

Minutes

PLANNING COMMISSION REGULAR MEETING
August 8, 2023 – 5:30 P.M.
Hybrid Meeting

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

Beginning: 5:00 PM

Location: City Space

Members Present: Chairman Solla-Yates, Commissioner Schwarz, Commissioner d’Oronzio, Commissioner Mitchell, Commissioner Habbab

Staff Present: Patrick Cory, Missy Creasy, Matt Alfele, Carrie Rainey, Brennen Duncan, Remy Trail, James Freas, Sam Sanders, Ben Koby, Jay Stroman, Ryan Franklin, Anthony Warn

COMMISSION REGULAR MEETING – Meeting called to order by Chairman Solla-Yates at 5:30 PM.

Beginning: 5:30 PM

Location: City Space

A. COMMISSIONER’S REPORT

Commissioner Stolzenberg – Not Present

Commissioner Mitchell – The Parks and Recreation Board met. We did a walk-through of McIntire Park. The LUPEC group did meet. I copied you guys on the biannual report that you received earlier today.

Commissioner Schwarz – There was no BAR meeting last month. I missed the Bike & Pedestrian Advisory Committee meeting because I was attending 10th and Page Neighborhood meeting, which we’re going to hear about tonight. I did ask the BPAC chair if he had anything to share with the Planning Commission and had not heard back.

Commissioner d’Oronzio – The CDBG Home Task Force met to discuss one of the hearings this evening. We have made those recommendations. The CAHF Committee met having expanded its numbers from the initial core group that had been appointed. There was work done; mostly having to do with the tools that the CAHF is going to use, the methods of evaluation, trying to clean up some of the scoring models, and working towards a more flexible underlying template. That is in process or largely completed. The HAC met on the 19th. That meeting was mostly an administrative meeting. We did have a discussion of the land bank ordinance, on fees and challenges that the changes to the fee structure might provide to building permits; might provide to the nonprofit housing providers. The Policy Subcommittee was tasked with digging into both of those. On August 3rd, the Policy Subcommittee of the HAC met. We began to review the land bank ordinance with an idea of making recommendations and updating it. At that time, staff asked for some ‘nuts and bolts’ on the fee impact and particularly for projects that are in the

pipeline. They indicated that they would reach out to anybody else. They would provide their own information on that so that there would be a way to look at the numbers in some coherent way.

Commissioner Habbab – The Citizen Transportation Advisory Committee met July 19th. We looked at the long-range transportation plan again. There was some preliminary feedback from the survey that is ongoing until August 19th. Some of the results right now, as they stand, participants were asked to rank these categories in the survey as highest priority to lowest priority. Number one was safety. Number two is environmental followed by multimodal, economic development, and land use. The findings so far prioritize multimodal as opposed to automobile centric roadways. Access-wise, it is a balance between jobs and non-job destinations for transportation needs. There was a focus on improving public transportation rather than congestion reduction. Most of the respondents are drivers that drive alone and is majority white demographic. On smart-scale, the Commonwealth Transportation Board (CTB) is considering re-evaluating some mechanisms in the smart-scale funding program and project selection. We're preparing to send back some feedback to them because their adjustments make it harder to fund smaller scale bike and pedestrian public transportation projects in favor of highway improvements. It seems like the opposite direction that we want to go. I believe that we were not awarded the RAISE grant for the Rivanna Bike and Pedestrian Bridge. With the VDOT project pipeline, we are looking at two areas. An area between Barracks Road and the ramp leading up to 250 and another area at the Ivy Corridor between Edna Drive up to Alderman, focusing on that 250 intersection and the traffic light by Old Ivy on Ivy Road as areas to look for what could be improved. The RFP is out for the Comprehensive Safety Action Plan. The Tree Commission met August 1st. The contractors are continuing to water trees that were planted from last year. The city is hiring two separate consultants to fight invasives. One is Goatbusters. They are using goats at Washington Park. They had them there last week. They're going to be going to Fry Springs in that wooded area behind the pool. The other consultant is RX Fire. They're ex-forest firefighters. They will be mulching and doing some chemical treatments at Forest Hills, Azalea, and the Rivanna Trail between Jordan Park and 5th Street Station. Planting for fall will occur mid-August, mostly in park areas in the city. In talking to the urban forester, he has been surprised with a lot of dead trees unfortunately that were seemingly fine last year. There are some all over the city. It happens to be going on throughout the southeast. They think it is due to the climate conditions.

B. UNIVERSITY REPORT

Commissioner Palmer – Not Present

C. CHAIR'S REPORT

- i. Appointment of Nominating Committee

Chairman Solla-Yates – We miss you Commissioner Stolzenberg. We hope that you recover well. We are short one Planning Commissioner. We are re-advertising. If you find it in your heart the need to become a Planning Commissioner for the City of Charlottesville, please apply.

We need a new Chair. I can't keep doing this. I nominate Chairman Solla-Yates and Commissioner Habbab to serve on a nominating committee to find the next chair. I am not an option. I have done this too much. I am serving on the Thomas Jefferson Planning District Commission. We did not meet this month.

D. DEPARTMENT OF NDS

James Freas, NDS Director – Let me introduce the newest member of our staff who is here this evening, Ben Koby. He is joining us from Shreveport, LA. He started on Monday. If you have an opportunity, please welcome him to the city. We are working very hard with our team to get the draft zoning ordinance (consolidated version of that) complete. I don't have a firm date tonight to share with you. We are still aiming for this week and trying to sort through the last set of final issues that need to be resolved in order to publish and disperse.

Ms. Creasy – We have a joint work session scheduled for August 29th. That is different than our 4th Tuesday. That is the 5th Tuesday of August. We are working through zoning ordinance items and timeframes. You should have the 29th on your calendar. We talked about this a while ago. We are going to be coming forward with several other calendar opportunities in order to continue moving through the process. We don't have things firm yet. We will be getting those out as soon as we possibly can knowing that everyone's schedules are packed to make sure that we can get the word out to everyone.

Commissioner Mitchell – What would be the objective of that work session?

Mr. Freas – We're going to go over the process for adoption in detail jointly with Council, both staff and City Attorney's Office.

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

Kimber Hawkey – There was a comment that I had recently seen talking about the fact that there have been extensive and widespread interactions with the public regarding the details of the rezoning process. That is not true. There are still many people who have no idea what is going on, who are confused about the details. There has not been a solid outreach to the neighborhood associations. The list that you have for the contacts for many of the people who are on the boards of neighborhood associations are not correct. You might think that you are sending information to them but is not getting through to them. I would like to counter that narrative. There has not been extensive outreach from the beginning. The public is greatly ill-informed of what is going on.

Anna – I live in Belmont. I am here supporting The Respect the Neighbors Campaign. The Campaign would like to reiterate, as we said in the City Council meeting last night, that we do not support the development proposed by Dairy Market developer, Chris Henry, for many reasons. There has been a lack of cultural competency. There are no black residents involved in the development process. The second reason is because of the economic, financial affordability reasons. If the proposed development is anything like Dairy Market, the lowest price for a one bedroom is about \$2200. That is not affordable for anybody. It is not affordable for somebody who makes minimum wage. Even at \$15 an hour, it is not affordable. It is not affordable for somebody who makes \$40 an hour. If there is no cultural competency, no consideration for the need for affordable housing, we have heard many numbers from him, but none of them are good numbers. The Campaign is not going to support the development. We're asking for there to be a pause until we can work out something.

Kirk Bowers – I appreciate all your work. I have long standing in the community. I have lived here for 35 years. I have a lot invested in this community. I have a lot of concern over community rights. We have seen decimation of our culture and our community, not only from the 1960s but here recently. West Main Street is a prime example of that. I am here tonight to adamantly oppose the Dairy Market expansion

project. It does not fit within the community. It is not compatible with the uses that are surrounding it. The first project was a mistake. It has already eliminated some of the cultural value of that community. If this happens, it will continue down Preston Street. I want to preserve this area. It is a historic area. It is a mixed-use black community, African American community. We need to preserve it. It is important, not only for the community but for our entire city. We want the development taken somewhere else. Please do not support this project.

Emily Smith – I am a housing attorney with Legal Aid Justice Center. I work with the Charlottesville Low Income Housing Coalition. We would like to voice our support for The Respect The Neighbors Campaign. I know there has been a lot of discussion about limiting density and the size of buildings in residential neighborhoods. We strongly recommend against that. We need more housing in historically exclusionary neighborhoods to address race equity and expand housing opportunities. The lack of density in exclusionary neighborhoods means more displacement in historically black neighborhoods like the proposed Dairy Market expansion. Limiting the number of units and building size in residential districts will detract from these goals and make the city unaffordable. We recommend even more height in the residential buildings where there are affordable units allowing the double density without additional height makes those projects not as feasible. We support more affordability including tax abatements to reach deeper levels of affordability and more affordable units. We would like to see anti-displacement policies in historically black neighborhoods by tax abatements and home maintenance programs for low-income homeowners and by limiting development in those neighborhoods.

Public Speaker #1 – I am here standing up for Respect the Neighbors. I am part of Respect the Neighbors. I live in Westhaven. As we have already seen, The Standard is standing above us. It makes us feel like we're in a penitentiary. It makes us feel like we're the lowest of the lowest. We have built so far down up under the hill so that nobody knows that Westhaven exists. The only reason we exist now is because of drama, crime. Logistically, in housing, we are put under. We worked with the people who were building The Standard. They lied to us. Another company took over. It left us with no choice of having economics of diversity, of having a job, or being able to live there. It is the same thing with The Dairy Market. That is the modern day Vinegar Hill. We're going backwards. Right now, we know that they can build the Dairy Market in the phases that they're trying to build. We don't want that to over tower those people. The apartments are towering over the houses. People have worked years and generations. They're struggling now to even pay for their homes. AHIP needs to step in and help those homes. The laundromat needs to stay in the community. That is something that we need, not just for low income, but for a historic landmark. We need that laundromat. Chris Henry has lied to the community multiple times. Things aren't being used but things are being approved. I am living in low income. I can't even afford to live in The Dairy Market. It is a shame how they have proposed these gallery things that they thought were going to be the introduction of Dairy Market to the black community. I am disheartened of how the whole offset of the whole Dairy Market is.

James Bryant – I want to add my voice to the chorus of people in the 10th and Page Street Neighborhood regarding this project expansion. I have been a long-time resident of 10th and Page Street nearly 70 years. This is where I grew up. It is a neighborhood steeped in rich history. Many of the people that I can remember lived here. It is a thriving neighborhood, close knit community with businesses, teachers, educators. It was one of those types of communities that you loved. Everyone was one big family. My concern with this project expansion is that it doesn't fit into the neighborhood. Nobody will be able to afford to live in those apartments in this nearby neighborhood. The elderly are already seeing their taxes

being raised. Some of them are struggling to pay their taxes. I have heard conversations of renters, who own property in this community, seen their rent increase because of the taxes going up. I hope that when this project comes before, you will vote ‘no.’

Michelle Bryant Taylor – I live on Riverside. I own a house on 13th Street. I own a house on Brookside. I grew up on Dale Avenue. All of this is dear to me. I know the area. It would be wrong for any of it to be built. It would be taken away from the community. No one in the black community would be able to afford to rent anything in those units. It would be wrong to build something like that. The architecture towering over everything as you ride up Main Street is all you see. If you take that (like Westhaven) and fence that in, it makes like they’re nothing. That’s the way I feel. Box them in and make them disappear, which is what they did if you read the history at the University. If you read the history of what they tried to do with the people that lived on the land at the University. I don’t think it should be built.

F. CONSENT AGENDA

1. Minutes – May 23, 2023 – Work Session
2. Minutes – January 11, 2022 – Regular Meeting
3. Final Site Plan – Belmont Heights (1000 Monticello)

Commissioner Mitchell – Motion with amendment to May 23, 2023 Minutes – Second by Commissioner d’Oronzio – Motion passes 5-0.

Mayor Snook called Council to order.

The Home ARP Action Plan was moved to the top of the public hearings.

II. 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. Draft FY2023 HOME-ARP Action Plan for the City of Charlottesville

15-DAY COMMENT PERIOD: Monday, July 24, 2023 – Monday, August 7, 2023

The Planning Commission and City Council will be considering projects to be undertaken as part of the City’s federal fiscal year 2023-2024 HOME American Rescue Plan Program (“HOME-ARP Program”). The Department of Housing and Urban Development (“HUD”) has informed the City that funding for the HOME-ARP Program is currently estimated at approximately \$340,000, which the City plans to use to support the preservation and/or development of rental units affordable to households at 60% of the local Area Median Income (“AMI”) (at or below \$55,500 for a household of four persons in 2023). Information regarding the City’s HOME-ARP Program can be found online at <https://www.charlottesville.gov/1658/HOME-ARP> and persons interested in this program are invited to contact Anthony Warn, Grants Analyst, by e-mail at warna@charlottesville.gov.

Commissioner Habbab – I have a statement to make regarding my participation in the Planning Commission’s consideration of the FY23 Home-ARP Action Plan. I am employed by BRW Architects. As a result of the annual salary that I receive from BRW Architects, I am required to

disqualify myself from participating in the transactions. If anyone would like to review the detailed written disclosure statement that I have filed with the Secretary of the Planning Commission, that statement is available upon request. I can't vote on this.

Commissioner Habbab did leave the meeting for this public hearing.

i. Staff Report

Anthony Warn, Grants Analyst – I am here to ask the commissioners to consider funding recommendations made through the city's Home ARP Program, which is the Federal Department of Housing and Urban Developments implementation of the America Rescue Plan. We recently were notified by HUD of an award of over \$2 million. We participated in a consortium of five surrounding counties through, which each member of the consortium receives an equal share. The City of Charlottesville will receive an allocation of \$347,404.92. This is like the existing Home Program. Several factors were waived because HUD wanted to try to get the money into projects as quickly as possible. It was decided among the member jurisdictions to focus on trying to foster affordable rental housing opportunities. We received four applications through a competitive grant program. These four applications were evaluated and reviewed by the citizen members of the CDBG Home Task Force. Funding recommendations have been made to two community organizations based on Task Force members' belief that these will help maximize the impact of this limited amount of funding. The members fully recognize the cost of housing in the community. One recommended funding award goes to an organization called Community Services Housing Incorporated. The program that they have submitted to us is called the Continued Rehabilitation and Repairs to Preserve CSH affordable rental housing. The request was for \$67,361, which they will use to affect several critical repairs to units that they already are in possession of and control. The use of the money would help to preserve these as affordable rental housing units and extend the minimum required affordability period to 15 years. The second recommended program is for Piedmont Housing Alliance to support their redevelopment of 1025 Park Street. This money would go to help rehabilitate and do other improvements to a duplex on that site, which would continue as affordable rental housing opportunities. There would be a minimum 15-year affordability period using this money. PHA has committed to making these permanent affordable rental housing units to families at or below 50 percent of the local AMI. There are no budgetary impacts anticipated by this. This is all money that would be coming into the city from HUD. There is typically a local match requirement from the city for any participating jurisdiction. That has been waived by HUD in order to help fund programs as quickly as possible. Therefore, we ask for approval to forward these funding recommendations to City Council for review and approval.

Commissioner Mitchell – What is an entitlement community? How does one get to be one?

Mr. Warn – The Department of Housing and Urban Development has reviewed and evaluated all the municipal communities and rural communities throughout the country and have identified those because of their demographics. Their characteristics are eligible for programmatic funding through a variety of different programs. The funding comes through based on population rather than through a competitive grant program. There are several HUD programs that communities are eligible to apply for. This is a programmatic fund if we are deemed to be implementing the program effectively, consistently, and in accordance with the regulations, we get to continue.

Alex Ikefuna, Director of Community Solutions – I wanted to add a clear definition to the explanation. Usually, with the definition of entitlement communities, this is a standard definition of communities with a population of 50,000 or more. They look at several factors in terms of poverty rate. One of the thresholds is a 50,000 population. At the time that the city was designated, hard use was another threshold in what they call as a primary city in a region, which Charlottesville is: a some of major employment center and a metropolitan area. That qualifies it as an entitlement community.

There were multiple issues with the wireless microphones during the meeting. Some members of the public expressed their frustration at the lack of space at City Space. Planning Commission moved to the elevated surface at the front of the conference room. Council moved forward to make room for the members of the public to enter the conference room.

ii. Public Hearing

No Public Comments

iii. Commission Discussion and Motion

Commissioner Mitchell – This is straightforward. I have worked on the board that does this work. A lot of work goes into it. A lot of work goes into the applications. Knowing the work that goes into making the recommendations, I am not willing to second guess the Task Force

Motion – Commissioner Mitchell – I move to approve the FY 2023-2024 HOME-ARP Action Plan as presented before the Planning Commission and recommend forwarding of such for review by City Council. Second by Commissioner Schwarz. Motion passes 4-0.

2. **CP23-00001 – 0 East High Street** – Pursuant to Virginia Code section 15.2-2232 and Charlottesville City Code Sec. 34-28, the Planning Commission and City Council will review the public roads, trails, and park facilities proposed within the 0 E High St. preliminary site plan to determine if the general location, character and extent of the proposed improvements are substantially in accord with the City’s currently adopted Comprehensive Plan or part thereof. The preliminary site plan may be examined at the Department of Neighborhood Development Services, 610 E Market Street, Charlottesville, Virginia, Monday – Friday between the hours of 8:30 a.m. and 5:00 p.m.

Commissioner Habbab rejoined the Planning Commission meeting.

i. Staff Report

James Freas, NDS Director – This is for 0 East High Street. We’re doing a 2232 Review, which is a review for consistency with the Comprehensive Plan for the project proposed for 0 East High. Our focus tonight is on the review of the identified public features for their consistency with the Comprehensive Plan. For clarity, the Planning Commission is not reviewing for consistency with the SADM (Standards and Design Manual). There is a note within the staff report referencing The Standards and Design

Manual. Disregard those notes. For the purposes of our review, look at the consistency of those public features identified with the Comprehensive Plan.

Jay Stroman, City Attorney – Pursuant to the discussion that we had at the Pre-Meeting with the Planning Commission, because of a legal issue that has been raised with respect to Charlottesville City Code 34-28c, we have suggested that those references in the staff report be disregarded. In addition, that is a permissive rather than a mandatory provision. We recommend that you exercise your discretion, not to invoke 34-28c and conduct your Comp Plan review in the normal course.

There were multiple issues with the wireless microphones during the meeting.

Carrie Rainey, City Planner – Pursuant to Virginia Code Section 15.2-2232, the Planning Commission may determine whether the general location, character, and extent of the proposed public facilities and uses are compliant with the adopted comprehensive plan prior to authorization and construction of said facilities and uses.

The detailed design of the proposed public facilities is reviewed for compliance with all applicable codes and standards as part of the preliminary and final site plan review processes. This includes compliance review with the floodplain ordinance, water protection ordinance, and public facilities design requirements.

Other components of the proposed development, including the multifamily residential use, private parking lot serving the multifamily units, and private amenity spaces, are not components for which the Planning Commission may conduct a comprehensive plan compliance review. The private development components are reviewed for compliance with all applicable codes and standards as part of the preliminary and final site plan review processes. The Planning Commission, per Section 34-820(d)(3), will review and approve or deny the preliminary site plan application at a future date.

The applicant proposes 2 new public streets, labeled Public Road A and Public Road B, in addition to widening existing Caroline Avenue and Fairway Avenue.

Public Road A provides access to private property and a network of proposed trails, both on private land under public easement and on land to be donated to the City, which connect to the Rivanna River trail network.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to the importance of improving public access to the Rivanna River, public spaces, and trail networks.

However, several goals also underscore the importance of preserving environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic. Public Road A will provide additional public access to the Rivanna River trail network but will not provide connectivity to the wider street network and community.

Public Road B will align with the existing public street Willow Drive. Public Road B provides access to private property and proposed Lot B, which provides public parking and a public trail connection to the Rivanna River trail network.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to the importance of improving public access to the Rivanna River and trail networks. However, several goals also underscore the importance of preserving environmental resources such as floodplains, and the importance of a complete street network to improve connectivity and distribute traffic.

Public Road B will provide additional public access to the Rivanna River trail network contingent on the establishment of the proposed trail network connecting through Lot B but will not provide connectivity to the wider street network and community.

Caroline Avenue is proposed to be widened to meet the 20-foot minimum roadway width for two-way travel specified in the Standards and Design Manual and to provide a 5-foot-wide sidewalk along the development's frontage. The public sidewalk proposed on Caroline Avenue will continue around the corner to connect with the existing Fairway Avenue public sidewalk. The applicant proposes dedicating a portion of land so that the proposed public sidewalk and the existing public sidewalk along Fairway Avenue are entirely within public right-of-way.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to the importance of improving public access to the Rivanna River and trail networks as well as transit stops. The widening of Caroline Avenue and Fairway Avenue will permit a new public sidewalk connection on Caroline Avenue, which will connect pedestrians to both proposed Public Road A and Lot A, as well as the existing transit stop on Fairway Avenue and nearby Meade Park. However, the widening will not address the lack of sidewalks on the remainder of Caroline Avenue.

The applicant proposes the dedication of 2 new parcels, Lot A and Lot B. Lot A is proposed to include a new public trail and Lot B is proposed to include a new public trail parking lot and trail connection to the existing Rivanna Trail.

Lot A is 3.79 acres in area with frontage on Fairway Avenue. In addition to the proposed public trail, Lot A also encompasses a portion of the existing Rivanna Trail and Rivanna River riverbank, a portion of Meade Creek, and includes stands of mature forest and critical slopes areas.

The proposed trail on Lot A will connect to both Fairway Avenue and proposed Public Road A. The connection to Public Road A is proposed as a new trail on private land (TMP 50-144) with a public access easement to ensure continued access by the public. The proposed trail on Lot A will include a bridge structure over Meade Creek and adjacent critical slopes. Proposed disturbance on Lot A is limited to the area of the proposed public trail.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to importance of protecting tree canopy and habitats, particularly in areas within the Rivanna River corridor and near local waterways. The 2020 City GreenPrint 1.0 plan (an appendix of the comprehensive plan) identifies the forested area of Lot A as part of a larger tree canopy patch, and notes such patches can provide wildlife habitat, infiltration of stormwater, and other ecological benefits beyond those provided by individual tree plantings. Donation of Lot A will allow the city to preserve and protect the environmental resources on the lot.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to importance of increasing public access to the Rivanna River and trail network. The 2015 Bicycle and Pedestrian Master Plan recommends a new shared use path connection in the area of Lot A between the Rivanna River Trail and Fairway Avenue. Therefore, the trail network proposed on Lot A will provide an additional connection to the Rivanna River in a priority location.

Lot B is 1.16 acres in area with frontage on the proposed Public Road B. In addition to the proposed public trail parking lot with trail access to the Rivanna Trail, Lot B also encompasses a portion of the existing Rivanna Trail and Rivanna River riverbank. Proposed disturbance on Lot B is limited to the area of the proposed public trail parking lot with trail access detailed below.

Several goals of the 2021 Comprehensive Plan and 2022 Urban Rivanna River Corridor Plan speak to importance of increasing public access to the Rivanna River and trail network. Riverview Park, located approximately 1 mile south as measured along the Rivanna Trail, is the nearest public parking facility providing access to the Rivanna Trail. The high utilization rate of parking at Riverview Park indicates additional public parking facilities would improve community access to the Rivanna Trail. Therefore, the proposed public trail parking and associated trail connection to the Rivanna Trail will provide an additional connection to the Rivanna River in a priority location.

Many members of the public have provided comments to staff, the Planning Commission, and City Council on the associated preliminary site plan since the application was first filed in August 2022. While many comments focus on the associated private development, the following items were noted by multiple members of the public regarding the facilities under review by the Planning Commission:

- Public Roads A and B do not provide connectivity, do not adequately address traffic conditions, and do not align with the comprehensive plan.
- The importance of maintaining public access to the Rivanna River Trail.
- The importance of preserving the floodplain and existing vegetation/wildlife habitat.
- The desire to see the property to become a public park or natural area.
- Construction of the public parking lot on Lot B will negatively impact the Rivanna River.

Commissioner Mitchell – Tonight, we are not focusing on anything but the public roads, the trails, and the parking facilities. We are not focusing on sewers or water infrastructure. It is just whether those three things and the way the applicant is proposing to deal with those three things and whether they are consistent with the goals of the Comprehensive Plan. Is that accurate?

Mr. Stroman – That’s correct.

Commissioner Mitchell – I want to make certain that I match my questions with understanding. You talked about issuance of a floodplain permit. At what point does that happen? Who issues it?

Ms. Rainey – The floodplain permit is required prior to approval of the final site plan. We are currently under a preliminary site plan review so that would not be a component of the preliminary plan. The floodplain manager is the one that approves our floodplain permit and must determine that the activity or use, including any public roads or other facilities will not adversely affect the capacity of the channels, floodways, of any water course.

Commissioner Mitchell – Lots A and B are proposed to be donated to the city. Are those lots or is any of this in a floodway? I believe that we cannot build in a floodway. Is that accurate?

Ms. Rainey – Generally speaking, there are a lot of limitations to what can be done in the floodway. There are some portions along the lower portions of the lot, which the final determinations of those lines are a part of that floodplain permit process. Not much happens in the floodway.

Commissioner Mitchell – With the critical slopes, I suspect that the work that we're going to do on Lots A and B are going to touch on the critical slopes. At what point, do we get to understand what the mitigation plans are for protecting the construction in the critical slopes and the Rivanna from any construction debris?

Ms. Rainey – The plan with Lot A is to construct outside of the critical slope area, having the bridge touch down outside of the area and having no impacts to that lot. There are provisions in our code that allow public facilities, such as trails to be exempted from the critical slope waiver process. That would be our intended process forward.

Commissioner Mitchell – With the Lot B parking lot, that will disturb the critical slope? At what point will the developer walk us through their mitigation plan to protect the Rivanna if this moves forward?

Ms. Rainey – If a critical slope waiver is required, based on the limits of work, it would be an application provided prior to the approval of the preliminary site plan. We would need to work through that piece.

Commissioner Mitchell – They would have to come back and help us to appreciate that they have a good mitigation plan in place?

Ms. Rainey – That's correct.

Commissioner D'Oronzio – In our evaluation of the street, sidewalk width, and access to the river, it is difficult to do in isolation. What do we know about the ecological impact of building two roads in there? If we're going to evaluate, pursuant to the Comprehensive Plan, we have adopted the Urban Rivanna River Plan as part of the Comprehensive Plan. That involves the ecological protection of the river itself. We have this limited view of the roads that are being built toward the river and into the floodplain. Have we done anything about evaluating the ecological impact or the impact at that level, knowing that 'we're improving public access to it' by virtue of having roads going there.

Ms. Rainey – A part of that would be related to our floodplain permit review in terms of the impacts to the floodplain and the Rivanna River.

Commissioner Habbab – On that parking lot that Commissioner Mitchell mentioned, it seems like it was in the floodway and not the floodplain that was going to be donated to the city. Is there no impact to that? Did staff review that? What are their thoughts on that impervious surface?

Ms. Rainey – As part of the Comprehensive Plan review, we're not reviewing the details of design of those pieces a part of which would have to be confirmation that the floodplain permit could be achieved

and that the requirements were met per the floodplain and floodway section. There is not a detailed analysis at this time. That would happen during the final site plan process.

Commissioner Habbab – Looking at the staff report, it said that some of the project meets strategy 5.8-work to preserve enhanced wetlands, floodplains, and other features that provide natural resiliency against climate change. That’s just in relation to them donating an area of wooded land like Lot A?

Ms. Rainey – The city would have control of the parcel and could determine any appropriate measures.

Commissioner Habbab – It is not an analysis of the whole development. Is that correct?

Ms. Rainey – That’s correct. We’re only looking at the public facilities.

Chairman Solla-Yates – I have read quite a bit of correspondence on this topic. I saw some concerns about bicycle and pedestrian safety with those facilities. Can you speak to that issue?

Ms. Rainey – I am not sure I am aware of a specific issue that you are referring to. The trails would need to be built to our city standards that are provided from the Parks Department and appropriate connections made into the existing sidewalk on Fairway and where that connection would happen.

Commissioner Mitchell – One of the things that concerns me is the road connectivity; the fact that these roads do not connect to the greater roads in our community, is there a way to fix that? Is this just the way things are going to be laid out?

Ms. Rainey – Potentially, there are other options. Right now, Public Road A and Public Road B are two streets that dead end or stop instead of connecting to each other or connecting to some other public street network that could connect through to each other. I would say there are potentially other options out there. I wouldn’t be able to specifically lay those out.

Councilor Puryear – I am concerned about the compliance as it relates to the Comprehensive Plan with our walkways. I have the same concern that Commissioner Mitchell has about the roads.

Mayor Snook – Are we or are we not looking at the question of the applicability of the Standards and Design Manual at this point? A lot of the comments that we have go to that kind of thing. I only saw the information about the potential legal issue and the conflict that was being pointed out about 30 minutes before this meeting. I haven’t had a chance to read all the different references. Are we going to be looking further at the question of whether the Standards and Design Manual will constitute a part of the Comprehensive Plan such that failure to comply with the SADM would constitute a failure to comply with the Comprehensive Plan?

Mr. Stroman – I am not prepared to respond to that question.

Mayor Snook – I know that the issue came up a couple of hours ago. We will have to sort it out.

Vice-Mayor Wade – I have some comments. This is something we have been receiving emails and input for several months. It is a project that could change the character of that part of the city. I do have some

concerns with it. I was able to walk the area with the residents. Ironically, it was after a bad storm/downpour. I see it as a lot of environmental impacts to try to address what was happening there. It is one of those things that I could see that if it is not done right, we will be getting a lot of complaints because it will probably come to City Council. If the units there get flooded and we didn't do what is right, I see some concerns with that. We have a very productive and popular business there that will be impacted potentially. That's a concern of mine. The impact/access (with my old days as a transportation planner), the pedestrian and bicycle impact. I know a lot could potentially be happening before it gets to Council. That's where I am coming from currently.

Chairman Solla-Yates – Can you address the impacts to the business? Is that a Comp Plan issue?

Ms. Rainey – I would not believe so.

ii. Applicant Presentation

Justin Shimp, Applicant – I want to take a minute and go over some details and pictures of these areas in question. You have heard a lot about Lots A and B, A and B Roads. I want to spell out for you and the people watching what the proposal exactly is. As we have discussed, we are only considering the public infrastructure proposed, not the apartments, the fill; nothing else. We will walk you through what those exactly are, how we got to those, and go from there.

Next Slide – 0 East High Street

The project area is about 22 total acres. I think most people are familiar with it. It encompasses all the way down from Fairway Avenue, along the Rivanna River, and up to the back of Cosner Body Shop, that is near the Route 250 Bridge. The area in white is the project area.

Next Slide – Project Timeline

This is the timeline for reference. We have been hearing about this for some time. Our first submittal was about a year ago. There was a site plan conference in October 2022 attended by about 100 people on that call and maybe 35 people spoke. One of the things we heard often was a concern about losing access to the river. It is private property right now. People have been traversing across it. There is no easement or any right of the public to do so. This project proposes creating those rights into perpetuity. We made another site submittal to deal with technical issues. We scheduled a meeting with Parks & Recreation to talk about the trail connections that they were interested in. We heard very reasonable comments from the public at the meeting that both our project and the pedestrian connectivity could co-exist on the site. We pursued that line of thinking. We made a third submittal in February 2023. We had a follow-up meeting with Parks & Recreation in April 2023. It has been about a month sending the designs you see on the site plan back and forth with the city traffic engineer and the Parks & Recreation representatives to see how these trail connections and the parking lot work with what they had in mind. The location of the parking lot is per a sketch given to us by the city Parks & Recreation. That's where they wanted the access point. The interesting thing about this process is that, by virtue of hearing what people had to say and trying to work with Parks to make these contributions, we have triggered this whole analysis. We did not envision a 2232 review when this project was first started. I have had my business 13 years. I have worked over 1000 individual projects. I have never had a public/private project called up for 2232 review. We have dedicated right of ways, park space. We have never had this before. We're fine to go through it. We're fine to outline the proposal.

Next Slide – Surrounding Context

An overview is within the yellow, the new connections. This is a very important slide to look at. You have green. We have existing sidewalks on those streets that we have highlighted. The ones on East High Street are debatably good sidewalks. This project opens a valuable connection with the Fairway Avenue side. If you are on the other side of the bypass and you go across on the Greenway Trail and you want to go to the downtown area, to stay on that trail, you must go all the way down to Riverview Park. With this proposed connection, you can stay on the Greenway Trail, come down to the yellow at the bottom of the page, come up a trail to Fairway Avenue, up Fairway Avenue, over to East Jefferson, and straight into downtown, which are better streets to traverse than East High Street. These connections close the loop and fix a serious shortfall in infrastructure, particularly for pedestrians and bicyclists between Route 250 and up to the top of East High. It is an improvement as part of this project outlined there.

Next Slide

Here is a blowup of some of the improvements. We have a widening of Caroline Avenue. The roads are narrow. We are widening that and putting in a sidewalk to connect. We are installing a public street that would have 7 parking spaces, essentially a trailhead with public parking. For the trail that connects from our site down to the shaded area, which is Lot A (land to be given to the city of Charlottesville) as park space and down to the trail. That land becomes city-owned property forever. Our connection allows a critical path to get on city property from the Greenway to city infrastructure. We're going to build a trail and two bridges. The ownership of that land gives the city the ability to do more with it at some point in the future.

Next Slide

This is a schematic of the site plan. This shows the two pedestrian bridges. There is a stream that flows through this area. There is no disturbance of the stream proposed by any of the public facilities. We would span over the stream slopes with a long bridge that was required. The total area of dedication is 3.79 acres of land.

Next Slide

On the northside of the property, the Public Road B gives access to Lot B, which is proposed trailhead parking. That will be a public street cul-de-sac, which will serve several commercial lots.

Next Slide

This cul-de-sac will serve several purposes. There are two remaining commercial parcels on either side of the cul-de-sac that could support businesses to the river. There is also a parcel reserved for the Rivanna River Company relocation. They are currently set up near the entrance to the parking lot. We will need to relocate them. Our client is willing to work with them, get them a site plan, and make them a long-term tenant of the property. The current River Company operation does not have a site plan. No one from zoning has gone to give them trouble. I hope they don't. That is an issue that must be dealt with. Our intention is to move this preliminary site plan forward and submit a plan showing how the Rivanna River Company can relocate. It is in the bounds of the floodplain regulations on that parcel. I don't know if their current operation meets all those requirements. We are prepared to help them get over that hump with this dedication and creating the trailhead parking for access.

Next Slide

This is Riverview Park. The blue covers up Riverview Park and it is the floodplain boundary. You can see the edge of the parked cars there at the bottom righthand side. There is a bird's eye view showing that. The other park trailhead in the city is very similar. It is a little dead-end road, with a parking lot in the floodplain with access to the river. That is what must happen. I recognize that there were questions as to whether public access will have some kind of impact. I suppose the development could have an impact. It is necessary to get that in the floodplain to have a reasonable proximity to the river. You will see that in all parkland circumstances. These trailheads are in the floodplain. There are ways to mitigate those impacts.

Next Slide – Stormwater Management

This is the location of the parking lot to be built. Here, we have an excellent opportunity to sheet flow into an open space. With that tall grass, that would remain between the parking lot and the river. That is a natural buffer for stormwater runoff from our small parking lot into the river. It gets one of the highest runoff removal rates. When you do the stormwater analysis and look at these details, that condition gives you the highest treatment possible for stormwater mitigation. You will note that all the other infrastructure around the city drains directly into the river in some fashion with no stormwater management. I recognize the concern about development adjacent to the river. The reality is that new development will have stormwater management required by a floodplain development permit and regulations required by code that mitigate those factors to the higher degree than it is on Caroline Avenue. There is no stormwater management there. The water flows to the creek and straight into the river. There is no protection of that before it hits the river. It is the same with most of those neighborhoods. What we are doing is a better outcome from a stormwater standpoint than what exists.

Next Slide

This is reminding us of the benefit of these connections. What we're talking about is public infrastructure being proposed at no cost to the city. I heard earlier that there was discussion about how there are a lot of things to balance. How are we going to focus on what this is? It is simple. Your city trails planner comes to you and says, 'I have this project, these trails, streets, trailheads, public access.' Someone is going to donate the money to us to build it. If you're weighing context of that decision and the Comprehensive Plan, I would say 'yes.' There are a lot of things that we're trying to get done with this set of improvements. You will find that it does fit with the Comprehensive Plan. We're discussing the value of this public infrastructure as it relates to the city's Comprehensive Plan. The Comprehensive Plan provides a lot of support: these access points, public access, and ways for people to get around. The comment in the staff report talking about perhaps the ways this doesn't meet The Roads That Work, talks about connections and having land use and transportation in complimentary ways. It says, 'The city will place an emphasis on enhancing networks and safety for walking, riding bicycles, and public transportation.' This is definitively an improvement for walking and bicycling in this corridor. While there will be questions of why the streets don't connect, we don't find that to be a valuable public interest here. Making the connection for pedestrians and bicyclists to safely navigate that corridor is of high public interest. Cars can travel around this neighborhood. Collectively, it is a great improvement for the city.

Valerie Long, Applicant – I am representing the applicant. I do not have a lot to add in addition to what Mr. Shimp said. I ask that the Planning Commission note the various and numerous elements of the Comprehensive Plan that are cited in the staff report as potentially being consistent with the public facilities as proposed. As Mr. Shimp noted, but for the applicant's offer to construct and donate these public facilities to the city, this 2232 review would not be required. They're not required as part of a by

right site plan typically. I want to point out that the applicable provisions of the state code and the relevant portions of the city ordinance do specifically talk about the general location or approximate location and the character and the extent of those public facilities. To reiterate, the comments, regarding street connectivity, is not an absolute goal. As you know, the Comprehensive Plan is a general guide to development of the city. Not all streets are appropriate to connect to others if it means connecting through critical slope areas or other sensitive areas. In many cases, it would be appropriate for those streets to not connect through. As noted, they do substantially improve the bicycle and pedestrian connectivity, which is cited throughout the Comprehensive Plan and numerous components. (Ms. Long had to switch microphones due to the issues with the wireless microphones). I was noting that the pedestrian and bicycle connections that are facilitated by these proposed trails and the public streets including the parking lot that those individually and collectively substantially increase the bicycle and pedestrian connections and infrastructure in this area. I ask that you weigh the various components of the Comprehensive Plan, many that are directly on point in support that these public facilities support, regarding public access to the river and the park and the stated need in the staff report for public access and parking to access the trailheads. I will finally note that the relevant provisions of the state code also speak to whether these facilities are substantially in accord with the adopted Comprehensive Plan. I ask that you consider whether substantially in accord and all provisions or components of the Comprehensive Plan. It does not have to meet each goal and strategy of every component of the Comprehensive Plan.

Commissioner Mitchell – When do you plan to begin the work on this? This will happen before the construction of the apartments and condos.

Mr. Shimp – It would be done concurrently with the construction of the whole project. The elements shown here tonight will become required items to be completed to get a CO to occupy the building.

Commissioner Mitchell – What would be the impact of a denial?

Mr. Shimp – We feel that a lot of the items that we're here for are things that we volunteered. If the Planning Commission does not find that the trails, parking lot on public access are in public benefit, they could be removed from the plan. That would be our intention.

Commissioner Mitchell – What we would get is a couple hundred apartments with no infrastructure that gives us better access to the trails, better access for bikes, better access for people who walk around.

Mr. Shimp – You could. That would be your choice if you approve this as it is. We are required to construct those improvements.

Commissioner Mitchell – If we don't, you're not going to do it. You're going to build a couple hundred apartments.

Mr. Shimp – That is not my call to make. Our intention would be to move forward, as we originally did. If these public infrastructure items are hangups, I don't see why they would be. If they were, they could be removed from the plan, and we would resubmit.

Commissioner D'Oronzio – Can you speak more to the improvements to Caroline Avenue? Where are you starting? Where are you stopping? I am familiar with that having pathological aversion to High Street

like getting away with it. It would seem to me that if you're going to protect the city approvable roadway, you're going to have to do a lot of work.

Mr. Shimp – We own the property up to the first house on the right as you go down Caroline Avenue from Fairway. The improvements are from the intersection of Fairway and Caroline potentially down to our property line. That's where that road is dedicated. It is all the open space you walk past if you're heading from Fairway towards Jack and Jill before the first house.

Commissioner D'Oroznio – You're putting in a sidewalk. It isn't ideal with the buffers that we like and you're widening the road?

Mr. Shimp – Correct. There will be a sidewalk installed per the local street standard and the road widening at the local street standard. That is the proposed route.

Commissioner Habbab – I have a question about some of the materials. I wonder if you have gotten that far yet. On the bridge by the trail, what are you proposing there so it doesn't wash away?

Mr. Shimp – We're at the general items at this point. It will probably be a mix of wood and steel construction with basically foundations anchored on either side of the stream and spanning across the stream. That is getting off the topic. That is how we intend to build it.

Commissioner Habbab – With the parking lot, were there any considerations for impervious surfaces or somehow integrating it to not harm the ecology that is there?

Mr. Shimp – With the discussions with the city Parks people, that did not come up. This is going to be their parking lot. There is an excellent opportunity. The sheet flow that conserved open space is the best way to treat stormwater. This parking lot sits in the right spot to do that. Seeing that and the location they wanted, I felt that was an excellent mitigation as it was. The problem with the pervious is that it becomes a maintenance problem. That was not discussed with them. Our proposal, I believe, will mitigate the stormwater impact because of the location on the property.

Commissioner Mitchell – Let's say that we approve this. They end up not being able to get the floodplain permit and not being able to get our technical leaders comfortable with the site plan. They end up walking away. Is there any lingering consequence to having approved the city infrastructure, the roads, the parking?

Mr. Stroman – Your question regards if there is an issue in obtaining the necessary floodplain approvals. Is that correct?

Commissioner Mitchell – The floodplain approvals or they get frustrated with the technical requirements that we put into the site. They decide that they don't want to do this anymore. When we approve a rezoning or SUP, that transfers no matter who owns the property. The applicant walks away and decides not to develop. Is there some lingering need to embrace this application?

Mr. Freas – Once it appears on the site plan, it would be bound as part of the approval of the site plan.

Commissioner Mitchell – I am using an SUP as an example to allow different setbacks and different density. A year later, they walk away. That SUP still exists for anybody else who can come in and do this.

Mr. Freas – That would not be the case here.

Councilor Payne – Is my understanding accurate that these public facilities that you're proposing were not in your original plans?

Mr. Shimp – That's right. They were not on the first three submittals. We had discussions with the Parks people about that. As we discussed tonight, a lot of them don't feel they aren't even preliminary site plan items. We had always had conversations with Parks. We really did not have a great need for the parcel here. The idea of a connection was a good thing for us. It was not on the first submittal.

Councilor Payne – It wasn't in your first three submittals. What led you to include these new public facilities after the first three?

Mr. Shimp – It was the comments by the Parks people and working with NDS staff who said that we need to see these things on the plan. We do not agree that they are site plan ordinance required items. However, the developer decided that if these are things wanted by the city, we don't need to fight them over it. There are good things with the development overall. The reality is that with this kind of project, people are going to try to come through. Why not give them a space to do it. That's why it came about. It was the city. It was NDS staff pushing on these issues. The development team said that they can work with this.

Councilor Payne – Would it be fair or unfair to say you proposed these public facilities as a direct response for reasons why the city had denied your first three applications?

Mr. Shimp – The city staff put it out in that context. We don't necessarily agree with that. There are lots of things that come up in site plan reviews that are not black and white as you might like. We said that this is a net improvement project overall. We don't need to fight it. Yes, it came up. It was put in response to comments just like other comments.

Councilor Payne – I still struggle to see how it is in line with our Comprehensive Plan, particularly Chapter 7-Urban Rivanna River Corridor. I really struggle to see how you could make the argument that this is improving public access to the Rivanna River. It is as if there is this public space that the community loves to come to. We're going to pave over that before we have increased your access. It is a bad analogy. It is like if you paved over the splash park in Meade Park and said that you've improved access to Meade Park. I don't see how that aligns with my reading or understanding of the Comprehensive Plan.

Mr. Shimp – This is not in the control of my client. They don't own this land. I want to make this clear. There is no public easement across this property right now. When I say that we're improving it. I do believe that to be the case. Somebody could put up fences, no trespassing signs. I don't think that is going to happen. It hasn't happened for the past 30/40 years. Should this be developed into something like a single-family house lot, people are going to take that backyard down to the river. They're not going to

want to share that space. This form of development makes sense to come and add these public connection points. They do not exist today.

Councilor Puryear – I am with Councilor Payne. You're going to build something, and nobody can talk about the implications of the floodplain. When it floods, it floods. I just see Scottsville happening all over again.

Mayor Snook – I can certainly remember within my lifetime many times when that area has been flooded. To say that for whatever reason, it is somehow now something we ought to be encouraging people to build on doesn't make a lot of sense to me. To the extent that the Rivanna River Plan is included in the Comprehensive Plan, we did specifically incorporate it into the plan. The broad concept of the notion of putting 240 apartment units in the floodplain, I don't think it fits with the Comp Plan. However, what I am understanding the limited inquiry today to be, I am not sure where we stand procedurally in this. This is not a site plan review. This is not a rezoning request. Frankly, it is something that I don't know that Council has a particular voice in when it comes to the procedure and when we get to vote on what. We don't have a vote tonight. I don't know whether this is one of those situations. Sometimes there are things that are legal but not a very good idea. If that's the case, I will 'hold my nose' and vote for it, because it is a good idea. If it is a legal question and it comes down to being a purely legal question, I will look at it that way. If it comes down to something that is truly discretionary, that is a different matter. I have no questions of the applicant.

Vice-Mayor Wade – My fellow councilors have expressed my concern. This is just another comment. We had a lot of concerns with the traffic on High Street. With potentially thousands of trips on it a day without the city doing any significant improvements to High Street, I see that this will further extend the problem that we have there. A lot will happen before it gets to us. Right now, I have a whole lot of concerns with this project as currently presented.

Commissioner Habbab – Where that parking lot is dedicated, did you, throughout your planning stages, try to place any buildings there? Or were you able to?

Mr. Shimp – No. The floodway and floodplain line go through that area. The buildings would need to be back further up towards High Street. They could not be in that location of the parking lot. They could be behind it.

Commissioner Habbab – And the trail area on the upper lot?

Mr. Shimp – We did not have any intention of building structures over in that area.

Commissioner Habbab – Is there a reason for that?

Mr. Shimp – One reason is that there is a zoning line. Lot A is zoned residential. That would not accommodate the multifamily development. There are slopes and buffers over there. It is good land for a trail.

Councilor Pinkston – With the next steps, are you (Chairman Solla-Yates) going to take a vote on this narrowly defined application that is in front of us tonight on the things that have been shown here?

Chairman Solla-Yates – I am not clear on the next steps.

Mr. Stroman – The matter that is before the Planning Commission tonight is for the Planning Commission to determine whether the features tonight have been identified by the planning staff as consistent with the Comprehensive Plan. The purpose of this public hearing is for the Planning Commission to decide by recorded vote whether, in its opinion, these features are consistent with the Comprehensive Plan or not. Council may take up the matter following the Planning Commission.

iii. Public Hearing

David Swanson – My wife and I moved to Gillespie Avenue in 2005. Our kids were born in 2006 and 2014. In the almost 2 decades that we have lived here, we have consistently used the river, constantly accessing it from behind the Jack and Jill restaurant. Our kids have learned to walk, run, balance bike, and grown up on the river path. We have used that route to access the Riverview Park, the Darden Towe Park, and the Rivanna Trail. We acquired years ago and made use of an inflatable boat and paddle board, which we carry to the river on foot. We used the rope swings, beaches, and floated down the river during the height of COVID and those times when the city swimming pools should be open but are not. The river is very popular. Our neighborhood is full of rafts and tubes. Our neighborhood benefits, not only from the river and the easy access to it but from the Rivanna River Company renting tubes, hosting concerts, and from the field of wildflowers. The bike and pedestrian access exist right now. It would not be improved by sticking buildings in the way. If you want to add bike and pedestrian paths, add them. Don't build streets and advertise them as good for bikes. In 2014, I read a book by Steven Nash called Virginia Climate Fever. Between 1948 and 2006, extreme precipitation events had increased 25 percent in Virginia. This is likely to increase or decrease dramatically and likely to continue this trend in ever more intense bursts of storms interrupting droughts. It will devastate agriculture and anything in floodplains. I can think of some good ideas for what could be done with the Rivanna River.

Kirk Bowers – I live here. This is my neighborhood. I don't want this project. It gets me perturbed when I see this type of project being proposed. I have been a licensed professional engineer since 1988. This location is in a flood zone AEB, which is a special flood hazard area. Mandatory flood insurance is required. There are a lot of other things we would like to see done with this area. I remember this area when it was a 3-lined road across the river many years ago. The AutoZone on the other side of the bridge never had a permit when they put up their retaining wall. There was no study done. You need to require floodplain studies of this entire area, including the AutoZone. There needs to be a traffic analysis done with High Street. That is 2400 projected daily trips from the proposed development. That would overwhelm High Street. That is a major impact.

John McDonald – We are debating whether the Planning Commission will act on a request for public facilities. You will be deciding whether these public facilities are consistent with the Comprehensive Plan. It appears that the High Street plan has been amended to pay lip service to the city's goal. These facilities would ruin the High Street riverfront as we know it. These facilities would eliminate a business that encourages a love of the river and a stewardship of the river. These facilities would eliminate a key pedestrian access to the riverfront on Caroline Avenue and modify one that already exists. They would do this by adding pavement, a traffic circle, and a parking lot in the floodway. These features are not

consistent with the Comprehensive Plan, which calls for the protection of the riverfront and avoiding floodplains in the planning of public roads. This makes no sense.

Rosemary Rogers – I am a homeowner on Caroline Avenue. We were drawn to this home by its proximity and access to the river and the natural abundance. Once we learned about this plan, we were really upset that there would be such a short-sighted view of a wonderful ecological space and diverse natural habitat. I am curious about how a comprehensive review of a plan can take such a narrow view of these singular appendages that access a large body of housing. A comprehensive view must take a systems approach. Asking people to review it in a siloed way of these gifts to the public by access is weaponizing those gifts and is really not having the public and the city's best interests in mind. I hope that the view taken today can truly be comprehensive with what this building would do to the area and how it would put a lot of nature at risk.

The Green Grannies – Led a group song in opposition to the project.

Zoe Edgecomb – Mr. Shimp has been disingenuous in presenting this project and the public facilities. He began in 2005 submitting a letter of map requests for the FEMA floodway, which culminated in the ability to be able to build in this area at all. His first submissions had no public facilities or public roads but private roads over other parcels, over which access roads to multifamily housing were not allowed. That's the only reason why he has these public facilities in there. It is not like this great gift. It is what he feels like he must get done in order to make this development go through. The Planning Commission can't decide on the compatibility with the Comprehensive Plan without knowing the environmental impacts, which can't be known until the floodplain permit is applied for. I don't see how this can be approved without more information.

Rebecca Riley – I live on the river side of Caroline Avenue. Having lived there for 7.5 years, I have the unique experience of seeing the ways in which community members use this area of town. I can speak to how this proposed site plan clearly clashes with the Comprehensive Plan that was adopted by our city. Something that is repeatedly used to suggest that this proposal is aligned with Comprehensive Plan are the many goals stating that increased public access to the river is a priority. On the surface, a donation of land and parking might appear to assist these goals. In fact, it does quite the opposite. The donated land is undesirable, unusable, and the proposed public parking lot is located squarely in middle of the Rivanna River Company's operation. I have personally witnessed this company's growth from a small shed and sandwich board sign to the thriving business that it is today. Riverfest, the front porch concert series, Little Saturdays, and lists of events that draw people to the river goes on and on. People come from near and far to enjoy the access to the river that their business has created. They're doing exactly what the Comprehensive Plan envisioned with this land on the riverfront. Losing that business would not only devastate the people working for the company but also the many members of the community who have come to rely on them for affordable and accessible outdoor recreation and enjoyment of the riverfront. Another goal mentioned repeatedly in the Comprehensive Plan is that safe pedestrian and bike access to the river and throughout the city. We know that East High Street is a major traffic concern being especially dangerous for bikers and pedestrians. Our local crossing guard and parents of Burnley-Moran have expressed massive concerns about their children getting to and from school safely each day.

Bob Gibson – I live at 1803 Chesapeake Street where the family has lived for the past 40 years. During that time, the traffic on East High Street, Caroline Avenue, and Meade Avenue has become more

congested, much less safe for pedestrians, bicyclists, and cars. What could be a great entrance corridor for the city has become less safe and less attractive. Multi-story apartments are now more attractive than trees. They're not really improvements. Please do not contribute to this non-compliant degradation by accepting and opening more street access. It does not need more traffic. The Rivanna River is a wonderful attribute to Charlottesville. It also floods. It deserves better than paving and building along the floodplain that this project would bring. I agree that a park is what is called for here.

Lily Afukin (sp) – I live just north of Darden Towe Park. What a special moment to be here with all of you today. This is an important moment for all of us. The development proposed at 0 East High Street stands in clear non-compliance with the City of Charlottesville Comprehensive Plan Rivanna River Addendum. Under the section heading, Development and Re-development on page 72, the #1 recommendation “to protect and enhance the natural beauty and ecological functions of the urban river corridor by maximizing the environmental sustainability and context sensitivity of new development, redevelopment, infrastructure, and other improvements.” The proposed development has already had FEMA move the existing floodway line at 0 East High Street to suit the developer's desires. The development plan calls for the construction of Roads A and B, Lots A and B, a trail, two bridges. All these paved impervious surfaces will create significant deleterious changes to the local ecosystem, which is fragile and very important for not only us but those downstream of us. There is something in the Comprehensive Plan that supports an argument for the city not approving a plan that would destroy the one outfitter in town. The proposed road and parking lot will make it difficult or impossible for any riverfront recreation service provider to exist within the city.

Bill Emory – The installing of public car parks and wider roads in proximity to the Rivanna River to provide access to the river isn't good planning practice. In the last 20 years, the city has taken positive steps towards recognizing and securing the benefits that the river provides to visitors and residents. The river and its urban tributaries provide important ecological, recreational, and cultural value to our city. NDS staff has done an excellent job of summarizing the thorns of the dilemma, which commissioners find themselves when considering the changes proposed by developers. The city has been slow to adopt the river corridor plan. We have a Comprehensive Plan. The current Comprehensive Plan provides the foundation to evaluate and deny these proposed facilities. The most positive development influencing the Rivanna River has been the daily work done by the Rivanna River Company. The company has introduced thousands of people to the joys of recreation and contemplation on the Rivanna River. The other positive feature benefitting Charlottesville's residents and visitors has been the Rivanna Trail. The auto centric improvements proposed by the applicant would eradicate the Rivanna River Company and adversely affect the Rivanna Trail and the river. These proposed changes would make East High Street more of a barrier and hazard to bicyclists, wheelchair users, and pedestrians. Please recommend denial of the public facilities as they are unbalanced/not in accord with the Comprehensive Plan.

Michelle Bryant Taylor – I am back voicing my opinion for Riverside, which is where I live. I say 'no.' You never know what is going to happen. I am following what all the others have said. I have seen this river do a lot of different things. I have seen that river come up and flood. When you're talking about insurance and other things, I have seen that river do some stuff that you wouldn't want to deal with.

Kimber Hawkey – It is not good administrative practice to continue this meeting when people can't hear what is going on. It is wrong for developers to cherry pick how they believe their plan fits the Comp Plan in certain aspects but blatantly ask you to disregard how their plans violate the same Comp Plan. The

developer seems to be showing his true colors by threatening to remove the public infrastructure and trails that are being offered if it is not approved. People already access that area. I access it. I have never not been able to park my car at Riverview Park. The issue is that this is the floodplain. In 2018, there was severe flooding there where the water was up and touching the bridge going over the river at 250. At least one person died. We have seen this in Charlottesville and throughout the country. It is crazy to build in that area. On the other side of the river is concrete and buildings. It makes the flooding worse, as it flushes down. In addition, I have talked about the problem of pushing floodwaters onto other people. If you're going to start building there, that is going to make the floodwaters worse. According to my research, that is against Virginia state law. We have sent those statutes to Council. It is ludicrous for the Planning Commission to approve this plan on a narrow aspect of public access.

Jeremy – I have been a Charlottesville resident for over a year. I believe that the public facilities, notably the roads and the proposed development, are inconsistent with the city's Comprehensive Plan, particularly Strategy 7.1, which discusses avoiding transportation projects in floodplains. Even if the developer's request to move the former floodway lines to accommodate their development was approved responsibly and accurately, the proposed public roads are still within the floodplain. As I understand it, FEMA regulates the floodplain to represent the areas that they estimate would be impacted by a 100-year flood event. We have seen how often these supposed 100-year flood events have been happening in recent years. Given this accepted reality, flood events are getting more severe and more frequent. Cities have the responsibility to restrict further development in flood-prone areas. Placing the public roads and buildings proposed in this project, fill dirt behind retaining walls may protect these features for some time during floods. When that happens, increased flooding and damage will occur up and down stream of this floodplain area that has now been reduced in size due to the retaining wall and fill. The following quote from an article on floodplain development raises a broader concern. The author says "When a developer successfully argues for the redesignation of flood-prone to developable, this sets the precedent that strengthens future development proposals. More developments create more risk causing new control measures to be proposed."

Peter Krebs – There are a lot of smart, passionate people in the room who pay attention. A few of them have 'snipped out' the same thing that I have as well. Mr. Shimp gave a great presentation about trails, connectivity, and things that we do want. If there was nothing else going on, I would support this. The real business driver of what you're doing tonight is public Road B, which provides access to the parking lot. If it is possible, it would be good to be on record saying that we support trails and bridges by the river as stated in the Rivanna River Corridor Plan, I don't want you to be on record saying that those things are non-compliant. Roadway B is not something that is in accordance with our Comprehensive Plan. My reasons for opposing it are that it would unleash this huge apartment building and massive parking lot. Let's get those trails some other way. I would not say that Roadway B is compliant with the Comprehensive Plan.

Kay Slaughter – The trail crosses my property. I agree with the previous speakers. Neither the parking lots nor the driveway stubs are contemplated in the Comprehensive Plan. Parking lots are not what we put in floodplains. Neither Fairway nor Caroline Avenue are designed to carry an increased load of traffic. High Street is not designed as well to carry an increased load of traffic. Nearby Burnley-Moran School utilizes volunteer safety guards to help children cross High Street under heavy traffic conditions. Transportation strategy in the Comp Plan requires that the transportation projects avoid sensitive environmental resources and natural features, such as floodplains, stream buffers, and wetlands. These

roads would clearly adversely impact the Rivanna floodplains and the stream buffer at Meade Creek. The Comp Plan and the city code require protection of water quality from harms caused by stormwater. Heavy storms impact this area. The project would further exacerbate the problem by removing substantial trees and vegetation within the floodplain and utilizing a water dispersal system that would add water flowing through the site without the benefit of the existing tree buffer. The development doesn't meet the Comp Plan standards.

Andrew Rogers – I have a couple concerns. They are showing that they're widening Caroline Avenue out of the goodness of their heart. That is a 'trojan horse.' Many of the city comments have shown that Caroline Avenue is not wide enough to be the secondary access. This whole 'we're giving you free infrastructure' is a 'trojan horse' to get a secondary access approved into their plan. Caroline Avenue is a narrow road. Anybody who has been on it or lives on it knows that it is about 1.5 car wide. You can't really drive side by side. You must pull out of the way. Partially widening it, when people can cut behind the Jack & Jill, would be an embarrassing part of the plan. I cannot celebrate seven parking spaces. Calling that a parking lot to a dead-end road is another 'trojan horse.' The part is that they're giving being a great catch basin for the flood water. If you look at something as a single piece, you can holistically miss the whole boat. The city deserves better than this. Shame on the company for presenting this last minute, not including this in any of their other submissions where they have done nothing to show public facilities.

Bob Troy – I am a current board member and past board chair of the Rivanna Conservation Alliance. I will echo many of the previous comments. The real value of the Rivanna River Company has, not only been a neighbor to the recreational community, but also to the environmental community and the educational community. One thing that hasn't been mentioned is that they have been partners with the RCA in many programs that provide an opportunity for underserved youth in the community to get their first experiences on the river. This is a very important part of community access to the river. Anything that would put them in jeopardy, as they are the only private river recreation company on the river, would be a big mistake. That is mentioned in the Comprehensive Plan and the Rivanna River Plan. I will speak about some of the infrastructure proposed here. The proposed roadways and parking lot also destroy wetlands, disturb the floodway, and contribute pollutants to the river. The access road from High Street is planned to be built directly on top of delineated wetlands that run along the property. The proposed paved parking lot will add more than 10,000 square feet of impervious surface to the floodway of the river, adding stormwater nutrient sediment and other vehicular-related pollutants to the Rivanna. It is going to involve the introduction of heavy equipment into the floodway, which will add damage to the river. We would like to see you deny this request.

Chris Gordon – I am a resident of East Market Street in the Woolen Mills neighborhood. I thank you for the opportunity to speak this evening. I appreciate the comments and concerns that were brought up by the commissioners and councilors. You're considering all aspects of this project from a lens of the residents that it might affect. Adding additional public rights of way of impervious surface within the floodplain would negatively impact the residents around that infrastructure. This is inconsistent with the Comprehensive Plan. I strongly disagree with the proposed development. Public roadways and parking lots in the floodplain is not consistent with the plan. These proposed rights of way would negatively impact the existing road infrastructure and the traffic in the surrounding neighborhood. I appreciate your consideration.

Sam Galand – I live at 123 Goodman Street. It is important to talk about how we got to this point. Originally, this project proposed private driveways. That makes sense. You're building private driveways to a private use, the apartment building. It was after they were told multiple times that those violated the zoning ordinance. They cannot be built across the R-1 zoning or the mixed-use EC zoning. Rather than rezone the property, the public roads idea came. That's why we're here tonight. We're looking at these public facilities. They didn't want to build them privately. They're asking you to build public roads. They need them for the project. The trails are consistent with the Comprehensive Plan. If you rule on them separately, I will say that they are consistent. The Comprehensive Plan has multiple important points on these public roads. The plan directs the city, when planning transportation infrastructure, avoid sensitive, environmental features, such as the floodplains. It is simple. Don't build new roads in the floodplains. A private driveway might be a separate matter. I was disappointed to hear that staff say that businesses are not contemplated in the Comprehensive Plan. The opposite is true. The river addendum states that we need to promote the development of small service-oriented businesses that support physical access to and use of rivers and trails. This would do the opposite. It would displace a beloved business. I saw the alternate location in the woods against the car dealership. I don't think that is going to work. This project is requesting water lines and sewer lines. Those need to be part of the determination as well. These roads are not supported by the Comprehensive Plan.

Cagle McDonald – I live at 613 North Avenue. I have recently moved to Charlottesville. We have spent a lot of time here over the past few years. On our first trip, we walked along the river and saw how this space was being used with the River Company using tents to provide educational resources about the river, and people, children, and dogs interacting with the river and nature. I believe that this is a uniquely important space in the city. I have read the Comprehensive Plan. I don't believe that these requested roads, waterlines, and sewer lines are in any way keeping with it. I would encourage you to find them inconsistent with the Comprehensive Plan.

Morgan Butler – I am a senior attorney with the Southern Environmental Law Center. As the staff report explains, the question before you tonight are whether the public facilities proposed as part of this development are in substantial accord with the Comprehensive Plan. We believe that the public transportation facilities at issue are in conflict with the Comprehensive Plan. They will all be directly located within the 100-year floodplain. When we facilitate development in floodplains, we put people at risk, especially as climate change is making flooding more severe. Our Comprehensive Plan recognizes this. As many speakers have already pointed out, by citing the various strategies in the plan that call for protecting the floodplains from development. Strategy 7.1 in the Transportation Chapter has been cited several times. It is worth emphasizing because it is most on point for your purposes tonight. That strategy directs the city to "ensure transportation projects are sited and designed to avoid sensitive, environmental resources and natural resiliency features such as floodplains." Those are clear directions. Public Roads A and B and the widening of Caroline Avenue and Fairway Avenue (all transportation projects) would be located within the 100-year floodplain in direct conflict with that language in the Transportation Chapter. Not only do the facilities locations conflict with the plan, approving them would put people at risk. As the city's floodplain manager has pointed out, the street access points to this development would "be under water during a 100-year storm event creating hazardous conditions for ingress and egress to the project site." We urge you to find the transportation facilities are not in substantial accord with the Comprehensive Plan.

Mark Cavit – I want to echo many of the comments made tonight. I don't see how Caroline Avenue could be widened without the permission of the people living on that block. I want to focus on a recommendation by the Army Corps of Engineers over 50 years ago. Over 50 years ago, they made a report that they recommended that there be no development in the floodplain areas. 20 years ago, they made another report. The report was primarily concerned with Moores Creek and the Rivanna River. The recommendations were that buildings are not placed in the floodplain. The county adopted the advice, the city did not. We can build a project that will withstand a flood. The issue is that water needs to spread out. When it does not, it is going to go downstream. If it cannot spread out, the water will move at a faster pace and probably result in additional flooding probably in Woolen Mills. I know that neighborhood is concerned about additional flooding caused by this project. FEMA not only requires engineering data be used but case history be used. There is some concern by some civil engineers in our area that the flood risk is much greater than what is being indicated. We need to start thinking long-term. The project is not compliant with the Comprehensive Plan. The city is under no obligation to provide streets.

Maria Chapel – I drove over Caroline Avenue today. I saw a sign that I assume the city put there that said "Caution: when driving on this road, it floods."

Megan Chandler-Melton – I am a resident and homeowner on Caroline Avenue. My husband and I bought our house in 2020 hoping to raise our family in the Rivanna River Corridor. He is a birder and gardener and spent countless hours in the floodplain appreciating the native and migratory species there. We share one vehicle. He bikes to work, and I look forward to walking our daughter to Burnley-Moran. We see this review as a great opportunity for city leaders to follow our Comprehensive Plan. The public has voiced our priorities like in the Urban Rivanna River Corridor Plan where 100 percent of survey participants agreed that public safety measures will ensure that undeveloped natural areas along the river are not misused. How many undeveloped natural areas can we say are within city bounds on the riverfront and already accessed and appreciated by thousands of community members? I ask you to consider the net value-add of these public facilities. Anything we gain from the donation of a small parcel and extra pavement will be canceled out by the loss of existing floodplain, added congestion on residential streets, and the steamrolling of the Rivanna River Company. In terms of preservation, access, and safety, we would be taking one step forward and three steps back.

Kevin Cox – I live on Fairway Avenue. I lived there for 25 years and spent a lot of time on the trail. I want to talk about the Comprehensive Plan goal of promoting better access to the river and how the developer can meet that goal. Many people access the river through a variety of different ways. Some people do walk down East High. We have heard from people who walk through the Jack & Jill parking lot. I have witnessed many people walk through both of those parking lots to the Rivanna River Company. The parking lots in front of Charlottesville Glass and Mirror and Jack & Jill serve as de facto passing lanes for many drivers. I have witnessed it. I would like to suggest that the developer and the city consider getting together and finishing the sidewalk in those parking lots to promote access to the river. Don't build a parking lot for cars. Build a sidewalk for city residents who walk to the river.

Nathaniel Galley – I own a house and live in Charlottesville on Altavista. I have been using the river for 40 years. I really appreciate it. I want to echo what everyone has said. Supporting the River Company and access is very important. This development is going to shut it down and do an inappropriate megalithic problem. I don't think you can talk about these little bits and not talk about it in a comprehensive way. I was appalled by Mr. Shimp's self-righteousness. You're giving something as a token and taking a lot

away. That doesn't make sense to me. If somebody else develops this, they probably could do a better job of making it more accessible, less imposing, and better aligned with our ecological desires or going along with the development plan. It is not consistent. If we're trying to decide if aspects of this development proposal are consistent with Charlottesville's self-proclaimed development plan, I must add my voice to the chorus. It is for several reasons: the safety issues. When I am down there and I try to leave and turn left on High Street, it is impossible. It is hard to get out of there. How are we going to have thousands of more trips and have it be safe? A block away, we have kids walking to an elementary school. How could anyone say that this is in alignment with the safety goals, ecological services, and preservation?

Mary Galand – I live at 123 Goodman Street. My husband and I own the property that is behind Jack & Jill's. I heard Mr. Shimp say that we could have a developer come in and put-up fences. I have lived in Charlottesville. We are going to make sure that all of you can cut through our land. Otherwise, we're going to be run out. I don't think anybody is going to think otherwise. I would say to the city that is something we would be willing to discuss as to how to make that formal. Mayor Snook, you said that there are decisions. Something might be a bad idea, but it is legal, and you must 'hold your nose.' Having seen this sort of review happen in other counties, I am happy to say that this is one of those wonderful instances where it is discretionary. It is in this body's authority to decide and use their authority to decide whether these roads follow the Comprehensive Plan. You have heard a lot of arguments as to why it is not and why this body thinks it is not. The Council is an elected body. The public has spoken very loudly as to why we would ask you to use your discretion to find that these roads are not in compliance with the Comprehensive Plan.

iv. Commission Discussion and Motion

Commissioner Mitchell – I believe that something is going to be built in and around 0 East High Street. There is a by right rule here that is going to be utilized. As it relates to these public facilities being offered, I do not believe that it is consistent with Chapter 6, Goal 1-Connectivity where you want streets to connect to one another. I do not believe it is consistent with Chapter 7, Strategy 5.8. That focuses on protecting the wetlands and floodplains. I do believe that one of the parking lots is going to be constructed over a floodway. There are other thoughts. It would be a reiteration of these three.

Commissioner D'Oronzio – We are being asked a complex question. There is a by right build there. If we look at the narrow questions that we have been asked, staff suggested that we break it down point by point. My point is that the trails absolutely fit with the Comprehensive Plan in isolation. That works. Maybe the improvements to the two streets are consistent with the Comprehensive Plan in that we're improving infrastructure that is already there. We have the question of these two roads. I don't think they are consistent with the Comprehensive Plan as cited by Commissioner Mitchell. We need to avoid building into the floodplain. My understanding is that if we do not defer on any one of these points, our silence is acquiescence after 60 days?

Mr. Stroman – If the Planning Commission does not make a recommendation, it is deemed to be approved.

Commissioner D'Oronzio – If we do not act in 60 days, that is an approval.

Mr. Stroman – The timeline is more complicated than that. There is a 60-day requirement from the date of submission. That is something that I am going to defer to staff on. If the Planning Commission elects not to make a finding on compliance with the Comprehensive Plan, in the eyes of the law, it is deemed that the Planning Commission is approving the matter.

Commissioner D’Oronzio – I am not sure how to approach this. We have been saying that we shouldn’t view these things in isolation. We need to look at the whole picture. I don’t see any way of approaching this without taking point by point. That’s what we have. We have these disconnected pieces. Some of this is consistent (the trails) and some of it isn’t consistent (Roads A and B and the parking lot built in the floodway).

Commissioner Habbab – These facilities are being provided to force our hand with the rest of the development. Taking the facilities on their face value, there are issues with the two roads that don’t increase the connectivity as quoted by Commissioner Mitchell, Chapter 6. If you look at our Climate Action Plan and Strategy 7.1 in the Comp Plan, that talks to avoiding sensitive and environmental resources and natural resiliency features, such as floodplains, stream buffers, and wetlands, and the general goal of increasing our climate resiliency. In looking at the Urban Rivanna River Corridor Plan, it is to retain and steward natural habitats and ecosystems throughout the river corridor. This as presented, specifically talking about the roads on Lot A and Lot B or the dedication of the lots themselves are not suitable, sustainable, or resilient and are detrimental and go against our Comprehensive Plan. If we look at recreation access, as it stands today, there will be a decrease of that when you look at commercial recreation use of the river and trails taking into consideration the Rivanna River Company.

Commissioner Schwarz – The whole purpose of Public Road A is to provide access for the development. This development would primarily be in the floodplain. If we’re trying to protect the natural environment, Road A would not be in compliance with the Comp Plan. With Public Road B, it is the same thing. With the widening of Caroline Avenue, I can’t find a significant problem with that. If someone wants to provide sidewalks, great. Donating Lot A, putting in a trail, I can’t find a problem with that. Donating Lot B, putting in a trail, I can’t find a problem with that. I do find a significant problem with putting a paved surface in the floodway.

Chairman Solla-Yates – I have spent a bit of time near this property. I know it well. It is special. It is one of the places that I think about when I think about what is special about living in this place. It is something that we have thought about a lot in creating the Comprehensive Plan as it stands. It is important that we get this right. Looking at the specific items that we must look at today, some of this we get right. Those trails are right. With sidewalks, that seems reasonable. I am very concerned about Road A and Road B.

Councilor Payne – My thoughts haven’t changed. I would encourage everyone to come out tomorrow between 2PM and 9PM. They will be having an event on that site for the developer, the team, anyone in the community who hasn’t been there. It is an interesting case to see what community is and how the decisions the city makes can take things away from the community. That is important to keep in mind, not only for this project, but others as well.

Councilor Puryear – I agree with Councilor Payne. I have issues with a parking lot in a floodplain.

Mayor Snook – This is a substantively bad project. I am concerned about our procedural and about the bind we find ourselves in.

Vice Mayor Wade – I don't find this in compliance with the Comprehensive Plan for a few reasons: Roads A and B and the issues with the parking lot in the floodway. I do encourage people to come out tomorrow.

Mr. Stroman – You are at the part of the proceedings, which the law refers in Section 15.2.2232.B. The Planning Commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons. The first step is for the Planning Commission to make a decision and staff will work with the Planning Commission based on the statements that have been made here to translate that into a written statement that will be transmitted to the Council.

Motion – Commissioner D'Oronzio – I move to approve only the general character, location, and extents of the following public facilities proposed as a part of the 0 E High preliminary site plan as substantially in accord with the adopted comprehensive plan. Second by Commissioner Mitchell.

a. The widening of Caroline Avenue and Fairway Avenue

b. The public trail on the Lot A donation and the public trail on the Lot B donation.

Motion passes 5-0.

The meeting was recessed for 10 minutes.

3. ZM23-0001 and SP23-00001 501 Cherry Avenue - On August 8, 2023, the Planning Commission and City Council will conduct a Joint Public Hearing for a Rezoning application and a Special Use Permit Application (“SUP”) for property located at 501 Cherry Avenue, 507 Cherry Avenue, 0 5th St. SW, and 0 6th St. SW and identified in the City’s land records as Tax Map and Parcel (“TMP”) No. 290179000, 290178200, 290177000, 290178100, and 290178000 (the “Subject Property”). Following the Joint Public Hearing, it is the intention of the Planning Commission to vote on whether to recommend approval of the Rezoning and SUP. The owner, WP 501 Cherry LLC, has submitted a Rezoning application pursuant to Charlottesville City Code Section 34-41 to change the existing zoning of the Subject Property from Cherry Avenue Mixed Use Corridor (“CH”) and Single-Family Residential Small Lot (“R-1(S)”) to the B-3 Business District (“B-3”) with proffers. The full proffer statement may be viewed in the application materials or by contacting the project Planner. The owner has also submitted a SUP application to increase the by-right density from 21 dwelling units per acre (“DUA”) to 87 DUA along with modifications to the setbacks and parking requirements pursuant to Charlottesville City Code Sections 34-480, 34-158, and 34-162. The setback modifications include the following: The Cherry Avenue side will have a minimum of 0’ and a maximum of 20’; the 5th St. SW side will have a minimum of 0’ and a maximum of 9’; the 6th St. SW side will have a minimum of 0’ and a maximum of 9’; and all sides adjacent to Low Density Residential will be a minimum of 10’ with S-3 screening. The parking modifications include the following:

- (1) Multifamily dwellings: 1/2 space for efficiency; 1-bedroom, and 2-bedroom units; 1 space per 3-bedroom and 4-bedroom units;
- (2) General retail and sales: 2.5 spaces per 1,000 square feet (“SF”) of gross floor area;

- (3) Grocery stores and pharmacies: 1 space per 500 SF of gross floor area
- (4) No more than 40% of the total parking spaces shall be designated only for compact cars.

The applicant is proposing a mixed-use development with up to 118 units and approximately 26,400 SF of commercial space through new construction. The Subject Property is approximately 1.36 acres with road frontage on Cherry Avenue, 5th St. SW, and 6th St. SW. The Comprehensive Land Use Map designates the Subject Property area as a Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area). Additional information pertaining to these applications (ZM23-0001 and SP23-00001) may be viewed online at www.charlottesville.gov/agenda. Persons interested in these applications may also contact NDS Planner Matt Alfele by email at (alfelem@charlottesville.gov) or by telephone (434-970-3636).

Commissioner Habbab – I have a statement to make regarding my participation in the Planning Commission’s consideration of the 501 Cherry Avenue application. I am employed by BRW Architects. As a result of the annual salary that I receive from BRW Architects, I am required to disqualify myself from participating in the transactions. If anyone would like to review the detailed written disclosure statement, I have filed it with the Secretary of the Planning Commission. That statement is available upon request. I must leave because of a conflict of interest.

Commissioner Habbab left the meeting.

i. Staff Report

Matt Alfele, City Planner – You have before you two applications pertaining to a proposed development at 501 Cherry Avenue. Woodard Properties (applicant and owner) has submitted a Rezoning application and a Special Use Application for property located at 501 Cherry Avenue, 507 Cherry Avenue, 0 5th ST SW, and 0 6th ST SW and identified in the City’s land records as Tax Map and Parcel (TMP) 290179000, 290178200, 290177000, 290178100, and 290178000 (Subject Property). The applicant is pursuing a rezoning to change the existing zoning of the Subject Property from Cherry Avenue Mixed Use Corridor (CH) and Residential Small Lot (R-1S) to Commercial (B-3) with proffers. The proffers include:

- (1) a minimum of sixty affordable residential dwelling units should the residential portion of the development be sold to Piedmont Housing Alliance (PHA) or four to five (with proffered language that could increase the units to eight or nine) affordable dwelling units, for a minimum of six years, should a sales agreement between the owner and PHA not be executed by December 31, 2023;
- (2) Non-profit space will be provided for purchase for one-hundred twenty days after the issuance of the first certificate of occupancy (CO);
- (3) A minimum of 5,000 square feet of leased commercial space will be reserved for a grocery store that sells fresh produce until the issuance of the first CO;
- (4) The following uses within the B-3 Zoning district per Code Section 34-480 will be excluded from the Subject Property: Gas Station; Repair/servicing Business (automobile); Car Wash; Crematorium (independent of funeral home); Dry Cleaning Establishments; Drive-through windows; Taxi Stand; Towing Service, automobile; Industrial Equipment service and repair; and Wholesale Establishments.
- (5) The maximum building height shall not exceed sixty-five feet or five stories. A five-foot stepback shall apply to any story above the fourth story for the Cherry Avenue frontage. Building height within forty feet of the rear (northern boundary) will be restricted to forty-five feet or three stories.

(6) The development will be mixed use with no one type of use exceeding 80% of the gross square footage of the Subject Property.

The owner has also submitted an SUP application to increase the by-right density from 21 dwelling units per acre (DUA) to 87 DUA along with modifications to the setbacks and parking requirements. The setback modifications include the following: the 5th ST SW side will have a minimum of zero feet and a maximum of nine feet (creating a Build-to zone); the 6th ST SW side will have a minimum of zero feet and a maximum of nine feet (creating a Build-to zone); and all sides adjacent to Low Density Residential will have a minimum setback of ten feet with S-3 Screening. The parking modifications include the following: for multifamily dwellings, 1/2 space for efficiency, 1-bedroom, and 2-bedroom units and 1 space per 3-bedroom and 4-bedroom units; for general retail and sales, 2.5 spaces per 1,000 SF of gross floor area; for grocery stores and pharmacies, 1 space per 500 SF of gross floor area; and an allowance for compact car spaces up to 40% of total spaces. The applicant is proposing a mixed-use development with up to 118 residential units and approximately 24,400 square feet of commercial space through new construction. The Subject Property is approximately 1.36 acres with road frontage on Cherry Avenue, 5th St. SW, and 6th St. SW. The Comprehensive Land Use Map for this area calls for Neighborhood Mixed Use Corridor and General Residential (Sensitive Community area). At the conclusion of the public hearing, the Planning Commission will need to make two recommendations to City Council. One is related to the rezoning application, and one is related to the special use permit application.

Commissioner Mitchell – Let’s talk about the grocery store. How big was the old grocery store?

Mr. Alfele – It was 10,000 square feet.

Commissioner Mitchell – You mentioned a worry that you have that also worries me. What happens if the first CO is issued but the grocery store has not come to be?

Mr. Alfele – What the Planning Commission can take into consideration is that you have two sets of things in front of you. You have a rezoning with a proffer statement. These proffer statements are offered before you in those things that I laid out from the applicant. One of those things that they are offering is a grocery space. The timing is tied to the issuing of a CO. If that proffer became part of the zoning for this property and thinking about enforcement, that proffer has been met either when a grocery store goes in, or a CO has been issued. If a grocery store has not gone in, that proffer has been met.

Commissioner Mitchell – If the first CO is issued and there is no grocery store, the grocery store could go away?

Mr. Alfele – That’s correct. The way that the proffer has been written by the applicant, they would satisfy proffer 3 in that space either by providing a grocery store or they get a CO and they have not been able to provide a grocery store.

Commissioner Mitchell – That means a lot in that except for the things that they proffer away could be used in that space.

Mr. Alfele – Correct. They would still need to meet the other proffers by not having those uses. Being a mix of use is that other proffer, any use going in would need to conform to that 80 percent.

Commissioner Mitchell – We may lose that grocery store.

Mr. Alfele – As the proffers are written, the intent from the applicant is to pursue a grocery store. Whether that happens or not, they're going to try to get a grocery store.

Commissioner Mitchell – If the grocery does go away, anything that is allowed except for the things that they have disallowed by the proffer, could go into that space.

Mr. Alfele – That's correct.

Commissioner Mitchell – I am confused about the temporal nature of the affordability. You mentioned 30-year affordability, then you mentioned 6-year affordability. Is the 30-year for the PHA properties and the 6-year for the properties that would be there?

Mr. Alfele – If they don't go to PHA, they will need to follow the city's Affordable Dwelling code section. It would be better for me to refer to Community Solutions when we're talking about the affordability. There is a little confusion with that timeframe.

Commissioner Mitchell – I didn't get why there was a 30-year mention and a 6-year mention. I didn't know what they applied to.

Commissioner D'Oronzio – Staff was trying to clarify that they're not affordable units if we're only dealing with 6 years. We call them at 30, we call that an affordable unit by the current definition.

Mr. Alfele – In the code, it is up to 30 years.

Mr. Ikefuna – The city is expecting a minimum of 30 years of affordability. The applicant is proposing 6 years. Six years is not consistent with the Comprehensive Plan and provisions in the Affordable Housing Plan.

Commissioner Mitchell – These 6 years would apply to the 4 to 9 units if we didn't get PHA in there?

Mr. Ikefuna – That's correct. We are trying to put a stop to this. On Attachment C, which is the proffer itself. On the affordable housing, I am going to read this loud. "The unit mix, and affordability rates will be solely determined by PHA. It is expected that PHA will finance its portion of the project through the low-income housing tax credits; an investment from the City of Charlottesville or a combination thereof." If this is a proffer that is being made to the city as a voluntary action on the part of the developer, we don't think that the city should be contributing money to the development of a unit that is proffered to the city. I want to point this out. It is not a constructive way or a good way of using taxpayer's money. If this is a proffer, the developer should contribute funding for the development of those 5 units or whatever the developer preferred. I want to introduce this so that the Planning Commission will take it into consideration. If you approve this or make a recommendation to City Council, staff will still discuss this at the Council meeting.

Councilor Pinkston – I disagree. This is controversial. There is certainly a lot more things that would be put together to make this work. One of the things you’re saying is that for this to work, the city would have to figure out how to support the LI HTC application. What I don’t want to do is ‘poison’ this whole thing at the outset. This is a good project. If the city ends up having to pull this off in some way and contribute, I think the city will.

Mr. Ikefuna – Your point is well taken. The point that I am trying to make is that if it is a LI HTC that is not proffered, that has nothing to do with a proffer, that is a different ‘ballgame’ for us. This is a proffer that is being volunteered for the city and coming back to the city to seek funding to develop a proffer. That’s the concern.

Commissioner D’Oronzio – It is not so much that it is not a proffer. The proffer is not to have PHA produce 60 units there. The proffer is to have PHA buy them. They’re going to submit a LI HTC application. They’re given the opportunity in place. Some city money would have to come into that to bring LI HTC in. It is not a proffer. They’re making that offer. We need to be aware that there is city money that we must follow.

Mr. Ikefuna – When you deliberate on this, if it is a proffer, we want to put it out there, we don’t think that the city money should be going to the development of the proffer.

Commissioner Mitchell – I didn’t quite read it that way. I didn’t know that city money was going into the 5 units. I thought city money was going into PHA.

Commissioner D’Oronzio – These units would be affordable with the proffer statement but not affordable as designed. The units are outside of the PHA deal.

Commissioner Mitchell – You suggest that a by right development in B-3 might be problematic if developed ‘willy-nilly.’ “Proper use in B-3 can be problematic if developed in a way that is not sensitive to these surrounding neighborhoods.” (Staff Report). Give us an example of what would not be good and an example about how that might be mitigated.

Mr. Alfele – It was taken into consideration of some of the uses that have not been struck out. The thought process was tied to rezoning going forward but not the SUP. You open up some of these other uses, such as a home improvement center. That could be problematic. There are restrictions on the property that probably would mitigate that. The site is bisected by a large sewer and storm water. In theory, if you relocated that, you could probably develop on the site. Any development on this site is probably going to be on either side of that bisection and covering the entire lot.

Commissioner D’Oronzio – I think we have resolved this. In a couple of places, there is the expression with reference to these housing “additional 5 or 6 units.” Is that saying that is going to be in addition to the aggregate number? Is that not either the 60 or whatever this 4 to 9 number is?

Mr. Alfele – That’s correct. That depends on the other proffer statements. There are a lot of proffer statements tied to other proffer statements.

Commissioner D’Oronzio – It is either or. I think that the formula puts us at about 4 per the requirements.

Mr. Alfele – 4 to 5 depending on the final square footage for the FAR.

Commissioner D’Oronzio – We have egress only on the two one-way streets.

Mr. Alfele – There is some ingress. That was one of the concerns from the traffic engineer. The main ingress/egress is off Cherry Avenue

Commissioner Mitchell – You also mentioned the fact that those streets are narrow. If we find a way to enter and exit on Cherry Avenue, that would be a good thing to do. You didn’t make that one of your recommendations. Is there a reason you didn’t want to make that recommendation?

Mr. Alfele – There was a lot of discussion with the applicant. With the traffic engineer and I, that was a concern; the cut-through the neighborhood. We did not feel that warranted a reasonable condition when you could have a by right development. We strongly pushed it, but we didn’t feel it rose to the bar of a reasonable condition.

Commissioner Schwarz – I think we got an email from the project team asking for an extra 5 feet for the setback on the front. Are we able to rule on that tonight?

Mr. Alfele – You can rule on that. That falls under those reasonable conditions outlined and suggested. Staff still feels 20 feet. We will let the applicant argue for 25 feet. Staff felt 20 feet with only 50 percent needing to be within that build-to zone. It would give them enough room to be flexible but also still create that streetscape that the original zoning is trying to create. I leave that to the applicant to make their arguments. You can make changes to the suggested conditions staff has put forward.

Commissioner Schwarz – At the back of the property, it says a maximum of 45 feet or 3 stories. Where is that measured from?

Mr. Alfele – They put in the proffer how they would measure it. They put in some elevations points to take that into consideration. On page 17 of the rezoning report, it gives the building height permitted in the residential zone. It shall be a maximum of 45 feet and no more than 3 stories measured from 475 feet above sea level for structures adjacent to 6th Street Southwest and from 454 feet above sea level from structures adjacent to 5th Street Southwest.

Commissioner Schwarz – Although they’re not showing streetscape trees, they still must provide them on 5th and 6th Streets. Is that true?

Mr. Alfele – They must provide them per the code. The code does state that if you have 0 feet building setback, you don’t have to do trees. If it is less than 10 feet, you don’t have to do trees.

Councilor Payne – My questions would be for the applicant around condition one. If the developer is willing to enter a partnership to build a significant amount of affordable housing at a much lower price point, I want to be sure that we’re not punishing them for that and throwing up additional bureaucratic

burdens. We should be as flexible as we can to try ensuring that can be a successful partnership. It will be extremely valuable for the community.

Councilor Pinkston – I have known about the possibility of this project for quite a while. I am excited. I think it is going to be even better than we had originally thought. I am sure there are lots of details to be sorted out. I'm confident that we will be able to. This is an exciting project.

Mayor Snook – I am concerned about a basic principle of zoning law that says that we don't approve tenants, occupants, or owners. We approve uses. What that means in this case is to recognize that the statement that they would offer to have a grocery store, provided that some grocery store signed on before they opened is not much of a promise nor is there any provision for what would happen if the grocery store folded a year later. My assumption is that 5000 square feet would go to whatever use they thought they could get, and we wouldn't see a grocery store. We have not had a grocery store on that site for several years. I assume there is a financial reason for that. It is likely to be a case that, whoever comes in there is probably going to be 'swimming upstream.' When I first saw the project, I thought it was great. There is going to be a grocery store. I don't know that there is. I don't know that there is any way that we can say that there is. Although I have supported thrift stores and I think Twice As Nice is a good enterprise and that the Music Resource Center is a good enterprise, we don't approve those specific tenants. We approve the uses for offices or retail. There is no assurance that those would remain the solitary uses that we're thinking about. We need to be prepared to approve the project or deny the project not based on who the perspective tenants are.

Vice Mayor Wade – I was excited to hear about the grocery store. It is good that we're talking about having one in this community again. I am supportive of this. That is a vastly underused spot/parcel. I have had an overwhelming number of emails in support of this project. I have received a few emails from some of the residents on 4th and 5th Street that they are concerned about the traffic and the parking if the units are going to be allotted one space and they're going to be parking in their areas. I do walk in that area quite a bit. People will share their concerns with me. That is something we must factor in when we do this. With the traffic that is leaving UVA, Cherry Avenue is the avenue to get to 64. We talked about the traffic on 5th Street. I am in support of this. We need to make sure that it's something that the residents that are currently there will also find it acceptable.

ii. Applicant Presentation

Chris Virgilio, Applicant – We're excited to bring this project in front of you this evening. I say 'we' because of the partnerships we have developed. We have committed to partnering with two local nonprofits (Twice As Nice and The Music Resource Center) with the goal of having them purchase and own their own commercial space at 501 Cherry Avenue. We have also committed to a partnership with Piedmont Housing Alliance that gives this project the opportunity to make the residential piece 100 percent affordable housing. In our commitment in partnering with the Fifeville Neighborhood Association, is aimed at making the project inclusive and contributing to the place-keeping and sense of community in Fifeville. These commitments are outlined in a 22-page MOU (Memorandum of Understanding) that was jointly developed and signed by the Fifeville Neighborhood Association, Piedmont Housing Alliance, and Woodard Properties. Even before we purchased the property last summer, it was our goal and intention to make this a community-focused development. We have really enjoyed, over the last year, creating and facilitating these partnerships and developing these

partnerships. We hope that the city can get excited about this as we are. In our preliminary discussion on March 14th, you asked us to look at the massing of the building and find a way to bring more affordable housing to the project. We did this. In our community meeting on June 3rd, the neighborhood asked us to look at improving pedestrian safety around the development, traffic through the neighborhood, and seriously look at how the massing impacts the single-family homes adjacent to the project. We did this. We even postponed bringing this project back in front of you, to take the time to carefully consider how to meet these concerns. Our proposed new design addresses these concerns, but still meets the space requirements for Piedmont Housing Alliance and the commercial uses for Twice As Nice, MRC, and what we all hope to be a future grocery store. We hope the city can support the approval of the rezoning and the special use permit, and bring us one step closer to realizing a project that holds the potential to bring lasting benefits to the Fifeville Neighborhood. The current Cherry Avenue zoning does not allow a grocery store.

Sunshine Mathon, Executive Director of PHA – Building on the excellent Fifeville Small Area Plan, the Fifeville Neighborhood Association (FNA) began the next step in their incredibly well-organized advocacy on behalf of their neighbors. They continued to put forth a vision that braids together anti-displacement efforts with proactive development that benefits their community. Last year, the FNA established an anti-displacement working group that brings together city leadership, city staff, private developers, nonprofits, community activists, and neighborhood leaders. It was in one of those working group meetings that the extraordinary partnership behind the 501 Cherry site was first established. Over the last 9 months, the Fifeville Neighborhood Association, Woodard Properties, and Piedmont Housing Alliance have been meeting, negotiating, and planning a development vision that fulfills on neighborhood aspirations for anti-displacement investments and affordable housing and community facing commercial businesses. Although this model of comprehensive partnership is largely unprecedented in Charlottesville, we are building on best practice neighborhood-centric ideas in other communities.

Speaking specifically on the site plan, our collaboration has collectively evaluated a wide range of creative development solutions that have attempted to balance a very complex set of neighborhood priorities, sites, strengths, and practical constraints. This balancing act includes maintaining commercial square footage that meets the needs of Twice As Nice, the Music Resource Center, and a hopeful neighborhood scale grocery store. Developing as much affordable rental housing as possible, prioritizing as much deeply affordable housing (50 percent AMI and below) with a unit mix that responds to neighborhood input, voucher waiting list demand, and LI HTC imposed guidelines. Embracing the place keeping ideals as described in the Fifeville Neighborhood Small Area Plan, envisioning the site as both destination and entry to the neighborhood. Minimizing traffic impacts on smaller streets in the surrounding neighborhood. Developing a parking strategy that does not overbuild parking but does try to meet the real anticipated demand, including utilizing shared time of day parking between residential and commercial uses. Doing all this on less than 1.5 acres, while still being economically viable with requests for necessary city financial support coming later this fall.

I will close by addressing four points that are likely to come up during questions.

1. Affordability mix – On principle, Piedmont Housing Alliance will always pursue as much deeply affordable housing as is financially feasible given current constructions costs and available federal, state, and local subsidies. While the affordability mix cannot be finalized until further along in the process and early subsidy commitments are obtained, we will aim for the following:

- a. Ten percent of the apartments will be households at 30 percent AMI or below.
 - b. Fifty percent of the apartments will be at 50 percent AMI or below.
 - c. The remaining forty percent of the apartments for 60 to 80 percent AMI households.
 - d. All units will be available to people with housing choice vouchers.
2. Terms of affordability – The statutory affordability period is 30 years for our funding sources (both federal and state) with state guidelines. We are a mission focused nonprofit with no intention of changing affordability.
 3. Number of apartments – While preliminary sketches of the site a few months ago suggested the possibility of a greater number of apartments than is currently suggested, the initial assumptions did not account for financing constraints, amenity spaces, neighborhood goals or parking limitations. Once these and other factors are accounted for, we hope to develop roughly 65 affordable apartments. This number is still an approximation because the drawings are still at the schematic level. We need the rezoning to give the team enough certainty to expand the resources necessary to take the next steps.
 4. An MOU versus a development agreement – One of the staff comments suggests postponing rezoning approval until a final development agreement is completed between Piedmont Housing and Woodard Properties. I believe I understand the principle behind the recommendation. The practicality of that is difficult to achieve. It introduces a ‘chicken and egg’ scenario. On one hand, a formal development agreement requires a more finalized program design as well as additional certainty on subsidy for the affordable housing. We need to be further down the development pathway before we can finalize agreement terms. On the other hand, moving forward on the program design requires us to have certainty of zoning as a critical step in the sequence, in part, because we can’t start applying for those subsidies without zoning in place. We strongly believe that the nine months of demonstrated partnership building plus the extensive and well-crafted MOU between Piedmont Housing, the FNA, and Woodard Properties provides the appropriate level of commitment for rezoning.

Planning Commission and City Council, thank you for your continued active support for affordable housing in all parts of the city through funding recommendations, passing the affordable housing plan, and now working earnestly on city-wide rezoning. The 501 Cherry Avenue rezoning request is entirely consistent with these goals and needs your support tonight to allow us to move to the next step. The last piece I will say in response to the suggestion that, as a proffer, we cannot apply for funding from the city. Fundamentally, what Woodard Properties is proffering is the partnership. They are proffering Piedmont Housing the option to purchase a portion of the site for housing so we can develop the affordable housing from that point forward. It is not Woodard themselves proffering the units. They’re proffering us the option and the partnership.

Kelsey Schlein, Applicant – I am going to go through the site-focused details. One of the major takeaways, as far as the design goes that we took away from the work session that we had in March, was massing. We have continued to revise this plan after meeting with the FNA and our formal community meeting. This process has been very iterative. I am looking forward to going over the changes that we have implemented.

Next Slide

Here, we are looking at a massing rendering. We’re at the vista from Tonsler Park.

Next Slide

This is the overall massing of the property. You can see that we have two buildings proposed. The property, as noted by staff, is bisected by a stormwater pipe and a stormwater easement around that. We have two buildings framing that.

Next Slide – What We Heard

What we heard was to focus more on massing and scale. An interaction between the site and Cherry Avenue to the south and the site and residential neighborhoods to the north. This is a key site that is at the core of the focus area of the Cherry Avenue Small Area Plan. It is a transition zone between the commercial Cherry Avenue Corridor and the historically lower density residential neighborhoods. We don't take that transition zone lightly. We have made some commitments in our proffer statement limiting heights in certain areas, especially adjacent to residential neighborhoods and to be cognizant of that fact and where this site sits and the surroundings of its context. With transportation impacts we were, especially after the community meeting, tasked with limiting additional vehicular trips on residential streets. We will go through this later with how we have revised our circulation to primarily focus traffic on the Cherry Avenue Corridor and alleviate the pressure off residential streets. With multimodal solutions, we were tasked with considering incorporating a bus stop along Cherry Avenue. That is a condition proposed in the staff report for your consideration of the special use permit. That is a condition that we are agreeable to and can accommodate. We were also tasked with focusing on enhancing the pedestrian experience along Cherry Avenue. If you have walked along Cherry Avenue, it can be unenjoyable. By moving the building, a little off the street, we're enabled to incorporate some more landscaping and provide relief with buildings not looming over Cherry Avenue so much. The last and most important item was work with community partners to make 501 Cherry Avenue a development that is part of and serves the Fifeville community by incorporating affordable housing and providing retail office space to house businesses that serve the community. Through the execution of the MOU and the proffer statement, I believe that the property owner has showed a commitment to that tenant.

Next Slide – Revisions and Response

In the top image here, we're looking at what was previously before you in March 2023. The design scheme there was to maintain the existing IGA building and renovate it to add a second story above to realize the additional density and square footage to make this property work in a larger building; noted as building B at the intersection of 6th Street and Cherry Avenue. Since the meeting in March and the community meeting, we worked on a revised proposal after receiving feedback, especially about the massing, particularly with building B and to soften the massing and distribute the necessary square footage and units among the two buildings that were proposed on the site. With this comparison here, you can see how we have taken note of the relationship of the building to the residences in the rear and to the corner of 5th Street and Cherry; softening the building there and pulling it back from the street in its mass so it is not looming so much over the streetscape.

Next Slide

This is a zoom in of the revisions. You can see some of the call outs here of what we heard and how we responded.

Next Slide

On the top slide, you can see that the former proposal had 5 entrance points. Some were restricted only to ingress. Some were restricted to only egress. When we were before you in March, we had the Cherry

Avenue entrance as ingress only largely because we were proposing to keep the existing IGA building. If you are coming out of the Cherry Avenue entrance, the sight line looking towards Ridge Street is almost entirely compromised with the existence of that building. As far as a safety concern of trips entering and exiting the site, we thought it was best to limit that to a one-way ingress and distribute the trips elsewhere on the site. Our main point egress was entirely on 5th Street Southwest. Every trip exiting the site would be coming out of 5th Street Southwest. With this revised proposal and realizing the construction of a new building (Building A), we were able to pull that building off Cherry Avenue, increase our sight lines, and make the Cherry Avenue entrance a two-way instead of one-way as it was previously proposed. Additionally, what we did is that we incorporated our one-way egress to 6th Street Southwest. At that portion of 6th Street Southwest, that is almost entirely commercial in that area. When trips will be exiting 6th Street Southwest, they will take a left on that one-way street and exit down onto Cherry Avenue. We also think that egress there on 6th Street Southwest will help to alleviate potential additional trips coming through the neighborhood on 6th Street Southwest because it is going to be the easiest and quickest route for anybody who is looking to park in the parking garage in Building B to enter the site from Cherry Avenue, exit onto 6th, take a left, and come into the parking area for Building B. We feel this circulation pattern greatly alleviates the transportation impacts on residential streets in the 5th Street entrance. That entrance would still be accessed. You would have to drive down Oak Street or down Dice Street to get to 5th Street Southwest to access that. That is only accessing 16 spaces. If that was a major concern, we would be willing to commit to limiting the number of spaces that entrance could access. The reason it is not accessed from the site itself is because of the topographic change in the property. That parking garage is a second story access.

Next Slide

Here you can see the rear of the property; the 40 feet off the rear line is our residential restricted height zone. To Commissioner Schwarz's comment about how we measure height, we defined the base elevation, from which we will measure, so that it was a certain height that we're going to get here. That height elevation is measured from the street grade at both respective locations. That's the base elevation that we came from. We're not doing the grade plane elevation measurement all around the buildings. It is a very particular, certain calculation. We have limited the building in that area to 45 feet or 3 stories within 40 feet of any low-density residential district. By revising our entrance to one entrance on 5th Street Southwest and those parking spaces being largely dedicated to residential units, we have realized a 90 percent reduction in trips from our prior proposal we had before you in March. That is a considerable traffic reduction. That came about by receiving feedback and providing a more thoughtful design in response to that feedback.

Next Slide – Circulation

This goes out so you can understand what is one-way, what is two-way on the site here. You can see that Cherry Avenue is two-way. We have the 5th Street accesses two-way and 6th Street is one-way egress.

Next Slide – SP23:01 Conditions

As far as the conditions proposed with the special use permit for the increase in residential density, we're agreeable to all the conditions as proposed by staff from the staff report, except for condition four. We would like to request an increase in the maximum from 20 feet to 25 feet. We do have three phase power lines across the front of the property. These power lines were constructed some time ago. There currently isn't a defined width on the easement that we know of affiliated with those power lines. One

item that we're requesting is a little additional flexibility, so we don't have to come back before you if we need 21 feet. After we get to the site plan phase and are working with the utility companies, we wanted to make sure we had some extra feet if they claim a prescriptive easement wider than what we think it is or have an easement established that we don't know of now. From a safety and constructability standpoint, when we're putting scaffolding up in front of the building, we want to make sure everybody is safe constructing the building off those power lines.

Commissioner Mitchell – Is there an MOU or LOI with the nonprofits?

Commissioner D'Oronzio – Yes. It is one document.

Commissioner Mitchell – Do you have a grocer in mind? Have you had conversations with anyone who might be interested?

Mr. Virgilio – We have talked to several local private operators. They're hesitant to commit without us being a little bit further along. There also is some interest with a neighborhood-owned coop model as well. It is like neighborhood, resident driven ownership model. We're exploring all options. In order to get some traction, we need to be further along with the project.

Commissioner Schwarz – If you don't partner with the PHA, is there a reason you have stuck with our old way of doing things? There is a good reason. It is less affordable housing. What happens with the project if we want you to follow our future guidelines?

Mr. Virgilio – Unfortunately, currently that's all we can commit to if the project didn't partner with the PHA. There is a lot of uncertainty in the economic market, interest rates, and it is tough to pinpoint where all those things are going to be three years from now when we break ground. That's all we're comfortable with committing to.

Ms. Schlein – There is one thing to note with the proffer and how it is structured. Proffer one is the old way of doing things. If one of the nonprofits didn't take shape, there is additional affordable housing provided if that doesn't happen. Woodard tried to go above that and that could come to fruition depending on the final development proposal. I wanted to call attention again to the fact that they provided for the nonprofit space, to work with them, and sell them that space. If that doesn't work out, they're still going to provide affordable housing in place of that.

Chairman Solla-Yates – This project has been going for quite some time. I have seen tremendous evolution and good faith effort. I am encouraged to see that.

Councilor Payne – The kind of project and the neighborhood's understanding of the project is completely different if the partnership with the PHA is successful versus not. How well does it seem to be going in terms of that December 31 timeline? It sounded like it is a very serious partnership that is seriously going forward.

Michael Eaton, Applicant – We have been in very intensive and good faith negotiations with Woodard for many months. We have gone into legal specifics in terms of how we would treat it as land

condominiums so we can have divided sub-interests so that the two nonprofit spaces would be sold to those nonprofits. There would be no Woodard involvement beyond being this very limited landlord for the grocer for a period of time. PHA would own the land that the affordable units would be built on. We have every reason to believe that we will be able to reach an agreement with respect to that before the end of the year. I know you must treat it as if it is a contingency. It would be hard for me to imagine a circumstance where we're not able to make that work.

Councilor Payne – That is good to hear. Are there any amendments discussed that would be changed to the proffers where your partnership with PHA and Woodard is secure but there is some kind of change or the condition the city would do that would blow it up?

Mr. Eaton – I don't know from Woodard's standpoint. From our standpoint, I can't think of one. We think the city's participation is going to be essential. A condition pre-emptant is necessary for our development of the affordable units.

Councilor Payne – I agree. I just want to make sure we don't impose conditions that are counter to that goal. I have been closely following the development for 7 years. I have never seen a project from the private sector like this. If it can be successful, this could become a model people could look to of what real community development looks like. It is such an enormous contrast when you look at Dairy Central as another project happening in terms of what it could look like to get something that has community buy-in and involved. I am 110 percent in on the city supporting this and being flexible and being realistic about what it takes to make the affordable housing and other components happen. I do not want us to be an obstacle when we have other parties together.

Mayor Snook – Do we have any idea of how much city money is being expected of us?

Councilor Payne – It depends on how many units are affordable. It could be a tax increment finance district. It could be working with them in other ways where they have a mix of market rate and affordable units. It is not like there is an unlimited checkbook. We need to be flexible and realistic about what it takes to get affordable housing built.

Mr. Mathon – The number of units has not yet been finalized. The exact number is still uncertain. Frankly, we're still at the schematic design stage. There is still a great deal of work in front of us. We would expect to come to you, when the CAHF allocation application comes out, we expect to apply at that time consistent with previous applications. In this circumstance, Woodard Properties is effectively passing through the land cost, without any markup to the nonprofit partners, the commercial uses, and us. Effectively, we're talking about something, not only for the affordable housing portion, but there is an element here of trying to have community-centric, community-focused businesses and what it is going to take to make it work for them economically as well. The reference to the idea of a tax increment finance district or synthetic TIF is a possibility as well. Precise numbers are TBD.

Mayor Snook – When you say the application would be consistent with previous applications, can you help me out?

Mr. Mathon – In recent applications, we applied for roughly \$45,000 per unit in CAHF funding for an affordable housing project. I would expect it to be in the same ballpark.

Mayor Snook – Is that specifically for the units that are below 40 percent AMI/60 percent AMI? Does that cover 60 to 80 percent AMI?

Mr. Mathon – It covers all of them. Fundamentally, there is an effective distribution of how that subsidy is allocated to each unit. The amount of subsidy that a 60 percent unit needs versus a 30 percent unit is not the same. For simplicity's sake, it usually comes in as a singular application per unit.

Mayor Snook –What we have talked about in the affordable housing discussions we have been having over the last couple of years is that we don't need to be subsidizing construction of 80 percent AMI units.

Mr. Mathon – I disagree with that. Fundamentally, whenever we pursue 80 percent units as a small portion of the number of units that we develop, whether that is in the county or in the city, they are counterbalanced by the deeper affordability in the 30 and 40 percent. The city component of the funding or in the county is a slice of that necessary funding. It is not the only slice. There are many other layers to it. Fundamentally, because they are all tied together under the affordable matrix, they all need some level of a subsidy.

Mayor Snook – I recognize that it would be one application. You're not going to apply unit by unit. If you were to choose a mix that had more 80 percent AMI units than 40 percent AMI units, we would be talking a different number, a different amount of subsidy.

Mr. Mathon – That is a fair assumption. The breakdown of AMIs that I suggested we will aim for is generally aligned with that \$45,000 per unit that I previously referenced. If instead, we were trying to pursue double the number of 30 percent units, that number would go up. If instead, we said we will do all 60 percent units, the number would be lower. The affordability mix that I referenced aligns with that roughly \$45,000 per unit.

Mayor Snook – Effectively, if that is going to be 60 to 65 units, that would be roughly \$3 million.

What would happen under this scenario if no grocery store comes online? You're talking about having some/maybe all the spaces condoized in some way. The details of your financing agreement are not relevant to our SUP considerations. I am curious since you all seem to be regarding it as important. What is that going to look like? Is that space going to be available as a condoized space that you sell to a grocery store? If that doesn't pan out, who retains it?

Mr. Virgilio – It is TBD. At that point, if we get to a CO, which could be 3 years from now, we don't find a grocery store, we will have to open it up and find another use/another business to use that space. We can't leave it vacant. We're open to exploring another nonprofit to take that space and repeating the concept that we have with Twice As Nice and MRC. I think it is TBD. We're willing to work with the neighborhood to find something/a business that benefits the community.

Mayor Snook – There has been a lot of talk about discussions that we're not a party to as apparently being a factor in people's enthusiasm for the project. I will note that the City Council, Planning

Commission, Planning Staff are not supposed to be making decisions based on what your private financing arrangements are.

Vice Mayor Wade – I am in support of this. My only question and concern are that if we're going to be putting \$45,000 to \$50,000 for each affordable unit, we want to put as many measures in place that those are going to be for city residents. We heard from many people last night that they aspire to live and have a family in the city. We need to take care of our residents before we provide housing for the region. That would be my concern if we make sure that's done.

Mr. Mathon – We must follow fair housing law, federal fair housing law. We are not allowed to set aside units for a particular class or area designation. What we can do is to do prioritized outreach. Initially, our outreach would be to the Fifeville neighborhood as we're getting ready to lease up so that they have the opportunity to get in the queue early. That is the limit of our ability under federal law in terms of prioritization. It is to prioritize how we do our outreach process.

Vice Mayor Wade – I agree. I know that the residents in Kendallwood can get first dibs. All the homes there will be for current residents. I heard that a lot of the housing that we have are not going to city residents that we are allocating for affordable housing. I just want us to do all we can to do that. I am glad that you're working with the neighborhood association. If we hold true to that, we will be fine with city residents.

Commissioner D'Oronzio – Within so many days of getting the CO, x will happen. Can somebody speak to why we're using the CO as a drop-dead date?

Mr. Virgilio – We're just trying to set some kind of deadline. We can't have a vacant space. With the nonprofits, the goal is to work with Twice As Nice and MRC. If for some reason, they don't work out, we're going to try to find another community nonprofit.

Commissioner D'Oronzio – It is a convenient universally recognized point.

Chairman Solla-Yates – I have a question about the proffer language. There are specific parties named in the proffer. I can't tell you what to write in your proffer. I am concerned about specific names being in there as opposed to a more general language. This is a land use matter not specific to any party.

iii. Public Hearing

Carmelita Wood – I am the Fifeville Neighborhood Association President. I am here to speak in support of the 501 Cherry Avenue project and to give you some background. In 2016, the Fifeville Neighborhood Association, along with the TJPDC, started working on the small area plan, gathering information and spending time with residents, and seeking a partnership from various agencies in Fifeville. We required feedback from school principals, teachers, the Islamic Mosque, our valued people, and the students who live there and will be working there in the future and be homeowners in Fifeville. The long hours and the information gathered are items that are listed in the small area plan. From surveys to front porch talks and a lot of community engagement, I stand before you tonight in support of the 501 Cherry Avenue project, which addresses a great deal of items covered in the small area plan such as the community opportunities to seek affordable fresh food produce or market, youth

activities, walkability, streetscape, and to address traffic concerns, and more closely and deeply affordable housing. Along with the partnership with Woodard Properties and PHA, and with the critical support from the city and the rezoning rewrite, this will be possible. FNA has already begun talks and meeting with the nonprofits moving into the community. We know that they will be a great asset.

Sakib Ahmed – I am a homeowner and resident on 6th Street Southwest. The current property on 501 Cherry Avenue is a blight on the neighborhood. The land has been underutilized for many years. I believe that the proposal put forth by Woodard Properties, in partnership with the Fifeville Neighborhood Association and Piedmont Housing Alliance is a real opportunity to create sustainable development in our community. There is a real affordability crisis in our city. Projects like these, under the guidance and ownership of nonprofits, like PHA is exactly what our neighborhood needs to maintain its diverse and welcoming community. I am excited by the prospect of having a grocery store in the area, especially to help alleviate the food deserts within our neighborhoods. As a resident, I am sensitive about the concerns related to traffic and parking. I strongly feel that the developer has made good faith efforts to address those concerns through their revised designs with community input. I am personally comfortable with more traffic and density in the area, particularly on 6th Street if it means more people can have the opportunity to live in my neighborhood and enjoy the amenities, we have access to. I would like to voice my support for this project, particularly the development of affordable housing. I implore City Council to fund the project to allow those units to be built and owned by Piedmont Housing Alliance.

Robert Croner – I live on Elliott Avenue. I am a board member and a member of the grants committee of Twice As Nice. Not affecting your decisions, I want you to know that Twice As Nice is more than a thrift store. It is a vital and important contributing member to our community. It has been active in the community since 1980. We currently have two thrift stores where donors, shoppers, and volunteers engage in sustainable recycling, reusing, and repurposing gently used clothing, furniture, and other household items. The mission of the organization is to provide funding to other 501 nonprofit organizations. We support seniors in need. Over the last 10 years, we have distributed over \$1.5 million in grants. In 2022, it was \$235,000 in grants. This year, we're expecting to do the same. The proposed development will provide a permanent home for Twice As Nice, which we will own rather than lease, so we can be a long-term contributing member of that community and city. In conjunction with the Music Resource Center and hopefully a grocery store, what is not to love about this project. As a neighbor, I recently opposed a proposal to increase density on a 1500th of an acre parcel in the Avon corridor that wanted an auxiliary 8-unit, 4-story building. It took no consideration into massing and the effect on the neighbors. With Woodard, what I can see and what I am hearing tonight is addressing the community's concerns. My sense is that this development will not overwhelm but enhance and be in harmony with the surrounding neighborhoods.

Robin Goldstein – I am the director of Meals on Wheels. We are a recipient of the Twice As Nice grants every year. I want to speak to our support of the building there. In the last few years, their grants have paid for over 15,000 meals for our clients. Our lunches can offer a wellness check. Our volunteers have been able to alert us when clients have had unrecognized strokes, falls, and were incapacitated to the point of needing medical assistance. Twice As Nice funding has helped our volunteers go through with this job. At the height of COVID when it was very dangerous for our vulnerable population to leave their homes, Twice As Nice heard our call and went above and beyond to support our clients. Since the start of COVID, our numbers have increased by 18 percent and have not dropped. Twice As

Nice has been a reliable and steady supporter as we navigate the reality of increased food pricing and the need in our community as our population ages. Meals On Wheels receives no federal or state funding and less than 3 percent from one local grant source, which is Albemarle County. When the economy is uncertain, the political climate changes, or inflation deals a blow to our budget, we know that we can rely on Twice As Nice to support us during the worst of times. It is our largest grant source. Without their support, we would have lost the ability to offer 5,000 meals per year. This equates to 10 to 20 people losing services every year and more unable to get services in the future.

Peter Krebs – I am with the Piedmont Environmental Council. This project has been in the works for quite some time. It has been a long time coming. There is work to do. We are so excited about this project. This project really ‘hits it out of the park’ as far as embodying the kind mixed use dense development that is community focused that we want to see. It provides needed housing. It provides potentially a grocery store in a place that has needed one for a long time. It is quite significant. There will be the Music Resource Center, which is a necessary refuge for youth and a way for them to find good things to do in otherwise chaotic lives. I was summarizing this project to my 19-year-old son. He was enthusiastic about it. We do well as a community to listen more to our youth and those of us under 30. I am so excited about this. The most important thing is the way that this project has come about. There has been lots of listening before this proposal even came forward. At a time when not every development project has hit the mark with the community, this is a shining light in terms of what it will do, but how it has come about.

Norma Woolworth – I live on Bollingwood Road. I have been a city resident for 40+ years. I am a Twice As Nice volunteer. There are over 120 of us volunteers. A big part of this discussion is about bricks and mortar, specs, and land use. I know that we’re talking about uses and not individual owners or occupants. What this is about is community. We have heard about the Fifeville community being a welcoming and diverse community. I wanted to point out that Twice As Nice is exact same thing. It is a community of donors, staff, 100+ volunteers, shoppers, and neighbors. None of these things are mutually exclusive. It was important in finding a new space for this organization to find a place nearby in the city because of another neighborhood; that being the 10th and Page Neighborhood that we’re being nudged out of. We’re going to be right across the tracks and be able to serve that neighborhood within walking distance. That’s very important. If you come to Twice As Nice, you will see a welcome and diverse community that literally brings people together from all walks of life. People have relationships. Friendships form between people that would never come across each other if it wasn’t for this community resource.

Mustafa Mohammad Azir – I am happy, as a community member, I can share my thoughts about this project. I want to express my strong support for the plan. The hard work that has gone into shaping this project reflects a commitment to our community’s growth and wellbeing. I believe that this project has the potential to bring positive changes to our city. The fact that there will be a nonprofit store and affordable housing included makes it more commendable. The nonprofit store will be a great resource for everyone providing easy access to essential items. What stands out to me is the idea of affordable housing. This is something that can make a difference in people’s lives, especially for those who are struggling like refugees who have come seeking a better life. Affordable housing will give them stability and a chance to rebuild their lives. I am asking you to see how important these aspects of the project are. They align perfectly with our community’s values and can have a real impact on the lives of

those who need it most. By supporting this project, you can contribute to the development of our city and the people who can call it home.

Triana Hughes – I have been hearing a lot of things about people speaking about for the project. There have been a lot of great things that I have been hearing. I have been thinking about the traffic in that area. I am thinking about how that is going to work out. I have also been hearing a lot about community engagement that has been happening. I live in the Fifeville neighborhood. I haven't really seen anybody come to my door. There haven't been any porch conversations that I have seen. That's fine. I know that I am not directly impacted. I live further away. I know that there are black women who live close, who have also expressed concerns. I don't see them in the room. I don't hear their concerns being brought up. I do find that to be a bit of a problem.

Trinity Hughes – I also want to talk about community engagement. I feel that is important. I know that it is important to have the people that are directly impacted talk. Overall, I feel the community engagement would be important moving forward. I just found out about all of this. I am learning from being here. It is upsetting to know that this will be voted on and we're just now finding out about it. I am sure that a lot of other people have not heard about it.

Sarah Malpas – I live on Bailey Road in Fifeville. I am the Vice-President of the Fifeville Neighborhood Association. I want to ask the people who are here with the Association and support the project to stand. I know that several people had to go home earlier. I want to remind everyone of the path that the neighborhood association and their residents have walked to get us to this point today. Fifeville is one of the oldest neighborhoods in the city. It was built by black people for black people. We are one of the most diverse neighborhoods in the city today. If you look back to 2015, when the Fairfield Inn and Suites broke ground at the corner of Cherry Avenue and 5th Street, there was a massive reaction among our residents, who came to our meetings scared and angry. It confirmed their fears that Cherry Avenue would become a 2nd Main Street with businesses that did not serve our community and served UVA and wealthier Charlottesville residents instead, while actively driving displacement of black people and low-income residents. Our residents felt disempowered, and they had no say in this development process. Ms. Wood has recapped some of the intervening community engagement that has been done both in the community-led community engagement through the neighborhood association that led up to the small area plan and through the small area planning process. The vision for this community that was developed by residents during the FNA visioning process was tested, refined, and finalized during our small area planning process. We partnered with the mosque and with Abundant Life to ensure that we worked to get out into the community consistently. The centering of these voices in our community is intentional. We have been working hard since the adoption of the community's vision into the Comprehensive Plan. We have come a long way from where we started. There is still a long way to go.

Paulina Lushenko – I want to applaud Woodard Properties for their community-oriented approach. That is remarkable. I really appreciate the opportunity for the Music Resource Center, Twice As Nice, and the affordable housing. As someone, who lives 339 6th Street Southwest, I am concerned about traffic congestion. I am happy to share the space. I am concerned for the public buses and school buses that are going on Cherry Avenue. I am not sure what is going to happen to that. I don't see how that will happen. I see that being problematic. I noticed that you (Commissioner Schwarz) had brought up the setback on the sides from 0 to 9 and that doesn't require the planting of trees in that area. I ask that you

reconsider that for increasing temperatures that we're experiencing and the importance of trees for our environment.

Matthew Gilliken – I am a resident of Fifeville. I am here to speak on behalf of Livable Cville. Livable Cville is an all-volunteer group that advocates for housing, land use, and transportation policies in the Charlottesville area. We enthusiastically support the rezoning and special use permit for 501 Cherry Avenue. We also request the city commit to funding the proposed housing to ensure that it is 100 percent affordable. We ask that the city prioritize street and sidewalk improvements to the streets adjacent to this project. The proposal before you is a major opportunity for the Fifeville neighborhood, its residents, and the city of Charlottesville. It is the result of years of neighborhood outreach and input that culminated in the Cherry Avenue Small Area Plan, a visionary document that mentions affordable housing 46 times and a grocery store 26 times. Expanding after school programming and improving partnerships between the neighborhood nonprofits and developers are recommended in the Small Area Plan. The subsequent collaboration between the Fifeville Neighborhood Association, Woodard Properties, PHA, Twice As Nice, and the Music Resource Center will turn this small area plan into a reality and is a model for neighborhood-centered development. It is essential that the city join this partnership. We call upon the city to invest financially in the project. The city must provide this funding if it is going to be faithful to its commitments to affordable housing. Neighborhoods have provided feedback for decades about poor sidewalk conditions and cars going too fast on streets adjacent to this property.

Warrick Palmer – The project at 501 Cherry Avenue is a great project. I am native of Charlottesville. I have been away for 20 years. I am coming back. This project lends itself to building communities. I applaud Woodard, the city, and the joint efforts that they are doing. In the presentation, there was a mention of some individual dwellings affected on 5th and 6th Street. Which of those would be affected as a result of this project?

Pat Lloyd – I am a resident of the Ridge Street neighborhood. I would like those in the audience from Twice As Nice to stand and show your support. It does need to secure a permanent home so we can keep giving back to this community. You have heard many positive things about what we do. We want to continue to do that. What started out as a small second-hand store, has grown into an indispensable community asset. The community gives to us, and we give back to the community. I will hope that you will allow us to continue to do that by supporting this proposal.

Willow Gale – I live on Forest Hills Avenue. I am an active member of the Fifeville Neighborhood Association. What I have is a letter of support from the Abundant Life Ministries. We are grateful for you and your service in our community. We are writing on behalf of Charlottesville Abundant Life, a nonprofit in operation for 27 years in the Prospect Avenue area of the Fifeville community. We want to officially share our support for the Woodard Properties, Piedmont Housing Alliance, and their proposed redevelopment of the former IGA site at 501 Cherry Avenue. Fifeville residents and Fifeville Neighborhood Association have worked hard over the past 8 years to develop a small area plan that reflects our neighbor's vision for the future of this community. The Cherry Avenue SAP emphasizes the need for a grocery store, youth activities, affordable goods and services, and deeply affordable housing. Abundant Life was proud to be a part of that planning process. We have had continued conversations with the Prospect Avenue and Orangedale Avenue communities, including a neighborhood survey in the spring of 2022. We are proud that the FNA, Woodard Properties, and Piedmont Housing Alliance have

worked so hard over the past year to put together a redevelopment plan and memorandum of understanding that reflects the values, visions, and goals of the Fifeville community. This is the first time a developer in Charlottesville has partnered with the neighborhood in this way and made commitments to advance resident-driven development.

Frank Bechter – I live in Fifeville at 6.5 and Dice. I would like to speak to the traffic concern. Parking is sometimes trouble. We can do this. It is very important to have affordable housing and business in that area. I applaud this project that has been very long in the making. I have gone to many FNA meetings for years. I know that there are many people who have housing vouchers that cannot find places to use those vouchers. That might be counterintuitive to a lot of people who don't know that. To have many affordable housing units in that neighborhood is a very significant development that we can be proud of.

iv. Commission Discussion and Motion

Commissioner Mitchell – The vision for this is exciting. There are a lot of details that we need to work through. I would echo Mr. Alfele's desires, wishes. He had a wish list. There were 3 things that he wanted in an application like this. One was a firmer agreement with PHA and the nonprofits that we're going to be working with. It would have been nice to have that. The devil is in the details. As we work through this, stay focused on executing what is outlined in the MOU. The other thing that he asked for was a firmer ADU algorithm that would be irrespective whether nonprofits were in. We can go from between 4 and 9 units, depending on what the nonprofit algorithm looks like. The other thing would be a better articulation of compliance and performance agreements and ways to track that. These are details that we need to work through. This is so consistent with so much that we're attempting to do in the Comp Plan. It is so consistent with so much that we're attempting to do in the Cherry Avenue Plan. I am absolutely behind it. I will vote to recommend that we recommend to Council to approve this.

Commissioner D'Oronzio – When we look at this, there are several contingencies and ifs that must land here. It is complicated. We shouldn't be looking at the tenants and specific people involved and tailoring land use for that. The community has made it very clear that this is a risk that the people are willing to run. We really want a grocery store. We understand there is a chance we may not get one. We would like 60 to 65 affordable units. We might not quite get there. In terms of the confidence of the people and my confidence in the players here, I am going to support both of those.

Commissioner Schwarz – I do intend to vote to support this. What is bothering all of us is the lack of certainty. I believe that if everything falls through, you have that memo of understanding. I want to believe that Woodard Properties is going to continue to work with the neighborhood to figure something out that is better than what you're offering if it doesn't work out. I am hoping that what you have provided here with the alternatives if you don't get Piedmont Housing Alliance, the nonprofits. That is a lot of CYA. That's a concern of mine. A lot of people have faith in you. We don't get projects that have this much support. I am willing to accept a little bit of faith that you are going to make it work.

Chairman Solla-Yates – I have been looking at this site with consternation and concern for many years. It is not one of the places that I think about when I think about what I love about Charlottesville. It is at the center of many things that I think are wonderful about Charlottesville that are beautiful, diverse, and have natural beauty. It is a remarkable area. The potential is enormous. It has been very

clear from the community. It is clear in the Comprehensive Plan, Fifeville Neighborhood Small Area Plan. There is tremendous excitement here. How is this going to go wrong? How will it fall apart? What are all the ways that this dies? There are many, which is beyond the city's control. The city does have some resources. We have an economic development war chest to ensure that good things happen in the city of Charlottesville using our money. We can't control that with land use. We do have the power of the purse. I am very favorable to this project.

Mayor Snook – I am concerned about the extent to which we're being asked to rely upon the actors, which is not good land use planning. I know PHA, Woodard Properties, Fifeville Neighborhood Association, Twice As Nice, and Music Resource Center. I know them to be stable organizations. I am comfortable in saying that 3 years from now, if that is how long it is going to take to 'pull the trigger' on this project, they will all still be stable organizations. There is apparently a 22-page MOU out there. Is that something that we're privy to? We know, in Charlottesville, what happens when good intentions go bad over the passage of time and changing economic conditions. You don't have to look far down The Mall to see a classic example of that. I want to be weary that we must look out for what can go wrong. I feel pretty good about the way that this is shaping up. As we are in an increasingly interdependent city, where we don't have as many people acting independently as may have been the case 30 years ago. Everything we want to do requires a lot of hand shaking, back rubbing, interaction. We must understand that sometimes we are going to have to be careful to assess the people involved. We must be willing to assess the people involved.

Motion to Approve Rezoning – Commissioner D'Oronzio – I move to recommend approval of this application to rezone the Subject Property from CH and R-1S to B-3, on the basis that the proposal would service the interests of the general public and good zoning practice. Second by Commissioner Mitchell. Motion passes 4-0.

Motion to Approve Special Use Permit – Commissioner D'Oronzio – I move to recommend approval of this application for a Special Use Permit in the B-3 zone at 501-507 Cherry Avenue, 0 5th ST SW, and 0 6th ST SW to permit residential development with additional density with the following listed conditions.

a. The ten (10) conditions recommended by staff with the adjustment to condition four with the setback from 20 feet to 25 feet.

Second by Commissioner Mitchell. Motion passes 4-0.

Mr. Stroman, City Attorney – Council may wish to consider a motion pursuant to the 2023 amendments to the code of Virginia, Section 15.2.22-2204 to defer further consideration of Council's intention to adopt ZM23-0001 and SP-0001 (501 Cherry Avenue) to Council's September 5th, 2023 meeting or such later meeting as Council may direct.

Councilor Payne – So Moved

Councilor Pinkston – Second

Motion passes 4-0. Vice-Mayor Wade left prior to the motion and vote.

III. COMMISSION'S ACTION ITEMS

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

Zyahina Bryant – We organized quite a few people to come today to speak in opposition to Dairy Market even though it wasn't on the agenda. If you're here oppose the Dairy Market expansion, please stand. That is a good crowd for it to be so late. I have quite a few concerns. My main concern is the accessibility of these meetings. I know that everyone wants to say that the mics aren't working. The reality is that people on Zoom can't hear you and people in the room can't hear you, there is no point in continuing the meeting. Chair, your behavior and response were very flippant. It was rude. It showed me why black people don't come to these meetings. I hope, that in the future, there is more consideration to the ways that we are trying to center racial diversity, actions, tone, tenor, and the ways that we respond to residents. The matter is that there has not been enough community engagement. There is a lack of diversity, equity, and inclusion as a lens and framework for this project. As we saw people come from Woolen Mills and nearby streets, with relation to the floodplain. I saw a lot of people talking about walking their kids to school on the street that they grew up on. What about 10th and Page residents who have been saying the exact same thing? We're not given that sort of grace or consideration when we talk about our histories, legacies, homes, and how we want our families to grow up in the same neighborhoods. I hope that when it is on the agenda, that same consideration is extended to us as well. I am here speaking on behalf of my grandma, organizing on her behalf. I am not going to stop. Her stuff matters as much as everyone else's. I hope for that same kind of consideration. Chair, you let some people go way over and you stopped others immediately. I am going over because I am going to finish. I want you to think about that.

Warrick Palmer – My previous question was never answered. I was asking regarding the Cherry Avenue development. Were there going to home affected on 5th or 6th Street? I thought that I heard that in the presentation.

Abby Guskin – I am also here and opposed to the Dairy Market. I wish all the people that were here and waited and waited to be able to speak on this subject. They had a lot to say. I wanted to thank Ms. Bryant for making those comments. It took the two of us to be able to squash so that everyone could have a seat at the table, which is very important to be heard by everybody. I hope, in the future, you get your act together and get the sound so people can speak. I want to applaud the Fifeville Neighborhood for engaging with each other. The developer for Dairy Market is nothing but lip service. To be able to sit there and nod and go into the community and talk to certain people and not come full-service with what he is trying to do, and just appease the City Council because you all have asked him to make sure that he gets a couple of members on board and not being able to take the whole community into consideration and ask them questions and why the affordable housing that is not even on the table. His father-in-law bankrolls the whole project. Thank God Mr. Manning has deep pockets that he gave to UVA. That's why we have the Code Building. What about the consideration for 10th and Page? The face of the project is a son-in-law. This is bunch of crap. He is not considering the people that lived there generationally. They should be able to stay and protect their families and not be displaced by people coming in and flipping houses because they can't afford to pay their taxes. I can't make decisions for 10th and Page. I just hope that you all take into consideration that you will listen. Mr. Henry is not being honest.

Lisa Ryan – I am a city resident. I am here in support of The Respect The Neighbors Campaign. I have a sign that mentions the cost of a shirt at Twice As Nice is \$8 and the cost of a shirt at Quattro Tizi (a current retail space in Dairy Market) is roughly \$150. It speaks to what Phase III will be about. If Chris Henry cares at all about the neighborhood that he wants to build in, he would be very wise to think about the most that he could do for the neighborhood and not the least that he can do, which seems to have been

promising use of the Old Trinity Church and charging residents for use of it. He could easily give that land/church to the community. I do not support this development. I know it wasn't on the agenda tonight. I appreciate you all listening to us talk about this. We're very wanting to have our voices heard, even before anything hits the table.

Bazina Howard – I am a resident of 10th and Page Neighborhood Association. We oppose the project that Chris Henry is trying to do. He took us through the ringer with Phases I and II. We learned from those mistakes that happened with that. The communication wasn't on level as to what he was telling us what it was going to be and what it was not going to be. He comes with this proposal where he is ready to put it out there until we looked at it. We had some questions. That's why he had to pull it back. I don't know if they have been to you all yet. What they brought to us; they were ready to do. They had no communication with the neighborhoods or the Neighborhood Association. They met with us and didn't show us anything. They put this out there with those easels that night. They wanted everybody to walk by, look at it, and go out the door. We asked him questions. That's why we're having these issues now. I hope you all will consider things once they do bring it to you.

Victoria Horrock – I am a senior attorney at the Legal Aid Justice Center. I am here on behalf of the Legal Aid Justice Center in opposition to the expansion of the Dairy Market along Preston Avenue. We spoke in opposition to this at City Council last night and come in solidarity with Respect The Neighbors. We are a member of the community or a resident of that area. We oppose this because it would be harmful to our clients and exacerbate an existing housing crisis in the city. Building luxury apartments is not going to assist any of the people that we serve. Another reason we oppose this is right in our name. We are the Legal Aid Justice Center. We do not think the expansion of the Dairy Market serves justice. The 10th and Page Neighborhood was built in the face of immense adversity and injustice, restrictive covenants, blatant segregationist policies. All these things prevented black Charlottesville residents from living in many of the neighborhoods of the city. Vinegar Hill was razed. Those community members were forced into Westhaven. Even though they have built a thriving community, they are threatened again by this kind of development. As a resident of the area, a resident neighbor, a service provider, and an advocacy organization, the Legal Aid Justice Center stands with Respect The Neighbors in rejecting the Dairy Market expansion. We hope you will to.

Carmelita Wood – I am here in support of not opposing expansion for one reason. Taxes will probably go sky high. You have a lot of elderly people in that community that use the laundromat. They don't have access. They don't have a car. If the laundromat is moved, what are they supposed to do as far as getting the laundry done. Some of them won't be able to afford it, even if they want to come in there. The project does not serve the community at all.

Sarah Malpas – I am here supporting the Respect The Neighbors Campaign. I know it is late and we have been here a long time. I want to underscore what all of them have said. I ask that you do respect the neighbors.

Liam Keough – I want to echo what has already been said. Littered throughout the Comprehensive Plan are the words 'affordability' and 'mixed use.' It is in the zoning, in the ordinances, and in the setbacks. You can see it everywhere; affordability for whom? \$2000 to \$3000 is nowhere near affordable for most residents in Charlottesville, majority of the residents in this country. I have heard in this room today but also throughout the Comprehensive Plan the term 'community engagement.' It is a buzz word. Allowing

this project to continue without considering what has been said today and objections placed before this board and this commission would not be community engagement. Historical trends and racism in this city for centuries are stark. Ignoring such would be a grave injustice to the city and to the residents, who have made it out today. This would be textbook gentrification; something that is running rampant in cities across this nation. It is driving out residents of towns and cities. It is a travesty. I work in development. I see SUPs be rejected for more significant purposes, SUPs that would grant millions of dollars in revenues for counties and benefits for the world. I have seen them rejected for far more significant purposes than for profit housing be rejected for the reason of unjust community opposition. This is a terrible plan. I strongly recommend that it be rejected.

Caro Campos – I am a client advocate at the Legal Aid Justice Center. I am here to oppose this expansion of the Dairy Central project. There was an article that came out that talked about an email sent to Dairy Market residents that said if you encounter a group of kids that do not live here, call the police. That is an incredibly racialized statement where it is assumed that the kids don't live there are black children. I know that the development of this project will only further increase police hostility, police violence, and militarization of that neighborhood. Even if there was to be more community development, that doesn't do away with the reality of the fact that expanding a project like this would only continue to, not only displace the black residents but also create continued senses of hostility, racial violence, and racial inequity that is exhibited in small part with this email. Charlottesville does need housing, but not here. There are so many opportunities for communities to be engaged when the community is saying is a loud 'no.' These residents and myself and other people have been sitting here for hours to share. We're going to continue showing up. We can't let the developers of the Dairy Market think that we're going to lose momentum. Me being here for 6 hours is much more important than years of displacement. That could and will happen if this development continues.

Christine Gresser – I am a county resident. I have been both a county and city resident. I have been employed in the county and city since I arrived in this area in 1993. I have deeply rooted feelings about what happens to Charlottesville and Albemarle. I would like to ask the Planning Commission and City Council to remember even though, it is easy say things like "the developer by right can build this many stories." What is the difference? There is a huge difference between what the developer can do by right and what he is looking to do. When developers can't make the biggest bang for their buck, sometimes they don't move forward at all because a project is not going to be profitable enough for them to move forward. I haven't met a white person in the Charlottesville area who openly says I don't care about black people's concerns. More often what happens is those of us who are white say "I care, it is really important, racism is bad, I would do anything that I could but ah shucks." There is this technicality. What can I really do? By right, this developer can build this. I would just ask all of us who are white people say things like "I care about race issues" to remember the long history of why this particular issue is triggering so much pain to so many residents and to challenge ourselves if you are a white person to think "what can I do to go above and beyond?" and not shrug and not let this slide but to stand with the community and help counter white supremacy culture.

Jacqueline – I wanted to express my support for Respect The Neighbors Campaign and express opposition to the Dairy Central plan.

John Leo Luca – I just want to express my concern about the Dairy Market expansion and my solidarity with the Respect The Neighbors Campaign. In a country that claims to be a democracy, it is very

problematic that the community members of 10th and Page haven't had much of a say what goes on in their own community. It is not a new thing. It is not just about the Dairy Market. It is a matter of what is next after this. When is it going to stop the expansion into black communities? I hope you all support the voices of the members of the impacted community, which is upholding democracy in our town. You have the power to prevent further displacement of black people and marginalized people. I urge you to do so.

Continuing: until all action items are concluded

The meeting was adjourned at 11:38 PM.