If it is in the LOD (Limits of Disturbance), it is not going to be safe. That's how it works. If you see any of those plans and there's a tree in there, it is gone. There's very little we can do about it.

**Commissioner Lahendro** – What is the LOD?

**Mr. Dawson** – LOD is Limits of Disturbance. At the start of a construction project, they stake that. That generally is where the perimeter controls are. If you look at the plan, it's the little line around the development area. If you walk the site and looking at the plan and you're inside of the development area, those trees are gone.

**Councilor Hill** – Can the developer speak to some of the estimating that is going to understand this infrastructure need?

**Mr. Armstrong** – The numbers I had in my presentation are from the CIP that was produced and presented to Council in the last two CIP cycles. That's what staff was requesting be funded. The \$2.9 million the city engineer referenced is new to me. That's not a number we have ever seen publicly. We have been talking with the city and in this review process with the city for months and years. I would have hoped that would have come up. If that's a published number or a private number, I would love to review it. What we did to make sure that we or the city CIP were in the 'right ballpark,' was to hire a third party engineer to do their own cost estimate. That involved a lot of survey work of the entire corridor over the past 6 months. We used that survey to come up with a preliminary plan. It is very preliminary. It's not a design for construction at this point. It gives an idea of what we require with grading, new sidewalk area, new storm drainage, and what right of way amounts over the length of the corridor might be needed. The engineer put a cost estimate to that using whatever their industry standard is for estimating.

**Clint Shiflett, Timmons Group** – What we looked at as the basis of design is a minimum street with a street section that would meet The Streets That Work Guidelines as well as the Standards and Design Manual. In this case, we used a 20 foot wide pavement section, standard curb and gutter, and sidewalks on both sides of the street. To further form some of the cost, we incorporated estimated stormwater management costs, drainage improvements, and demolition. I would classify the plan as a 50% engineering plan to pull these figures together.

**Commissioner Mitchell** – The presentation you did was pretty quiet as it relates to the critical slopes. I would like to talk about your thoughts to your mitigation strategy. The second question was whether you can ‘walk me through’ what it is you’re going to do to keep 73% of the phosphorous stuff out of our creeks. I am not certain what your ‘game plan’ is to do that.

**Mr. Shiflett** – The general concept is to keep the bulk of the development away from the slopes up towards Stribling Avenue to minimize the impact and preserve as many of the slopes along Moore’s Creek as possible. To further to mitigate the impact, we have included some preliminary design elements that include bio-retention or rain guarded facilities that would capture and treat water before it leaves the site back towards Moore’s Creek. That is the primary way in which that 73% would be removed. Moving forward, the final site plan details would be homed in and further demonstrated. The city engineer would eventually need to further review.

**Mr. Armstrong** – The closest any of this disturbance comes to the Moore’s Creek bank is about 150 feet. The one exception is where storm/sewer has to get down the hill. That stormwater, after it has been treated, goes through the buffer. The majority of the buildings are at least 250 feet away from Moore’s Creek. To provide an even larger buffer, the closest building is 175 feet.

**Commissioner Mitchell** – I would ask you and the other developers not to treat the critical slopes as an afterthought. Please keep those on the front of your minds. I have seen a lot of good opportunities get derailed because it was an afterthought.

**Commissioner Habbab** – My first question was on the rental affordable units. Are those expected to be sprinkled throughout the development?

**Mr. Armstrong** – It is most likely the rental units would be in the apartment buildings. We have not decided that for sure. They would be sprinkled throughout and not concentrated in one corner of a building.

**Commissioner Habbab** – You have 30% rental, 30% ownership, and the rest you have to decide what you are going to do with them?

**Mr. Armstrong** – That’s correct.

**Commissioner Dowell** – One of my questions is how are we going to mitigate the safety concern of the project? It was to have a split recommendation. We definitely need more affordable housing. We need mixed housing types. That’s a perfect place for density. I also will have an issue if we’re creating this new density and infrastructure. If we don’t have the infrastructure to maintain it, we don’t want to have unsafe

projects. If this was to pass, what are you going to do to be able to satisfy the safety components of the project as far as the roads are concerned?

**Mr. Armstrong** – My interpretation of the safety concerns were because of Stribling Avenue. It has no sidewalks. The reason that staff had that concern in the staff report was because the funding agreement is not part of the zoning application that staff reviewed. Looking at just the zoning application, staff couldn't say that Stribling would be made safer. Taking the sidewalk funding agreement into account, that decision is probably very different. Morgan Court is a little different. One of the reasons that traffic and fire/rescue staff are requiring that connection is for safety. That road is a narrow road. Anyone who lives on that road has safety concerns any time any additional cars are put on the road that they live on. That's understandable. One of the things that we should discuss further now or at the site plan stage is whether that should be a one way road or whether staff wants to reconsider and make that emergency access. I am 'at the mercy' of the city ordinances and the staff requirements on that. We're happy to go along with anything that they suggest as to how Morgan Court gets connected.

**Mr. Alfele** – Staff reviewed this in the context of a land use decision. Different parts within the city were looking at the sidewalk agreement. I don't think staff's recommendation would change unless there's a fully guaranteed project in place to upgrade Stribling Avenue.

**Commissioner Lahendro** – I am looking at the tree survey. I am going to push back on what I have heard so far. There are 11 mature beautiful trees along Stribling Avenue: 48 inch ash, 28 inch beech, 28 inch maple, 24 inch oak, and 18 inch oak. What is being proposed now is that all of these are going to be torn out and put in saplings. I want to push back. I am starting my 8<sup>th</sup> year attending these meetings. I am sick and tired of having beautiful, large trees being torn down because of bureaucratic standards that get applied 'cook-cutter' without regard to the quality of the site and the uniqueness of these sites. Here we are with a PUD that by definition, is supposed to allow creativity and saving some of these aspects of the natural site. Why can't we get creative and figure a way to keep these trees and run the sidewalk behind them, put in different materials for this sidewalk that doesn't require the trees to be ripped out, and relocate the utilities? Do something to protect these trees. Keep that aspect of Stribling Avenue and move ahead with this project.

**Mr. Armstrong** – I agree with you about this. The trouble with what you're saying is that PUDs don't allow modifications to the dimensional requirements of the code. We used to do that back in the early 2000s when the PUDs were first being tried out. That got tightened down. By doing a PUD, I can't change what the required street width is. Even though I can set different setbacks on the lot, I can't say the sidewalk will only be four feet and the utilities easement will only be eight feet. Those are not allowed changes through a PUD. A lot of the places we really love were places that were developed and replanted a long time ago. In the North Downtown, people see these big trees. If you look at historical photos, it was clear. Nobody wants to talk about waiting 50 years for mature trees because they're beautiful right now. It is one of those tradeoffs to providing new housing in a dense form. You really do have to use the upland areas of the site to the greatest extent to put that density in there. I am not making a value judgement.

**Commissioner Lahendro** – I am not attacking your engineers. I am asking both the city engineers and your engineers to work together to figure out a way to save these trees.

**Mr. Armstrong** – With the beech trees along the front, if you look at the Stribling Avenue right of way, it juts in our parcel. It is narrower on our parcel. Those trees, if you continue the right of way on that tree survey, those trees would be in the road if the road was consistent. I am not going to mislead you and try to save those trees. I don't think we can. With the bigger trees, we will take an extra look at those before any final site plans. We will do everything we can to preserve those trees.

**Commissioner Lahendro** – I would ask that staff work with the engineers for the project to do their best to save some of these trees.

**Commissioner Russell** – I have a question about the connectivity. There's a page and exhibit that talks about tying into the city path towards Sunset Avenue. Hopefully that will go through Huntley. Can you explain how that will be accomplished?

**Mr. Armstrong** – We do not own the property that runs all the way up to Stribling along the Bike-Ped Master Plan proposed route for that trail. Everywhere we do own, we are putting that multi-use trail in the location that is called for in the Bike-Ped Master Plan and keeping to the property lines so that it can go directly to Stribling Avenue. In the meantime, we are connecting a paved path from that Bike-Ped Master Plan trail location up to our new streets so that connectivity will exist from Stribling Avenue down our new sidewalks to that new trail, going out the other way towards Sunset along Moore's Creek that goes to the Huntley neighborhood. There's the existing trail in various conditions. I don't know if it is entirely complete. There is a trail going from our site all the way over to Sunset.

**Commissioner Stolzenberg** – With private streets, there was concern about connectivity or a lack of connectivity. They're stubbed out to give access. If the adjacent property owners in the future want to extend those streets, are you going to allow that? Or are there going to be spite strips prohibiting those private streets from being extended?

**Mr. Armstrong** – I had not thought of that. The way the preliminary plat looks right now, the private road goes all the way to the property line. It would be private. There are physical opportunities to connect it. We would have to give some thought to making sure that there's a reasonable way to deal with the ownership. If those could be converted to public at that time, that might be the best way to do that.

**Commissioner Stolzenberg** – With the open space and central green, will those be public or limited only to the residents of the development?

**Mr. Armstrong** – Right now, they're envisioned as for the residents of the development. If that is something that the Commission and Council think that will be a good pocket park, we will have to talk about maintenance obligations. It wouldn't be fair for the residents of this development who pay to maintain those to have 500 residents from the rest of the city come and use them and have their maintenance costs go up. If the city wanted to take on some parks maintenance of it, we would be open to that. That hasn't been discussed with Parks and Recreation.

**Commissioner Stolzenberg** – I would disagree that it would be unfair. People are going to come from across the city to visit a pocket park. Maybe some of the residents along Stribling Avenue might go take a look. To me, that seems reasonable despite it being privately owned.

With construction sequencing, we have heard concerns about construction traffic in relation to the development of these sidewalks. At what point do these sidewalks get developed in this plan? How much construction traffic is going to be going along before that happens? Is there any way to mitigate that?

**Mr. Armstrong** – My hope is that the sidewalks could be done first, while we are building infrastructure in the PUD. While there are bulldozers on site creating roads and installing utilities. It is when construction starts, truck traffic really picks up. In order to do that, there is some reliance on the city to have a flow plan in place for those sidewalks and be ready when that time comes. We have plenty of time because it is going to take at least a year to year and a half to get a final site plan approved for this site. There's plenty of time to get that site design done. It does rely on the city.

**Commissioner Stolzenberg** – For affordable units, are you planning on collaborating with Habitat? Earlier you said that there would be equity recapture and you also said it didn't exclude people from gaining that equity from homeownership. How do you spread those two things?

**Mr. Armstrong** – We haven't picked an affordable housing partner. There are two models that are predominant here for homeownership. One is the land trust model. The land trust, as I understand it, takes the land out of the equation. The land trust owns the land. The home buyer owns the home. They have a shared equity in the property whenever that buyer resells it. I believe that it is around 50-50. Habitat's model is a little different. They do the same sort of thing with a forgivable second mortgage. They have one mortgage on the property for whatever the home buyer can afford based on their income and a second mortgage for the remainder. That second mortgage is forgiven gradually over the 30 years. If a person was to own a home for the full 30 years, all of that equity becomes the homeowners. If they sell it in 5 years, Habitat will get a large portion of the equity back. The homebuyer would get some of the equity. They would get any value appreciated. They wouldn't get the forgivable mortgage forgiven. That also assures affordability is maintained, if not for that unit, it can be reinvested in another unit.

**Commissioner Stolzenberg** – I see that you're doing about 73% on site treatment and 27% nutrient credits. What is stopping you from making your buyer retention larger to get the rest of it?

**Mr. Armstrong** – Potentially some sacrifice of usable open space. It may compromise some other recreation area to bio-filter. Those numbers are not fully engineered. We hope that we can do better than that. We have set that as a minimum. If we do over that, we don't have to come back to you. There are opportunities to do better. We will do the best we can to not have to apply any nutrient credits.

**Commissioner Palmer** – Going back to the sidewalk discussion on Stribling Avenue, the disparity in the cost estimates, did that estimate include right of way acquisition? Or is that strictly construction? Is that the disparity between what we heard from city staff?

**Mr. Shiflett** – We did break down the acreage (square footage) of each of the right of way from each of the parcels. We did not include an estimate on that right of way. We did include a healthy contingency on our overall cost estimate, which we do think will cover that.

### iii. Public Hearing

**Marga Bushara** – If I am driving down Stribling Avenue to JPA and wanting to cross JPA on the pedestrian crosswalk, how many cars are not stopping there? It is an impossible situation and many near misses by many pedestrians. There's never any police or police checking on speeding on Stribling. This cannot get better with a development of that size at 240 Stribling. Thank you Mr. Lahendro for your concern with the trees. I am walking by those properties on a daily basis. There are beech trees on the site.

**Jason Halbert** – I am the President of the Neighborhood Association. We took a position with a 10 page letter to all of you on this matter in September of 2020. The concerns we raised then still stand today. I appreciate what the applicant has done. There is a potential to find a solution here. There is a big issue and it is safety on that street at the JPA intersection. It is a serious problem. We have tried for 6+ years to get City Council to recognize this. It has fallen on deaf ears. I want to see affordable housing. I want to see a good project developed. It's not there if you're going forward with this. This needs more time. We have the infrastructure agreement that hasn't been vetted by anybody. You should delay this vote for 4 to 6 months to have further discussions. I am willing to invite all of you to the Fry Springs Neighborhood Association meeting to have more discussion on this. There are a lot of issues here. I saw some of the comments posted by the applicant in their presentation. That has not satisfied us.

**Chris Meyer** – The Neighborhood Association Board has not taken a position on this most recent version. I am for the 240 Stribling Avenue development being improved. Our community and neighborhood need more housing and a mix of housing. This development of mixed housing types for different income levels is not only needed for middle-income homebuyers but also for these starter rental homes for low-income families. Middle income and workforce housing where current and future staff can live without having to commute 20 to 30 minutes one way is important for quality of life, the fight against climate change, and building intergenerational wealth. The potential of this development is to generate \$445,000 per year. That's more funding to fund our schools, make infrastructure improvements, improvement of the public transportation systems, and funding of other needs of our community. I realize there will be micro-level impacts to those living on Stribling because of traffic increases. The developers' offer of \$2 million and the property tax revenue should provide the funding necessary to make the pedestrian-road improvements to Stribling and mitigate additional traffic. The minor increase in traffic volume doesn't outweigh the larger benefit to the community this development would provide. This development, alone, is not going to solve the lack of housing and workforce housing. It is definitely necessary in order to make an impact. No one project is going to solve it. My fear is that the developer will be denied and build by right homes that will be a third of the units and the street improvements on Stribling will not be done.

**Tom Cowgill** – I live on Stribling Avenue and I have been a renter for three years and a homeowner for 14 years. I welcome affordable housing on a scale that will fit with the neighborhood. I believe a smaller, as currently provided for, could be feasible, especially with the small park, greenspace, along the Stribling Avenue frontage. It would show respect for the character of the neighborhood as well as preserve some of the beech trees. A by right development with road improvements might be able to handle moderately increased traffic. This request for a massive development on a small street is disrespectful and reckless. Safety is my concern. Stribling Avenue would effectively be the only access to a development that would double the current number of dwellings on the street. A traffic study was done in March, 2020 after the lockdowns began. Regardless of the motive of doing a traffic study at such a time, it would clearly be dishonest to make use of the results of the study. Stribling Avenue is over a half mile long with a few feet of sidewalk. It's too narrow for two cars to pass each other. It has curbs and blind summits. In normal

years city and county school buses make their normal rounds. Many residents ride their bikes or walk to UVA. With the absences of parks, people use the street for recreation. I encourage you to visit and walk the street.

**Casey Gioeli** – While I applaud the affordable housing initiative with this project, I am concerned about the number of rental units over a ten year period. In the long run, that will do little to impact the affordable housing issues within our community. I have concerns related to Stribling Avenue. We haven't spoken about the intersection of Stribling and JPA. We know that it is very difficult for cars coming off of Stribling to make a left turn. I know this will become even more congested and more dangerous to cars and pedestrians. I believe that we have to see Stribling Avenue fully funded. I appreciate the city engineer saying the cost would be over the \$2 million point. When we think about all of those vehicles moving heavy loads of cement up and down that street, that street is in poor condition to begin with. I am concerned that over time that street will even further degenerate before we make any improvements.

**Kevin Flynn** – My biggest concern for this project is the safety on Stribling Avenue. The road is narrow and does not have any sidewalk facilities, except for two parcels. Due to the location near UVA, it seems to have a higher number of pedestrians and cyclists than other roads in the city. Any project that would further the number of people using Stribling needs to address these concerns of the existing condition before adding to it. There are road safety hazards for motorists. The road is an uneven width. There are several blind curves and vertical curves due to the geometry of the road. Once it connects with the roadway network, there are big concerns at the intersection with Jefferson Park Avenue. It can be very difficult to make a left turn at that intersection. Even though I have heard proposals to do things along Stribling, I have heard nothing to address this intersection. I am not sure that it makes sense to have that sort of density at a dead end street. Even with an additional entrance onto Morgan Court, traffic will end up on Stribling. This dense development does not make sense with the existing infrastructure. If it is going to be approved, the infrastructure needs to be upgraded.

**Genevieve Keller** – I support Mr. Lahendro's suggestion that you find ways to require the protection of specimen trees, especially street trees. PUDs are for innovative plans of development. It is more than time PUDs are for innovative plans for preservation and protection. If you want the public to support new development and density, you must consider quality of life issues. It should not just be replacement of trees but tree preservation. Please find innovative ways to interpret or amend the PUD to accomplish this important initiative. I don't know that much about this kind of development. I don't understand how the ADUs will be offered for sale. I wonder if you could clarify that.

**Leighanna Midkiff** – I have lived in this neighborhood for 30 years. I do worry about the trees. I love walking through there. It is beautiful. I can't think of a single development in this area that has happened in the last ten years where all the trees haven't disappeared. They don't survive. They can't survive with all of that digging at and around their roots. I do believe that people are trying. It doesn't seem to be successful. There is nothing that can replace a 100 year old tree. I hope we can do things to keep them. My thought would be a smaller development. I do love the idea of affordable housing. There are no bus stops anywhere near this place for people who do have limited incomes. They're going to have to go all the way down to the other end of JPA or down to Cleveland.

**William Abrahamson** – There are really two applicants at the table tonight. One is Southern Development and the other is The City. As a resident, we have two partners we are looking to work with.

What is the process going to look like for this redesign? When was the last time the city did a half mile streetscape on its own without an outside consultant or VDOT money? The Comprehensive Plan is proposing medium density from JPA Extended to Sunset. Is that going to account for street side parking? What kind of traffic calming measures are we going to have? These are part of the discussion that we have many questions about. I would encourage you all to not just look at the application in front of your right now but to be optimistic and forward looking. What does this process look like for our community? The second thing I would like to raise is flexibility on the design team. The renderings show wonderful attention to the views and the heights of the buildings. The many rows of townhomes appear to be causing difficulty for preserving trees, some of the road design, and especially pushing that LOD farther and farther out to the critical slopes. Is it possible for additional levels of design? The last item is about access to the Moore's Creek. Is that an easement in partnership with The Rivanna Trails or was that a public easement?

**Catherine Bruse** – The scope is too large for this space. We're all about affordable housing. If we're not setting up our new residents for success, I think we're failing the system. The last two affordable houses that were set aside in Huntley were just sold for over \$500,000 this year. That was a plan that went wrong. It is impacting all of us. We want affordable housing. If the rules and regulations aren't set in place, that is not going to be helpful. With traffic patterns, we have talked about Stribling and JPA. Ms. Russell has talked about Morgan Court. As you're coming through Morgan Court to Huntley, that is a steep hill. There are blind spots everywhere. If traffic is going to be coming through Huntley, it is going to hit Sunset. It is extremely dangerous. I feel the suggestion of holding off the vote would be helpful. If we're going to put affordable housing in where people need to get to work, even if with sidewalks, bus stops are not close by. After two years of negotiations, I don't think we're there yet. More consideration needs to be discussed.

**Paul Josey** – I have lived on Stribling for 13 years. This is the last major site to be developed. It is a very steep site. There's a reason it hasn't been developed by right. There's a reason they're trying to get as much density as they can on this site. Where they propose trail connections are bottom of swales or over utility easements. It's not a level trail. There are lots of issues with the site. I appreciate Ms. Keller's comments about tree preservation and innovation. The tree preservation extents are not saving many trees. They're cutting in as much as possible. The main point is the safety of the residents on Stribling Avenue. Most of Stribling Avenue is renter occupied. This is a low-middle income street of residents, who live there. Having watched Huntley develop over 15 years, there was endless construction traffic. This is supposed to be a community street. The people impacted the most are low income people, who are currently living on the street. My recommendation is to hold off until there is a clear sidewalk plan and a schedule and budget for that sidewalk.

**Sharon Stone** – I haven't heard anything about Stribling Extended. People, who live at the end of Stribling, take Stribling Extended as a shortcut. It has turned into an 'island' with a bunch of holes. Part of the road is collapsing. It is more like a golf cart track. I haven't heard anything about a plan to address that. People who will live in this development will probably use this road. I would like to know more about the plan for that.

**Neal Goldborough** – Only one person has spoken about the hill up Sunset Avenue. I try to avoid the intersection at Stribling and JPA. I take the hill up Sunset Avenue to get to JPA. It is a whole lot easier and safer. Traffic is going to quadruple when this development comes in. There will be others who will go



up the hill at Sunset Avenue. That is a very dangerous hill and curve. You may want to look ahead because there will be people who will take safest and easiest way and find themselves going up that hill at Sunset Avenue.

**Martin Quarles** – The 240 applications refer to ‘silven character’ of the property and how they’re going to retain it. That is untrue. They’re taking down all of the significant trees. The trails down by Moore’s Creek are in terrible condition due to unmitigated erosion from Huntley. It seems that everyone is arguing fine points. In the big picture, it is the wrong product in the wrong location. It does not serve the community. It does not meet many of the bullet points of the Commission’s stated goals. It will not enhance the quality of life for the people who live in this neighborhood.

**Dawn Hunt** – My question is about the current and proposed Comprehensive Plan. The current Comprehensive Plan has a density that is different and much lower than the proposed Comprehensive Plan for 240 Stribling which is confusing. Another issue is the difference in cost. We need to look at the higher cost for Stribling. I want to reference something the Fry Springs Neighborhood Association sent with their memo last September. They quote the EPA scores for 240 Stribling Avenue for walkability (19 out of 100), transit, accessibility (28 out of 100), and bikeability (33 out of 100). Those numbers are abysmal. If you quadruple the number of people using Stribling, those numbers will go down close to 0.

**Andrea Hawkes** – I have started a folder titled Stribling Disasters. I am going to invite anyone who wants to contribute photographic or video content of what is happening on Stribling Avenue. I have a giant file of photographs that depict the hazards on Stribling Avenue.

**John Marshall** – It sounds like we are aware for the need for a sidewalk on Stribling. I do want to reiterate how difficult it would be to install a sidewalk on Stribling and its likelihood to cost more than \$2 million. The street is very narrow. Peoples’ houses are very close to the street. Peoples’ yards slopes slope steeply down from the street to their house. There could literally be nowhere to put a sidewalk without pushing people’s driveways into their houses or eliminating their parking areas all together. You also have to cut down several hardwood trees. You would also have to figure out what to do with stormwater. There is nowhere convenient for the water or plumbing to go. It is bit of a trick for the developer. Once you start engineering the sidewalk, you’re going to find that it is going to cost several more million dollars. The land drops off a cliff to the railroad track on one side of the street. There are critical slopes down to other neighborhoods on the other side. It may not be feasible to manage the storm water. I highly encourage and ask you to wait for a sidewalk to come first and consider the PUD.

**Steven Cole** – My concerns mirror all of those here tonight. Mature trees are endangered. The proposed plans go against what the Tree Commission fights for, which is to maintain the tree canopy. With water drainage issues on Strbling, I had large amounts of water come into my basement due to water runoff. The traffic study was done during the lockdown due to the COVID lockdown. I agree that this vote should be delayed at least six months to discuss it and take careful consideration.

#### iv. Motion and Discussion

**Commissioner Mitchell** – There is much about this that I like. I like that we will get a significant amount of affordable housing. I like that we would get the infrastructure that we will not get if this is done by right. The density of the development doesn’t bother me. It could use a little more ‘baking.’ There would

be value in sitting with the engineers, the economic development people, and working out the details and logistics and details so we know what this is exactly going to look like when we're ready to move on it. The PUD without the infrastructure won't work. You have to have both of them. I would like a little more 'baking' to happen before we're asked to make a decision. I would want more details on what the sidewalk is going to look like, what it is going to cost, the logistics of doing that, and when and how it is going to happen so the city staff and the developer can come back to us with a unified proposal. I believe that if a little more thought is given to this, the issue raised by Mr. Lahendro, can also be addressed. If more thought is given to this, my worry about what is going to happen to Moore's Creek can be given a little more thought with a clearer articulation of the protection of environmental issues. This is significantly better than anything we have seen. A little more thought would be of value. I am not willing to wait six months to do this. I think we're near. A little more thought and a unified proposal would make me feel a lot more comfortable about this.

**Commissioner Dowell** – I have some of the same sentiments as Mr. Mitchell and the city residents who have spoken. I commend the applicant for the affordability of the PUD, giving housing at 60% AMI and lower. You are providing housing for people at 60% or lower AMI which is something we don't really often see. I do want to commend them for that. My biggest concern is the safety that this PUD proposes. We definitely need affordable housing. Do we want to put the people at risk to give them affordable housing? They have done a pretty good job. I do think they can do better to find a way to come up with a proposal to get those sidewalks completed and to have a plan for that. I then can see this moving forward.

**Commissioner Habbab** – My biggest concern would be with the Stribling completion of those improvements in relation to the project. I don't know if it is by a certain phase of the project instead of the end of the project, or if there's a way to get a better price estimate on that with more details that doesn't end up driving up the cost. We don't want to end up in a position where the city has to find money to finish the improvements of Stribling Avenue. I really appreciate the proposal. It accomplishes a lot. We need the density and affordability. I would like to see more of the ownership units be affordable than the rental ones. For the affordable rentals, we're going to lose them after ten years. For the ownership ones, they tend to be more family oriented to house larger families. I understand there is more to come out from the site plan process in terms of the trees. There is maybe a way to highlight those trees that could be saved with the existing development that are currently there. The areas that are being preserved are the very steep areas. There could be more effort on that end.

**Commissioner Lahendro** – There is a lot that I like about the project. It goes a long way towards satisfying comp plan guidelines or goals. I like the design. It is a great start for the PUD. I wish that they would take it a little farther and be a little more creative in figuring out how to use the PUD to the advantage of the site in saving more of these trees. I am not asking for them to spend another two years doing this. I would like to see them put their heads together, get creative, ask them to work with the city staff, and figure out how to do this in a way that everybody wins.

**Commissioner Russell** – It was called appropriately that the existing Future Land Use Map will call for low density residential in this area. It is clear there is a lack of infrastructure in this area for the density. I am not convinced that we do get the affordability. That's not due to the developers. We need to fix the system in order to ensure, track, and be accountable for and know what we're asking for and that is being provided. The sidewalk numbers need some more study so we can get better aligned with what city staff and the developers/engineers 'sharpen pencils' on those numbers before moving forward. The traffic

study should be considered on Morgan Court. I do have some serious concerns about that road. Being flexible in the PUD process, I don't know what degree we can tweak that. It would be great if we can get creative and retain those specimen trees if possible.

**Commissioner Stolzenberg** – A couple of years ago in a work session with this Commission, I remember being told by the City Manager that it was very reasonable to cut our funding for new sidewalks by 75% because we had so much in the account that we could hardly spend it. We're hearing from our engineer all of that money is for different projects. We still have just \$100,000 a year for sidewalks in our CIP. There's no way with this street, with a bad safety issue. The neighborhood needs these sidewalks, and the city needs this affordable housing. There is no way this thing is going to get funded in the next decades without this project. It's good to see that there's a coming together to get this agreement and make a real commitment to build this and build this badly needed infrastructure. The revenue from this project is clearly sufficient to fund it on top of many other city needs. It is frustrating to me the degree of dysfunction within the city where the economic development department is negotiating this agreement and isn't even telling NDS about it until two days ago. That does justify this performance agreement where we commit to doing it and lock ourselves in. It would make more sense to take the cash and use the tax increment money to build it. It would be the same process except that we get free money out of it. If there are cost overruns, we're getting \$450,000 from this project per year. That's at a pretty conservative \$275,000 per unit. If these houses are going for \$275,000, that is relatively affordable at around 80% AMI. I don't expect it to be that. I expect it to be higher, which means even more tax revenue for the city. We can fund all of these things. The tradeoff is that we need to allow it. We need to legalize it being built. If we're going to say 'no' to housing, this is one of our last big infill sites. We need to use it as well as we can. If we're doing it in a way that gets us 42% of the site reserved for open space with plenty of homes on it, that's reducing the pressure for change on built out sections of the city. We need to make the most use of green infill sites. We need to be planning for a lot more change in our built out areas. To me, that's an obvious choice. The plan is pretty good. There have been some helpful suggestions made today. It would be great if we could save some more trees along the boundary lines. I am looking forward to seeing it come back. I hope it doesn't take six months.

**Commissioner Palmer** – UVA doesn't have a position on this. I appreciate the questions answered.

**Councilor Snook** – I really want to know, with greater certainty than what is available this evening, what the effect of a \$2 million contribution would be and how much more is the city to be expected to have to contribute once we get down to it. One of the things that frustrates me is to be pondering things that ought to, in theory, be knowable. In theory, we ought to have some ability to have the people who know about cost estimating on projects get together and come up with some understanding. We need to get that figured out more precisely. If we are to say that the developer is going to start building sidewalks in a year and a half and we are supposed to have \$900,000 more that we're going to add into the pot in order to make that happen, I don't know where that \$900,000 would come from. Right now, every penny we're going to have in capital funds, is going to be allocated to school reconfiguration. We better have a very solid idea of how we're going to do this. I don't think we have that yet. I like the idea for a whole lot of reasons. I do want to make it work. I don't want us to be in a situation a year from now where they're telling us 'we can't start this project until you commit to another X amount of dollars.' We don't have that figured out.

I have not thought about the problem of the intersection of Stribling and JPA. That's a big issue. That's probably going to require more city effort. Whatever funding source we might be looking at, it's something we need to be willing to commit to solving within the scope of the next couple of years. I don't know what that looks like.

**Councilor Hill** – If this was placed in front of us by the Commission, I wouldn't be prepared to vote on it without a lot more answers relative to this agreement. These cannot be decoupled. There's no way to support this project without having a firm grasp of how we're going to provide these infrastructure improvements to the neighborhood. Having walked this with neighbors, I share their concern around that intersection. I do see that as something that falls within the city's scope. I recognize there are limits to what we can be asking from third parties in some of these things. It has to be a priority. They're finding alternative ways to get to them. Those aren't the best ways either to be getting around that intersection. It certainly wasn't the intention the way these streets were designed. Right now, it is not working for that community. Overarching, it is about this agreement and making sure that we are on the same page with the applicant team. I really wasn't feeling that tonight.

**Councilor Payne** – I am seeing a lot to like and a lot of positives in the presentation tonight. This is one of our few remaining large undeveloped sites. To have a good project there that has affordable housing and is a solid, well-designed project, is very important. I would hate to see it be a by right subpar project of mansions or something that doesn't have a lot of thought and community input. It has certainly been moving in a direction where there has been a serious effort to engage the community and a lot of positive changes made. There's a lot to see that is positive. I would like more specificity in terms of the performance agreement in terms of a clear picture of how much money those sidewalk improvements would realistically cost, a timeline when it would happen, and what if any additional support work would be needed from the city in order to make it happen. Realistically, those sidewalk improvements are not going to happen without this project any time soon. That's just the reality looking at our budget priorities. For the sidewalk improvements to solely come from the city budget is not something that would happen in a short timeframe. Getting them done is an important part of this project. I am definitely curious if there are opportunities to use the PUD process to try to preserve some of the mature trees and tree canopy. I have walked to the end of the site. The critical slopes seem very important as well. To get more specificity there and not overlook that piece of it will be very important. All of those things can be resolved. I hope that we're able to work through those things and get to a solution here. I see a lot to like. It seems like something that we can get done.

**Chairman Solla-Yates** – I have heard a lot of good thoughts here. Do we have some thoughts about a possible motion that we can vote on?

I have been a very big fan of this project for a very long time. I see many important benefits. I do see some things that are not quite done. I found out about the agreement yesterday. I have not had a chance to read it. It sounds like a lot of good work has been done. I do understand that many are calling for more time. I do understand that there could be some benefits to that.

**Commissioner Mitchell** – Based on the feedback, especially from Council, that the applicant would benefit by taking a pause and tightening the partnership that they have with staff to work through some more details.

**Mr. Armstrong** – I appreciate all of the feedback from all of those who spoke at the public hearing and from all of you. The biggest thing on my mind is how long we are going to wait. We have been at this for over two years. We have been involved in this plan in trying to get to a point where it is something that can move forward. We have been very diligent with that. To tell you that a \$2.9 million thrown out tonight is a blindside would be an understatement. I can't tell you how many phone calls and emails have been put into various city departments. I have asked what the estimates are. It has been on the CIP list for a long time. A sidewalk is something that has been demanded. The Bike/Pedestrian Plan has a number. The Bike/Pedestrian Coordinator gave me the background on that. The CIP has a number. The Engineering Department at Public Works gave me information on those as well. I am not sure where that is coming from. We heard that there was no estimate. We heard that it was \$2.9 million. If I came to you tonight and said the number that we're offering towards sidewalks was \$3 million, which I am not, where would the goalposts be now? They do seem to keep moving. We have a lot of our capital tied up in this project. We have to produce something with that. We have 40 employees who depend on us bringing in revenue to pay their salaries. We can't just kick this can down the road for the sake of making it perfect. At some point, we have to stop that. It is either good enough or it is not. We will then have a decision to make. I am not going to ask you for that tonight. I will ask you if you would be willing to defer with a condition. The condition is to ask staff directly and quickly to work with us in the most collaborative way we can to fix this neighborhood problem with our project helping. I have not felt like the city is as interested in solving the sidewalks problem as we are with the exception of the Economic Development Department and the City Attorney's office with the backing of the City Manager. Those two departments have been very collaborative towards solving this problem. I haven't felt it from anywhere else in the city. We desperately want to do this. If we're talking about pushing this off for a month, I am in. If we're talking about 6 months, I don't think we can hang in there that long and we will have to change course.

**Ms. Creasy** – It would be ideal for you all to do that deferral for procedural purposes.

I don't know if I can give a timeline at the moment. The people who have been involved in parts of this are going to have to gather more people together and have some further discussions.

**Ms. Robertson** – Part of the problem is that it is not an easy task to scope a project and assign a dollar figure to it on a short term basis. Mr. Armstrong and his team did quite a bit of work. I think what needs to happen is that leadership needs to put 'their heads together' and talk about what is realistic in terms of whether or not (from inside City Hall) a number can be developed that builds upon the work that Mr. Armstrong's team has done or clarifies it. After tonight, leadership within City Hall needs to put 'their heads together.' I also think that this part and parcel of another function is something that really needs to be updated. That is the process by which we develop the city's capital improvements program. It can't be just a wish list with aspirational numbers or guesses. This is a prime example of having a 'shovel ready' project that was on our CIP with estimates that we were confident in, we could have known whether having \$500,000 cash in hand would have been enough to move it up on the priority list. In terms of what can be done in the next 30 days, I don't really don't think anyone on this call at this meeting tonight can verify whether or not 30 days is enough. Mr. Engel and I will offer our assistance to Mr. Freas, the Public Works Director, and to Mr. Sanders to see if there is a way to work with Mr. Armstrong as well as the City Engineer to get more information out to everyone.

**Mr. Dawson** – Thirty days is not enough. This is a streetscape. This is not a sidewalk. Our CIP process needs a lot of work and it should not be relied upon for developing cost estimates. When I said that there

was not an estimate, I meant there was not a real estimate present. We have two CIP tasks which we use to build those funds because we never get enough money. That's not reflective of an estimate. The estimate (\$2.9 million) that I did reference was put together by someone in my office 6 weeks ago to follow up on the \$500,000 offer. Had I been asked about that, I would have provided it. There is also a staffing issue. We have two review engineers working at the city. We review all of these projects. Both the developer and engineer referenced how they weren't going to consider how trees and utilities interface at this point and the city would help to resolve that during the review process. That's not the role of how engineer of record process works. We're happy to facilitate anything. There needs to be cooperation. We can't be given a survey and a picture of a sidewalk and ask to finalize within 30 days. It takes years to do this. You need to negotiate right of way acquisition, which is its own process. There are a lot of compliance issues involved in this (environmental, research, etc.). Thirty days is quite a task for our staff to develop a cost estimate. That's not feasible.

**Mr. Armstrong** – I think a sidewalk along one side of the road is a much more doable thing here. I don't know if the city has any estimates on that. What the right of way needed is less. The impact to the residents is less. The cost is less. It doesn't solve all of the problems. It puts a sidewalk in place to get that safety concern resolved. Is that something that could be worked out? Would that be enough that it got people on the Commission and Council comfortable with the safety aspect? We can also work on other things that were mentioned as well.

**Commissioner Stolzenberg** – What we're considering here is the very high level land use. There's nothing in this performance agreement that prohibits down-scoping to one side of the street. It even says 'one or more sides.' That is something that will be worked out during the design process that would have to happen as part of a CIP item. There's nothing that would prohibit more discussion of preservation of trees, especially boundary line trees that fit within the overall PUD arrangement as part of a site plan review. It will come back to us. There's nothing that would prohibit more details of erosion sediment control. We have heard from our engineers in the past that the PUD step is far too early in the engineering process to have any serious look at what that means. We have an Erosion and Sediment plan that will be added later and approved by the city engineer. We have broad authority to recommend significant leeway for the engineer to add additional requirements as we did with South First Street. Basically, we will approve this waiver but you have to do what the engineer says. We have talked a lot about a lot of minor tweaks that will make this better. We all agree that the general concept of the PUD makes sense. Disturbing the slopes in order to preserve 40%+ of open space, get lots of housing, and get lots of affordable housing makes sense. Does it make sense to kick this can down the road until this is fully 'baked' or to let the process kick off and have it fully 'baked' through the yearlong site plan review?

**Commissioner Mitchell** – I absolutely agree that this should not take six months to do. There is much work to be done on the infrastructure that is with the city and the developer. Many details, timing, and logistics need to be worked out. I would like to give Mr. Armstrong and Mr. Sanders and team to confirm.

**Commissioner Lahendro** – Going to one sidewalk is some of the creativity that needs to be applied to this. I would hope that city staff muster the creativity to do that and to be open to that.

**Motion to Accept Deferral from Applicant – Commissioner Mitchell (Second by Commissioner Dowell) – Motion passes 6-1.**

**The meeting was recessed for five minutes.**

#### **IV. COMMISSION'S ACTION ITEMS**

##### **1. Cville Plans Together – Implementation Chapter and Topic Specific Chapters**

**Jennifer Koch, Cville Plans Together** – Tonight, we are planning to ‘walk through’ a couple of things. What we’re looking to do tonight is go through a few things listed here. The first thing we will do is a give brief overview of the topic specific chapter updates that we have made. It is a high level overview. We have revised chapters that you will review. After we go through the revisions and the topic specific chapters, I will give an overview of the implementation chapter. I would like to get your thoughts on that. The Future Land Use Map is a really important part of The Land Use Urban Form and Historic and Cultural Preservation chapter. We don’t intend to discuss it in detail tonight in terms of revisions that we’re considering.

##### **Next Slide – Chapter Overview**

As far as the process for how we consider updates to these chapters, we received comments between May and June. We had a lot of feedback. A lot of that was focused on the Future Land Use Map. We also received a lot of comments directly related to the chapters. We took all of that into consideration. There were some comments that were not incorporated. We tried to find ways to address all of the comments that we received. We have coordinated with staff on this. We’re continuing to coordinate with staff from all of the departments as we go along. As you might recall from the May version of the chapters, each strategy had an implementation section of a potential timeline, implementation partners, and each goal had a measure of progress. We have taken those pieces and moved them into the implementation chapter. They are in the matrix of that chapter to be tracked and used with implementation.

##### **Next Slide – Land Use, Urban Form, and Historic & Cultural Preservation**

I talked with you the last time about changes to The Land Use, Urban Form, and Historic & Cultural Preservation chapter. One thing we tried to do was to further strengthen the connections between the land use map itself and the goals and strategies in the chapter. We expect, as we continue to work with you on the Future Land Use Map, that we will tie any further changes in the Land Use Map to the chapter. We do expect revisions as we go along.

We have also worked on this chapter to emphasize the prioritization of infill, retention, and reuse of existing structures above demolition. One thing we clarified in this update was that demolition is not a measure of progress in terms of wanting more demolition. We did not do a good job of clarifying in the measure of progress in the last chapter. We have tried to make that clear here. Our priority is to retain structures where we can. We have also added additional details to this chapter. I believe that goal 4 is related to the zoning ordinance rewrite. We have added some greater detail there in terms of how that should get started, frameworking out the development of the land use/zoning ordinance rewrite. There is also additional detail about considerations in the zoning ordinance related to design principles, context, and transitions. We have heard a lot about that in terms of the land use map. We want to make sure that was really clear. The talking points we use when we talk about the land use map are reflected in the actual chapter. We have also identified some potential future small area plan locations. We have also identified some refinements to the process for a small area plan development. A lot of that was included in the

previous version of the chapter. In addition to these clarifications, we have added a few things. One is an urban development area designation for the city. The city has several different urban development areas. When we have the final version of the future land use map, there will be an introductory section to this chapter that will include a description of the future land use map. Up to now, that has lived or continues to live mostly in the discussions we have had in presentations. That will be a part of the document as well. There are some appendices that come with some of the chapters. We are working to finalized updates on those as well.

### **Next Slide – Housing**

In terms of the housing chapter, we made major revisions to that chapter to get the May version to incorporate the Affordable Housing Plan recommendations. There were some major changes made at that point. You can see the changes made since May, which were largely minor. We added some explicit support for a range of housing typologies, supporting a range throughout the city. We did work to update some of the language around unhoused citizens and how the plan can support them including not only providing housing for people where they would like it and making sure that housing is available. We have added greater emphasis on the need for staffing support and sustained funding. These are things that come out of the Affordable Housing Plan. They are things that you are familiar with. We wanted to make sure it is clear in the document and it is prioritized. As we continue talking with all of you, we do expect there might be some continued tweaks to this chapter. The other thing we added was an introduction to this chapter that had some additional information about connections between The Affordable Housing Plan, The Future Land Use Map, and affordability in the city. We thought it was an important piece to have there and not just leave in an appendix but have it be prominently located. We do anticipate as we move forward, making it even clearer in the document how those three pieces (Affordable Housing Plan, Comprehensive Plan, and the Zoning Rewrite) work together. They are also connected ongoing processes within the city.

### **Next Slide – Transportation**

We have heard a lot about transportation in our process as well. It continues to be a topic of conversation. That's something we want to make sure continues to be reflected in this plan. We have added additional emphasis beyond what was in there with the May version to consider implementation of the Future Land Use Map in terms of where development is happening and considering that when it comes to prioritizing transportation improvements. We have added some clarification around parking considerations. We have added some additional coordination with the forthcoming zoning rewrite. We had heard some desire for additional potential public involvement related to planning for non-motorized travel. Particularly, we heard about bus travel. We also recognize the local interest in bicycle and pedestrian facilities. We have added those as well. We added a couple of other things. One is the idea of potentially tracking areas of concern not reflected in crash data. The previous versions called for identifying areas of need based on crash data. That might not be completely reflective of where issues are; issues where people don't try crossing a road because they know they can't. We have added an appendix to this chapter. It has a list of priority projects from the Bike/Pedestrian Master Plan and Streets That Work Plan. That is a large part of what is effectively The Transportation Master Plan for the city.

### **Next Slide – Environment, Climate, & Food Equity**



In terms of clarifications, we added some increased emphasis on the need to consider impervious surface changes and green infrastructure throughout the city. That's reflective of what we have been hearing. The city already does list that. I just want to make sure that it is clear in the plan if we're thinking about development and climate change or addressing current stormwater issues. We did hear some recommendations about additional strategies for financing or other initiatives related to green banks. We have added those as sub-strategies. In coordinating with city staff, they have been considering these initiatives as well. We heard some comments about that. In addition to the existing food equity/access strategies, we added strategies that are already in the document. We have added some coordination related to thinking about food regionally.

### **Next Slide – Economic Prosperity & Opportunity**

In the Future Land Use Map when we showed both General Residential, Medium Intensity Residential, and High Intensity Residential, we have included some description that there are some areas within those land use categories that would be appropriate for commercial uses on a neighborhood supported scale. We wanted to reflect that in this Economic Prosperity & Opportunity chapter. When the city is working with people to identify sites that might be appropriate for commercial uses, those residential areas might be appropriate for that. We have added some focus on diversifying and broadening the current economic bases partnering with workforce development strategies. These are things the city has focused on in many ways.

### **Next slide – Community Facilities & Services**

This includes utility infrastructure, parks, recreation, and schools. Some of the clarifications we made to this chapter, in terms of natural gas infrastructure, we have removed a component of that goal that called for expansion of gas infrastructure. We have added a strategy of reducing overall natural gas consumption. That was something we had received a petition on. We have also added some considerations related to the future Park and Recreation Master Plan process. Some additions to this chapter include adding a sub-strategy to consider the amount of population within walking distance when citing new public facilities as a consideration to further support the Walkable Community goals that we have been talking about. We have added considerations for having a larger community conversation about stormwater management in the context of climate change. We have added some considerations related to urban agriculture for public parks and open spaces.

### **Next slide – Community Engagement & Collaboration**

This is a new chapter based on the 2013 plan. We did add some sub-strategies, which are supportive of the overall strategies related to community training and education around planning issues, related to fostering ongoing communication with residents and other stakeholders, and a sub-strategy considered for reinstating the community survey to gauge community sentiment. We have added a couple of things. One is potentially calling for regular updates to the community about regional coordination with planning issues. That happens through these Planning Commission meetings. A lot of these are regional issues.

### **Next Slide – Draft Implementation Chapter**

This is an overview of the pieces of the Implementation Chapter. We have identified 6 priority draft areas and 28 related priority strategies. In the full document, as drafted, there are about 300 strategies. Our goal with this was based on the needs to prioritize those strategies and give some emphasis to some of the things that we have been hearing about most. We wanted to create these priority areas and priority strategies. We identified these based on the public feedback we have been getting in all of the phases of engagement. It was based on the conversations with all of you and others in the community. This chapter starts with the overview of the draft priority areas and related priority strategies. The other piece of this is the implementation table. There is a main table within the main document that has the implementation measures of progress, timeline, and the lead and supporting departments and partners for those priority strategies. It does not have in the main body of the chapter that implementation information for all strategies. We have that in a separate implementation matrix that we have pulled out. We also included in this chapter, in accordance with the state requirements around transportation planning, a map and list of priority transportation projects in coordination with staff. We have the implementation table for each topic specific chapter. That is linked at the beginning of the chapter separately from the main body of the chapter.

### **Next Slide – Priority Areas**

These are the six priority areas that we have identified in the current draft. The first area is that this plan should support the development of more housing throughout the city with a focus on creation of more housing that is affordable to more people, especially those with the greater need. We have identified in the Housing Chapter, affordability means paying no more than 30% of their income on housing. What we're looking to in this process is to identify ways to support housing that is affordable to people who make different amounts of money, different amounts of income. That is supported by the strategies we have identified as well as The Affordable Housing Plan. The second priority area that we identified is making sure that all people have access to opportunities and the tools they need to thrive and succeed. This is a varied priority in terms of the types of strategies that are included. We have included strategies that are related to housing, strategies that are related to economic opportunity, and strategies related to food equity. We think those all support this idea of making sure people have access to the opportunities and tools that they need. This plan should work to mitigate and prepare for the impacts of climate change. What those strategies look to pull out are not only support the climate action plan process that is ongoing in the city but also the climate hazard risk assessment as well as some of those green infrastructure improvements. The fourth priority is making it safer, easier, and more desirable to walk, ride a bike, or use non-vehicular transportation options. When we say non-vehicular, it does need to explicitly include public transportation in this priority area. Under this strategy, we are looking to support the implementation of projects from the city's Bike/Pedestrian Master Plan, The Streets That Work Plan, and Safe Routes to Schools, and those other plans that make up the Transportation Master Plan. We're also looking to support these changes to the zoning ordinance to make sure that we're incentivizing and requiring urban scale and walkable communities that further support this priority area. One of the strategies does call for participation in the regional transit partnerships. There is support for public transportation there. There is also further supporting housing redevelopment and infill that supports bike/pedestrian infrastructure and robust public transportation. That is something that needs to be required. It is a requirement to think about a transit oriented development with housing. The fifth priority area is to keep Charlottesville green and protect the natural environment and the benefits it provides. There are only two strategies here. We don't want to downplay the importance of this. This includes strategies related to tree canopy, as well as some strategies related to parkland, public open space, and

green infrastructure in those spaces. The final priority area is to focus on continuing to evolve and improve communication and collaboration. With that we have identified those strategies that all come from the community engagement and collaboration chapter. They include establishing and using metrics and guidelines to make sure city-led processes are as inclusive as possible. That also includes strategies about fostering partnerships, not only within the city, but also with UVA and the county. The third strategy is to evaluate the need for a new community engagement staff or staff dedicated time to focus on those relationships moving forward.

### **Planning Commission Discussion**

**Commissioner Mitchell** – There is nothing significant. I read through the written document. There's one section that I wanted to ask you to be a little more intentional about. It is in the Implementation chapter in the environmental section. It says Strategy 24. This relates to the thing we're always talking about: canopy equity. There's a lack of tree canopy in low-income areas. I would just ask that when we get to Strategy 24, that we're a little more intentional about canopy equity in these sensitive areas. We speak to that in the environmental chapter. I think we do a pretty good job of that. We reference Strategy 4.6. You do reference underserved areas in the Environmental chapter. It would be of value to be more intentional in the Implementation chapter.

**Commissioner Dowell** – Thank you for the updates. One thing that might be 'far-fetched,' I would like it to be mentioned in that Implementation chapter how you guys came on board. It actually started with the process of the Planning Commission doing this first and it then evolved into hiring you to pick up and try to fill in the pieces where we left off. I don't want that to not be captured. This has been a long process. I feel that we have tried to get it right. It should be reflected in that.

**Commissioner Habbab** – It looks great. I am going to be reaching out to Ms. Koch regarding space equity.

**Commissioner Lahendro** – I spent a great deal of time studying the land use chapter, in particular the Historic Preservation components or impacts of the goals, objectives, and strategies. There is clearly a stated intent to look for additional housing and development including the historic areas. That is certainly possible in ADC Districts to be able to add housing units and additional density. I would like to see where it is stated to do that as long as the historic status is protected for those buildings. Our ADC Districts are generally in the National Register of Historic Districts that have been identified and designated here in the city. For every one of those districts, there are contributing members and non-contributing members in those districts. The non-contributing members are great opportunities for providing additional housing and for redevelopment. For the contributing members, I want to make sure that their contributing status is protected. If enough of those contributing members are compromised, that will jeopardize the designation of the historic district. It can be delisted and taken away. The city has, by virtue of identifying these historic districts, has indicated that is important to the city and to city residents. That is important because that represents the uniqueness of Charlottesville. Where that happens in the land use map, I would like to make sure that it is clear that the historic designations for places that are being considered for additional housing, that historic designation is protected and preserved.

**Commissioner Russell** – I had two comments/reactions to the implementation matrix. One is under this tracking the metric of the \$10 million annual spending towards affordable housing programs. The

measure of progress indicator is stated as ‘how are we measuring that towards that goal?’ in the dollars of city funding committed to affordable housing per year. We need to be more granular in that. I don’t know what funding committed means. Does that mean it goes into an account? Does it mean units being built? That needs to be more detailed. I think you’re indicating that you’re going to get there. The other thing I reacted to was under strategy 2-1, which is Land Use Urban Form and Historical Preservation. The priority is to promote context instead of planning to maintain and enhance distinct identities of Charlottesville’s neighborhoods and corridors. What does ‘promote’ mean? How are we doing that? I do appreciate the revisions. I looked through the chapters and noted a lot of really good revisions.

**Commissioner Stolzenberg** – I echo Commissioner Russell’s point about the granularity of those tracking metrics. I know that HAC has its own recently implemented set of ways they’re tracking the implementation of the Affordable Housing Plan. I would like to better understand how those work together. We’re putting in \$10 million a year. There are also housing goals about creating more housing units for our buck; leveraging outside funding sources to make more units. It seems like it should be something that is in there. There’s a housing goal about percent of first and second year students living on Grounds. A better goal there is for students living within traditional student areas including off Grounds. If they live off Grounds, we get tax revenue from them. The problem is when they spill out of those areas that they have been in for 100 years and start moving into traditionally non-student neighborhoods. With the climate mitigation adaptations, it sounds like climate change is an inevitability that we’re not going to do anything about. At this point, it is an inevitability. We need to do something about it or it is going to be even worse. Part of the problem is that the way the Environmental Chapter is framed, that is the overarching goal. There actually isn’t a strategy to get our carbon footprint down to zero. That doesn’t get reflected in the priority area because it only includes goals. There is another one: “It is more desirable to walk, ride a bike, or use other non-vehicle transportation options.” We want to encourage other small vehicles that are not single occupancy cars. With the transportation map materials we pulled from the older plans, I wonder if it is worth updating those at this point given that several of those projects are underway or funded.

**Councilor Payne** – A lot of the changes are positive. I am definitely happy to see the change related to the natural gas utility and the longer term goals with that. My one thought is in the Economic Prosperity and Opportunity Chapter. I wonder if there’s an opportunity to have as a goal community wealth building in thinking about housing, part of an economic development strategy. We can think about how community land trusts, community gardens, co-ops, community development corporations, and Section 3 of HUD’s program with a redevelopment of public housing can all be part of a strategy of opening up wealth building to more people in the community. In particular, an economic development strategy aimed at reducing the racial wealth gap in our community. Community wealth building can be part of the chapter topic. I wonder if there is an opportunity to have that there more explicitly.

**Councilor Snook** – I appreciate the continued refining. I get a lot of emails from people who seem to think the latest draft is a final draft. I keep telling them that it is a draft. There are more drafts coming. It’s a process. I appreciate the progress. I am sure there will be further drafts before it gets to Council.

**Chairman Solla-Yates** – I am very pleased with what I am seeing. It all makes sense, especially the connection between land use and transportation.

**Commissioner Stolzenberg** – A couple of other minor things. We talk about unhoused citizens. We prefer to use unhoused residents, with 7.1 in reviewing LI HTC applications, with land use 1.2, we talk about transitions in a way that is not specified. In transportation 5.4, we're talking about a web based application to make transit easier. I know there is already a web based application to track buses. I wasn't sure if that was the sort of thing or if we were talking about something else. 4.3 seemed like a big one in defining soft density as duplexes up to 8-plexes.

**Ms. Koch** – The way soft density is defined is that there might be some confusion in the text about a missing middle, which would encompass general residential and medium intensity versus soft density. I am going to make sure that is clear. We will discuss next week with the Future Land Use Map. We are considering ways to adjust these descriptions. We may want to revisit some of these pieces when we talk about the map next week.

**Commissioner Stolzenberg** – In 4.1, consider zoning classifications based on form and intensity of use as defined by height and maximum size of structures. "Of use" was the weird part.

**Ms. Koch** – That's a wording thing that we can make clear.

**Commissioner Dowell** – One thing I wanted the consultants to know when it comes to our Future Land Use Map is given clear delineation if we're going to move forward with the overlay district for our affordable housing and if we are going to implement that, I would like to see it clearly spelled out.

**Commissioner Mitchell** – In the meeting you had with the HAC representatives, there was concern about subdivisions and a loophole in subdivisions that would allow developers not to embrace the affordability component. Please hear that. Please make certain we build that into anything we write. They left that meeting not certain if you agreed or heard it.

**Ms. Koch** – We will make sure that is clear.

**Commissioner Habbab** – On the affordable housing overlay with strategy 1.4, there should be more clarity. Do we want to go with require 'instead' of 'consider'?

**Ms. Koch** – That's something that needs be refined after we speak next week. We have had this strategy in the plan since the May version to consider: overlay in the zoning rewrite. We have heard from all of you and others that you would like to see more certainty around that at this phase. It needs to be clarified as we move forward.

**Chairman Solla-Yates** – I have a thought about small area plans. I definitely urge that kind of thinking in selecting small area plans.

## **Public Comments**

**James Groves** – I have provided suggestions regarding the city's natural gas supply not included in the current draft. The city provides gas to the community and has a constrained supply. Each winter, UVA burns 10,000 pounds of coal because the city cannot keep its residents warm. If you allow new gas hookups, the city will either expand its fossil fuel infrastructure or UVA will burn more coal. If you

eliminate R-1, you need to end new gas hookups. Our constrained gas supply is another reason to abandon medium intensity residential zoning. Such zoning will lead to climate damaging teardowns and delivery of waste to the dump. It risks destruction of tree canopy and significant stormwater problems the city may not be able to address. If you vote for medium intensity zoning and allow new gas hookups, you should delete goal #1 from the Environment and Climate chapter. There's no way we will cut greenhouse gas emissions by 45% this decade. The chapter mentions the possibility of implementing C pace and green bank financing. Both are authorized by the General Assembly. The chapter states that Charlottesville will explore C pace and consider green banks. The city should have explored and considered it the last 4 years. The city has not produced a climate action plan. Green banks are known to 'super-charge' climate action with private capital. With C pace and green banks, Charlottesville needs to do it.

**Diane Dale** – I would like to address the environmental issues. It is interesting you have spent tonight talking about the impact of infill off of JPA. Some of the issues were mature trees being taken down. In the Comprehensive Plan update, there will be many instances of such discussions over the impact of taking down trees. At the last work session, the consultants showed a diagram of hypothetical infills of various ways to put in 4 to 12 units per acre. That slide did not include the parking that would go with it. We will have many lots with pretty dense coverage. It is disappointing to not have strong intentional language in this plan about environmental issues and about climate change. I would like to see the environment and climate change have equal footing as equity. If we don't deal with climate change, the result will be inequity to all. I would like to see discussion about overlays for preservation of sensitive neighborhoods.

The meeting was adjourned at 10:16 PM.