

A regular meeting of the Board of Supervisors of Albemarle County, Virginia, was held on March 1, 2023 at 2:00 p.m. in Lane Auditorium on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902.

BOARD MEMBERS PRESENT: Mr. Jim Andrews, Mr. Ned Gallaway, Ms. Beatrice (Bea) J.S. LaPisto-Kirtley, Ms. Ann H. Mallek, Ms. Diantha H. McKeel, and Ms. Donna P. Price.

ABSENT: None.

OFFICERS PRESENT: County Executive, Jeffrey B. Richardson; County Attorney, Steve Rosenberg; Clerk, Claudette Borgersen; and Senior Deputy Clerk, Travis Morris.

Agenda Item No. 1. Call to Order. The meeting was called to order at 2:00 p.m. by the Chair, Ms. Donna Price.

Ms. Price said Albemarle County Police Officers Joshua Wright and Andy Muncy were present at the meeting to provide their services.

Agenda Item No. 2. Pledge of Allegiance.
Agenda Item No. 3. Moment of Silence.

Agenda Item No. 4. Adoption of Final Agenda.

Mr. Andrews **moved** to adopt the final agenda.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No. 5. Brief Announcements by Board Members.

Mr. Gallaway said that he learned of the passing of former Supervisor Ken Boyd this past week. He said that, despite their different political views, Mr. Boyd had always treated him with dignity and respect. He thanked Mr. Boyd for his service and expressed his gratitude for all of his interactions with him.

Ms. McKeel said that she also served on the School Board and Board of Supervisors with Mr. Boyd, and she had not been in touch with him since he had moved out of the state but was saddened to see his obituary. She said that they had different political views, but they often agreed despite their party delineations in their tenures on the Boards. She said that she knew that Mr. Boyd would appreciate the creation of the Economic Development Office and the work done by them so far.

Ms. LaPisto-Kirtley said that she understood Mr. Boyd was the former Supervisor of the Rivanna District for 12 years, and four prior years on the School Board, as well as being Chair of the Board from 2007 to 2008. She said that while Mr. Boyd had eventually moved out of the County, he loved this community, and it was sad to lose someone so dedicated to public service.

Mr. Andrews said that Christine Putnam had been honored with the UVA 2022 Sustainability Leadership Award. He said that described as a “super-citizen,” she co-chaired the County’s Solid Waste Alternatives Advisory Committee (SWAAC), led its outreach and communications and educations subcommittee, chaired the County’s Natural Heritage Committee and the education workshop. He said that she helped many local programs succeed, and he wanted to congratulate and thank Ms. Putnam for her service.

Ms. Mallek said that she also had many memories of Mr. Ken Boyd. She said that Mr. Boyd was always explanatory about the reasons behind his opinions and was always very helpful and thoughtful in helping her during her first year as a Supervisor. She said that Mr. Boyd told stories about his advocacy for the YMCA (Young Men’s Christian Association) and why he felt so strongly about that, which was because it saved his life in his hometown during his teenaged years. She said that she would send condolences to all of his family members.

Ms. Mallek said that the sign jail was ready, because every spring illegal signs were placed populously in intersections. She said that flag signs were not allowed anywhere, although businesses may distribute them. She said that further, VDOT did not permit off-site business signs in the highway right-of-way.

Ms. Mallek said that emails had recently been received with regard to the spotted lanternfly, which was linked to the Ailanthus tree or “tree of heaven.” She said that she asked VDOT to get involved in this one year ago, but they had refused involvement because they did not feel qualified to deal with invasive species. She said that she requested assistance from the Secretary of Agriculture but had not yet heard back.

Ms. Price said that Ms. Christine Putnam was her neighbor in the County, who she had seen many times picking up trash along the road. She said that she was proud and appreciative to be able to call her a friend. She said that she met this morning with Eileen Morse, the newly appointed member of the Scottsville Town Council, and Mayor Ron Smith. She thanked Ms. Morse for doing her continued part of public service. She said that last week in Scottsville, she was able to see a play "Love, Loss, and What I Wore," a Nora Ephron and Delia Ephron play, by the Victory Hall Players at the Scottsville Center for the Arts and Natural Environment. She said that it was great to see the local community theater doing great things in an intimate theater setting.

Ms. Price said that this Board, among other entities, had received communications with regard to the situation at the SPCA (Society for the Prevention of Cruelty to Animals). She said that there was an appropriate state agency that had jurisdiction over that and had conducted their investigation, and there had been reports that had been released. She said that differences in jurisdiction were important to understand, and she appreciated that the state agency was able to take action there.

Ms. Price thanked Mr. Jeff Richardson, County Executive, and Dr. Jerry Turner for the college day for Historic Black Colleges and Universities that took place in the lobby of the County Office Building. She thanked Delegate Rob Bell for his years of service in the House of Delegates, and for his decorum and treating her with respect despite their severe differences in opinion. She thanked the Supervisors for their kind remarks about the passing of Ken Boyd. She wished her grandson a happy 9th birthday.

Ms. Mallek mentioned the importance of the arts in fostering wellbeing in the community.

Agenda Item No. 6. Proclamations and Recognitions.

Item No. 6.a. Proclamation Proclaiming March as Red Cross Month.

Ms. McKeel **moved** to adopt the proclamation proclaiming March as Red Cross Month and read the proclamation aloud.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.

NAYS: None.

Proclamation Proclaiming March as Red Cross Month

WHEREAS, in times of crisis, people from across Albemarle County come together to take care of each other. This humanitarian spirit is part of our community and exemplified by American Red Cross volunteers and donors; and

WHEREAS, in 1881, Clara Barton founded the American Red Cross, turning her dedication to helping others into a bold mission to prevent and alleviate people's suffering. More than 140 years later, we honor the kindness and generosity of the Red Cross volunteers here in Albemarle County, who continue to carry on Clara's legacy of saving lives. They join millions of people across the United States who volunteer, donate blood, make monetary donations, or learn vital life-preserving skills through the Red Cross; and

WHEREAS, in Albemarle County, the contributions of local Red Cross volunteers give hope to the most vulnerable in their darkest hours, whether providing emergency shelter, food, and comfort to families devastated by local disasters such as home fires, winter storms, flooding; donating essential blood for victims of accidents and burns, cardiac surgery and organ transplant patients, and those being treated for leukemia, cancer, or sickle cell anemia; supporting military service members and veterans, along with their families and caregivers, through the challenges of military life; helping to save the lives of others with first aid, CPR, and other skills; or delivering international humanitarian aid; and

WHEREAS, their work to prevent and alleviate human suffering is vital to bolstering the resilience of our community. We dedicate this month of March to all those who continue to drive the noble legacy of the founder of the American Red Cross, Clara Barton, who lived in her words: "You should never think about anything but need, and how to meet it." We ask others to join this commitment to giving back in our community.

NOW, THEREFORE, BE IT PROCLAIMED that we, the Albemarle County Board of Supervisors now proclaim the month of March 2022 as Red Cross Month and encourage all residents of Albemarle County to get in touch and support their humanitarian mission.

Ms. Carolyn Saint, Chair of the Board for the American Red Cross Central Virginia Chapter, said she was present with Mr. Larry Murphy, Vice Chair of the Board. She stated that they were proud and delighted the Board had proclaimed this to be American Red Cross Month. She remarked on the longstanding relationship between the organization and Albemarle County, which began when the Albemarle County Charlottesville City American Red Cross Chapter was established in 1918 with the support of County and City leaders, remaining a stable force during times of disaster and other

emergencies in the community.

Ms. Saint said that the American Red Cross Central Virginia Chapter helped prepare the Albemarle community for emergencies by providing home fire campaign and sound the alarm events, installing free smoke alarms and helping hundreds of families prepare emergency plans. She said that their next event with Albemarle County Fire Rescue (ACFR) was upcoming on March 18, which they welcomed everyone to join and participate in. She said that every time there was a home fire in Albemarle County, the American Red Cross disaster action team, composed of local volunteers, responded within hours to give the families direct assistance to help meet their immediate needs.

Mr. Larry Murphy, Vice-Chair of the Board for the American Red Cross Central Virginia Chapter, said that the proclamation spelled out well the services that the Red Cross was committed to providing every day. He noted that the Albemarle local Red Cross was the sole provider of blood and blood products to UVA and to Sentara Martha Jefferson Hospitals, which was a critical need that they partnered with everyone in the County to fulfill. He said that the American Red Cross in Central Virginia also had a robust program for services to the Armed Forces, they hosted joining forces community meetings, and brought together organizations serving the military, their families, and veterans. He said that they were the only organization that provided emergency messaging for active-duty military and their families back home.

Mr. Murphy said that in addition to the sound the alarm event later this month, there was another event next month, the 7th annual help can't wait celebration of heroes' event on April 20, at the Center at Belvedere, where they recognized ordinary, local community members for extraordinary acts of kindness and leadership. He said that the nomination process had begun and was well-advertised by their media partners, including CBS19, and nominees were received from throughout the community for first responder heroes, teacher heroes, youth heroes, and got to recognize those individuals at the annual event.

Mr. Gallaway acknowledged the work of the American Red Cross in the local community and beyond. He noted the importance of the phrase "you must never think of anything except the need and how to meet it," especially as the Board designed their budget each year.

Ms. McKeel stated her appreciation of the American Red Cross in the community and across the world. She said that in her nursing work, she collaborated often with the American Red Cross for blood donations, CPR lessons, and nursing certifications. She said that a statement about impartiality from the American Red Cross' website was "it makes no discrimination as to nationality, race, religious beliefs, class, or political opinions, it endeavors to relieve the suffering of individuals being guided solely by their needs and to give priority to the most urgent cases of distress." She said that it occurred to her what a wonderful world they would live in if everybody followed that guidance.

Ms. LaPisto-Kirtley thanked the American Red Cross representatives for allowing the Board the honor to recognize them and the work they did for all members of the community.

Mr. Andrews expressed his appreciation for the American Red Cross.

Ms. Mallek thanked the American Red Cross representatives for all they did for the community.

Ms. Price expressed her appreciation for the actions of the American Red Cross in times of disaster.

Agenda Item No. 7. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Sarah Robinson, Riverside Village, said she was a former member of the Pantops Citizens Advisory Committee (CAC), and that she was serving on the CAC at the time the master plan was formed for Pantops. She said that she also was a poet, and had been an active professional poet since 2009, with a writer-in-residence at the UVA College at Wise and was also a blood donor. She said that several years ago, while walking by the river, she had a vision. She said that there would always be astronomers to tell them where the stars were, physicists and mathematicians to tell them why the stars stayed where they were and would always have philosophers to tell them why they were here and what was the meaning of life. She said that they would always need poets to tell them why all of that mattered.

Ms. Robinson said that it mattered that they closed Free Bridge Lane because when she was walking by the river, when she first built in Riverside Village, the vision came to her of a place that could be poetry in motion, a promenade where cars were no longer by the river, where pedestrians, strollers, bikers, and birdwatchers could envision seeing the river and enjoying the beauty of the river. She said that she could imagine clean air, clean water, and the canopy of native plants restoring their green space. She said that she wanted all of that and hoped that the Supervisors did as well. She said that perhaps it could be married with a vision of Charlottesville on the other side of Free Bridge. She asked the Board for their help in achieving this and allowing them to have a natural river walk.

Ms. Kristen Swenson, Jack Jouett District, said that Diantha McKeel was her representative, and she thanked the Board members for serving the people and the place of Albemarle County in this capacity. She said that she was present regarding their local CASPCA (Charlottesville-Albemarle Society

for the Prevention of Cruelty to Animals), and specifically its Board of Directors. She said that despite the fact that the organization received almost \$1 million each year of local taxpayer money, there was no representation regarding its decisions and management.

Ms. Swenson said that as a taxpayer, she would like to suggest two means to correct that, one was that conditional to receiving such funds, meetings of the CASPCA Board of Directors be open to the public, with a schedule posted on the CASPCA website and opportunity for the public to contribute agenda items and/or to speak, such as the case with the Albemarle Board of Supervisors. She said that the second was that the CASPCA Board of Directors include an elected official from Albemarle County and an elected official from the City of Charlottesville. She said that, because local taxpayer money went to the organization, it seemed appropriate they have a seat at the table. She said that the members should be from the Albemarle Board of Supervisors and a member of the Charlottesville City Council, or persons independently elected to that role. She said that this was simply to correct the present situation, taxation without representation.

Ms. Swenson said that these requests had nothing to do with any investigation of the CASPCA, such as one hired by the CASPCA Board of Directors, on which the Executive Director sits and whose Vice President worked for the law firm they hired. She said that these requests had nothing to do with any such investigation, but simply attempted to identify the fact that despite receiving considerable public monies, the CASPCA did not presently have a commensurate mechanism for the public to participate in its decisions and management. She thanked the Board for seeking to rectify this by making conditional to receiving public funds that the CASPCA Board meetings be open to the public and that its Board of Directors include two additional members publicly elected, one from Albemarle County and one from Charlottesville City.

Ms. Louise Finger, White Hall District, stated that it was difficult to separate her personal experience of what she saw as poor treatment of staff and volunteers at the CASPCA, from the bigger picture of the lack of accountability and transparency of the organization's Board of Directors. She said that the treatment of people trickled down to the treatment of animals. As people were the foundation of animal care, and in their absence, neglect resulted. She said that as a taxpayer in this County, it was difficult to sit with the fact that her taxes were supporting an organization whose leadership had been documented as questionable at best.

Ms. Finger said that the two changes they were asking the County to request of the CASPCA Board were one, that a representative of County government have a seat on the CASPCA Board and two, that the CASPCA Board meetings be open to the public. She said that these seemed quite reasonable given the large amount of public funding that this organization received. She said that additionally, the fact that the County depended on the long-term viability of this organization to serve as the County's pound made this an important change for long-term success of this organization. She said that enacting these changes were a vital step toward giving a small voice to the people and the animals in this community who were directly impacted by the decisions of the CASPCA Board.

Mr. Dick Ruffin, Riverside Village resident in the Rivanna District, said he was present to thank the Board for listening and engaging with the communities that made up Albemarle so actively. He said that he was speaking on behalf of Free Bridge Lane being converted into a promenade. He said that the transformative impacts of the proposed change were that in summer 2033, young and old members of the public would actively be using the promenade, and amenities would go down the stretch from Darden Towe to Riverbend. He said that through the efforts of a new Pantops crew, invasive species had been largely eliminated and mostly mitigated, Old Mill Trail was now open all the way to North Milton, a restaurant overlooked the river on the west side of the Pantops center, and a scaled-back pedestrian bicycle bridge connected Pantops, Charlottesville and the Old Mill Trail.

Mr. Ruffin said that there were several areas that brought people into different areas of Pantops and down Old Mill Trail, and what was more was that the Pantops family restaurant located in the Riverside shops was alive and thriving. He said that more importantly, Rivanna River had become a focal point for this community, and was a place that people came to from all around the area. He said that they no longer turned their backs on the river but strived to place their front toward the river, and all of this and much more would happen by 2033 when starting with the decision made by the Board today to turn Free Bridge Lane into a promenade.

Ms. Sara Greenfield, Scottsville District, said that she hoped the County would certify her residence as a four-bedroom homestay, at the very least certifying it for three bedrooms. She said that she understood the strong rules and regulations the County had put in place in order to provide for safe and effective short-term homestays. She said that she was thankful that they allowed homestays on a case-by-case basis. She said that she had had two inspections, one by County staff and one by her Supervisor of the Scottsville District, Donna Price. She said that she found the process whole and complete.

Ms. Greenfield said that aging in place was a real concern of hers because she was on social security and still worked part time, and being able to maintain a healthy home was very important for the health of all communities. She said that sadly, many homeowners do not or could not afford what was required to maintain a home of her home's age, which was 26 years. She said that her repairs had been extensive, and she had supplied the Board with a document that detailed the thousands of dollars of repairs she had incurred for furnace, windows, HVAC, appliances, flooring, roof, driveway, decking,

landscaping, and tree maintenance.

Ms. Greenfield said that she believed that Airbnb and other homestay apps provided safe and effective platforms that continued to make this type of rental successful, and as a host, she checked off certain boxes such as no parties and no tents. She said that she had driveway space for the one car per bedroom rule, plus her own, and she hoped that more people in the future would be able to enjoy this type of sustainable income allowing them to maintain and repair their homes.

Agenda Item No. 8. Consent Agenda.

Ms. Mallek requested to pull December 2, 2020, February 17, 2021, and May 5, 2021.

Ms. McKeel **moved** to approve the consent agenda as amended.

Ms. La-Pisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Item No. 8.1. Approval of Minutes: December 20, 2020; January 6, January 20, January 28, February 3, February 17, March 3, March 10, March 17, March 22, April 7, April 21, and May 5, 2021.

Ms. McKeel had read the minutes of January 6 and March 3, 2021, and found them to be in order.

Ms. Price had read the minutes of January 20 and March 17, 2021, and found them to be in order.

Mr. Gallaway had read the minutes of January 28, March 10, March 22, and April 7, 2021, and found them to be in order.

Ms. LaPisto-Kirtley had read the minutes of February 3 and April 21, 2021, and found them to be in order.

By the above-recorded vote, the Board approved the minutes of January 6, January 20, January 28, February 3, March 3, March 10, March 17, March 22, April 7, and April 21, 2021 as read.

Item No. 8.2. Fiscal Year 2023 Appropriations.

The Executive Summary as forwarded to the Board states that Virginia Code §15.2-2507 provides that any locality may amend its budget to adjust the aggregate amount to be appropriated during the fiscal year as shown in the currently adopted budget; provided, however, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by first publishing a notice of a meeting and holding a public hearing before amending the budget. The Code section applies to all County funds, i.e., General Fund, Capital Funds, E911, School Self-Sustaining, etc.

The total change to the Fiscal Year 2023 (FY 23) budget due to the appropriations itemized in Attachment A is \$1,347,603. A budget amendment public hearing is not required because the amount of the cumulative appropriations does not exceed one percent of the currently adopted budget.

Staff recommends that the Board adopt the attached resolution (Attachment B) to approve the appropriations for County government projects and programs described in Attachment A.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment B to approve the appropriations for County government projects and programs described in Attachment A:

Appropriation #2023033

Sources:	State Revenue	\$5,175
	Federal Revenue	\$22,246
Uses:	General Fund – Department of Social Services	\$27,421
Net Change to Appropriated Budget:		\$27,421

Description:

This request is to appropriate \$27,421 in combined state and federal revenue to the Department of Social Services. This includes funding for programs such as Safe & Stable Families - COVID Relief, Chaffee Independent Living - COVID relief, Adult Protective Services, and Supplemental Nutrition Assistance

Program (SNAP) Employment and Training.

Appropriation #2023034

Sources:	Water Resources Capital Fund's Fund Balance	\$1,000,000
Uses:	Capital Project: Drainage Infrastructure Management	\$750,000
	Capital Project: Stormwater Facility and Dam Repairs & Maintenance	\$250,000
Net Change to Appropriated Budget:		\$1,000,000

Description:

This request is to appropriate of \$1,000,000 in the Water Resources Capital Fund's fund balance, for the Drainage Infrastructure Management Program and other priority projects related to drainage and stormwater management. The Board of Supervisors received an update on the Drainage Infrastructure Management Program on January 18, 2023. The Drainage Infrastructure Management Program involves cleaning, assessing, repairing, replacing, and improving drainage infrastructure such as pipes, channels, culverts, inlets, manholes, and other infrastructure designed to collect, convey, and manage stormwater runoff within the County's urban areas. Additional funding is also included to support other stormwater projects outside the scope of the Drainage Infrastructure Management Program, example projects include non-routine maintenance and improvements of County-operated stormwater management facilities and dams.

Appropriation #2023035

Sources:	Federal Revenue	\$29,133
	State Revenue	\$182,590
	Local Revenue	\$500
	Use of Fund Balance	\$1,069
	Currently appropriated Fire Rescue Department operating budget	\$25,452
	Currently appropriated Water Resources Capital Fund	\$60,000
	Currently appropriated Climate Action Funding Pool	\$25,487
Uses:	FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	\$50,904
	Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$203,800
	Library of Virginia Circuit Court Records Preservation Program Grant	\$64,277
	Sentara Healthcare Dental Grant Fund	\$1,569
	FY 2019 Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant Fund	\$3,681
Net Change to Appropriated Budget:		\$213,292

Description:

- This request is to appropriate the following in grant funding:
- \$50,904, comprised of \$25,452 in federal revenue and the required match of \$25,452 in currently appropriated Fire Rescue Department operating funds for the FY22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Grant Fund. This will partially fund the salary of Emergency Management personnel.
 - \$203,800, comprised of \$118,313 in state revenue for the Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant, \$25,487 in currently appropriated Climate Action Funding Pool funding, and \$60,000 in the currently appropriated Water Resources Capital Fund, for the Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund. These funds will support activities, including consultant work and community engagement, conducted as part of the development of a flood resilience plan.
 - \$64,277 from state revenue for the Library of Virginia Circuit Court Records Preservation Program Grant Fund, with the County acting as fiscal agent, to the Clerk of the Circuit Court for the purchase of seven books.
 - \$1,569 in revenue, comprised of \$500 in local revenue and \$1,069 in the use of the Grant Fund's fund balance, for the Sentara Healthcare Dental Grant Fund. This adjustment is due to a reconciliation of prior funding and does not impact programs.
 - \$3,681 in federal revenue for the FY 2019 Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant Fund. This adjustment is due to a reconciliation of prior funding and does not impact programs.

Appropriation #2023036

Sources:	State Revenue	\$8,950
Uses:	Offender Aid and Restoration (OAR) Grant Fund	\$8,950

Net Change to Appropriated Budget: \$8,950

Description:
This request is to appropriate \$8,950 in grant funding from the Department of Criminal Justice Services, with the County acting as fiscal agent, to Offender Aid and Restoration (OAR) to continue to provide pretrial services in the rural counties serving the Central Virginia Regional Jail.

Appropriation #2023037

Sources: State Revenue \$97,940

Uses: Virginia Department of Forestry (VDof) Forest Sustainability Fund \$97,940

Net Change to Appropriated Budget: \$97,940

Description:
This request is to appropriate \$97,940 in state revenue received from the Virginia Department of Forestry (VDof) Forest Sustainability Fund to fund the cost of removal of dead and hazardous trees at Mint Springs, Walnut Creek and Chris Greene Lake Parks. The funds will also support conservation efforts including invasive species control.

**RESOLUTION TO APPROVE
ADDITIONAL FY 2023 APPROPRIATIONS**

BE IT RESOLVED by the Albemarle County Board of Supervisors:

- 1) That Appropriations #2023033; #2023034; #2023035; #2023036; and #2023037 are approved;

- 2) That the appropriations referenced in Paragraph #1, above, are subject to the provisions set forth in the Annual Resolution of Appropriations of the County of Albemarle for the Fiscal Year ending June 30, 2023.

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APP#	Account String	Description	Amount
2023033	3-1000-51001-333000-330021-9999	SA2023033 Assistance - Social Services (Categorical Aid-Federal)	\$7,500.00
2023033	3-1000-51001-324000-240111-9999	SA2023033 Assistance - Social Services (Categorical Aid-State)	\$5,175.00
2023033	3-1000-51001-333000-330022-9999	SA2023033 Services - Social Services (Categorical Aid-Federal)	\$14,746.00
2023033	4-1000-51100-453000-110000-9999	SA2023033 FY23 Salary Savings	-\$2,829.00
2023033	4-1000-51200-453000-570650-9999	SA2023033 Chaffee Independent Lvg COVID	\$5,000.00
2023033	4-1000-51200-453000-571025-9999	SA2023033 Purchase of Services - APS	\$3,250.00
2023033	4-1000-51200-453000-571810-9999	SA2023033 SNAP Emp & Trn P/S	\$15,000.00
2023033	4-1000-51200-453000-571830-9999	SA2023033 Safe & Stable Familes COVID	\$7,000.00
2023034	3-9100-99000-352000-510100-9279	SA2023034 Revenue - Water Resources Fund Balance	\$250,000.00
2023034	3-9100-99000-352000-510100-9271	SA2023034 Revenue - Water Resources Fund Balance	\$750,000.00
2023034	4-9100-41200-494800-344400-9271	SA2023034 Drainage management project in Storm Water Control Fund	\$750,000.00
2023034	4-9100-41200-494800-344400-9281	SA2023034 Storm Water Facility and Dam Repair project in Storm Water Control Fund	\$250,000.00
2023035	3-5350-33300-333000-330215-9999	SA2023035 APP2023035 FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	\$25,452.00
2023035	3-5350-33300-351000-512004-9999	SA2023035 APP2023035 FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	\$25,452.00
2023035	4-1000-33300-493000-935100-9999	SA2023035 APP2023035 FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	\$25,452.00
2023035	4-1000-33500-432000-110000-9999	SA2023035 APP2023035 FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	-\$23,504.92
2023035	4-1000-33500-432000-210000-9999	SA2023035 APP2023035 FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	-\$1,947.08
2023035	4-5350-33500-432000-110000-9999	SA2023035 APP2023035 FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	\$47,009.84

2023035	4-5350-33500-432000-210000-9999	SA2023035 APP2023035 FY 22 Virginia Department of Emergency Management (VDEM) Local Emergency Management Performance Grant (LEMPG) Fund	\$3,894.16
2023035	3-5370-41200-324000-240500-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$118,313.00
2023035	3-5370-41200-351000-512004-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$25,487.00
2023035	3-5370-41200-351000-512000-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$60,000.00
2023035	4-1000-94000-499000-999962-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	-\$25,487.00
2023035	4-1000-41200-493000-930200-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$25,487.00
2023035	4-9100-41200-493000-930200-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$60,000.00
2023035	3-9100-41200-352000-510100-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$60,000.00
2023035	4-5370-41200-482000-344400-9999	SA2023035 APP2023035 Virginia Department of Conservation and Recreation (DCR) Community Flood Preparedness Grant Fund	\$203,800.00
2023035	3-5463-22100-324000-240500-9999	SA2023035 APP2023035 Library of Virginia Circuit Court Records Preservation Program Grant	\$64,277.00
2023035	4-5463-22100-421700-345700-9999	SA2023035 APP2023035 Library of Virginia Circuit Court Records Preservation Program Grant	\$64,277.00
2023035	3-5010-51600-352000-510100-9999	SA2023035 APP2023035 Sentara Healthcare Dental Grant	\$1,069.00
2023035	3-5010-51600-318000-181222-9999	SA2023035 APP2023035 Sentara Healthcare Dental Grant	\$500.00
2023035	4-5010-51620-453000-345100-9999	SA2023035 APP2023035 Sentara Healthcare Dental Grant	\$1,569.00
2023035	3-5101-33500-333000-330001-9999	SA2023035 APP2023035 FY 2019 Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant	\$3,681.00
2023035	4-5101-33500-432000-233000-9999	SA2023035 APP2023035 FY 2019 Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant	\$3,681.00
2023036	3-5440-15001-324000-240440-9999	SA2023036 APP2023036 Offender Aid and Restoration (OAR) Grant Fund	\$8,950.00
2023036	4-5440-15001-431000-593000-0007	SA2023036 APP2023036 Offender Aid and Restoration (OAR) Grant Fund	\$8,950.00
2023037	3-5464-71012-324000-240500-9999	SA2023037 APP2023037 Virginia Department of Forestry (VDOF) Forest Sustainability fund	\$97,940.00
2023037	4-5464-71012-471010-331300-9999	SA2023037 APP2023037 Virginia Department of Forestry (VDOF) Forest Sustainability fund	\$97,940.00

Item No. 8.3. Mutual Aid Agreement - County of Albemarle and Town of Scottsville.

The Executive Summary as forwarded to the Board states that a Mutual Aid Agreement between the Town of Scottsville (“Town”) and the County of Albemarle (“County”) was approved by the Board of Supervisors on October 21, 2016 (Attachment A), pursuant to Virginia Code §§15.2-1726 and 15.2-1736, which authorizes the governing bodies of the County and the Town to enter into reciprocal aid agreements.

Mutual Aid Agreements between police departments are entered into for emergency purposes, for maintenance of peace and good order, for officer safety purposes, and for the facilitation of cooperation in the furnishing of police services. The existing agreement also ensures that officers from the Town operate under the guidelines of Albemarle County Police Department (“ACPD”) policy when serving outside of Scottsville. Due to the remote location, Scottsville Police Department (SPD) is routinely requested to assist or back-up the ACPD and its officers. ACPD often responds to Calls for Service (CFS) in the Town of Scottsville when a SPD officer is not available or a SPD officer needs assistance.

The officers of ACPD and SPD work together on a routine basis. The current Mutual Aid Agreement provides the framework and authority for the officers to do so. This revised Mutual Aid agreement reaffirms the working relationship and provides minor text updates (Attachment B).

This Mutual Aid Agreement will have no budget impact. All proposed services are currently provided under the existing Mutual Aid Agreement.

Staff recommends the Board adopts the resolution (Attachment C) which authorizes the County Executive to execute the Agreement (Attachment B) after approval as to form and substance by the County Attorney.

By the above-recorded vote, the Board adopted the Resolution as presented in Attachment C to execute the Agreement as presented in Attachment B after approval as to form and substance by the County Attorney:

**RESOLUTION TO APPROVE
THE ALBEMARLE COUNTY POLICE DEPARTMENT MUTUAL AID AGREEMENT
BETWEEN THE COUNTY OF ALBEMARLE AND THE TOWN OF SCOTTSVILLE**

WHEREAS, the Board finds it is in the best interest of the County of Albemarle to enter into a Mutual Aid Agreement with the Town of Scottsville to continue the police assistance provided between the County of Albemarle and the Town of Scottsville.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Albemarle County, Virginia hereby approves the Mutual Aid Agreement between the County of Albemarle and the Town of Scottsville and authorizes the County Executive to execute the Agreement on behalf of the County once it is approved as to form and substance by the County Attorney.

Item No. 8.4. Resolution of Intent for Community Development Department Fees Structure Update.

The Executive Summary as forwarded to the Board states that Under Chapters 5, 7, 14, 17, and 18 of the County Code, the Department of Community Development (CDD) charges fees in order to recover the cost of providing a number of services. On April 21, 2021, the Board adopted increases in CDD fees consistent with the policy of following Board-approved salary adjustments. In addition, a technology surcharge and fees for several services previously provided without charge were added to the fee schedule.

A CDD fee structure update project would use staff and a consultant to explore best practices regarding fee structures and fee methodologies. The goals of this project would be to:

- a) consolidate the fees into one unified fee schedule,
- b) simplify fees so they are easier for customers to understand and staff to administer,
- c) consolidate and align the fees to be consistent with staff effort required while remaining revenue neutral, and
- d) adopt the fees in such a way that they provide the option to amend as needed.

This fee structure update would precede the new Community Development System (CDS) and be implemented as part of that system implementation.

Code amendments would consolidate fees currently found in five different sections of the Code into one. In addition, within each of the fee regulations, the project team would identify opportunities to combine and simplify fees that currently consist of multiple separate fees; compare similar fees charged by six other localities; and conduct stakeholder listening sessions both early in the process and again once a unified fee schedule recommendation was developed. Prior to any public hearings to amend the regulations, staff would conduct a work session with the Board, currently scheduled in June. Public hearings are anticipated in the fall with an effective date of January 1, 2024.

There are no budget impacts identified with this item. The consultant services were planned within the FY 23 budget for Community Development. The fee update is intended to be revenue-neutral.

Staff recommends that the Board:

- 1) Adopt the attached Resolution of Intent (Attachment A) to amend the Community Development Department Fees in the County Code; and
- 2) Direct staff to schedule public hearing(s) to consider the adoption of any proposed fee ordinance(s).

By the above-recorded vote, the Board adopted the Resolution as presented in Attachment A to amend the Community Development Department Fees in the County Code; and authorize the Clerk to advertise public hearing(s) to consider the adoption of any proposed fee ordinance(s):

**RESOLUTION OF INTENT
DEVELOPMENT FEE SCHEDULE**

WHEREAS, Section 35, Fees, of the Zoning Ordinance (Chapter 18 of the Albemarle County Code) establishes a schedule of fees for services provided by the County of Albemarle under the Zoning Ordinance; and

WHEREAS, it is desired to amend Section 35.1 of the Zoning Ordinance in order both to simplify the schedule of development fees and consolidate related fees from other sections of the County Code; and

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare and good zoning practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to amend Section 35.1 of the Zoning Ordinance and any other sections of the Albemarle County Code deemed to be appropriate to achieve the purposes described herein; and

BE IT FURTHER RESOLVED THAT the Planning Commission hold a public hearing on any

zoning text amendment(s) proposed pursuant to this resolution of intent, and make its recommendations to the Board of Supervisors at the earliest possible date.

Item No. 8.5. Resolution of Intent for Zoning Text Amendment(s) Related to Residential Density Bonus Factors.

The Executive Summary as forwarded to the Board states that on September 27, 2022, the Zoning Administrator issued a letter of determination that residential density bonus factors could not be used in areas designated as Office/Research & Development(R&D)/Flex/Light Industrial in the Comprehensive Plan. On January 3, 2023, the Board of Zoning Appeals reversed the Zoning Administrator's determination, allowing the use of residential bonus factors in areas not recommended primarily for residential uses.

In staff's view, the use of residential bonus factors in areas not recommended primarily for residential uses is inconsistent with the intent of residential density bonus factors. A zoning text amendment is necessary to align the Zoning Ordinance with the residential densities recommended in the Comprehensive Plan.

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution of Intent (Attachment A).

By the above-recorded vote, the Board adopted the Resolution of Intent as presented in Attachment A:

**RESOLUTION OF INTENT
ZONING TEXT AMENDMENT
RESIDENTIAL DENSITY BONUS FACTORS**

WHEREAS, the Albemarle County Code ("County Code") includes residential density bonus factors to encourage development that reflects the goals and objectives of the Comprehensive Plan;

WHEREAS, the County Code limits the resulting density from the use of these bonus factors to the recommended density shown in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan does not contain numeric residential density recommendations for certain areas, especially those not designated as primarily residential; and

WHEREAS, the Albemarle County Board of Supervisors desires to adopt regulations that would limit the use of residential density bonus factors to only areas designated by the Comprehensive Plan as primarily residential.

NOW, THEREFORE, BE IT RESOLVED THAT for purposes of public necessity, convenience, general welfare, and good zoning and development practices, the Albemarle County Board of Supervisors hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-2.4.1 and any other relevant section(s) of the Zoning Ordinance deemed appropriate to achieve the purposes described herein.

Item No. 8.6. Letter of Support for Albemarle County Smart Scale Design-Build Transportation Project.

The Executive Summary as forwarded to the Board states that On May 20, 2020, the Board of Supervisors approved a Resolution supporting the Virginia Department of Transportation ("VDOT") Albemarle Design-Build Bundle. This design-build bundle included six projects that were awarded funds through the Smart Scale program, including the Route 20/649 Intersection Improvement project. The Resolution of Support from the May 2020 meeting is included as Attachment A. Construction on this project was completed in late 2022.

VDOT has requested a letter of support from the County for VDOT Project 0020-002-953, C501, #Smart18-Route 20/649 Intersection Improvement, UPC 111733 (Attachment B). This letter would reaffirm County support of proposed improvements at the intersection of Route 20 (Stony Point Road) and Route 649 (Proffit Road). Additionally, this letter would affirm support for the Highway System Changes associated with this Project. These System Changes include the abandonment of the alignments of the roadways previously followed and the acceptance of the new roadway alignments.

There is no budget impact.

Staff recommends that the Board adopt the attached Resolution (Attachment C), authorizing the County Executive to sign a letter of support for this VDOT project.

By the above-recorded vote, the Board adopted the resolution as presented in Attachment C, authorizing the County Executive to sign a letter of support for the VDOT project:

**RESOLUTION TO AUTHORIZE COUNTY EXECUTIVE
TO SIGN A LETTER OF SUPPORT FOR
A SMART SCALE DESIGN-BUILD TRANSPORTATION PROJECT**

WHEREAS, the Albemarle County Board of Supervisors adopted a resolution in support of the Albemarle County Smart Scale Design-Build Transportation Projects, including the Route 20/649 Intersection Improvement (the "Project"), on May 20, 2020; and

WHEREAS, the Virginia Department of Transportation has requested a letter of support for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby authorizes the County Executive to sign a letter of support for the above referenced Project on behalf of Albemarle County.

* * * * *



County of Albemarle
County Executive Office

Tel: 434-296-5841
Fax: 434-296-5800

April 10, 2023

Ms. Carrie E. Shephard, P.E.
Residency Engineer
Virginia Department of Transportation, Charlottesville Residency
701 VDOT Way
Charlottesville, VA 22911

**RE: VDOT Project 0020-002-953, C501
Letter of Support**

Dear Ms. Shephard:


In my capacity as County Executive and on behalf of the Albemarle County Board of Supervisors, the County supports the VDOT Project 0020-002-953, C501, #SMART18 - ROUTE 20/649 INTERSECTION IMPROVEMENT, UPC 111733, providing intersection safety improvements at the intersection of Route 20, Stony Point Road and Route 649, Proffit Road in Albemarle County, and the related Highway System Changes associated with this Project. These highway changes include:

- §33.2-310 - Addition to a Primary route
- §33.2-705 - Addition to a Secondary route
- §33.2-906 - Primary abandonment with the construction of a replacement road
- §33.2-912 - Secondary abandonment with the construction of a replacement road

Please see the attached sketch and table for additional details regarding this Project's Highway System Changes.

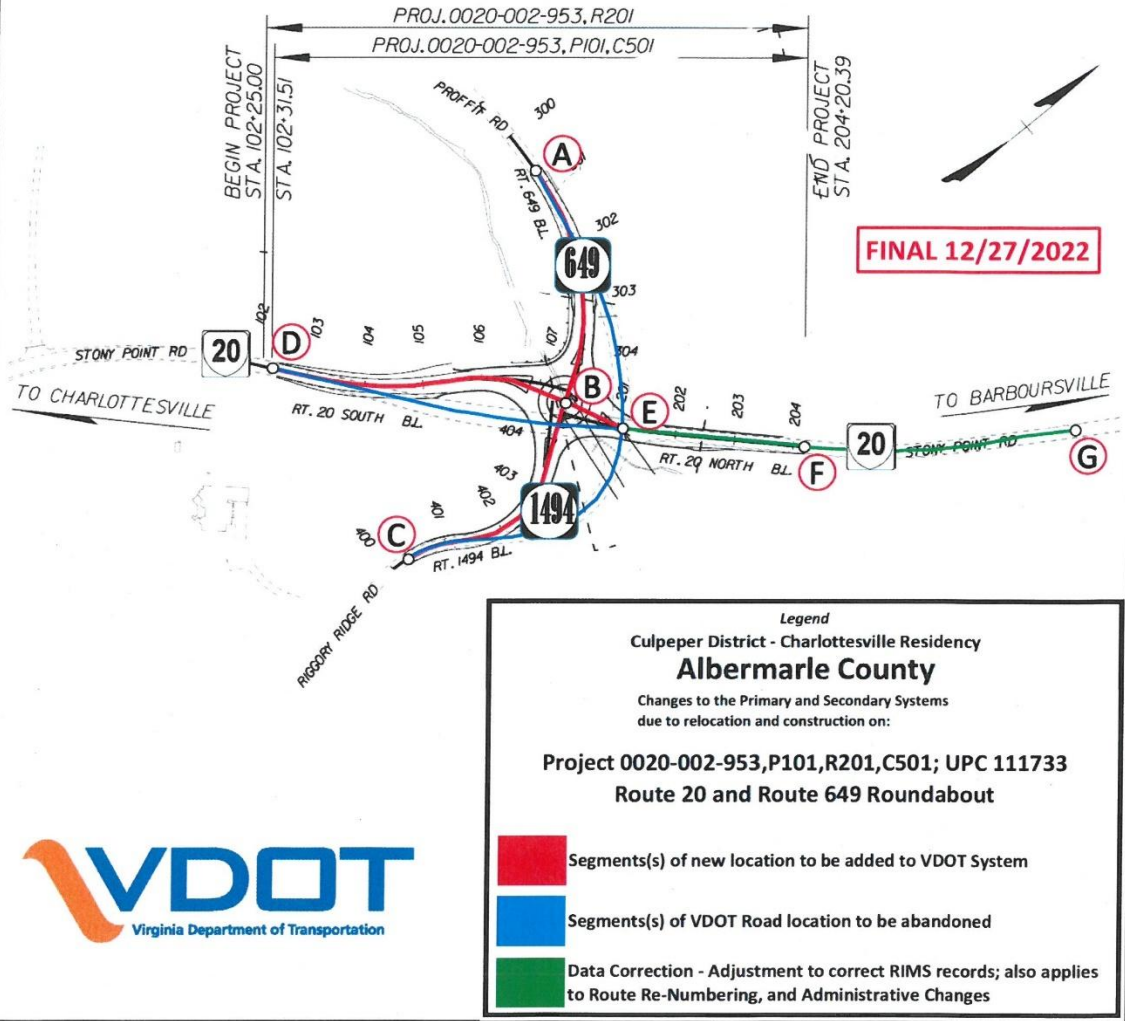
If you have any questions related to this project, do not hesitate to contact me.

Sincerely,


Jeffrey B. Richardson
County Executive

Encl. - "Project 0020-002-953_1 I 1733 Sketch and Table-FINAL 122722"

Segments	Route	Action	From	To	Length (Mi)	Sta Start	Sta End
A-B	SR 649 - Proffit Rd	Secondary Addition - \$33.2-705	SR 649 - Begin Construction	US 20 Roundabout	0.080	300+60.33	304+91.88
C-B	SR 1494 - Riggory Ridge Rd	Secondary Addition - \$33.2-705	SR 1494 - Begin Construction	US 20 Roundabout	0.080	400+29.76	404+50.00
D-B	US 20 - Stony Point Rd	Primary Addition - \$33.2-310	US 20 - Begin Construction	US 20 Roundabout	0.100	102+31.51	107+50.06
B-E	US 20 - Stony Point Rd	Primary Addition - \$33.2-310	US 20 Roundabout	Tie-in @ Old Intersection	0.020	200+00.00	201+10.28
E-F	US 20 - Stony Point Rd	Business Data Change - No HSC needed	Tie-in @ Old Intersection Rtes 20/649/1494	US 20 - End Construction	0.060	201+10.28	204+20.39
F-G	US 20 - Stony Point Rd	Length Correction - No HSC needed	US 20 - End Construction	Rivan Farm	0.180		
A-E	SR 649 - Proffit Rd	Secondary Abandonment - \$33.2-912	SR 649 - Begin Construction	Tie-in @ Old Intersection	0.092		
E-C	SR 1494 - Riggory Ridge Rd	Secondary Abandonment - \$33.2-912	Tie-in @ Old Intersection Rtes 20/649/1494	SR 1494 - Begin Construction	0.092		
D-E	US 20 - Stony Point Rd	Primary Abandonment - \$33.2-906	US 20 - Begin Construction	Tie-in @ Old Intersection	0.119		



Item No. 8.7. FY23 Second Quarter Financial Report, **was received for information.**

Agenda Item No. 9. **Action Item:** SE202200065 Greenfield Short Term Rental Homestay.

The Executive Summary as forwarded to the Board states that the applicant is requesting a special exception for a homestay at 225 Starcrest Road.

Increase Number of Guest Bedrooms. Pursuant to County Code § 18-5.1.48(d), the applicant is requesting to modify County Code 18-5.1.48(c)(1)(iii) to increase the maximum number of guest rooms for sleeping permitted with this homestay use from two to four.

Please see Attachment A for full details of staff’s analysis and recommendations.

Staff recommends that the Board adopt the attached Resolution (Attachment F) to approve the special exception.

Ms. Lea Brumfield, Senior Planner II, stated that the special exception brought before the Board was located at 225 Starcrest Road in the Development Area of Albemarle County. She said that the applicant currently operated a fully-permitted homestay on her property with two guestrooms for sleeping, and as stated by the applicant, the special exception was a request to increase the maximum number of

guestrooms for sleeping from two to four. She said that in the applicant's request to the Board, she requested an exception for a three- or four-bedroom short-term rental.

Ms. Brumfield clarified that in correspondence with the applicant, they found that the applicant wanted a four-bedroom homestay, which was outlined in the staff report, but the applicant wanted to make sure the Board understood that if they were unwilling to grant a special exception for two additional guestrooms for sleeping but were willing to grant one additional guestroom, she would rather have one additional guestroom rather than no additional guestrooms, which was the reason for the language in her written request.

Ms. Brumfield said that most of the homestay special exceptions brought to the Board had been located in the Rural Area, and this one was in the Development Area. She said that the reason for the application was because residentially zoned parcels such as R-1, R-2, R-4, PRD (Planned Residential Development), and PUD (Planned Unit Development) were only permitted to rent up to two guestrooms for sleeping, and the Zoning Ordinance was explicit about the use of the term "guestrooms used for sleeping." She said this was because homestays often had rentals where a room used for sleeping may not meet the definition of a bedroom per real estate or taxation guidelines but had a bed in it and was rented to guests to sleep in, therefore limited to the two, or with exception, up to four guestrooms.

Ms. Brumfield said that the homestay ordinance required a guestroom used for sleeping to meet the safety requirements in the building code for safe egress, smoke alarms, and general safety in the room itself. She said that homestays on residential parcels were only permitted in single-family dwellings, may not have unhosted stays, must meet primary structure setbacks, and must be owner-occupied. She said that if the special exception were approved, the owner of the property would then apply for the homestay zoning clearance, an update to her current clearance, and during that process, the additional guest bedrooms would be inspected for building and fire safety, and the homestay would be confirmed to provide the number of guest parking on site at a rate of one standard parking space per guest bedroom.

Ms. Brumfield said that as per the homestay regulations in §5.1.48, the Board may consider whether the special exception would have any adverse impacts to the surrounding neighborhood, if there would be adverse impacts to general public health, safety, or welfare, whether it would be consistent with the Comprehensive Plan, and whether it was consistent in size and scale with the surrounding neighborhood.

Ms. Brumfield displayed an aerial view of the property, which was located at the end of a cul-de-sac, with green open space surrounding the property on three sides, and beyond that green space, there was Lake Reynovia to the rear of the property. She said that additionally, the homestay parking regulations required one onsite parking space per guestroom in addition to the parking required for the dwelling unit. She said that all dwelling units required two parking spaces as a general rule unless otherwise exempted in a site plan or in a PUD.

Ms. Brumfield said that as the homestay was not a commercial regulation with drive aisle requirements, the parking may be stacked in a driveway. She noted that in the aerial view of the property, the driveway was about 57 feet long, and the standard parking space in North America was 18 feet long and 19 feet wide, however, the standard average car length was only 14.5 feet. She said that with four guestrooms for sleeping, this homestay would be required to provide four onsite parking spaces for guests and two parking spaces for the dwelling and its residents. She said that the to-scale drawing indicated that the driveway easily fit six cars, meeting all of the requirements for the homestay and the dwelling unit.

Ms. Brumfield said that of note was that the two spaces required for a dwelling unit were not actually required to be onsite and could be allowed on the street if the neighborhood subdivision allowed on-street parking, and that was parking only allowed for the residents of the dwelling and would be decided upon creation of the subdivision. She said staff did not find the homestay under the homestay regulations would have a negative impact on abutting properties with the expansion from two to four guest bedrooms for sleeping and recommended approval of the special exception.

Mr. Gallaway confirmed that the green space was Lake Reynovia and asked whether the parcel on the other side where there was a big spot open was a phase that had not been developed yet.

Ms. Brumfield asked which parcel Mr. Gallaway was referring to.

Mr. Gallaway indicated the parcel to the left, and said it looked like it said Phase 2.

Ms. Price said that that property went toward Biscuit Run Park.

Mr. Gallaway said that the current owner was stated to be Mill Creek Phase 2. He asked if that would be developed.

Ms. Brumfield said that it was not something that she was aware of right now, but she could look for further information.

Mr. Gallaway said that even with future development, there would be adequate screening and space for the homestay use to continue with those developments.

Ms. McKeel said that people avoided stacking their cars in the way that the visuals indicated the

parking arrangements for the homestay would be. She said that she was concerned about the parking arrangements giving adequate space to deter parking in the cul-de-sac.

Ms. LaPisto-Kirtley said that she was concerned that more citizens would request more bedrooms for homestays if the Board approved four bedrooms. She said that the homestay went with the land, so they could not guarantee that the next owners would not allow parties as the current owner had indicated she would not. She said that she was unsure if the intent of the homestay ordinance was to allow for four or six bedrooms.

Mr. Andrews asked where the notices for the homestay were delivered to.

Ms. Brumfield said that all properties that touch the parcel that was requesting the application.

Mr. Andrews asked if all members of the cul-de-sac had received the notices.

Ms. Brumfield said no.

Mr. Andrews asked if the on-street parking was an unknown factor.

Ms. Brumfield said that it was a standard permission on any kind of neighborhood that had a public street. She said that if there was a street with no explicit "no parking," then parking was permitted in a normal residential neighborhood.

Mr. Andrews asked if this neighborhood was posted.

Ms. Brumfield said that if it were not posted, it was entirely up to the neighborhood, and the HOA (Homeowner's Association) may have different regulations that would apply there.

Mr. Andrews asked if there was a garage.

Ms. Brumfield said no.

Ms. Mallek asked if the operations of the homestay with the current two bedrooms had raised any concerns thus far.

Ms. Brumfield said that there had not been any complaints received.

Ms. Mallek asked if it were procedurally possible for a limitation to be put on the approval so that depending on who was coming there would be no more than a certain number of cars.

Mr. Bart Svoboda, Zoning Administrator, stated that based on staff analysis, there existed the ability to put that condition to limit cars to mediate the impact. He noted that the Mill Creek property was a part of their open space and was not planned to be further developed, which he could verify and confirm with the Board.

Ms. Price said that she represented the district in which the subject parcel resided, and she performed a site visit to the property yesterday. She noted the distinction between the homestays allowing a guestroom for sleeping versus a bedroom, which she would like to discuss further with the Board. She said that under the current homestay regulations, a room for sleeping was considered acceptable even though it may not qualify as a bedroom.

Ms. Price said that with regard to the aerial view shown in the photograph, there were extremely steep slopes on both sides of the property. She said that she did not see how any development could reasonably be placed in that property, and it led toward Biscuit Run Park, so the use seemed prime for green space.

Ms. Price stated that she also had concerns about the parking, which was located under the canopy of the trees, and there could be more room made by clearing back some of the lower branches of the trees. She said that however, that did not solve the issue of if cars would park there, and while the owner said that the visitors would have to use the driveway, she wondered about the practicality of stacking in six vehicles. She said that she did not question the sincerity or authenticity of the applicant, but the concern remained that there were many cars in a limited space.

Ms. Price expressed concern that if only the property owners adjacent to the parcel were contacted, that meant that only two neighbors had been notified. She said that while she would like to be supportive of a property owner wanting to make money on short-term rental, she had concern with raising the number of guestrooms from two to four.

Ms. Mallek asked if there was sufficient width in the driveway area for angled spaces to allow cars to back out.

Ms. Price said no. She said that the driveway was wide enough for two vehicles to fit, but not with much space beyond that.

Ms. Mallek reiterated a potential solution was to limit the number of visiting cars on the site.

Ms. McKeel commented that if this exception were passed with such a condition on parking, they set up a situation that may require extensive staff time to enforce an action in a possibly inappropriate place. She reiterated her concern about parking in the cul-de-sac and said that she wasn't sure if she was able to support the application.

Mr. Gallaway said that Airbnb owners could dictate parking as they needed, because the Airbnb owner wanted to have a viable operation. He said that there was no obligation to provide parking by the Airbnb owner, so they could set any type of restriction they wanted. He said that when on-street parking was said to be required, it did not matter if on-street parking was allowed or not, but for Airbnb use, it must be provided off-street. He said that regular behavior would dictate that people were on parking, but Airbnb allowed them to get it off the street if they wanted it to.

Mr. Gallaway said that he understood how multiple structures would lead to different parties using the separate structures, but if it was one large structure with multiple bedrooms, it was likely one party would want to use the entire structure, so the owner could impose restrictions so that only two cars were allowed for the five bedrooms. He said that a condition to limit the cars was applicable, but it would likely limit itself due to how the space would be rented.

Ms. Mallek clarified that the registry for homestays recorded the three strikes of a homestay and that the homestays would lose their license if they did not comply.

Ms. McKeel asked if the homestay registry was still active.

Ms. Price said that the software had been discontinued.

Ms. Brumfield said that the registry was the Code of Virginia-enabled short-term rental registry, which was a tool used to track annually, and homestay owners were required to renew their registry annually and to have a fire safety inspection annually. She said that if they were found in violation of any of the regulations for a homestay at the state, local, or potentially federal levels, it was a strike, and three strikes resulted in being struck from the registry, and that owner could not have a homestay at that location ever again.

Ms. McKeel asked why the registry was in use and the software was not.

Ms. Brumfield said that the software was primarily used to see who was starting up a homestay that did not register or receive any kind of permits, and while she was unsure of the details, the homestays were now monitored through Airbnb and VRBO reporting, and taxes, which were the primary tool to make sure that they found out who was operating. She said that if they had a complaint against them and were found to be in violation, that violation would result in a strike.

Ms. McKeel asked if this system depended on the system of complaints to track bad actors.

Ms. Brumfield said yes, the focus of the registry and strike system was to prevent disturbances to neighbors from happening again.

Ms. Price asked if County staff considered whether the access to a guestroom or bedroom had to be accessed through a different guestroom or bedroom used for sleeping and whether that was acceptable.

Ms. Brumfield said that that factor was not under consideration, and the factors considered were if it was in fact a room and had space for sleeping in it. She said that in some of the extremely old houses in the County, it was common to have to go through one bedroom to access another, even with legal bedrooms as defined by real estate practices. She said that they did not consider those rooms to be a suite but were single bedrooms in that case.

Ms. Price asked if the County looked into whether the homestay owner made it clear to potential guests that the access of a bedroom was through other bedrooms.

Ms. Brumfield said that they did not look into that.

Ms. LaPisto-Kirtley said that the property should follow the number of bedrooms allowed in the Zoning Ordinance. She said that the parking still concerned her and the location in the Development Area. She said that she could not support the application.

Mr. Andrews said that he was concerned more about the homestay's effects on the neighborhood rather than on the home itself. He said that he had concerns about parking and that only adjacent neighbors were notified, but he did not see issue with the interior of the homestay.

Ms. McKeel said that she was less concerned about the interior of the homestay and reiterated her concern about the parking.

Mr. Gallaway **moved** to adopt the Resolution as presented in Attachment F to approve the special exception.

Ms. Mallek **seconded** the motion. Roll was called and the motion failed by the following recorded vote:

AYES: Mr. Gallaway and Ms. Mallek.

NAYS: Mr. Andrews, Ms. LaPisto-Kirtley, Ms. McKeel, and Ms. Price.

Ms. Price asked if a motion to deny the application was needed.

Mr. Rosenberg stated that the prior motion was sufficient, however, the Board could entertain another motion to deny it or approve it on some other basis or with some other conditions.

Mr. Gallaway asked what the parking allowance was for three guestrooms.

Ms. Brumfield said that the parking requirement would be three parking spaces for three homestay guest uses, and two for the dwelling owner occupancy remaining, for a total of five spaces required in total.

Mr. Gallaway clarified that there would be three guest spaces and two owner spaces.

Ms. Price asked if that would reduce it from six parking spaces to five parking spaces.

Ms. Brumfield said yes. She said that the applicant indicated that she would primarily park on the edge of the cul-de-sac. She noted that there was a space at the bottom of the driveway in the cul-de-sac that fit a car within the property.

Mr. Gallaway asked if there was a condition to limit the Airbnb parking spaces to two then the owner was able to retain what they needed for their own personal use.

Ms. Brumfield said yes.

Mr. Gallaway said that the parking could be limited to two in the conditions. He asked if that was the current by-right parking allowance.

Ms. Brumfield said yes.

Mr. Gallaway said that he believed that keeping the parking the same as under the current by-right use and allowing more room use seemed to be a reasonable way to proceed, but he would like to know what the applicant thought about the matter.

Mr. Andrews said that he would be more supportive of four rooms and two parking spaces than three of each.

Mr. Gallaway asked the County Attorney if the Board adding a condition about the parking spaces that the applicant disagreed with would result in a new application being submitted.

Mr. Steve Rosenberg, County Attorney, suggested that the Board postpone consideration because he would like an opportunity to confer with staff. He said that the County code required a space for each room, and under the homestay provisions, there was no provision for a special exception from that requirement. He said that staff could discuss with the applicant their preferences and internally analyze the variability in the parking requirement and return to the Board at a subsequent meeting to provide that information for action.

Mr. Gallaway asked if Mr. Rosenberg was referring to the parking requirement in the homestay ordinance.

Mr. Rosenberg said yes, in the homestay ordinance there was an express requirement of one space for each homestay room. He said that unlike other provisions of the homestay ordinance that expressly permitted a special exception from a requirement, such as the consideration of going from two rooms to four rooms, there were nothing associated with the parking requirements that allowed the Board to change the parking requirements in the homestay provision.

Mr. Gallaway said that it seemed fair that the Board would want to limit the parking and fair that the residents would like to increase the number of rooms, so a delay in clarifying the matter would be beneficial.

Ms. Price requested that staff research information about the connectivity of guestrooms and if the homestays should advertise that guests must access bathrooms or guestrooms through another guestroom.

Ms. LaPisto-Kirtley said that advertising for the homestay in that fashion may give undue burden onto staff, instead of expressing concern about an inappropriate use as a homestay bedroom. She said that more conditions resulted in more monitoring and more staff time.

Ms. McKeel said that she agreed that they were creating more scenarios for staff to monitor.

Ms. Price said that she was trying to ensure some measure of fairness for a potential renter of this space.

Ms. McKeel said that she was more concerned about the parking scenario of this application.

Ms. Price said that the application had been denied, and that there was no current motion on the floor for consideration, but that there had been discussion. She asked if there was any other motion on the floor.

Ms. McKeel asked if there would be a motion to defer or to deny, and what the choices were.

Mr. Rosenberg said that the application had not been denied, but the Board had not approved a motion that had been made. He said that the Board could move to postpone further consideration of the item to a subsequent meeting as scheduled by staff.

Ms. McKeel said that staff had heard their concerns.

Ms. Price **moved** to defer SE202200065 Greenfield Short Term Rental to a meeting not earlier than the first meeting in April.

Ms. Mallek **seconded** the motion.

In further discussion, Ms. LaPisto-Kirtley expressed concern that the first meeting in April was too early for staff to return with information on this matter with the upcoming budget and tax rate items.

Ms. Jodie Filardo, Community Development Director, stated that she and her staff would work with the Clerk to determine a date within the next month or so if acceptable.

Mr. Jeff Richardson, County Executive, said that there was potential for scheduling conflicts within the next few meeting agendas, and staff would work to bring this item back as soon as something could be scheduled.

Ms. Price asked the County Attorney how specific they needed to be for a motion to defer further action on this.

Mr. Rosenberg said that the motion that Ms. Chair made was sufficiently specific because she was not establishing a deadline for the item's return, but was proposing a date before which it would not return.

Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.

NAYS: None.

Agenda Item No. 10. **Action Item:** Acquisition of Conservation Easements Program - Action on 2019 Class.

The Executive Summary as forwarded to the Board states that Albemarle County's Acquisition of Conservation Easements (ACE) program was created in 2001 to protect farmland and natural resources on rural properties that were vulnerable to development. The program purchases conservation easements, with prices pro-rated by income, to benefit rural landowners with the most financial need.

Of the applicants within the 2019 round of ACE applications, the ACE committee recommended purchase of the proposed easement on the Campbell property and recommended deferral of consideration of the Henley property (Parcel 40-12A; 19.1 acres -see Attachment A for a map). The ACE scoring sheet for the Henley property is included as Attachment B.

On June 15, 2022, the Board of Supervisors noted that the Henley property is located in a Water Supply Protection Area and directed staff to forward both the Campbell and Henley proposals to the ACE Appraisal Review Committee (ARC) for their review. Before the ARC met, the Campbell application was withdrawn by the owners, leaving only the Henley property under consideration. At its meeting on October 6, 2022, the ARC recommended that the Board invite an offer to sell the Henley easement, but at a reduced price, due to concerns over the useable development potential of the property (meeting minutes provided in Attachment C).

Following standard operating procedures, staff then presented the Henley easement to the Albemarle Conservation Easement Authority (ACEA) for their review. County Code Section A.1-109(E) requires that ACE easements be co-held by "[t]he county and one or more other public bodies," and confirmation of the co-holder's agreement to accept a given easement always precedes the Board's final decision on whether to invite an offer to sell an ACE easement. After review in December 2022 and January 2023, however, the ACEA voted to decline to hold the Henley easement, noting concern with the limited size and conservation value of the Henley property, as described in the draft minutes provided in Attachment D.

As stated above, the County Code requires that all ACE easements be held by the County and by another public body — which has generally been the ACEA. Without a second public body to act as co-holder, the easement purchase cannot be completed.

As other easement holders are likely to share the concerns expressed by the ARC and ACEA,

staff believes that it will be difficult, if not impossible, to find another co-holder for a parcel of this size.

If another co-holder were to be found, acquisition of the Henley easement would require the appropriation of County funds. The ACE program currently has \$66,619 remaining, and the purchase price recommended for the Henley easement by the ARC was \$109,336.50, leaving a gap of \$42,717.50 without accounting for ancillary expenses. It is expected that 50% of the total expenditure could be reimbursed after the purchase by a grant from the Virginia Department of Agriculture and Consumer Services that is available through a standing intergovernmental agreement.

Given the low probability of meeting the ordinance requirement for a co-holder, staff recommends that the Board of Supervisors close consideration of the 2019 ACE applicant class and direct staff to notify Mr. Henley that the County will not invite an offer to sell the easement.

Mr. Scott Clark, Natural Resources Program Manager, stated that the Acquisition of Conservation Easements (ACE) Program provided a financial incentive for landowners of modest means to protect their land from future development. He said that the farm properties are protected by conservation easements that are purchased by the County. He said that since its beginning in 2001, the ACE Program had protected 52 properties in the County and over 9,600 acres. He stated that the map on the slide indicated the ACE properties in red, which were scattered throughout the County.

Mr. Clark said that in considering the most recent round of ACE applicants, in September 2021, the analysis of the original four applicants of this class was completed by the ACE Committee, which recommended the purchase of the Campbell easement and deferral of consideration of the Henley easement, the two that made it through the process. He said that during the same month, the item was brought to the Board, and due to the location of the Henley property in a water supply protection area, the Board of Supervisors directed staff to obtain final appraisal on both properties. He said that in December 2021, the final appraisals were received.

Mr. Clark said that in January 2022, the ACE Program was paused, and the two current applications were put on hold. He said that in June 2022, staff presented a program analysis of the ACE Program to the Board of Supervisors, and at the end of that work session, the Board directed staff to forward the two unresolved ACE applications, Campbell and Henley, to the ACE Appraisal Review Committee (ARC). He said that in July 2022, the Campbell property withdrew their application, leaving Henley as the only unresolved application.

Mr. Clark showed an aerial view of the Henley property, which was located on White Hall Road, between White Hall and Crozet. He said that the property was 19.1 acres and was located within the water supply watershed. He said that in August and October of 2022, the ARC reviewed the Henley proposal and recommended that the Board invite the landowner to sell the easement, however they stated that it should be at a somewhat reduced value over the number of actual usable development rights. He said that the property could likely use two rather than the theoretical five.

Mr. Clark said that the next step in the ACE process was to go from the ARC to the co-holder of the ACE easement, and the ACE ordinance required that all ACE easements be co-held by the County and by another body, usually the Albemarle Conservation Easement Authority (ACEA), and a few times it had been the Virginia Outdoor Foundation, but not for many years. He said that in December 2022, the ACEA reviewed the Henley proposal and found it would be more appropriate if features such as dwelling setback and commercial-use limitations were imposed to the proposed easement. He said that staff then worked with the landowner and returned to the easement authority in January 2023, and at that meeting the ACEA voted to not co-hold with the County the proposed Henley easement.

Mr. Clark summarized that all ACE easements must have two holders, the County and another public body, and they could not complete the easement purchase without a second holder. He said that it seemed likely that because the property would not change, finding other holders would be difficult because they would share the same concerns raised by the easement authority and the Appraisal Review Committee. He noted that they did not currently have enough funding to purchase the easement on this property even at the reduced price recommended by the Appraisal Review Committee by approximately \$40,000. He said that due to these findings, staff recommended that the Board of Supervisors close consideration of the 2019 ACE applicant class and direct staff to notify Mr. Henley that the County will not invite an offer to sell the easement.

Ms. Mallek asked about the County fund leveraging program, which she had never heard of before. She said that she had never before seen the adjustment of the points once it was determined that the development rights were not appropriate. She asked if there was any information about why that was suggested.

Mr. Clark said that he was unsure of how many times in the past they had used that section of the ACE scoring portion of the ordinance, but it gave an application for an ACE easement some additional points for funding this from another source, such as a specific conservation funding source or could be a donation by the landowner. He said that if the scoring did not hit the minimum score to qualify, which was 20 points, the owner could take a reduction in price, which was equivalent to the small amount by which it did not meet the minimum, adding to the points.

Mr. Clark said that when originally calculated, there was understanding that there were five development rights, so the purchase price was about \$135,000 for the easement. He said that going by

the ARC's understanding, which had it scored lower overall by having fewer development rights available, the gap between the actual score and the 20 points became larger, and the effective donation that the landowner would have to give to get up to 20 points was larger, so the County's purchase value dropped to the \$109,000. He said that in either case, the property did not quite make the minimum score for consideration, and that line for funding sources was being used to pull it up to the minimum score of 20 points, which he believed had happened a few times.

Ms. Mallek said that the scoring was important, and they should not want to invest taxpayer money into properties that did not provide a benefit to the overall process. She said that \$55,000 per development right was more than double than anything considered before, even properties surrounding reservoirs and that kind of thing. She said that she supported the staff and committee recommendations.

Ms. McKeel **moved** that the Board of Supervisors close consideration of the 2019 ACE applicant class and direct staff to notify Mr. Henley that the County will not invite an offer to sell the easement.

Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No.11. **Action Item:** Free Bridge Lane Conceptual Design Alternatives.

The Executive Summary as forwarded to the Board states that Free Bridge Lane is a low-volume, unstriped roadway that extends approximately one-half mile from Darden Towe Park to US 250. Along the west side of the roadway, there is a degraded, narrow shared use path. There is a future Albemarle County park site on the east side of the roadway. The 2019 Pantops Master Plan envisioned transitioning Free Bridge Lane from its current condition to a "Green Street" with enhanced bicycle and pedestrian infrastructure and elements of stormwater management. Free Bridge Lane was prioritized in the Pantops Master Plan as a "catalyst" project.

Community Development staff have engaged consultant services to develop a conceptual design for improvements to Free Bridge Lane that are consistent with the Pantops Master Plan. As a preliminary step, the consultants prepared two design proposals. One design proposal features one-way (southbound) vehicle traffic, a contraflow bike lane, and a dedicated pedestrian walkway; the other proposal closes the roadway to motor vehicles and features a wide promenade open to pedestrians and bicyclists. Transportation planning staff presented these two design proposals to the public at the Pantops Community Advisory Committee on January 23, 2023. Those in attendance at that meeting spoke largely in favor of the promenade design. Parks & Recreation staff, who have been involved in the Free Bridge Lane project as stakeholders, are also optimistic about the promenade design.

Further, staff request that the Board of Supervisors support the development of a Free Bridge Lane Promenade Pilot Program. The pilot program would make the minimum necessary improvements to Free Bridge Lane to allow the roadway to function as a bicycle and pedestrian promenade that is closed to motor vehicles. At the conclusion of the pilot program, Free Bridge Lane could be returned to its current condition, transitioned to a one-way street, or further improved as a promenade.

To develop the pilot program, staff will identify the minimum necessary improvements for the roadway, establish cost estimates for those improvements, and determine a timeline for the program, among other tasks. Staff would return to the Board of Supervisors for a resolution of support prior to pilot program implementation.

The Free Bridge Lane Conceptual Design Project has spent approximately \$6,000 of the \$20,000 allocated. The budget impact of the Free Bridge Lane Promenade Pilot Program, if supported by the Board, would be limited to County staff time already committed to Free Bridge Lane efforts as part of the annual work plan. Continued work on this project is not expected to reduce overall staff capacity.

Staff recommend that the Board vote to support the development of a Free Bridge Lane Promenade Pilot Program.

Ms. Jessica Hersh-Ballering, Principal Planner, stated that she would describe Free Bridge Lane, then the improvements initially proposed for Free Bridge Lane in the Pantops Master Plan, followed by situating the work currently being done with the overall planning process. She said that they would then look at the two design concepts for improvements, the one-way design and the promenade design. She said that they would then describe a few additional considerations for these two designs that were not immediately apparent by looking at the illustrations alone. She said that lastly, they would lay out the staff recommendation for how to proceed before allowing the Board to give feedback and potentially take action for next steps.

Ms. Hersh-Ballering displayed an aerial view of Free Bridge Lane, indicating the Rivanna River to the left side and Route 250 at the bottom lefthand corner of the photo. She said that Free Bridge Lane was a low-volume, unstriped local roadway that extended for approximately 0.5 mile from Darden Towe Park at the northern end and US Route 250 at the southern end. She said that to access Free Bridge Lane from the north, one would enter Darden Towe Park along Elk Drive and would make a left turn onto

the paved road. She said that Free Bridge Lane could also be accessed from the south from Route 250 with a right-in, right-out only movement.

Ms. Hersh-Ballering said that there was limited parking on both the northern and southern ends, and at the northern end, there was a trailhead parking lot that was striped for about 12 spaces, but due to the exact layout of the lot, it was challenging to make use of all the spaces simultaneously. She said that at the southern end, there was room for about five vehicles to parallel park. She said that along the western side of Free Bridge Lane, there was a degraded, narrow shared-use path that was poorly defined at parts, which was a part of the longer, Old Mills Greenway Trail.

Ms. Hersh-Ballering said that on the east side, in the green space with forest cover, was land for a future County park. She said that overall, Free Bridge Lane was relatively flat, had views of the Rivanna River, and appeared to be a popular walking, running, and biking location for people of all ages. She noted that Free Bridge Lane was currently owned and maintained by the Virginia Department of Transportation.

Ms. Hersh-Ballering said that the Pantops Master Plan's planning process envisioned a "green street" with enhanced bicycle and pedestrian infrastructure and elements of stormwater management. She showed an image on the screen and stated that it was a rendering taken directly from the Pantops Master Plan, which had a specific vision of a one-way southbound street with a contraflow bike lane, with improved landscaping to buffer an improved footpath. She said that this plan was approved by the Board of Supervisors in 2019.

Ms. Hersh-Ballering said that the current work being done was conceptual design, beginning with a site visit to Free Bridge Lane with a hired consultant and staff from the Parks and Recreation Department (P&R) and the Community Development Department (CDD). She said that the consultants documented the opportunities and constraints for the roadway, then prepared two conceptual designs for the roadway. She said that the Board feedback on the two designs would help staff direct the consultants for task 3, which was to create a final conceptual design that incorporated the preferred components from the two conceptual designs in task 2. She said that they could move into engineering and construction of improvements, but additional funding must be identified for those activities.

Ms. Hersh-Ballering said that the first design concept was the one-way design. She displayed the cross-section of the design on the slide, with the river on the left. She said that there was an approximately 11-foot-wide southbound travel lane that would be open to vehicles and bikes, northbound bikes would use the five-foot-wide contraflow bike lane which would be separated from the southbound traffic with a one-foot-wide painted rumble strip. She said that the existing path would be improved and reserved for foot traffic only. She said that there would be a vegetative buffer of varying widths separating the footpath from the contraflow bike lane, depending on how much space there was, and any remaining space would be used for amenity areas.

Ms. Hersh-Ballering said that the very northern portion of Free Bridge Lane would remain open to two-way vehicle traffic in the one-way design so that traffic could access an improved parking lot on that northern end. She said that there would also be a trailhead plaza with a kiosk and seating added. She said that the southbound vehicle travel lane would also be open to bikes with a green contraflow bike lane. She said that the footpath would begin at the parking lot and connect to the existing roadway and go along that for the duration of Free Bridge Lane. She said that potential amenities along the roadway could include picnic seating, fitness station, bird blind, river overlook, or public art.

Ms. Hersh-Ballering noted that there were a few places where there were expected to be higher numbers of pedestrians crossing the roadway, which were at the apartments and condos of Riverside Village and at the entrance to the future County park site. She said that the popular crossings would be identified with something like a colored or stamped pavement to indicate to drivers and bicyclists that they should expect cross-traffic at these locations.

Ms. Hersh-Ballering said that moving south, all of those features continued to another improved parking area on the southern end of Free Bridge Lane, and like the northern end, the southern end would remain open to two-way vehicle traffic so that they could access the parking area. She said that in the aerial view there could be seen a proposed splitter island, which would improve crossings for pedestrians so that pedestrians crossing Route 250 would only have to focus on one direction of vehicle traffic at a time as they tried to cross the roadway.

Ms. Hersh-Ballering said that the cross-section of the promenade design had about 15 feet for the promenade space, which would be shared by bicyclists and pedestrians, and the roadway would be closed to vehicles entirely. She said that because it was a shared space with no vehicles, there was a lot of space left over for amenities on either side as well as a bioretention area, which aligned with the stormwater management goals in the Pantops Master Plan.

Ms. Hersh-Ballering displayed the aerial image for the promenade design. She stated that the northern portion of the roadway would again be open to vehicles going in both directions, and there would be an improved parking lot with the trailhead kiosk and seating area. She said that the promenade would begin at the parking area and continue to the existing roadway where it would continue as a promenade.

Ms. Hersh-Ballering said that there would be some sort of barricade where the pavement ended parallel to the parking lot to prevent most vehicle traffic, but they would leave some pavement to allow for service vehicle and emergency vehicle access to the promenade itself. She stated that because of the

amount of space available for potential amenities, many more were suggested in this design. She said that there were colored areas on the aerial image that indicated areas of heavier pedestrian cross-traffic. She said that with the promenade design on the southern end, they would expect to see an improved parking area and would be keeping the southern bit of roadway open to traffic in both directions.

Ms. Hersh-Ballering stated that additional considerations for comparing the one-way traffic design to the car-free promenade were based on the metrics of design flexibility, ongoing maintenance to the County, and speed of implementation.

Ms. Hersh-Ballering said that Free Bridge Lane was currently owned and maintained by VDOT, and with the one-way design, which could continue, or they could ask VDOT to abandon the roadway and the County would become the new owner of Free Bridge Lane. She said that if VDOT continued to own the road for the one-way design, it had the least design flexibility due to VDOT restrictions, the lowest maintenance cost for the County, and would be slowest to implement because they must identify most of the funding for implementation all at once because the pieces of a one-way design must be built together to function properly.

Ms. Hersh-Ballering said that if they pursued the one-way design and the County took over the roadway, there was slightly more design flexibility but higher maintenance costs, and implementation was slower because of the nature of implementing a one-way road with a contraflow bike lane.

Ms. Hersh-Ballering said that the promenade design was not being evaluated as a VDOT project because VDOT was not interested in owning a promenade. She said that with the roadway being owned by the County, this allowed for the greatest design flexibility because the County would own the roadway, and removing vehicles from the roadway meant there were fewer safety considerations and much more space. She said that in this case, the ongoing maintenance costs were moderate because removing vehicles from the roadway meant less wear and tear on it, and there would be opportunities for immediate, partial implementation, as they could close the road to vehicles as soon as the County took ownership and add other improvements as funding became available.

Ms. Hersh-Ballering said that staff from P&R and from CDD recommended pursuing the promenade design. She said that they would like to direct the consulting team to develop a final concept design and cost estimate for the Free Bridge Lane Promenade, which was the third and final task of the consultant's existing contract. She said that this would set the County up for the long-term by illustrating what a fully built-out promenade would look like, with all possible features, amenities, and the estimated cost to complete engineering and construction.

Ms. Hersh-Ballering said that they would also like to develop a Free Bridge Lane pilot program, which would make the minimum necessary improvements to Free Bridge Lane to allow the roadway to function as a bike and pedestrian promenade closed to motor vehicles. She said that at the conclusion of the pilot program, Free Bridge Lane could be returned to its current condition, transitioned to a one-way street, or more improvements could be made to the promenade.

Ms. Hersh-Ballering said that the pilot program would add a new step into the overall planning process that would allow the County to implement an improvement quickly, learn from experience, and then make more informed decisions as they moved into engineering and construction of a long-term project.

Ms. Hersh-Ballering clarified that Board direction was only requested about development of the promenade pilot program, and once developed, staff would return to the Board to present the program and request approval to move forward with implementation.

Ms. Hersh-Ballering said that the promenade pilot program would be developed by identifying minimum necessary improvements to transform Free Bridge Lane from its current state to a promenade, followed by development of a cost estimate for the minimum necessary improvements, and establishment of a timeline for implementation.

Ms. Hersh-Ballering said that they would have discussions with VDOT regarding roadway ownership during and following the pilot program, and discussions with the City of Charlottesville regarding operations and maintenance. She said that Darden Towe Park was co-owned by the City and the County, and Free Bridge Lane was so close to the park that they wanted to have those discussions.

Ms. Hersh-Ballering said that development of this pilot program would largely be completed by staff, with some assistance from consultants using the remaining funding left on the existing contract.

Mr. Gallaway said that he had not expected there to be an option for the roadway to remain open. He said that he appreciated that the improvements were to promote access to the river without development of the area. He asked if there was already funding for the pilot.

Ms. Hersh-Ballering said there was not. She said that there was funding for the consultant to develop it.

Mr. Gallaway asked if, after the initial pilot, the final design and funding for a more permanent park would be brought to the Board for approval.

Ms. Hersh-Ballering said that was correct.

Mr. Gallaway said that he was willing to give staff the flexibility to develop and implement the pilot and spend the bulk of the time on working on the permanent promenade and find what that funding would be. He said that otherwise he had no concerns with staff's recommendation.

Ms. McKeel said that she was supportive of the promenade. She asked what the surface would be and if it would be ADA (Americans with Disabilities Act) accessible and if a shuttle service could be provided.

Ms. Hersh-Ballering said that it was an existing roadway and was already paved, and VDOT was planning to repave the road this spring. She said that this gave them an opportunity to begin the pilot program with a fresh road surface. She said that because it was an existing roadway, there was potential for a shuttle to be accommodated.

Ms. McKeel said that VDOT had specifications for shuttles on pedestrian walkways.

Ms. Hersh-Ballering said that staff would discuss the long-term implications of the project with VDOT.

Ms. LaPisto-Kirtley said that if the road were newly paved by VDOT, it would be accessible to a shuttle. She asked if there was also a pedestrian walkway that would be improved.

Ms. Hersh-Ballering said that, with the promenade option, there would be a pedestrian and bike path leading from the parking lot to the promenade, but there would not be a separate walking path maintained on the promenade.

Ms. LaPisto-Kirtley asked if the promenade would be ADA-compliant.

Ms. Hersh-Ballering said yes.

Ms. LaPisto-Kirtley said that this was something that had been worked on with many community stakeholders, and this gave them the opportunity to create a beautiful promenade for everyone to enjoy. She asked if the project could continue to move along without further approval from the Board.

Ms. Hersh-Ballering stated that she appreciated the confidence in the staff, but part of the initial development would include creating a cost estimate for the minimum necessary improvements, so staff would return to the Board in order to identify the funding necessary for the next step.

Mr. Andrews asked for staff to ensure there was adequate emergency vehicle access for the area.

Ms. Mallek asked if the north parking lot was currently gravel.

Ms. LaPisto-Kirtley answered that it was asphalt.

Ms. Mallek said that the promenade should be implemented immediately in order to build support for adding amenities. She asked if there was a bona fide reason to have a southern parking lot, as there was not one there currently, and it would be a major expense that may inhibit the project. She said that Darden Towe had parking available and would be nearby the proposed southern parking lot. She said that she would ask that the new parking lot, if built, be composed of gravel and not an impermeable material like asphalt, which causes more runoff. She stated that she was supportive of the promenade. She asked if there would be bollards for emergency vehicles to simply remove in order to access the promenade.

Ms. Price recommended that the promenade have clearly marked pedestrian and bicycle lanes. She said that VDOT should be encouraged to resurface the road with smooth asphalt so that it was accessible to all people using it. She said that she fully supported the promenade.

Ms. LaPisto-Kirtley asked if the promenade project could be funded in steps to implement the amenities over time.

Ms. Price expressed her appreciation for Ms. LaPisto-Kirtley and those who participated in the Pantops CAC (Community Advisory Committee) meeting a few weeks before. She said that it was a great meeting, and she had seldom seen a community work so closely together toward the common good.

Ms. Mallek said that Eagle Scouts loved to build benches, and that she hoped to see amenities such as a restaurant near the river.

Ms. LaPisto-Kirtley **moved** that the Board approve the development of a Free Bridge Lane Promenade Pilot Program.

Ms. McKeel **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No.12. **Presentation:** Board-to-Board, A Quarterly Report from the Albemarle County School Board to the Albemarle County Board of Supervisors.

Ms. Katrina Callsen, Chair of the Albemarle County School Board, stated that the Board-to-Board report had been shared with each of the Supervisors, and that she would mention some items that were not included in the report. She said that in trying to address some of the staffing shortages, including the shortage of bus drivers, which was a nationwide issue, they had increased benefits, compensation, recruitment efforts, and through legislative lobbying. She said that, with the sponsorships of Senator Creigh Deeds and Delegate Rob Bell, bills had been passed for return-to-work and allowing school employees to come back to work after they retire.

Ms. Callsen said that there was some information in the report about substitute teachers. She said there had been a 42% fill rate in 2021, and they were up to 66% as of the winter of 2022, and metrics had been put in place such as bonuses, referral bonuses, and a tiered structure based on how many days a substitute worked.

Ms. Judy Lee, Vice Chair of the Albemarle County School Board, stated that at the February 9 meeting, the AEA (Albemarle Education Association) presented a collective bargaining resolution to the School Board, and at the February 23 meeting, they held an open discussion on where each of the members stood on collective bargaining in general, and a majority of the Board expressed interest. She said that the Board would next be meeting with an attorney to discuss further steps.

Ms. Callsen said that an RFP (Request for Proposal) had been administered for a firm called Bellwether to consult for the instructional audit in order to provide tools to close achievement and instructional gaps, particularly focusing on elementary school students and development of foundational skills, including high school algebra. She said that they tried to use data-backed, research-driven practices that would affect student achievement so that they graduated with all the skills necessary, and while progress was being made, this audit served as a tool to find more ways to reach students and give them ways to succeed.

Ms. Lee said that they were currently waiting to hear from the state about the proposal for a 2% raise for all state employees, which was the 2% raise for SOQ (Standards of Quality)-funded positions on top of the 5% for the second half of the biennium. She said that it appeared likely to pass, but at this time, there had been no movement on that legislation. She said that the current draft funding request was moderate in its amounts, as there may be other funding that could make up for differences by then. She said that no changes had been agreed upon by the General Assembly, but monies had been proposed to address the \$201 million shortfall error from this year. She said that the state Superintendent Jillian Balow stepped down from her position today, as was announced earlier in the morning.

Mr. Gallaway asked who the consultant was for the instructional audit.

Ms. Callsen said that they did an RFP with Bellwether.

Mr. Gallaway asked if the General Assembly had moved beyond the SOQ positions that had previously been decided upon.

Ms. Callsen said that only SOQ positions were to be funded. She said that both the Senate and House proposed versions of 2%, so they expected that to pass in some form, but other than that, there were none.

Mr. Gallaway asked if the School Board agreed to do collective bargaining or if they were being advised by an attorney of the options.

Ms. Lee said that there was an open discussion in which about five Board members expressed interest in the idea, so they would meet with an attorney to develop stronger viewpoints.

Ms. Callsen said that she would anticipate the Board would receive a resolution related to moving forward with the process in the near future.

Ms. McKeel asked if the General Assembly had given any indication as to whether the gap left by them would be closed.

Ms. Lee said that it had been proposed but not agreed upon yet.

Ms. Helen Dunn, Albemarle County Public Schools (ACPS) Public Affairs and Strategic Communications Officer, stated that the General Assembly adjourned over the weekend with the "skinny budget" and did not pass a budget but had proposed to cover the \$201 million calculation error with monies appropriated in various ways. She said that there were a few line items that would cover that over two years, with some would cover through the end of this year and some factored into the 2024 fiscal year to cover the remaining \$201 million.

Ms. McKeel asked if other items within the ACPS budget would be affected by those monies being allocated from other sources.

Ms. Dunn said that the budget summary did not have enough detail included to be clear about that information, but it was a possibility.

Ms. McKeel asked if there were any developments in SRO (Student Resource Officer) positions.

Ms. Callsen said that that had not been the subject of any School Board work sessions yet, but there were proposals to address student safety in multiple ways.

Ms. McKeel said that the County rarely ever saw the funding that was promised by the state budget due to being funneled through the composite index.

Ms. Callsen agreed that there were many local funds ensuring that they received that 7% and that there would be equity and parity among all employees so that all employees received raises. She said that the Local Composite Index (LCI) formula made it so that some localities paid more, and Albemarle did so.

Ms. Helen Dunn said that Ms. McKeel was correct. She clarified that it was not actually 7%, but that it was 5%, and then 2% more. She said the 5% was 10% over the biennium, so 5% and 5%. She said this 2% would be on top of that and would also run through the LCI. She said that the locality would be covering some of that, and that was an important distinction to make. She said that they always asked the General Assembly to cover 100%, but they did not.

Ms. McKeel asked if there were any updates from Ms. Charmane White, ACPS Transportation Director, about the options for bus driver career ladders for the County.

Ms. Callsen said that she did not have any information but could put Ms. White in contact with Ms. McKeel.

Ms. McKeel said that the Board would be interested in knowing an update because it was a great idea.

Ms. Callsen said that Ms. White had been working diligently to ensure that transit was available for children to get them to and from school in a timely manner.

Ms. McKeel said that she appreciated Ms. White's innovation at the Regional Transit Partnership. She said that collaboration was underway with the City to find efficiencies in transportation as well.

Ms. LaPisto-Kirtley asked if a similar process to the instructional audit with the consulting firm Bellwether had been performed before.

Ms. Callsen said that they had not, so it was a novel approach for them to solve achievement issues.

Ms. LaPisto-Kirtley asked if this was an instructional audit of what went on in the classroom.

Ms. Callsen said that she could share the RFP and what the applicant returned with. She said that it was a multipronged approach, with the first part being an introduction to the schools, visitors, and understanding the locality, followed by a data collection process, then analysis, and finally deliverables, which were concrete steps to be taken to improve instructional practice.

Ms. LaPisto-Kirtley asked if the consultants would be going into the classrooms to identify improvements.

Ms. Callsen said that she imagined that they would be, but she was unsure of the exact process. She said that she knew that specific processes such as reading instruction had been undergoing changes, so this was an opportunity for the consultant to identify where practices may adjust to get better outcomes for students.

Ms. LaPisto-Kirtley asked what program was used for reading instruction over the past three years.

Ms. Callsen said that they were using reading instruction that was a combination of sight words and phonics, and it had been shown since then that phonics was highly effective when children transitioned to reading text that did not have as many context clues and images to help children guess words, so they were moving toward that direction. She said that they adopted "being a reader," and also wanted to have a curriculum that was shared across schools so that children could learn the same material no matter what school in the County they attended.

Mr. Matthew Haas, ACPS Superintendent, said that the recently passed Virginia Literacy Act required minimum funding for reading specialists in schools, which they had exceeded, so a reading specialist would be at every school, including secondary schools, and more staff had been added to achieve that. He said that in the past few years, they had adopted the reading curriculum called "being a reader," which was phonics-based reading, and they were working to have fidelity across all early elementary school classrooms in its usage.

Mr. Haas said that a cultural shift was required to implement this curriculum, because previously,

teachers had been taught that reading was a holistic approach with comprehension, sight words, and reading aloud, and not necessarily understanding the basic units of words. He said that not all universities had shifted in how they trained teachers to teach reading, so this year there would be in-depth training provided so that the literacy specialists in the schools were prepared to do that type of work. He said that there was a lot of investment in the budget for reading specialists and interventionists.

Ms. LaPisto-Kirtley asked if there would be PD (professional development) for teachers.

Mr. Haas said yes, the literacy specialist would work with small numbers of students who needed extra time and support but would also be working with classroom teachers to improve their reading instruction.

Mr. Andrews expressed his appreciation for the collaborative efforts of the School Board and the implementation of evidence-based practices.

Ms. Mallek expressed her gratitude for the focus on learning phonics because sight-reading was not an effective strategy for all students. She asked what role the intervention specialists would be performing in the schools.

Mr. Haas said that the reading specialists were specifically for literacy instruction, and the interventionists were specialized support that could provide any subject area instruction, including reading and math. He said that about 10 years ago, they adopted "response to intervention" program in the schools, which was meant to limit referrals for special education, particularly for students that were disproportionately represented. He said that the program was at each school, with a school-based intervention team run by the interventionists. He said that when a student was not being successful academically or behaviorally, the team convened and looked at the gap between the student's performance and the rest of the school or school system, and then created a plan for that student.

Mr. Haas said that those interventionists also served to work with small groups of students who needed extra support, and they also provided professional development. He said that the instructional coaches were stationed at the schools and assigned throughout, providing on-the-job professional development for their teachers as part of the professional development model. He said that as a school system, there may be particular programming that may be referred to as training that everyone must know and be used. He said that these types of trainings were required for teachers who wished to work in Albemarle County.

Mr. Haas said that because teachers were certified based on things they chose to learn that would enhance their practice, they offered professional development reimbursement for any courses a teacher chose to take, offered reimbursement for conferences attended, and provided a coaching model that was teacher-directed. He said there was staffing to help support teachers who wanted to get better in their chosen area. He said that when a teacher was on an improvement plan, it often became directive to work with an instructional coach to give the teacher extra support.

Ms. Price acknowledged the school system had faced challenges throughout the pandemic, with in-person instruction increasing the risk of infection or death of school populations as well as the risks of children spending too much time in isolation and with only virtual social connections. She expressed her gratitude to the School Board for all of the work done to mitigate the negative effects of the pandemic on the school system. She gave her sincere thanks to the School Board, Superintendent Haas, and other school staff members for bringing forward such a collaborative Board-to-Board presentation.

Ms. McKeel expressed her gratitude for the implementation of phonics-based reading instruction, as it could be extremely difficult to read without the knowledge of phonics, and many teachers did not learn how to teach phonics during their certification processes.

Mr. Gallaway asked if the General Assembly had taken any action related to reading specialists funded for a certain number of students.

Mr. Haas stated that the General Assembly did provide some funding for it but was again a fund that filtered through the LCI. He mentioned that for SOQ's, the County provided a great share of the funding. He said that they had 1,400 licensed educators and received no funding from the state for 200 of them, based on the ACPS's desire to go above and beyond the SOQ's so that the community had very small class sizes.

Mr. Haas said that the SOQs also identified other instructional positions that were supported and for which funding from the state was provided, but because the state had salary assumptions that were \$7,000 lower than what the ACPS's salary assumptions were, all the school employees had to be supplemented in order to carry out the regular funding for those positions based on the difference in salary assumption.

Mr. Haas noted that there was a large gap in what the state provided and what the County provided, but it was important to say that it was their choice locally, and due to their robust economy in the County and leadership from the Board of Supervisors and County Executive, it allowed them to enhance their staffing and created a draw for people to come to the community and have people attend the schools.

Ms. Mallek asked if there were some positions that were not recognized by the state and thus had

their salaries paid in full by the County.

Mr. Haas said that was correct. He said that prior to the 2008 recession, the state budget included significant funding for support positions, which ranged from teaching assistants to an assistant superintendent. He said that a significant portion of that funding was based on prevailing costs, which was a very rich way to fund. He said that after the recession began, Governor Kaine and the state legislature proposed a support cap that cut that in half, thus the schools now received less than half of their funding for support positions than they did 13 years ago. He said that if it were fully redressed, there would be more than \$11 million more in funding from the state.

Ms. Mallek asked if that amount was different than the amount of funding per student, which had also changed.

Mr. Haas said that the amount per student was tied through the SOQ's, and funding for staffing was funded through enrollment, as well as being put through the LCI.

Ms. Mallek asked if there was information for what the state was providing for students out of the total amount.

Ms. McKeel clarified that SOQ stood for "standards of quality."

Mr. Haas said that was correct. He said that the standards of quality were equivalent to equity.

Ms. Lee said that Ms. Callsen would be before the Board again for a work session on the budget, however she would not be in attendance at that meeting.

Agenda Item No. 13. Closed Meeting.

At 4:47 p.m., Ms. LaPisto-Kirtley **moved** that the Board go into a closed meeting pursuant to Section 2.2-3711(A) of the Code of Virginia:

- Under subsection (1), to discuss and consider appointments to various boards and commissions including, without limitation, the Architectural Review Board, the Jefferson Area Board for Aging, the Crozet Community Advisory Committee and the Places 29 (Hydraulic) Community Advisory Committee; and
- Under subsection (3), to discuss or consider the acquisition of real property in the Rivanna Magisterial District for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County; and
- Under subsection (5), to discuss the location of two prospective businesses or industries in the northern part of the county, one in the Rio Magisterial District and one in the Rivanna Magisterial District, where no previous announcement has been made of the businesses' or industries' interest in locating their respective facilities in the community.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No. 14. Certify Closed Meeting.

At 6:00 p.m., Ms. LaPisto-Kirtley **moved** that the Board of Supervisors certify by a recorded vote that, to the best of each supervisor's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed meeting, were heard, discussed, or considered in the closed meeting.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No. 15. Boards and Commissions.
a. Vacancies and Appointments.

Mr. Andrews **moved** that the Board appoint the following individuals to boards, committees and commissions:

- **Reappoint** Mr. Frank Hancock to the Architectural Review Board with said term to expire November 14, 2026.

- **Reappoint** Ms. Sandra Hausman to the Crozet Community Advisory Committee, with said term to expire March 31, 2025.
- **Reappoint** Ms. Sue Friedman to the Jefferson Area Board for Aging (JABA) Board, with said term to expire March 31, 2025.
- **Appoint** Ms. Denise Bonds to the Jefferson Area Board for Aging (JABA) Board, with said term to expire March 31, 2025.
- **Reappoint** Ms. Diantha McKeel to the Jefferson Area Board for Aging (JABA) Board, with said term to expire December 31, 2025.
- **Appoint** Jaquelin Salazar to the Places 29 (Hydraulic) Community Advisory Committee, with said term to expire August 5, 2024.

Ms. Mallek **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

Agenda Item No. 16. From the County Executive: Report on Matters Not Listed on the Agenda.

There was no report from the County Executive.

Agenda Item No. 17. From the Public: Matters on the Agenda but Not Listed for Public Hearing or on Matters Previously Considered by the Board or Matters that are Pending Before the Board.

Ms. Juliet Lunka, Rio District, stated that she was a former volunteer at the CASPCA and created the petition that had over 2,000 signatures calling for the removal of Angie Gunter as CASPCA CEO (Chief Executive Officer) and Board member, as well as the removal of Jen Corbey as President of the CASPCA Board. She stated that she would bring up a topic that had been brought up at two previous meetings, which was the situation at the CASPCA. She stated that CASPCA Concerns had detailed numerous serious concerns about the treatment of animals, employees, and volunteers at the shelter.

Ms. Lunka said that as Albemarle County and the City of Charlottesville funded CASPCA with nearly \$1 million in taxpayer money annually, the welfare of the animals and staff should be of concern. She said that the shelter had \$16 million in net assets at the end of 2021, yet the CEO, Angie Gunter, chose not to invest that money into maintaining the living areas of the animals or hiring enough staff to adequately care for them. She asked what the taxpayers' money was going toward.

Ms. Lunka said that as reported by WINA and C-ville Weekly, Angie Gunter chose to overcrowd the shelter with numerous out-of-state transfers. She said that several dogs in at least one transfer had been exposed to highly contagious, potentially deadly diseases, which put their local animals at risk. She said that last year, 879 local dogs were brought into the pound, and she wanted to know that if her dog were to be lost and picked up as a stray that it would be placed in a clean shelter with safe equipment and would not be exposed, especially in an overcrowded environment, to such diseases. She said that she believed that all citizens in their area would expect this.

Ms. Lunka said that people and animals in their community had also been put at risk by current practices at CASPCA that had seen dogs be fostered or adopted without proper behavioral assessment. She said that it was reported in C-ville Weekly that at the time of the "In the Doghouse" article, there were three dogs up for adoption that had killed other dogs, but these parts of the dogs' histories were not mentioned in their bios. She said that it was crucial that a behavior expert be employed at CASPCA and that CASPCA be completely open about the histories of the dogs they were sending into the community.

Ms. Lunka said that a behavior expert would not only help with the situations but would greatly improve the lives of the dogs at the shelter. She said that dogs with behavioral issues were currently placed on long adoption holds and forced to live in the shelter for months on end, as there was no one to properly evaluate and help them. She said that this was not good for the dogs mentally or physically.

Ms. Lunka said that with \$16 million in net assets, the shelter should be able to hire a behavioral expert, because that was what the taxpayer money should be spent on. She said that in order for serious change to occur, the Board of Supervisors and the City Council should require CASPCA Board meetings to be made open to the public and there must be a CASPCA Board seat for an elected official from the County as well as from the City.

Ms. Sarah Lloyd, Rio District, said that she was a former employee at CASPCA and a current volunteer. She said that she was present as part of CASPCA Concerns, a group formed in response to the issues of the CASPCA. She said that those issues included a toxic workplace led by CEO Executive Director Angie Gunter, resulting in alarming conditions for many of the animals and the inability to keep the shelter staffed with trained and experienced people.

Ms. Lloyd said that the Board of Supervisors and taxpayers should be concerned that the 879 dogs brought into the pound at CASPCA in 2022 possibly did not receive the care they deserved. She said that the priority for CASPCA was making as much money as possible from adoptions, so the shelter

remained full beyond capacity. She said that many of these animals came from out-of-state transports that could have potentially life-threatening diseases. She said that taxpayers should be concerned that if their pet went missing and ended up as a stray at CASPCA, that their cherished pet may be forced into a tiny crate for over 23 hours per day due to lack of space until they were redeemed and may be exposed to devastating illnesses like parvo or distemper due to out-of-state transports that meant more money for the shelter.

Ms. Lloyd said that CASPCA received almost \$1 million from taxpayers in the County of Albemarle and the City of Charlottesville, and nearly 70% of it was from the County. She said that as taxpayers, they were asking the Albemarle County Board of Supervisors to push for two changes to the CASPCA Board of Directors, which was to first have a Board of Supervisors representative on the Board to ensure that decisions regarding the shelter allowed for a voice from the County and representing all taxpayers.

Ms. Lloyd said that the second change was to make the CASPCA Board of Directors meetings open to the public to attend and comment. She said that her third request was to create a group similar to the Animal Advisory Committee in Loudoun County, which was a committee made up of representatives of each election district and one at-large member, all chosen by the Board of Supervisors.

Ms. Lloyd said that their requests for change at CASPCA had fallen on deaf ears at the Board of Directors, and the independent investigation by law firm McGuire Woods had not contacted any of the 103 letter signers, and the current Board of Directors Vice President used to be employed by McGuire Woods, thus there was a potential conflict of interest and real fear of retaliation among the current employees.

Ms. Lloyd said that the taxpayers were asking the Board to take note of the abundant problems at CASPCA and to have a voice within the Board of Directors so that change could be made. She said that their animals and the community deserved better, and she hoped they would help CASPCA become the safe haven for homeless animals that it was always intended to be, as well as a positive, thriving workplace for people passionate about animal welfare.

Ms. Kay Cross stated that she was a member of the CASPCA Board since 2018. She said that she had resided in the White Hall District in Albemarle County for 23 years and had been a practicing lawyer since 1995 and had been engaged in animal advocacy and rescue for two decades with CASPCA and other organizations on the east coast. She said that they were aware of the allegations and accusations made against CASPCA and its Board of Directors and Executive Director, and had engaged an independent third-party review with McGuire Woods, noting that Mike Derdeyn had not worked at McGuire Woods since 2005. She said that they hoped to have the results of that review in the near future.

Ms. Cross said that while she could not specifically and would not specifically respond to the accusations and allegations made in this forum and in the public, specifically not personnel issues, but she would say that the CASPCA had been and would continue to be firmly committed to the compassionate and appropriate care of the animals who came through their doors.

Ms. Cross said that as proof of this, the most recent state veterinary inspection took place in the middle of last month, in which, despite an exhaustive review and inspection, uncovered no incidences of animal abuse, animal neglect, overcrowding, or improper housing, which was true of the other state veterinary inspections that CASPCA had had since the tenure of the Executive Director.

Ms. Cross said that in some of the inspections, there were paperwork violations, and they were working hard to correct those. She said that the CASPCA Board of Directors and the SPCA in general appreciated the ongoing relationship with the County, which the Board of Supervisors was aware of contractually, and she hoped that they would continue to enjoy the Board's support while they worked through these troubling issues.

Mr. Tom Eckman, IMPACT (Interfaith Movement Promoting Action by Congregations Together), stated that he was a resident of the Rivanna District. He said that the new housing policy called for an affordable housing trust fund, which was a best practice nationally. He said that the County was also working on developer incentives to encourage affordable housing, which they applauded.

Mr. Eckman said that a housing trust fund was an incentive, as it showed developers that there was a reliable source of support from the County, and not only that, but it also leveraged money to open up other sources of funding. He said that for every dollar of money the County put into the trust fund, an average of \$7 was leveraged by these funds in counties around the country, so the sooner they had a trust fund, the sooner they would be able to leverage money into the County.

Mr. Eckman said that the trust fund needed to be established by an ordinance in order to provide accountability. He said that one; was who it would serve and what eligible projects it would fund, two; the process for oversight and annual reporting back to the Board, three; revenue sources on an ongoing basis and how the funds were distributed, and four; the length of affordability on these projects. He said that he knew the Board politically supported affordable housing, but they needed a majority of Supervisors to direct the County Executive to work out the details and staffing to get the housing trust fund up and running quickly. He said that it must be made a priority.

Mr. Eckman said that this was a powerful tool that was used across the country, and there was no reason why getting the trust fund operating and getting the developer package could not work simultaneously. He said that they must speed both items up, and that if it took more people in DSS (Department of Social Services) to do it, they must do it, because this was a crisis. He said that he worked with the homeless every year, and there were hardworking people who could not afford a place to live, so he encouraged the Board to take action to empower the staff to do something about this.

Ms. Laura Swift, IMPACT, stated that she was a resident of the Jack Jouett District. She said that when the housing trust fund would be established, they asked that 50% of its funded be designated for households at or below 50% of the area median income (AMI). She said that these people had the least available resources for additional needs, basic needs like medical expenses, food, childcare costs, and utility bills. She said that they had to make difficult decisions every day about competing necessities. She said that in 2021, the Piedmont Housing Alliance (PHA) reported the AMI as \$75,000 annually for two working people.

Ms. Swift said that most programs currently chose to address those who earned 60% to 80% of the AMI, which was \$45,000 to \$65,000 for those same two people. She said that they were working to lower that threshold and get agencies such as the City Council, the Board of Supervisors, UVA, and others to use a more realistic and common definition of affordability. She said that the demographic in the 50% and below bracket that they would like to guarantee assistance for included two-income families making only \$37,500 per year on the high end, leaving them continually struggling to maintain safe and stable housing for themselves and their families.

Ms. Swift said that another disturbing reality was that if there was no housing available that could be managed on one paycheck, there were people suffering who could not afford to leave domestic abuse situations because they did not have the savings to get out of their lease, pay a deposit, or scrape together first and last month of rent. She said that she spoke from experience and believed she was not alone.

Ms. Swift said that living in an abusive household, even if it had not reached the point of violence, often led to family dysfunction, clinical anxiety disorders such as PTSD (post-traumatic stress disorder), and other mental and emotional difficulties. She said that this quickly diminished the ability to function in the workplace, jeopardizing that one paycheck and the capacity to interact in their community, taking advantage of all the County had to offer.

Ms. Swift said that in short, it kept them trapped in a damaging situation instead of living the life that citizens deserved. She said that they had truly descended into a housing crisis, and the changes they were asking for were only a step toward where they needed to be as a thriving, compassionate community. She said that she had lived here all her life, and as a constituent, she appealed to the Board to make this necessary stipulation part of the trust fund ordinance.

Mr. Bob Law, IMPACT, stated that he was a resident of the White Hall District. He said that they appreciated that there was over \$6 million in the affordable housing fund last year, but as had been said in the past, a target amount of at least \$5 million needed to be in the fund every year. He said that as Mr. Eckman mentioned, doing so would let developers know that there was a continuing availability of funds so they would be able to plan their projects in the future.

Mr. Law said that, at the same time, they would like to say that the \$5 million target amount in the past was a past target, and with rising construction costs, it had become the minimum target amount, and with those increased costs, there was less return on the \$5 million investment. He said that if the proposed budget were to be \$5 million, the amount needed to be set aside for new construction, and it was previously estimated that that could result in over 1,600 new apartments over a ten-year period.

Mr. Law requested the County Executive and his staff to identify dedicated and continuing sources to make this annual commitment of \$5 million possible. He said that with the \$5 million County commitment, additional commitments from the City of Charlottesville and UVA's plan to construct 1,000 to 1,500 apartments over the next 10 years, their community could make real progress in addressing affordable housing needs. He said that with the support of all members of the Board of Supervisors, they as a County of concerned, caring people could make a difference in the lives of their fellow citizens.

Agenda Item No. 18. **Public Hearing: County Executive's Recommended Budget.** The Recommended Budget contains summary information on the total County budget, organized into several funds to provide appropriate accounting and budgeting control, including: the General Fund (expenditures for general operations of the County), Special Revenue Funds (expenditures restricted for specific governmental purposes such as state and federal grant funds), the School Fund (expenditures for general operations of the County school system), Other School Funds (expenditures restricted for specific school purposes such as the Food Services Fund), Capital Funds (expenditures for acquiring, constructing, or maintaining capital facilities), and Debt Service Funds (expenditures for paying principal, interest, and charges on general long-term debt). The Recommended Budget contains a complete itemized and classified plan of all contemplated expenditures and estimated revenues and borrowings for the Fiscal Year.

Mr. Jeff Richardson, County Executive, stated that a full briefing of this recommended budget had been given at the meeting on Wednesday, February 22, 2023. He said that he would summarize the recommendations of FY24.

Mr. Richardson stated that the County's six strategic goals were a part of the new five-year FY24-FY28 Strategic Plan, and this fiscal year would be the first year of identifying capacity and resources to align with the strategic goals.

Mr. Richardson said that balancing the strategic plan goals with financial considerations was the challenge to the budget planning process, and today's budget recommendation was built upon the discussion and guidance received from the Board beginning with the strategic plan development process and working through the five-year financial plan process. He noted that the Board had authorized an increase of the budget stabilization fund by 1% to a total of 12%. He said that 1% was equivalent to about \$4 million per year that allowed them to strengthen the financial condition of Albemarle County.

Mr. Richardson said that the budget was balanced on the current tax rates and indicated the amounts on the slide. He said that the budget must be grounded in the revenues available. He stated that in the fall of 2022, they received a comprehensive annual economic outlook report from Virginia Tech, and the report recommended that it was prudent for Albemarle County to anticipate a level of economic cooling with accumulating signals of a likely economic slowdown in the U.S., the state, and globally.

Mr. Richardson said that the key economic indicators for Albemarle County over the past year were that vehicle values had gone down nationally at about 20% and down 16.2% in Albemarle County. He said that residential dwelling unit certificates of occupancy were down almost 20%, and recorded deeds for tax revenue were down 12%. He stated that real property assessment values had risen approximately 13.5%, consumer-driven revenues, including sales tax, food and beverage tax, and transient occupancy tax, had risen 16%, and business-driven revenues, primarily through licenses, had risen 11.6%. He said that the population growth was modest at approximately 1%, inflation was 6.5%, the value of Social Services benefits to residents continued to increase, and the unemployment rate was flat from last year at 2.3%. He noted that the participation rate in the labor force was lower than before the pandemic, meaning that some people had not returned to work after the pandemic.

Mr. Richardson stated that displayed on the slide on the left side were figures for cost inflation for construction, labor, and materials, and on the right was the increase in the cost of borrowing and debt service due to rising interest rates. He said that when these were combined together, the five-year CIP (Capital Improvement Plan) planned projects in FY24-27 were predicted to increase in cost by approximately \$38.4 million in comparison to the prediction of 2022. He said that the percentage of increase outpaced the revenues, so the budget included a recommendation to increase the capital program for the coming year by \$16.7 million, above the formula typically used for the capital program with schools. He said that this would help cover increased costs without having to scale back projects or slow progress to meet the strategic priorities.

Mr. Richardson said that a variety of core government services were provided through partner agencies that served a regional scope and provided economies of scale in their services. He said that the costs of operation of the partner organizations were rising as well. He said that the costs for the key partner agencies shown on the slide were going up by about \$3 million next year and was additional money to be provided to these agencies. He said that was recommended, and that it was over 1 cent of the tax rate. He stated that another point made in the economic outlook report was that Albemarle County's history of prudent financial management and overall solid economic base provided a foundation and community capacity for strategic initiatives.

Mr. Richardson stated that they had economic vibrancy in Albemarle County but had to look to diversify their revenues and strengthen their tax base, which was why it was important for these six strategic goals to balance the revenue and put the money in where they could make the most difference in the next year. He said that the federal pandemic funding was complete, and funding levels in the proposed budget were similar to FY20. He said that inflation, supply chain issues, and labor shortages continued to create escalating costs within the County and with its partner agencies, along with a steady growth in the community, along with a continued increase in needs.

Mr. Richardson said that the five-year financial planning required analysis of the increase in operations tied to the five-year CIP to find what operational costs would be incurred there. He said that commitments remained in FY23 that would be paid in full cost in FY24, and in FY25, there were multiyear cost considerations for commitments they have made on the operating and capital side, tied to strategic priorities. He said that they were attempting to perform multiyear planning so that increases in necessary revenue were anticipated as the expenses were incurred.

Mr. Richardson said that the general fund was where tax revenue was received, was the primary funding source for schools, capital debt, and local government operations and was where the Board of Supervisors had the maximum amount of policy discretion. He said that the general fund for next year was at \$408.1 million, and that was over a 10% increase from the current fiscal year.

Mr. Richardson said that the recommended expenditures were balanced based on the revenues, and there was a total budget in FY24 of \$551.5 million. He stated that the amount was equivalent to a decrease in \$34.8 million from the prior year's budget, which was because special revenues from the federal pandemic relief were ending, and because there were annual fluctuations in the capital program needs based on the timing of capital outlay and debt issuances.

Mr. Richardson said that one of the strategic goals was education and learning, and the County's goal was to support exceptional educational opportunities, which was indicated by the transfer to the Albemarle County Public Schools being the largest portion of the budget. He said that the recommended budget fully funded the Superintendent's funding request, which would add \$14.6 million of new revenue to schools per the operating formula. He said that the capital improvement plan for the Albemarle County Public Schools (ACPS) for the five-year CIP for FY24-FY28 contained a total of \$194.5 million in projects, including adding \$3.6 million to the planned school renovations projects from last year, for a total of \$14.3 million over five years.

Mr. Richardson clarified that a new school had not been built in Albemarle County in 20 years, and this CIP funded the construction of three new schools over the next five years, which were two new elementary schools and a high school center. He said that in addition, an expansion at Mountain View Elementary School and other renovations would be made system-wide. He summarized that of the \$408.1 million budget, ACPS received 57% of the money that came into Albemarle County government by formula.

Mr. Richardson said that another strategic goal was safety and wellbeing. He stated that there were a number of budget work sessions in which the Board could ask specific questions about the recommended funding for the next year in this area.

Mr. Richardson stated that with the strategic goal of resilient, equitable, and engaged community, the recommended budget provided additional money for the areas of equity and inclusion trainings, arts and cultural programs and events, the biannual community survey, and climate actions.

Mr. Richardson stated that that for the strategic goal of infrastructure and placemaking, and continued investment in transit would be made to include the microtransit pilot and the rising costs of services of CAT (Charlottesville Area Transit) and JAUNT, as well as additional and ongoing multiyear capital funding for multimodal transportation. He continued that additional funds were allocated for solid waste and recycling that included the solid waste baling facility and operating funds for the Southern Convenience Center and the development of an urban service delivery model of public works to include a streetsweeper and vegetation management.

Mr. Richardson said that quality of life was another strategic goal, which had money allocated to open Biscuit Run Park, to open the Rivanna Village Parks, to design an urban pocket park, for Phase 2 development of AC44, \$3.9 million in FY23 revenues for the housing fund, and a multiyear approach for strategic funding related to the Board's strategic plan Project ENABLE.

Mr. Richardson said that the last strategic goal was workforce and customer service, which was about stabilizing their workforce. He stated that more information would be provided in an upcoming work session about the strategies that staff would like the Board to consider continuing with workforce stabilization.

Mr. Richardson said that new operating revenues were focused on ACPS, ACPS capital, workforce stabilization, local government capital, and partner agencies. He said that the CIP for ACPS was \$194.5 million, and the local government CIP was \$122.1 million.

Mr. Richardson stated that this was the first public hearing on the FY24 recommended budget, but they had a series of work sessions that would divide the budget up by category and subject for the Board and staff to work through in open meetings to the public, with public hearings on April 26 and a date for adoption of the budget and setting of the tax rate on May 3.

Mr. Gallaway said that he would provide his questions to staff to be answered at a future work session.

Mr. Andrews asked if more information could be provided about the public engagement throughout the process.

Ms. Price said that on slide 8, there was an indication in the positive 6.8% of value of Social Services benefits to residents. She asked for clarification about the word "value" on the slide.

Mr. Richardson said that it was the monetary value and benefits. He said that it was the demand in eligibility for Social Services benefits, which had continued to increase, and was a measure of monetary growth.

Ms. Price said that the County did not have a public works department. She asked if the funds that were marked "public works" were figures related to what the facilities and environmental services (FES) department currently did, or were they being allocated to a public works department.

Mr. Richardson said that it was nominal at this time, and they were not investing significant dollars for additional service delivery in the urban ring.

Mr. Andy Bowman, Chief of Budget, clarified that the term "public works" was a state reporting term, and the funding primarily consisted of FES, which performed existing public works, ground maintenance, custodial project management, and construction functions for the County. He said that it also included the County's contribution to the Rivanna Solid Waste Authority (RSWA) and water

resources agencies and was a much broader category based on the state reporting guidelines.

Ms. Price asked what the value of one penny was on the real estate tax rate.

Mr. Richardson said that the value of one penny would be equal to approximately \$2.7 million.

Ms. Price asked if the increase of \$38.4 million in the CIP was on top of what had been previously calculated.

Mr. Richardson said that was correct.

Ms. Price asked if that was only for the CIP.

Mr. Richardson said that was correct.

Ms. Price said that a specific increase of \$16.7 million was being specifically added to the CIP.

Mr. Richardson said that was correct. He said that amount was a one-time fund that staff recommended be transferred to the CIP to offset the cost in inflation for construction and borrowing cost.

Ms. Price asked if a reduction in the tax rate would further complicate the increased costs for the CIP and other expenses.

Mr. Richardson said yes.

Ms. McKeel asked how the CIP was funded.

Mr. Richardson said that they did pay-as-you-go, identifying a certain percentage of new revenue earmarked to the capital fund for schools and local government, which comes off the top before identifying operating costs. He said that an additional amount would be infused into the CIP this year. He said that there was a variety of debt funding strategies that the finance and budget team works with financial consultants to identify borrowing limitations, capacity, and the best time to issue debt.

Ms. McKeel said that the ways that they contributed to the CIP and the rainy-day funds contributed to the Triple Triple A bond rating.

Mr. Richardson said that they were one of the smaller County governments that enjoyed the Triple Triple A bond rating, which meant that they could borrow money at the most favorable rates at that bond rating, which saved them considerable money year over year when viewing the long-term trend for rates. He said that the budget stabilization fund was increased by 1% with the Board's support, which was earmarking \$4 million for that fund, which would be used when an unexpected drop in revenue was experienced in order to level the impact and allow for continued operations with minimal impact to the general public.

Ms. Price opened the public hearing.

Mr. Paul Newland, Rio District, stated that he did not come to complain about the recent real estate assessments, but to point out that they may be somewhat out of kilter due to a real estate market that was significantly different during the past year than it had been for some time. He said that Albemarle County experienced an 8% rise in home prices over the past year, which was a significant increase, likely driven by an extremely low interest rate of about 3% for most of the year.

Mr. Newland said that it was now at 7%, and home sales had decreased by over 25% since the first of the year. He said that the market was clearly no longer as robust as during the short period of time reflected by the assessments. He said that interestingly, his assessment for the year for his retirement townhome had increased by 16%, which was twice the rate experienced for home sales during the same period and was coincidentally the same assessment increase as last year.

Mr. Newland said that they were also being affected by an inflation rate of 6.5%, with food costs rising by over 10% in the past year. He said that this had significantly impacted their cost of living during the same period that their home assessments rose significantly. He said that this was a perfect storm of economic hardship for many, since salary and retirement incomes had not kept up with inflation, and there were potential increases in property taxes.

Mr. Newland said that he presented this as background for one simple request, which was for the Board of Supervisors, as representatives, to take a thoughtful, in-depth look at this year's suggested budget. He said that he was sure that there were suggested increases that had significant merit, and there may be some that did not need immediate implementation this year, and others that fell under the category of "nice to have." He said that this type of scrutiny seemed particularly prudent should the proposed budget reflect the need for a tax rate that remained the same as last year and the year before.

Mr. Newland said that he was not advocating for a tax rate reduction that would keep the budget at the same level as last year, but he was suggesting that keeping the tax rate at 0.854 for a year as many houses had seen rises in assessed value of more than 16% may be a bridge too far. He stated that keeping up with inflation at 6.5% may be a more realistic goal for them all. He thanked the Board for their

work carried out on the public's behalf and he hoped their deliberations resulted in a budget that made them proud to live in a municipality that was managed professionally and prudently.

Mr. David Samples, Rio District, stated that the FY24 recommended budget was seriously flawed in that it included two faults, one being a faulty real estate assessment, as previously discussed, and the other was concerning the recommendation in the proposal by the County Executive to keep the tax rate the same as last year. He said that those two things together were a problem. He said that regarding the real estate assessments, the proposed budget showed on page 64 that the assessed value of real estate would bring in 15.6% increase in revenue to the County, which was a very large tax burden increase in one year.

Mr. Samples said that per the National Association of Realtors, U.S. home sale prices increased just 1.3% in 2022. He said that in Virginia, the Board of Realtors stated that they increased 2.6% in 2022. He stated that the Charlottesville Association of Realtors indicated that for this area, the real estate home sale prices increased 8% in 2022. He said that it did not make sense when looking at a 16% rise in assessed values of real estate. He said that to build the entire 381-page budget based on this flawed number was not the way to build a budget. He said that regarding the excessive proposed spending and taxation, as property taxes predominantly made up of real estate taxes for their County, brought in approximately 67% of the County's revenue stream.

Mr. Samples said that the proposed budget had an 11.6% increase in local revenue and proposed a 10.8% increase in expenditures. He stated that it was difficult to understand an almost 11% increase in spending was necessary given the budget further stated that the school transfer this year would only go up 8.7%, the County employee salaries would only go up 4%, the County employee benefits would only go up 7%, and the number of County employees was projected to go up only 2% or 3%.

Mr. Samples said that given those low percentages, he did not see why the 15.6% real estate income was necessary. He said that his recommendation was that the Board of Supervisors should carefully examine this proposed budget during the budget workshop process, and the Board should reject increases in expenditures that were proposed simply due to the false assumption that the real estate tax revenues had gone up 16%.

Mr. Gustavo Espinosa, Legal Aid Justice Center, stated that earlier in the pandemic, he helped hundreds of residents in the County apply for rent relief through the Virginia Rent Relief Program, and since the program had ended, he was now organizing alongside County residents, especially in the Jack Jouett and Rio Districts. He stated that his comments tonight came from his experience working closely with those tenants of the County. He stated that he witnessed an urgent need for both emergency rental assistance and long-term affordable housing, and he requested the Board invest more money in both of those items in the budget.

Mr. Espinosa thanked the Board for putting money into the Charlottesville-Albemarle resource hotline, which he had personally seen help many families stay housed. He said that that money was drying up, and that \$1,000 per month did not keep people from being evicted in every situation. He said that although pandemic funds and protections had gone away, the need had not, as people continued to get sick with COVID-19 and the flu, and they were still in a crisis mode.

Mr. Espinosa stated that this was a crisis that included the crisis of evictions, in which landlords were very quick with the timelines to being the eviction process, with only five days' notice given. He stated that he was seeing week after week in the Albemarle General District Court evictions dockets that the courtroom was packed. He said that there were dozens of Albemarle families facing evictions, sometimes for less than one month's rent. He stated that emergency assistance would go a very long way. He noted that when families were ultimately evicted, there were no alternative, affordable options to turn to. He stated that even people who were housed, the conditions made the living conditions hazardous, including mold, bad air quality, and flooding, and those issues went unaddressed.

Mr. Espinosa said that these tenants had nowhere to turn to and had to brace those conditions or fight for them to improve, because there were not many vacancies nor affordable vacancies. He stated that rent increased year after year, even in low-income housing tax credit properties, rent went up \$100 or more from year-to-year, so there must be investment in emergency assistance for people falling behind and needed to stay in their homes, as well as long-term, continued, meaningful investment in an affordable housing trust fund and development of affordable housing in general in the County. He stated that for Albemarle County to have a strong foundation to be a County for everyone to thrive, it had to begin with housing.

Ms. Lydia Brunk, Rio District, stated that because the budget had been presented tonight, she was before the Board to advocate for increased funding to be directed toward initiatives that benefit low-income tenants. She stated that she had served as Chair of the Housing Justice Committee of the Charlottesville Democratic Socialists of America for over one year, and her responsibilities as Chair included coordinating work canvassing tenants who were on the eviction docket to provide them with know-your-rights information and available resources.

Ms. Brunk stated that she was acutely aware of the fact that tenants were paying increasing

amounts of money for poorly maintained housing and having increasingly scarce resources to turn to in an emergency. She said that they had spoken to tenants who paid \$1,700 for a one-bedroom apartment with issues like mold or broken plumbing that were not addressed. She said that landlords were trying to squeeze every cent out of tenants with fees for climate control or security systems that did not work, towing their cars for minor abrasions, or even when an Albemarle tenant paid their landlord's court filing fee for an eviction case that had been dismissed.

Ms. Brunk said that sometimes tenants wanted to stay in these houses because they had nowhere else to go, and tenants had canceled their cable, internet, sold their cars, shopped at food pantries, and told their children that Christmas was canceled this year, and still could not make rent working a full-time job. She said that as an organization, they had become concerned with the increasingly few resources that were available to tenants facing eviction. She stated that there was a flyer given to tenants that detailed the resources that give assistance, and many organizations in the community had been eliminated from that flyer as their funding sources had dried up.

Ms. Brunk said that many tenants sought help through government resources such as Pathways when funding was available, which could make a difference to help people to stay in their homes. She said that she did not want to make light of the hard work that went into balancing all of the functions and services of local government, but \$250,000 to cover any and all types of emergencies would likely be insufficient to cover the needs of the community as more and more folks turned to the County as their only source of emergency funding.

Ms. Brunk said that funding available to tenants facing eviction contributed directly to keeping families in their homes as well as keeping rent prices more under control. She said that when an apartment was vacated, rent was often increased sharply to what the market could bear, however, emergency funding was an emergency measure, along with increasing funding to assist tenants in emergencies.

Ms. Lanika Hester stated that she was speaking on behalf of investing in affordable housing and emergency assistance. She stated that she had one full-time job and two part-time jobs and had nowhere affordable to live, and her current housing had black mold that was not being treated. She stated that the conditions were poor and there had been no assistance, so the only option was to leave, but leaving meant there was nowhere to go that was affordable.

Ms. Hester, Jack Jouett District, said that she was a single mother of a daughter, and even without thinking of food or depression or other things, just having an affordable place to lay their heads at night had been very trying. She stated that a portion of the budget should be dedicated to affordable housing, and she knew that she spoke for a large community.

Mr. Don Long, Soccer Organization Charlottesville Area (SOCA), stated that he was present on behalf of the Soccer Board and the Soccer Board Chair, and that he was a resident of the White Hall District. He stated that because it was budget season, it was time to discuss the athletic fields again. He stated that they were excited to see two new fields in the budget, but he encouraged the Board to consider adding additional fields and additional field maintenance into the budget.

Mr. Long stated that they were dramatically underserved in terms of the number of fields for their population for soccer and other sports. He stated that SOCA's recreational program continued to grow, and this program supported most entry level soccer players. He stated that the outreach program, in which free registration was offered, continued to grow, and Spanish-speaking players continued to join as well. He stated that the Soccer Board had supported the synthetic turf on Darden Towe last year due to the lack of field inventory, but he understood the Board of Supervisors had not approved that.

Mr. Long stated that he was present to say that they would work on anything that would allow them to get more fields, and he asked the Board to consider as it funded the budget to allow funding for more fields as well as funding for maintenance. He stated that Parks and Recreation did not have enough funding to maintain the fields that they currently had, and their only lever to make fields better was to reduce the usage, which made the inventory problem a larger issue. He requested the Board look into investing in the County's fields, because none had been built in a long time.

Ms. Price closed the public hearing and brought the matter before the Board for discussion.

Mr. Gallaway said that he had stated multiple times publicly that they should pay attention to what their Supervisors did during the budget, because they would learn what their priorities were. He said that they should answer questions such as why there was an increase or what new funds were going to, and that should be addressed during their work sessions.

Mr. Gallaway asked if staff could provide information at an appropriate work session on what assumptions had changed since the economic outlook report presentation from fall 2022 until now, as well as information about the quarterly report that had been done since that time.

Mr. Gallaway asked if information could be provided about how successful they were in adding the positions they attempted to during the current fiscal year before discussing adding additional new positions for this upcoming year.

Mr. Gallaway stated that the topic about real estate assessments and housing pricing was a topic that he as the Chair of the Regional Housing Partnership, and his Vice Chair, who was a member of CAAR (Charlottesville Area Association of Realtors), had discussed with other Boards, including the real-time data in the housing market, which would give further detail that some members of the public may be seeking on that topic.

Ms. McKeel stated that she agreed that the Jack Jouett District in particular was in desperate need of quality affordable housing, and while current housing existed, it was not what they wanted people to be living in. She asked Mr. Richardson what was happening in this year's budget with the car tax.

Mr. Richardson said that in 2023, car prices and values had gone up as much as 25% to 40% across the country, so in the FY23 budget, the personal property tax rate was moved down by 86 cents to \$3.42 per \$100 of value. He said that in the recommended FY24 budget, the car values over the last year had gone down 16.6% in Albemarle County, and the nationwide trend was 20%. He said that they recommended in this budget a rate for personal property to stay at \$3.42 per \$100 of assessed value. He said that taxpayers would see a reduction in the amount of personal property taxes being paid for vehicles, because the reduction had been almost 17% from one year ago.

Ms. McKeel asked for clarification as to why that choice was made.

Mr. Richardson said that it was a strategy that staff implemented in order to mitigate the raise in car values, and citizens still had concern over the amount of personal property taxes they were paying. He stated that by keeping the rate at \$3.42 this year, citizens' bills would go down, and for the number of people who lived in Albemarle County who may or may not own a home, cars were owned by most residents. He stated that from an affordability and equity strategy, staff felt this was a way to balance the budget in order for taxpayers to see some reduction on the personal property side.

Ms. McKeel asked Mr. Richardson how the tax base was diversified.

Mr. Richardson said that there was a reliance in Albemarle County on real estate taxes, specifically residential real estate taxes, and they saw strong reassessment values year over year. He said that the more the tax base could be diversified and lessen the reliance specifically on residential property owners, it was seen as a stronger tax base overall. He said that over the past year, the Board had implemented a cigarette tax and had increased the food and beverage tax and transient occupancy tax.

Ms. McKeel stated that that was part of their work around economic development.

Mr. Richardson said that was correct. He said that there was specific funding in the recommended budget to be given to Project ENABLE, which was the Board's and County's multiyear economic development strategic plan. He said that there were a number of grants the County was currently competing for that would lessen the burden on the local taxpayer by using state and federal money for projects in Albemarle County.

Ms. McKeel asked if Mr. Richardson could clarify the purpose and mission of the Community Development Department (CDD) was.

Mr. Richardson stated that the CDD housed the entire Planning Division, which include planners who worked with community members and developers who wanted to develop their property in some form, the Building Inspections Division that carried out state-regulated requirements for building inspections and certificates of occupancy. He stated that another part of the department was involved with zoning and zoning compliance, dealing with regulatory issues and County ordinances that came into question through complaints and concerns. He said that there were also staff devoted to clean water and other environment-related issues in the County. He noted that the department had a broad array of services.

Mr. Doug Walker, Deputy County Executive, stated that the formatting of the budget conformed with the reporting to the Auditor of Public Accounts, so the community development in the budget book also included the CDD, but also was broader than that, so readers of the budget book would see contributions to agencies that fit within the community development function, economic development, and other activities that were required to be reported on in that framework to the state annually.

Ms. LaPisto-Kirtley said that she looked forward to asking more questions during the budget work sessions.

Mr. Andrews clarified that the budget information the Board had received would be available on the County's website on their finance and budget page. He stated that because there was a significant drop in federal revenue, the budget was actually smaller, and they must look hard at what they had cut back on due to that. He stated that they had a lot of successful grant activity, and he had questions about how the grant activity was accounted for in the budget process.

Ms. Mallek said that some County departments were more visible to the public than others, and many of the more behind-the-scenes departments had been in need of modernization of systems. She asked if information related to the systems updates could be shared.

Mr. Richardson stated that he could address that question in a budget work session. He stated that significant resources were being dedicated over multiple years toward systems modernization and core system improvements.

Ms. Mallek said that the late Mr. Ken Boyd had stressed the importance of diversifying the tax base of the County beyond residential real estate taxes, and it finally was happening. She said that it was also important to increase the career ladder jobs for citizens, and it was important that there was dedication toward workforce systems in the budget.

Ms. Price said that she would like for County staff to provide a very thorough explanation of when assessments were calculated, how they were calculated, and what flexibility the County had with regard to how those assessments were determined. She asked if staff could address the calculation of sales percent increases in relation to assessment increases.

Ms. Price stated that when she filed for a permit with the County, that the County provided a service to her, and that she was the customer.

Ms. Price said that the next meeting related to the budget would be the Board's work session on Wednesday, March 8, 2023.

Mr. Richardson stated that that was correct.

Agenda Item No. 19. Public Hearing: ZMA202100008 Old Ivy Residences.

PROJECT: ZMA202100008 Old Ivy Residences

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL(S): 06000000005100, 060000000024C0, 060000000024C1, 060000000024C3, 060000000024C4

LOCATION: 2441 Old Ivy Road, Charlottesville, VA

PROPOSAL: Rezone multiple properties to the R15 Zoning District, and amend existing proffers, to allow a maximum of 525 residential units (14 units/acre). This proposal also includes two special exceptions, SE202200012 to waive the 15' building step back requirement and SE202200017 to reduce required parking.

PETITION: Rezone the 5.52-acre Tax Map Parcel 06000000005100 from the R-1 Zoning District (1 unit/acre) to the R-15 Residential Zoning District (15 units/acre). Rezone the approximately 1.8 acre portion of Tax Map Parcel 060000000024C1 that is zoned R-10 Residential (10 units/acre) to the R-15 Residential (15 units/acre). Amend the proffers of ZMA198500021 as they apply to Tax Map Parcels 060000000024C0, 060000000024C1, 060000000024C3, 060000000024C4. Amend the concept plan and proffers of ZMA199600020 as they apply to Tax Map Parcel 060000000024C1.

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED.

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses; Parks and Green Systems - parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 7 of the Southern & Western Neighborhoods Master Plan.

The Executive Summary as forwarded to the Board states that at its meeting on November 29, 2022, the Planning Commission voted 4:2 (Clayborne, Missel opposed) to recommend denial of ZMA202100008, the residential rezoning request. The Planning Commission voted 6:0 to recommend approval of ZMA202100009, the Steep Slopes rezoning request, for the reasons stated in the staff report. The Commission's staff report, action memo, and minutes are attached (Attachments A, B, and C).

The Commission recommended denial of the ZMA202100008 because it found that the Old Ivy Road traffic conditions, while different from 1985 when the Proffer in ZMA1985-21 was established, do not appear at a level of improvement to satisfy the condition precedent established by ZMA 1985-21 and address transportation concerns.

Since the November 29, 2022 Planning Commission meeting, the applicant revised the Proffer Statement for ZMA202100008 to include an additional proffer regarding transportation improvements (Attachment D). The proffer was added to address some of the concerns raised by the Commission. The new proffer (proffer #4) would require the developer to install an additional vehicle receiving lane on the northbound on-ramp leading to the US 250 Bypass at the time of final site plan review for the project. If the cost of the additional vehicle receiving lane exceeded \$500,000, under the proffer, the developer could elect to make a cash-in-lieu contribution of \$500,000 to the County's Capital Improvement Program Fund to go toward construction of the additional vehicle receiving lane.

Attachment E is an analysis of the affordable housing units that would be created through ZMA202100008. This document was prepared by Dr. Stacy Pethia, Housing Policy Manager, with the Albemarle County Office of Housing.

Public input received between November 2021 and February 8, 2023 is contained in Attachment

F and is ordered alphabetically by last name of sender.

Although staff recommended approval of ZMA202100008 Old Ivy Residences, the Planning Commission voted to deny the application. As a result, staff has prepared both an ordinance to approve (Attachment G) and a resolution to deny (Attachment H) the residential rezoning.

If the ZMA202100008 Old Ivy Residences application is approved, staff recommends that the Board approve both the parking and stepback special exceptions associated with the project. Resolutions to approve the requests are attached for SE202200011 (Attachment I) and SE202200017 (Attachment J).

Staff also recommends that the Board adopt the attached ordinance to approve ZMA202100009 Preserved to Managed Steep Slopes (Attachment K).

Ms. Price clarified that while the next two items on the agenda were separate matters, they were related and would be presented as one item.

Mr. Cameron Langille, Principal Planner, stated that there were three items the Board would be acting on, the first being ZMA202100008, a zoning map amendment to rezone 35.37 acres of land currently zoned R-1, R-10, and R-15, with different sets of existing proffers, to the R-15 zoning with new proffers. He said that there was a special exception request to modify some of the architectural requirements for some of the buildings that would be within this development.

Mr. Langille noted that in the staff report, a second special exception for a request to modify the minimum amount of required parking with this project, was found to be an administrative process and not required by a Board action. He reiterated that the fact that the Board was not acting on that special exception did not change the staff analysis or recommendation of any of the three other aspects of this proposal. He stated that there would be a second public hearing for another zoning map amendment application that sought to change one of the overlay zoning districts that applied to a portion of two of the properties, specifically to rezone areas of preserved steep slopes to managed steep slopes.

Mr. Langille displayed an aerial map of the site and surrounding area. He stated that the site of 35.37 was highlighted in yellow, a star denoting the location, and was labeled "Site" on the map. He said that this was located on the east side of the Route 250 and Route 29 bypass, and north of Old Ivy Road. He said that immediately to the east of this parcel was an existing neighborhood called Huntington Village, with the units and density listed in its label.

Mr. Langille said that to the northeast was another development known as University Village, an assisted living facility with an approved rezoning associated with the overall property that allowed for future development to occur there, specifically 204 townhouse units could be built on the area shown currently as grass and trees. He noted the nearby landmarks were the St. Anne's Belfield School, Darden School of Business and Law School, Route 250 or Ivy Road is a little south of Old Ivy Road, and the Bellair neighborhood on the far left.

Mr. Langille stated that the slide on the screen displayed the current zoning of the area, with the subject properties highlighted in yellow. He noted that there were three different colors within the five properties. He said that three of the properties were currently zoned R-15 residential in their entirety, the parcel at the southeast was zoned R-1 residential, and the smaller parcel at the very northeast of the site was split-zoned, with a very small area of R-15 zoning. He said that the table on the lefthand side showed the acreage of .969 acres, and the lighter brown color was the R-10 zoning district.

Mr. Langille displayed on the slide the future land use map from the Southern and Western Neighborhoods Master Plan, which showed all of the future land use recommendations for any parcel within the Development Areas. He said that there were two different colors across all five parcels that represented what they should be developed as in the future. He said that the larger area was the green color for parks and green systems, composed of approximately 20.67 acres of the overall 35.37 acres. He said that the parks and green systems designation was applied to areas of land that usually had existing environmental features, such as stream buffers and steep slopes. He said that the orange color represented the urban density residential future land use classification, which was approximately 14.7 total acres.

Mr. Langille said that this was the highest density future land use classification in any of the County's master plans and allowed for any residential dwelling unit type to be developed at densities of 6.01 to 34 units per acre. He said that in Attachment A-2, the applicant's narrative, part of the reason why there was so much green on the parcels was because when the master plan was adopted, the western bypass was still on the table, and a lot of this land was intended to be used as right-of-way for that roadway. He said that for master plans in the County, the green color was generally applied if there was a capital project that would take right-of-way away from a parcel of land and make it County-owned land.

Mr. Langille said that the 1996 Albemarle County Comprehensive Plan indicated that all of these parcels in their entirety were designated for that urban density residential future land use, however, there were some sensitive environmental features on these parcels that should be in parks and green systems, and none of those features were proposed to be disturbed or built over with the application being heard tonight.

Mr. Langille stated that the Old Ivy Residences proposal was seeking to rezone to R-15 for a

maximum of 525 dwelling units, which included a mix of units ranging from multifamily to single-family attached, detached, and even the possibility for units such as duplexes, triplexes or quadplexes. He said that the applicant proposed for 15% of units to be affordable, for a total of 79 maximum affordable units. He said that there was a variety of open space and amenity areas outdoors, along with a crosswalk provided from the site entrance across Old Ivy Road, connecting to the existing sidewalk on the south side of Old Ivy Road. He said that there was a variety of frontage improvements, a potential transit stop, and proffers for cash contributions for off-site transportation improvement projects.

Mr. Langille stated that Sheet 8 of Attachment A-3, the applicant's concept plan, showed how the site would be developed by the applicant. He said that the property would be developed by a single travelway, not a public street or a private street, with parking on either side and extending northward into the site, near the eastern property boundary, looping around and ending in a cul-de-sac. He said that the gray color represented parking or travelways, the tan colors represented where multifamily dwelling apartment buildings would be, and the light blue color indicated the building footprints for any other type of dwelling unit.

Mr. Langille said that there were several areas that were green in color and represented a variety of recreation areas and outdoor amenity spaces that residents would be able to use. He noted that in the center of the site was an existing pond that the applicant would convert and upgrade to handle stormwater management requirements. He said that currently on the property was an existing segment of the Rivanna Trail that ran near the Route 250 and Route 29 bypass on the right side of the parcel. He said that the applicant would retain most of the trail in its current alignment, but they had proffered to relocate a portion of it, identified by a light green dashed line, and where it met the purple dashed line was where the trail currently existed.

Mr. Langille stated that the primary access point to the site was along Old Ivy Road, and there would be a new right turn lane into the project, a new left turn lane along Old Ivy Road into the project, and the ability to make a right turn out and left turn out. He said that this would be the primary access point for both residents and emergency vehicles. He said that due to the number of units proposed, there would have to be some form of secondary access for emergency vehicles, and several options for this were shown in the concept plan. He indicated the purple shaded area on the concept plan map which represented the probable primary emergency access route for the site, coming off of Old Ivy Road into the site parking lot in front of the multifamily units.

Mr. Langille said that the parking lot was surfaced and had a travelway that met all emergency access requirement specifications. He said that there was another purple shaded area heading northward and connecting to the cul-de-sac, which would be paved or with a pavers surface. He said that the fire marshal had reviewed this concept plan and stated that this was adequate and would meet all necessary requirements. He said that the concept plan called out two locations where emergency access could potentially be made, the first in a parking area between some of the non-multifamily buildings, which stubbed out to the neighboring property of University Village.

Mr. Langille said that there were no roads or parking lots, so it was conceptual and would require more development to allow for a true secondary emergency access point. He said that the second potential point was northward and historically known as the Old Tufnell Road, where an easement had existed for many years. He said that there was potential that the Old Ivy property owner had a right to emergency access going over this easement, but those details still were being sorted. He said that the fire marshal had reviewed both of these options and had no objections, and there was something available for this project to be built and satisfy the secondary emergency access point.

Mr. Kevin McDermott, acting Director of Planning and Planning Manager for Transportation, stated that he had reviewed this application for its transportation elements for the past two years. He said that transportation was one of the primary issues dealt with on this project, mostly related to the 1985 proffer. He said that the trip generation guide indicated that the proposed development would generate approximately 4,326 daily vehicles onto Old Ivy Road.

Mr. McDermott said that the existing conditions in the area and on Old Ivy Road included failing movements during the a.m. and p.m. peak hours and poor operations at other times. He said that this occurred primarily at Intersection labeled 1 on the map displayed on the screen, which was the Ivy Road, Canterbury Road, and Route 846 intersection, and the intersection labeled 2, which was Old Ivy Road and the 29 off-ramp. He indicated that each labeled intersection on the map had been analyzed in the TIA (transportation impact analysis), and those two intersections had significant existing deficiencies.

Mr. McDermott stated that there was also a lack of bicycle and pedestrian connectivity throughout the corridor, and the TIA also looked at the conditions of the intersections after the proposed development would be built, and there would be significant impacts beyond what the future no-build situation was predicted to have. He stated that Intersection 1 was shown to have the biggest impact from this development.

Mr. McDermott said that the 1985 rezoning was approved with a proffer that limited the density to R-1 until Old Ivy Road was "improved to the satisfaction of the Board of Supervisors of Albemarle County." He said that there was not a lot of detail provided in the proffer, but throughout the process and discussion had by the Board, there were specifically identified issues, including the curb and gutter along Old Ivy Road and the lane widths, which had been addressed since 1985.

Mr. McDermott said that the second issue identified was the realignment under the railroad

underpass underneath the east end, which was shown in the photographs on the slide. He explained that it was a narrow, substandard underpass with issues occurring at it, and no change had been made to that underpass since the 1985 rezoning, so the issues remained.

Mr. McDermott said that the third issue was the provision of sidewalks on one side of the road, which had been partially complete through the developments of the south side of Ivy adding sidewalks to a significant portion of that, but it was incomplete, and the north side did not have it yet. He said that the intersections west of the bypass, where Old Garth and Faulkner met, were not specifically identified in 1985, but they now exhibited extremely poor operations.

Mr. McDermott said that proposed improvements by the developer included a future bus stop, which required transit service to be brought to the area, a shared-use path across the site frontage with an extension to Ivy Gardens if the adjacent property owners donated the necessary right-of-way, and if that were not provided, the developer would give \$500,000 to the County for future construction of this path.

Mr. McDermott said that the developer had also proffered a cash contribution for off-site transportation improvements in what was termed the congestion area, or the triangle area of Faulkner, the 29 off-ramp, and Old Ivy met, including the intersection at Canterbury and Old Ivy Road. He said that the cash proffer for that was a minimum of \$150,000 up to \$750,000, equal to 6% of the cost of those future transportation improvements. He said that also proffered was a pedestrian crossing of Old Ivy Road at the site frontage to connect their path to the sidewalk system that currently existed, and a right turn lane and an additional ramp lane at the US-29 bypass ramp, or \$500,000 contributed to the County to construct that as a public project.

Mr. McDermott stated that VDOT had been engaged in a study to determine transportation improvements that addressed some of the significant issues at both ends of the Old Ivy Road corridor. He said that the initial findings of these studies identified potential improvements that could address the issues at the west end of Old Ivy, which were short-term improvements that would give a major improvement in operations if implemented. He said that additionally, VDOT had now agreed to conduct what they were terming a pipeline study that would evaluate transportation issues throughout the area. He said that they were essentially looking from the City line all the way west to Boar's Head, potentially including the railroad underpasses on both ends of Old Ivy.

Mr. McDermott stated that the pipeline study was meant to identify long-term improvements that could be the subject of SMART SCALE applications in the future. He said that staff and VDOT believed that there were implementable solution to address the operational issues at the western end of the corridor, but they had not identified an implementable solution for the pedestrian issues at the eastern end with the railroad underpass, as most solutions for that area were longer-term and higher in cost, so they were still evaluating it and would include it as part of the pipeline study. He noted that there were bridge improvements scheduled for Old Ivy Road over the US-29 bypass, including a four-foot shoulder on one side of that bridge to accommodate pedestrians.

Mr. McDermott said in conclusion that for the operational issues at Western and Old Ivy Road, VDOT had identified some solutions that could be immediately implemented, and VDOT had agreed to conduct the pipeline planning process that could identify long- and short-term improvements. He said that the immediately implementable solutions would not be executed until the planning process was completed in order to ensure that they were the appropriate measures. He said that the applicant had proffered or otherwise agreed to funds and improvements which could be used to make significant improvements in the area, and the County could use those funds to complete the projects identified in the pipeline study. He said that staff believed the issues on the western end had been sufficiently addressed through the proffers and the VDOT pipeline study.

Mr. McDermott said that the issues identified at the central area of Old Ivy Road were traffic volume, curb and gutter, and bicycle and pedestrian issues. He said that the previous improvements included adding turn lanes, curb and gutter, and sidewalks installed by VDOT or adjacent developments, which had alleviated some of the previously identified issues. He said that the applicant had also proffered construction of a pedestrian crossing in this area, a shared-use path for a significant length of the corridor, and the right turn lane and additional ramp lane for the 29-bypass ramp to address the traffic volume at peak hours. He stated that staff believed the issues in this area had been sufficiently addressed through proffers.

Mr. McDermott stated that the eastern end of Old Ivy Road was the more problematic area, as staff had not been able to identify anything easily implementable to address those pedestrian issues and safety issues with the eastern railroad underpass. He said that long-term solutions were being identified with some of the adjacent property owners, and it would be a topic covered in the pipeline study, so a solution was being researched but had yet to be identified. He said that pedestrian improvements had been completed on Ivy Road and at the Ivy Road and Old Ivy Road intersection, where a new crosswalk and sidewalks had been installed. He said that staff believed that while this issue had not been fully addressed, there were implementable solutions that would be identified through the pipeline study.

Mr. Langille said that for Proffer 1, the concept plan was proffered, and the key elements of the concept plan were identified, including the 525 dwelling units, general size and location of open space and amenities, the trail and pedestrian network, the location and improvements associated with the entrance onto Old Ivy Road, the crosswalk across Old Ivy Road, the 15% affordable housing commitment, and all the turn lane improvements mentioned by Mr. McDermott.

Mr. Langille stated that Mr. McDermott had discussed Proffer 3a

Mr. Langille stated that for Proffer 3b, the applicant was committed to doing the ten-foot wide shared-use path across their entire parcel frontage, and if they could secure agreements from the owners of the two developments to the east, they would also build that path along the frontage of the north side of Ivy Road. He said that in length, it was 1,275 linear feet, which was a significant portion of what could be the overall pedestrian network in this area, and the cash contribution would be given if they could not build on the off-site location.

Mr. Langille stated that Proffer 4 was the only proffer added after the Planning Commission meeting, which committed to doing a new vehicle receiving lane on the northbound on-ramp going onto Route 29 and Route 250, and if the cost of the receiving lane exceeded \$500,000, the developer would give \$500,000 into the CIP (Capital Improvement Plan).

Mr. Langille said that two proffers not listed on the slide stated that any of the proffers in the zoning map amendments (ZMAs) were going away and this proffer statement now applied, and all properties were zoned to R-15 Residential.

Mr. Langille stated that the stepback waiver was used for buildings that exceed 40 feet in height or three stories. He stated that the image shown on the left of the slide was from the County Zoning Ordinance and stated that once the 40 foot or three-story threshold was met, whichever was less, each story above it had to step back 15 feet, so a portion of the floor above the third floor would be stepped back from the edge. He said that the applicant was seeking to waive the stepback requirement for the fourth story of the multifamily units, and staff recommended approval of the request because the development was evaluated to be consistent with all of the Neighborhood Model District principles related to form and architecture.

Mr. Langille stated that at the November 29, 2022, Planning Commission public hearing for this item, the Planning Commission voted 4-2 to recommend denial of the ZMA. He said that the primary reason was that the pipeline study being conducted by VDOT for the western congestion area had not been published yet, and the Commissioners did not want to approve the item without that information. He said that the Planning Commission minutes were attached in Attachment C that detailed what the concerns were. He stated that shown on the slide was the staff evaluation summary with identified positive aspects and concerns.

Mr. Langille said that the positive aspects included that the request was mostly consistent with the neighborhood model principles of the Comprehensive Plan and applicable master plan, the request provided for continuation of the existing Rivanna Trail through the property, the request provided proffers for several pedestrian and bicycle improvements along Old Ivy Road that would enhance the bicycle and pedestrian network of the area, the proposal would provide a mix of housing types in close proximity to the University of Virginia, and the proposal would provide 15% of the total number of units would be affordable housing.

Mr. Langille stated that the first concern of staff was that Albemarle High School (AHS) was currently over capacity and the number of students that would be generated by the development would contribute to further overcrowding at the school. He said the second concern was that traffic operations and the network along Old Ivy Road, but this concern was somewhat mitigated with the proffers that the applicant proposed as there were some solutions that could be implemented in the future.

Mr. Gallaway asked what the elementary school was that served this area.

Ms. McKeel said that it was Greer Elementary.

Ms. Price clarified that the staff materials stated Greer.

Mr. Gallaway said that Albemarle High School, while over capacity in students, had many programs in which students were at different buildings for different activities or classes, and the high school center model was based on that concept. He said that the Board must understand how enrollment was dealt with at the high school level, which was different than the lower grade schools.

Mr. Gallaway asked what the current number of by-right units was that could be built on this site with the current zoning.

Mr. Langille said that the total by right that could be built right now with all of the existing proffers that applied, as a standard level subdivision, 32 units could be built, and with bonus level cluster, they could develop 49 units.

Mr. Gallaway asked what the maximum units allowed on the site was if the rezoning was passed. He said that he had heard it was 1,000 units.

Mr. Langille said that if the entire site had urban density residential across all five properties, they could get up to 1,202 units. He said that with the urban density residential that was in the master plan, the number would be 499 units based on the fact that there were 14.7 acres of the urban density residential, which allowed up to 34 units per acre. He reiterated that the maximum units allowed would be 499.

Mr. Gallaway asked if the entire site were to be rezoned, the entire amount could go to 1,202.

Mr. Langille stated that with the rezoning, the 525-unit figure would be the maximum cap.

Mr. Gallaway said that he understood that was the maximum because it was a proffered cap. He said that he was referring to the potential total units on the site that were able to be built on the site without such a cap or proffer.

Mr. Langille stated that the amount would be 499 for the area notated in orange, which was urban density residential.

Mr. Gallaway said that he was referring to the entire site.

Mr. Langille stated that it would be 1,202.

Mr. Gallaway said that that number was indicated on paper. He asked what the net amount of units would be with environmental features such as steep slopes on the site.

Mr. Langille stated that such a determination would have to be made by a professional survey done on the site, which staff did not have. He said that there was a small area of stream buffer. He said that there were some areas currently designated as preserved steep slopes which, in the next public hearing, staff was very confident was not true. He said that the number was likely about 1,000 units.

Mr. Gallaway said that in the staff materials there was reference to the "current housing policy," which he assumed was not Housing Albemarle but the policy that had the 15% minimum.

Mr. Langille stated that that was correct.

Mr. Gallaway asked how the \$750,000 figure was determined for the traffic congestion proffer.

Mr. McDermott said that the proffer was that they would pay 6% of the total cost of any improvements, so to get up to \$750,000, it would likely have to be a project over \$20 million.

Mr. Gallaway asked if the future cost was known.

Mr. McDermott said that it was not.

Mr. Gallaway said that the 6% seemed vague in what it was a percentage of, and to arrive at \$750,000, it seemed that they had decided on that number and was not determined by a percentage. He said that if there was some sort of projected cost used for this proffered amount, he had not read it in the materials.

Mr. McDermott asked for clarification.

Mr. Gallaway asked if a future cost estimate was used to arrive at the \$750,000 number that it was 6% of.

Mr. McDermott said no.

Mr. Gallaway asked if the proffer was capped at the amount of \$750,000.

Mr. McDermott stated that he was just informed that a project of \$12.5 million would be equivalent to that percentage.

Mr. Gallaway asked how that \$750,000 proffer would be set up, and what the timing was that it could be used. He said that contingency estimates could be mitigated with up-front funding to evaluate risks and perform engineering work, which helped with SMART SCALE scoring. He asked if this proffer would be available for use in that way.

Mr. McDermott said that he did not think that as written the proffer could be used in that way. He said that the proffer could be used if the County developed the cost estimates and design for a project, and when making that application, they could include \$750,000 as part of the application as local funding, which reduced the amount asked for from SMART SCALE, which would improve their scoring, which was based on all of the benefits minus what they were asking for.

Mr. Gallaway asked if it could not be applied ahead.

Mr. McDermott said that the proffer was written as such. He noted that the pipeline study would likely develop those cost estimates, and because VDOT was performing this, they would be able to make sure that they got those cost estimates and were able to reduce those contingencies by performing the appropriate analysis.

Mr. Gallaway asked for clarification about the context of the pipeline study.

Mr. McDermott said that pipeline studies had been completed before, and three pipeline studies had been performed in the past year, one for Route 29 North and two on US Route 250, one near

Pantops and one near the Milton and Route 22 interchange area. He said that the pipeline study was a tool implemented by the state through the Office of Intermodal Planning Investment, with the idea that the state was helping localities develop projects that could be applied for SMART SCALE funding in the next round. He said that those three studies were performed, and they applied for two projects in the SMART SCALE round last year from the pipeline projects, and one had been recommended for funding.

Mr. Gallaway asked if it was the project between the diverging diamond to the top of Pantops.

Mr. McDermott said yes.

Mr. Gallaway asked for confirmation that that project was a pipeline study.

Mr. McDermott said yes.

Mr. Gallaway asked if there was documentation of the mentioned historic buildings in the area.

Mr. Langille stated that there was a house on the parcel directly next to Huntington Village.

Mr. Gallaway said that outbuildings had been described in the report, but he had not done a site visit himself.

Mr. Langille stated that there were some small sheds on the parcel, which he indicated on the aerial view.

Mr. Gallaway said that he had questions about the parking of the site, and the parking information was included far in the packet, and was not mentioned sooner, which he disapproved of. He asked if the concept plan, including the 525 units and the general concept of where the structures would go, was locked in with the proffer.

Mr. Langille said that was correct. He clarified that the 525-unit figure was locked in as a maximum for the site, and it was not to say that if this rezoning were approved, the developer could come in and do a number less than that.

Mr. Gallaway said that he understood. He asked if the mix of the stock was not locked in.

Mr. Langille said that there was no commitment to a specific percentage of units being one type or another.

Mr. Gallaway asked if all types would be included or if one type other than the apartments would be included.

Mr. Langille said that at a minimum, there must be two because they called out the multifamily unit types and the other unit types between those two. He said that the developer had built a variety of unit types before, and perhaps they could share exactly what they were aiming to do.

Mr. Gallaway asked if the two types were indicated by the beige and purple colors on the concept plan.

Mr. Langille said that was correct.

Mr. Gallaway asked if it was not the apartments plus two types, but the apartments plus some other type.

Mr. Langille said that was correct.

Mr. Gallaway asked if there was any drawing that showed the theorized extra lane onto Route 250.

Mr. Langille asked for clarification about what lane Mr. Gallaway was referring to.

Mr. Gallaway said he was referring to the additional right turn lane onto Route 250 in the proffer.

Mr. Langille said that he did not have an image of that, but the applicant did.

Mr. Gallaway asked if the placement of the crosswalk had been determined.

Mr. Langille said yes. He indicated the area it would be located at on the concept plan.

Mr. Gallaway asked if the crosswalk would cross the new right turn lane.

Mr. Langille said no and identified the location of the new right turn lane into the site, and the new right turn lane onto the on-ramp as well.

Mr. Gallaway clarified that the crosswalk would not be going over that but would be going over two lanes plus the right turn into the facility across the street.

Mr. Langille stated that it would cross the two travel lanes and likely the left turn lane into the site.

Mr. Gallaway asked if the crosswalk would be lighted and signed.

Mr. Langille said that that level of detail had not been determined, but at minimum it would be a standard painted crosswalk that met VDOT standards.

Mr. Gallaway said that the crosswalk should have flashing lights.

Mr. Gallaway said that there was information about items that had not yet been implemented, including signal timings, median work, and striping. He asked if the signal timing elements would be under an enhanced signalized program because the area was a known congestion area.

Mr. McDermott said that they were part of the signal timing facilities that were along Route 250, and the light along the Canterbury and Ivy Road intersection was coordinated with those signals, but the coordination did not work well. He said that in the TIA's, it was assumed that those signal timings could be reconfigured to improve operations.

Mr. Gallaway said that he would review the documents that contained that information. He asked if there were plans to address or mitigate the noise coming from Route 250.

Mr. Langille said yes. He said that the units built closest to Route 250 would have a 20-foot buffer of vegetation, but whether that was existing or new vegetation remained to be seen depending on how the applicant developed the site. He indicated the label on the concept plan that showed it would be 20 feet behind the structures.

Mr. Gallaway asked if any walls were being constructed to buffer the noise.

Ms. McKeel said that the elevation of the parcel was above the traffic.

Ms. McKeel said that a master plan for the schools along Lambs Lane had just been developed over the past year and recommended moving extraneous facilities off of that campus, with the intent for AHS to have room to expand. She stated that the master plan was available to view on the Albemarle County Public Schools (ACPS) website. She said that a study would begin the master plan work by looking at Hydraulic Road and how egresses could be made safer into that campus by creating a looped road. She said that the master plan would eventually help with enrollment issues at AHS but was not an immediate solution.

Ms. McKeel asked Ms. Pethia to discuss affordable housing related to this item. She said that no affordable housing had been built in the Jack Jouett District for a long time, and she would like Ms. Pethia to address what was offered by the applicant and how it related to policy.

Ms. Stacy Pethia, Housing Policy manager, stated that what was offered by the applicant was 15% of the total units as affordable housing, or 79 units, which would be made available to households with incomes at or below 80% AMI (area median income). She stated that 80% of the AMI would be equal to \$88,900 per year for a family of four, and those 79 units would account for approximately 17% of the total units needed to be approved this year to meet their 2040 goal, which was a significant contribution.

Ms. Pethia said that she understood there was concern about being able to reach a wider range of incomes, and going down the income scale, it became more and more difficult to build affordable housing for lower-income households due to the amount of subsidy that had to go into these units, so private developers had more difficulty reaching those lower levels. She said that she would return before the Board next month with a potential incentive program to help reach lower levels of AMI such as 60%.

Ms. McKeel asked if there was a way that the developer could access those incentives if they were approved by the Board.

Ms. Pethia said yes.

Ms. McKeel said that they were trying to reach the salaries of teachers, UVA employees, police officers, and firemen, which could be defined as workforce housing. She said that that housing would also free up housing that was cheaper and people could move into those neighborhoods.

Ms. Pethia said that if there was not a wide range of housing units at different price points, people who could afford to pay more lived in older, less expensive units, meaning that people who needed those units were forced to go somewhere else.

Ms. McKeel asked if Mr. Langille could address the proffer of \$75,000 to upgrade the pump station facility in Madison Park.

Mr. Langille stated that there was not anything in the proffer statement about that. He said that the applicant had paid about \$75,000 to the ACSA (Albemarle County Service Authority) to upgrade the pump station, which had been in need of upgrades aside from this development being a potential or not.

Ms. McKeel asked if Mr. McDermott could clarify the timing of the SMART SCALE projects. She said that she had understood VDOT would be submitting this year's application by the end of March of

this year to make the SMART SCALE application in 2024.

Mr. McDermott said that was correct. He said that the pipeline study was meant to prepare for SMART SCALE applications, and right now, the state was accepting requests for the pipeline studies, so the request would be made, and they would know within the next month or two if they would move forward with that. He said that according to VDOT, there was money available, and it was achievable, so it would take one year and would be ready by next spring, and they would be able to make applications for the 2024 application cycle for SMART SCALE.

Ms. McKeel said that she was glad the timeline for receiving the funding was so soon.

Mr. McDermott clarified that the funding was obtained through a competitive process, and if awarded, it would be multiple years out from that when the project would be completed. He said that the timing would work out well if they were to do the study this year.

Ms. McKeel clarified that the applicant had proffered dual lanes on the ramps going onto the bypass, which did not interfere with any future VDOT projects in the area.

Mr. McDermott said that was correct. He said that as part of the study that resulted in the triangle-about proposal, there were other recommended improvements, one of which included the second ramp lane and turn lane onto northbound 29 bypass. He said that they determined that adding that alone would have beneficial impact on transportation in the Old Ivy corridor, so it would work in concert with other things but also worked well on its own.

Ms. LaPisto-Kirtley asked Ms. Pethia if the new developer incentives would allow for more affordable units to be constructed.

Ms. Pethia said that it could potentially.

Ms. LaPisto-Kirtley asked if the monies proffered for the frontage improvements could otherwise be used by the County for traffic improvements with VDOT via the pipeline study.

Mr. McDermott said that the proffer related to the traffic improvements was the \$150,000 to \$750,000, which could be used for something that would come out of the pipeline study. He said that the \$500,000 was a separate proffer that was offered if the developer did not get the appropriate right-of-way adjacent to their development to construct the shared-use path or sidewalk on the north side. He said that if that occurred, the County could take the \$500,000 to construct on their own or leverage to have VDOT construct a shared-use path.

Ms. LaPisto-Kirtley asked if in any circumstance, the applicant would still build the sidewalks in front of their property, but had restrictions related to the neighboring properties that was to be determined.

Mr. McDermott said that was correct.

Ms. LaPisto-Kirtley asked about the emergency vehicle access outlined in thick purple on the concept plan, and whether there was impediment to improving that for a secondary emergency vehicle access for the parcel.

Mr. Langille stated that the applicant was best equipped to provide the details, but there was a dispute over the rights.

Mr. Andrews asked for clarification about Mr. Langille's mention of 200 units related to the density of the neighboring developments.

Mr. Langille clarified that 204 units of the University Village's 330 units had not been built yet, but there was a proffered right to build them in the future. He stated that it was included so that the legislative buildouts of the properties were understood.

Mr. Andrews asked if the total would be 330 at that point in the future.

Mr. Langille said that was correct.

Mr. Andrews asked if there were comparable turn lanes at University Village.

Mr. McDermott stated that University Village had a right turn lane going into their development but not a left turn lane, and the same was true of Huntington Village. He said that currently, there were no left turns along Old Ivy Road, only right turn lanes to access the developments.

Mr. Andrews asked what the width required of a fire access route was.

Mr. Langille said that there was no width currently stated, but the minimum was a 20-foot width. He said that the applicant could clarify that information.

Mr. Andrews said that he would like to better understand from the applicant the emergency access possibilities shown at the bottom right of the concept plan. He said that no information had been given that showed where the Rivanna Trail came out on Leonard Sandridge Road and how a pedestrian

may use the Rivanna Trail as an alternative to Old Ivy Road.

Mr. Langille stated that he had no image that showed the full length of the trail on this property. He stated that there was a property to the north of the Old Ivy Residences properties that was owned by the University of Virginia, which was where the trail ran through right now, up to the point where it got to Leonard Sandridge. He said it continued on the opposite side of Leonard Sandridge, where there was a crosswalk. He said that that trail could be used to cross the UVA parcel and crosswalk to continue on the trail if they wanted to.

Mr. Andrews asked if UVA had been involved in the discussions about this use or any use of the parcel since they were involved heavily in some projects along this road.

Mr. Langille said that the applicant could answer that question.

Mr. Andrews asked if the images shown of the Old Ivy Road on slide 9 were of the unimproved segments.

Mr. McDermott said that was correct. He said that the photographs were looking either direction from under the railroad underpass.

Mr. Andrews asked if the hope was for this road to be included in the pipeline study.

Mr. McDermott said yes.

Mr. Andrews said that there was discussion about having a bus stop. He asked if this road were unimproved if a bus could fit through the railroad underpass.

Mr. McDermott said that he had reached out to the University Transit System (UTS) and to CAT (Charlottesville Area Transit). He said that most buses that CAT had would not fit under this, not only because of the height, but because of the width. He said that CAT would not serve under this bridge, but UTS had buses that could go under that, and those were currently used in their system, but they were unsure if that would continue because they were trying to implement an electric fleet that would likely raise the height of the buses.

Mr. Andrews said that there were other possibilities such as microtransit that may alleviate this issue.

Ms. Mallek asked if the affordable units could be distributed over the geography of the parcel, because as it was currently outlined, it appeared that the types of units were divided.

Mr. Langille said that the concept plan did not call out specifically where affordable units would be located, and it was only noted that 15% of units would be affordable. He said that the applicant could likely provide better details about what the mix would be.

Ms. Mallek asked if the new receiving lane on the bypass would be twice as long to allow for people to merge, or if it stopped in its current location.

Mr. McDermott asked if Ms. Mallek was referring to the proposed lane that would widen the on-ramp to two lanes from Old Ivy onto northbound 29.

Ms. Mallek said yes.

Mr. McDermott said that it had not been developed yet, but VDOT would require it to extend far enough to have time to merge, but the second lane would not continue onto the bypass and would merge before merging onto the bypass.

Ms. Mallek asked if the final merge would be extended.

Mr. McDermott said that there were no improvements proposed for the bypass, so the existing merge lane onto the bypass would remain the same, but the ramp portion would have two lanes to merge together before entering the bypass.

Ms. Mallek said that it was a lot of people to merge in a short distance, and she hoped the VDOT engineers would have a solution to that. She asked how they would analyze performance and achievement of the elements that had yet to be determined. She said that there were so many things that were not clear about what the pipeline study would suggest and what the costs were going to be, so there was a lot of uncertainty.

Mr. McDermott said that there was uncertainty in that regard because the study had not been completed. He said that the study was due to be completed next spring, so answers would be given at that time for what improvements were possible and what the up-to-\$750,000 could be used for.

Ms. Mallek asked if the comfort value was the dollars and everything else would come after.

Mr. McDermott said yes.

Ms. Price asked if the dark brown color of the zoning map on slide 4 was currently zoned R-15.

Mr. Langille said that was correct.

Ms. Price said that the R-15 zoning had a gross density of up to 15 dwelling units per acre, and it appeared to be more than three acres. She asked why the ZMA had been requested, because that would appear to authorize substantially more than the 32 to 49 units mentioned by Mr. Langille.

Mr. Langille clarified that the 1985 ZMA was what applied the R-15 district to all of the properties that currently had R-15 zoning, and the proffer with that ZMA said that on paper, they would be colored R-15, but for development purposes, they could not develop more than what the current zoning, which was R-1, allowed.

Ms. Price thanked Mr. Langille for the clarification. She said that heading east on Old Ivy Road and going under the very low, narrow bridge, there was a traffic light at which people were not stopping at the white break line, and instead were encroaching into the intersection of the road. She recommended that a sign be put in place to encourage drivers to stop at that white line, as large vehicles could not make that right turn with people blocking the intersection. She said that if the road were straightened going under the bridge, the height would still be an issue but it may allow more than one vehicle at a time going in opposite directions. She said that looking at the map from the TIA, it appeared difficult to make a left curve on Old Ivy and a right curve to go onto a more straight-through, so she asked that be considered.

Non-Agenda Item. **Recess.** The Board recessed from 8:53 p.m. to 9:04 p.m.

Agenda Item No. 19. **Public Hearing: ZMA202100008 Old Ivy Residences, continued.**

Ms. Price called the meeting back to order at 9:04 p.m. She said that she was getting ready to open the public hearing. She noted that Board procedures indicated that if more than 10 people had signed up to speak, there was the ability to limit each person's comments from three minutes to two minutes. She asked the Supervisors if there was desire to reduce the amount. Hearing no comments, she stated that the time for each speaker would remain at three minutes.

Ms. Valerie Long, an attorney from the law firm Williams Mullen, representing the applicant, Greystar, said she was a White Hall District resident. She said they also had Timmons Group there, the civil engineers for the project, including the traffic engineer, and her colleague Megan Nedostup, their land use planner.

Ms. Long displayed the illustrative plan, the illustrated version of the concept plan, which showed the multifamily buildings in gray, the proposed townhouses in red, smaller single-family detached units in orange, and larger single-family detached lots in yellow. She displayed a 3D model of the illustrative plan.

Ms. Long said that Greystar was one of the largest apartment developers in the country and was the largest property manager and offered a number of high-quality amenities for the community. She said that there were eight acres of outdoor recreation area, and the labels of types of units and their location could be seen on the illustrative plan on the slide.

Ms. Long said that Greystar intentionally laid out this project with the single-family units adjacent to the existing neighborhoods at University Village and Huntington Village, and the taller four-story apartment buildings would be farther away at a lower elevation. She said that 80% of the property was zoned R-15 residential in 1985, and the remaining land not yet zoned R-15 was seven acres or 20% of the site.

Ms. Long said that there was a long list of project benefits offered by the application, including the new affordable units, \$1.24 million in proffers for transportation improvements, \$1.17 million for construction of transportation improvements, and \$830,000 for sewer infrastructure upgrades.

Ms. Long said that other benefits included making the Rivanna Trail permanent on the site, preservation of environmentally sensitive areas, multimodal interconnectivity, and a variety of housing types. She said that it was in line with the Comprehensive Plan and the Growth Management Policy Development Area. She said that it increased housing supply in neighborhoods that had not had recent development, the site was designed sensitive to adjacent neighbors, and the centralized location was inside the bypass and was near UVA and other shops and services.

Ms. Long said that this parcel was a part of Neighborhood 7 in the Comprehensive Plan, where there had been five units built since 2018. She said that there was a tremendous shortage of housing in the community, and not much had been built. She said that 15% of the total constructed units would be 79 of the 525 units at 80% AMI. She said that Ms. Pethia had indicated that Albemarle County must increase its affordable housing stock by 439 units per year for the next 17 years to keep up with affordable housing needs. She said that the by right units that could be built under the current R-15 zoning, with 80% of the land, was 428 units. She said that by upzoning the remaining 7 acres, 97 new units would be permitted, and of those, 79 of them would be affordable, giving 81% of the new units permitted by the rezoning as affordable.

Ms. Long showed on the slide a portion of the proffered concept plan that showed the road improvements Greystar was committed to implementing as part of their project. She said that this included the second receiving lane onto the bypass ramp, which was a specific recommendation of the VDOT study that was released last month. She said that the dedicated right turn lane to the bypass ramp was a part of the project from the beginning, and was also specifically recommended by VDOT as an important beneficial improvement that would go a long way to relieve congestion, particularly in combination with the second receiving land.

Ms. Long said that the proposed multi-use path would connect to the end of the Rivanna Trail and would extend to the bus stop. She said that transit did not exist there now, but the bus stop would be there for whenever it was able to be utilized.

Ms. Long stated that a signalized crosswalk was specified in the plan, however the location was conceptual, and the precise location would be determined by VDOT and County staff.

Ms. Long said that they had offered to extend the multiuse path across the frontage of the two adjacent residential neighborhoods if they were willing to do so, but if they were not interested in doing that, \$500,000 would be given to the County for the value of that offer. She said that also proffered was permanent protection of the Rivanna Trail.

Ms. Long said there were cash proffers, and she would talk more about where those numbers came from. She said as previously discussed, the sewer upgrades were needed, and the ACSA was going to upgrade the pump station anyway, but this triggered a larger expansion, so Greystar committed to pay for all of it.

Ms. Long said that the TIA mentioned that the most challenging area was the intersection of Route 250 and Canterbury Road in front of Bellair. She said that the intersection was currently rated "E," but the development of Old Ivy Residences would only marginally increase the delays. She said that at the opposite end of Old Ivy Road where it intersected with Route 250, there was a "B" level of service that would continue.

Ms. Long said that Old Ivy Road had experienced a large number of improvements since 1985, including traffic signals installed at either end, construction of Leonard Sandridge Drive, addition of many turn lanes and deceleration lanes, as well as sight and width improvements. She said that the 1985 minutes also discussed the issue of the railroad trestle. She said that the new improvements that were installed the previous month added to the safety at that intersection. She displayed on the screen an aerial map with the pedestrian network of the development and the amenity areas.

Mr. Gallaway asked how many units the stepback waiver gave versus if the stepback were implemented.

Ms. Long said that the stepback applied to all buildings, not only the buildings facing the road, so all five of those buildings would have the fourth floor cut in half. She said that the stepback would not make the apartments viable in that arrangement, so approximately 25% of them would be lost.

Mr. Gallaway asked if the arrangement of the buildings was due to the viewshed from the other properties.

Ms. Long stated that four-story apartments near the border of University Village, which was at a higher elevation and had six stories, likely would not impacted views, but Greystar had committed to put the single-family units on the end of the property adjacent to Huntington Village, which had two-story townhomes, to be sensitive to the neighboring properties.

Mr. Gallaway asked what the units arranged in the triangle formation in the bottom right corner of the concept plan were.

Ms. Long said that they were duplexes.

Mr. Gallaway said that the site seemed so contained that if parking was not available, people would have difficulty finding parking somewhere else and walking back to this site.

Ms. Long said that multiple pedestrian connections had been proposed, including the two shown and the existing Rivanna Trail. She said that she understood there was a concern about that issue from University Village. She said that Greystar had developed many communities such as this and had a good estimate as to how many spaces were needed, and it was in their interest that if they were able to lease the units, they must ensure sufficient parking.

Ms. Long said that some units would have garages, and there would be a large number of spaces for the apartments. She noted that the County's ordinance required far more parking spaces for apartments than were needed or wanted, so it was typical to request a reduction for multifamily. She said that the single-family homes had garages, the townhomes had smaller lots, and there would be on-street parking as well, and driveways for some of them.

Mr. Gallaway said that there were few pedestrian options given that did not require pedestrians to cut through the woods if they parked somewhere else.

Ms. Long said that she did not believe that anyone in theory would have the need to park anywhere else, and it was not a destination for those who did not live at the site.

Mr. Gallaway said that the 15% offered for affordable housing was based on the old policy, and while still a current policy, he viewed it as old. He said that for this particular application, they were proffering 525 units, and that locked in the 15% number for how many of those units could be affordable. He asked, if they were to be creative with developer incentives that may be coming online, would they try to increase the number of affordable units available or decrease the AMI requirement.

Ms. Long said that the minimum was 15%, but there was no restriction if they wanted to make more than that. She said that when developer incentives were adopted, Greystar was interested in working with the County on such a proposal to add not only more units but more deeply affordable units, potentially including a mix of attached and detached single-family units and not only multifamily.

Mr. Gallaway said that it was interesting that if the units were capped, the AMI could be targeted and incentivized. He said that he had read that many of the housing types were rented units.

Ms. Long clarified that all of the units were rented.

Mr. Gallaway said that it had not been proffered what the amounts of each type would be. He asked if there was an estimation for the number of each housing type that would be provided.

Ms. Long said that the estimation was 65% apartments and the remaining 35% would be half and half between the two.

Mr. Gallaway asked if Ms. Long was referring to the affordable units.

Ms. Long said that she misunderstood Mr. Gallaway's question, and thought he meant of the overall units.

Mr. Gallaway asked how many units were proposed to be affordable.

Ms. Long said there would be 79 affordable units.

Mr. Gallaway asked how the affordable units would be dispersed among the four types of housing units.

Ms. Long said that the concept was that the 20% goal could be achieved in the housing policy with sufficient developer incentives and have a portion of them be single-family detached, with a blend of 80% and 60% AMI.

Mr. Gallaway asked if no developer incentives came to pass and the unit count did not grow, what the mix of units would be for the affordable units.

Ms. Long said that that level of detail had not been arrived at yet.

Mr. Gallaway said that there had been concern about all of the affordable housing being located in one area, so having it spread throughout the community was critical, and there should not be bias in how they were distributed.

Ms. Long stated that there were options for walk-out basement apartments, as well as smaller townhomes, larger townhomes, and duplexes, so the variety increased the opportunities to achieve that mix of affordable housing.

Mr. Gallaway said that he understood the proffer of 6%, but he was unsure of how that number, or the \$750,000 cap was reached.

Ms. Long said that the initial analysis done by VDOT's consultant had short-term and long-term solutions for the western end of the area's issues, and estimated pricing was given as a part of that, which was how \$12.5 million was arrived at.

Mr. Gallaway asked if there was an understanding about the historic outbuildings on the parcel that there was commitment to document and photograph.

Ms. Long said yes. She said that there was a five-acre parcel currently zoned R-1 and owned by the Byer family but was often referred to as the Janey property. She said that the house was there and was older but had not been designated historic, however, there was a request during the rezoning review process to document that building before it was removed.

Mr. Gallaway asked if it was a house.

Ms. Long said that it was a house, and there was a small apartment building as part of a garage structure.

Mr. Thomas Ruff, Timmons Group, stated that he was a resident of the Samuel Miller District.

Mr. Gallaway said that it was mentioned in the application that the signalization had not yet occurred as of May 2021, but it sounded like it had occurred, so he was curious about the discrepancy.

Mr. McDermott asked if Mr. Gallaway was referring to the signal changes recommended in the 2018 Stars Study.

Mr. Gallaway said yes.

Mr. McDermott said that those had not been made as far as they were aware.

Mr. Gallaway apologized. He said that he saw in the traffic study that there was a 10% adjustment for the COVID-19 pandemic. He asked what that was based on.

Mr. Ruff said that during 2020 and 2021, there was an expectation that traffic volumes were lower based on the counts collected, and VDOT struggled with that industry-wide. He said that through coordination, traffic volumes from the Stars Study and different studies in the area allowed for them to say that the volumes collected were within roughly 10% of the volumes that were out there at comparable times.

Mr. Gallaway asked if that number was related to the growth that may have happened without the pandemic.

Mr. Ruff said that was correct. He said that other factors for growth were in the study as well.

Ms. McKeel asked if the stormwater management pond of the development would help with the sediment issues that had been noted in the Bellair subdivision.

Mr. Bryan Cichocki, Timmons Group, said that this was not the only area that drained to that space. He said that while there had been sediment deposition in that pond, that was a typical maintenance burden of ownership of a pond, so there should typically be funds set aside to maintain that. He said that that was one of the reasons the County had stormwater management agreements in place to ensure it was properly taken care of. He said that the water released off of the site would be state- and locally regulated at the site plan level. He said that there would perhaps be an improvement downstream because they had to control the runoff rates at or below the existing condition, but there were no specific numbers to provide meaningful context.

Ms. McKeel said that she had hoped for an underground basin to allow for slower release of the stormwater. She said that she understood that there were no specific commitments for stormwater management at this time.

Mr. Cichocki said that the water released from the site would be released in a controlled manner.

Ms. McKeel asked if the stub-out at the bottom of the illustrative plan of the site had any possible use as an emergency access road. She asked what piece of property the stub-out attached to.

Ms. Long said that it was called Tufnell Road.

Ms. McKeel said that she was referring to a different stub-out.

Ms. Long said that that stub-out was shown as a potential future inter-parcel connection, so that if and when University Village were to add more units to the meadow they currently had, and whether the County decided to create that connection or not, the applicant was required to show that in this plan in order to not prevent a future connection. She said that this was not intended to be a future emergency access point. She said that if it were built in the future with the cooperation and consent of the adjacent neighborhood, it could be built as that, but that was not the current plan. She said that the primary emergency access was through the main entrance, but in the event that the entrance were ever blocked, there had to be secondary access.

Ms. Long indicated on slide 10 the purple 20-foot-wide access that would go into the parking lot for the multifamily units so the fire truck or ambulance could drive through the parking lot. She indicated the path that would be required to provide vehicular access to the dam for maintenance and also would serve as a bike-ped connection and a potential emergency access. She said that potential future emergency access had been approved by the fire marshal in the event the primary access were blocked, and they had to show at the rezoning stage that it was possible to have an emergency access location. She said that the lower-right connection was planned to serve as a pedestrian and bike path.

Ms. McKeel said that the lower-right path would be a good pedestrian and bike path.

Ms. Long said that if there was a way for the stub-out that connected to University Village to give them a second egress, it would be a help to their community.

Ms. Long said that it conceivably could, which was why it was left as a potential.

Ms. McKeel said that the County hoped to implement microtransit throughout the area. She asked if the transit stop could be located more centrally within the development.

Ms. Long said yes, as the proffer was not specific or stringent to that location for the transit stop, and the best location could be determined with VDOT, staff, and CAT.

Ms. LaPisto-Kirtley asked if the emergency access would have a bollard, and whether it could be used as another entrance for the residents who lived closest to that access.

Ms. Long said that VDOT regulations restricted cars moving so near to the ramp.

Ms. LaPisto-Kirtley asked if the by-right development would be able to build zero affordable housing units.

Ms. Long said that was correct.

Ms. LaPisto-Kirtley asked if the developer incentives were utilized, a lower price and more affordable units could be added.

Ms. Long said that 525 units could not be exceeded, but the developer incentives could make it financially viable to have more affordable units within the 525.

Mr. Andrews asked if students were among the target demographic for tenants.

Ms. Long said that they were not targeted but were expected given the location of the property and type of community, not only for students but other employees, faculty, staff, young professionals, and retirees.

Mr. Andrews said that students sharing apartments may use more cars than a family or single person renting would. He said he was concerned that the parking spaces would be adequate if reduced.

Ms. Long said that Greystar's completed developments had guided the estimation for parking spaces, both from a market perspective and under the Zoning Ordinance. She said that the number was calculated based on contextual factors of the area as well as the number of bedrooms in each unit and the type of unit, and the current requested number was that calculated amount.

Mr. Andrews asked if the bike and pedestrian path to improve connectivity was the Tufnell Road.

Ms. Long said that was correct.

Mr. Andrews asked if there were any known issues posed to the continued connection of that path to Leonard Sandridge.

Ms. Long displayed the northern multiuse path on the slide. She indicated the blue line on the map as the easement that the applicant currently had and was proposed as the multiuse path, and the area lined in red was where the applicant did not have easement rights, where it went through the land for the University. She said that there was an existing footpath used regularly there, and Greystar had discussed with UVA being able to purchase the rights to improve that path. She said that it was a footpath that was in poor condition and would benefit from being improved, and they hoped to reach an agreement there but had not yet.

Mr. Andrews asked if the Rivanna Trail connected with the proposed multiuse path.

Ms. Long said that was correct.

Mr. Andrews said that 525 units was a substantial number to develop, even in comparison to the other nearby developments, yet the traffic impact was 6%. He said that he understood that the 6% number was as low as it was, in part, because it included the Canterbury/Bellair/Ivy Road intersection.

Ms. Long stated that because of how the traffic study was structured in terms of VDOT and the transportation planner advising Timmons, the area identified as having congestion was the triangular area at the Bellair signal, and there was no congestion at the eastern end by the railroad trestle. She said that in terms of identifying where the trips from the proposed development were creating impact, it was contributing to an existing congestion area.

Ms. Long said that while the development was adding trips at the east end of Old Ivy Road, it was not creating an adverse impact that must be mitigated, unlike at the western end where there was existing congestion, and the Greystar development would add to that existing congestion, exacerbating the delays and queuing. She said that at the time of application submittal in July 2021, a solution had not been identified by VDOT, so they calculated what percentage of the full build out of the area would be in 2025 and what Greystar's impact would be in proportion. She said that the number of the total trips that were attributable to Greystar was about 6%, which is how they came up with that number. She said that some solutions identified had no specific project to look to, but long-term solutions were identified in the \$12 million to \$15 million range.

Ms. Mallek asked if a stepback could be applied to only one of the buildings where it was deemed appropriate based upon the impact on Old Ivy Road as opposed to those on the interior of the neighborhood.

Ms. Long said that it was set back, meeting the setback regulations, and was up higher, so the elevation was not right next to the road, it would be up and away.

Ms. Mallek said that if it were the end of the building, it would not be so impactful, but the eaves of the building were likely 40 feet or 50 feet tall.

Ms. Long said that the setback would cut off the front top half of every unit on that floor, losing half of the buildings due to the layout.

Ms. Mallek said that she requested that the historic buildings on the property be considered for reuse of the building materials before demolished. She asked if there was any further process required for the parcels zoned R-15 to be developed.

Ms. Long said that the parcels zoned R-15 were zoned such in 1985 and were subject to the 1985 proffer that said when the Board decided that Old Ivy Road had been improved to its satisfaction, that they could build 15 units per acre, meaning that R-15 zoning could not be utilized until the conditions of the proffer were met. She said that the land was involved in the western bypass project for a long time, and nothing had been done to it since that time. She said that it was taxed and assessed as R-15 land. She said that she hoped that the Board would agree that the conditions of Old Ivy Road had improved since the time of the 1985 proffer, because the issue was not about the congestion but about the road being improved.

Ms. Long said that the minutes and staff reports from then and from 1982 when University Village was being reviewed, the same conversations were had. She said that there must not have been any congestion near the western end where the triangle was located, but the discussion focused on Old Ivy Road and the road's curves, sight distance, drain challenges, and narrowness, along with the eastern railroad trestle. She said that with all of the changes that had been made over the years, the road was substantially wider and had at least deceleration lanes, right turn lanes, signals at either end, and Leonard Sandridge Road.

Ms. Long said that Old Ivy Road had been improved to the point that it could handle the level of R-15 units there. She said that there was an area that was originally meant to be a medical center on the University Village property, but when the bypass plans were approved, the facility was moved to its current location. She said that at some point, the developer of University Village sold two pieces of property to the former owner of the subject property, which was then taken by VDOT and then sold back when the bypass was canceled.

Ms. Mallek said that she also had concern about the number of parking spaces. She said that other Greystar developments were much nearer transit lines than this proposed development.

Mr. Dan Nickerson, Director of Development at Greystar, said that he went to Darden and lived at Huntington Village, and stated that one thing that was different about this property from typical student housing was that the student housing was typically rented by the bed, and in this development, a person would have to rent the whole unit. He said that they analyzed all of their other properties around the country, including Ivy Gardens, which had a similar parking ratio to this property, and there appeared to be ample parking for all of its residents. He said that their parking ratio did not include the garages as parking spaces but should be considered.

Ms. Mallek asked for clarification about what the "green principles" in the plan were.

Ms. Long said that the location of this site allowed for travel to nearby destinations, reducing commuting time and increasing the sustainability factor. She said that there would be electric vehicle chargers, energy efficient appliances and windows, and remote work technology, as well as workstations available at the clubhouses. She said that there was a proffer to avoid the wetlands areas, they were adding a bus stop, paths, and sidewalks, the site design reduced erosion and manages stormwater, and the terrain-adapted architecture were a part of the sustainability strategy.

Ms. Mallek asked if the accessory emergency access road went across the dam.

Ms. Long said yes.

Ms. McKeel asked if there was an image that displayed the elevation of the buildings in relation to the neighboring properties

Ms. Long displayed on the screen a rendering of the sightline from University Village. She said that the Village was at a much higher elevation, and the single-family homes nearest would be no more than two stories tall. She indicated on the slide that the development would not infringe on views from those buildings.

Ms. Long displayed another image of a cross-section of Ivy Road and Old Ivy Road, showing the relationship of the four-story buildings to the road and other commercial buildings. She showed an aerial view of University Village and noted the property line and vegetative buffer that was owned and controlled by University Village. She indicated the location of Tufnell Road in relation to the parking lot of University Village.

Ms. Price opened the public hearing.

Mr. Daniel Lavinger, University Village resident in the Jack Jouett District, said that he was surprised by what he had heard tonight, as he had not heard a word about the real issue in this case, which was the 4,326 vehicles coming off of this project onto Old Ivy Road in an intersection where there would be east- and westbound traffic at grade. He said that his point was that whoever did the traffic engineering study from Timmons used the wrong metric, which was an out-of-date Institute of Transportation Engineers trip generation manual, 10th edition, which pushed the numbers down.

Mr. Lavinger said that Mr. David Metcalf could speak to the fact that if the 11th edition had been used, as it had been available at the time of this study, the trips rose to around 7,000 vehicles. He said that that was the real issue in this case. He said that he was in favor of affordable housing, but they must focus on when entrancing and exiting, there was one lane in and one lane out. He said that anyone coming out of there had to deal with traffic at grade, and a car moving 35 mph was moving at 52 feet per second and would have to stop and avoid hitting people. He said that it did not make common sense to put 7,000 vehicles from a development onto Old Ivy Road.

Mr. Lavinger said that the so-called improvements were not improvements, and a driveway to University Village was not an improvement. He said that the issue in this case was if they could put thousands of additional vehicles from this development onto Old Ivy Road without any improvements. He said that the improvements that the applicant presented were not improvements. He said that many people had visited University Village, and they appreciated it.

Mr. David Metcalf stated that he was a PE (professional engineer) with experience in traffic engineering. He said that his first assignment after coming off of active duty was the Charlottesville bypass, but he worked on the depressed freeway, so that project could not be held against him. He said that they reviewed the TIA and did an independent assessment of conditions on Old Ivy Road. He said that the TIA was performed in accordance with VDOT and ITE (Institute of Transportation Engineering) standards and followed the assumptions and scope that were established by VDOT and the County.

Mr. Metcalf said that however, the scope had a flaw in that it was required to direct traffic from surrounding approved developments. He said that the Emmet-Ivy corridor developments and additions to Ivy Garden apartments were large trip generators that should have been used to project future traffic, and he learned tonight that University Village also had approved units. He said that this was an omission made during the scoping process. He said that other assumptions that decisions understated the impact of the proposed development. He said that the residential land use category 220, apartment and townhouse low-rise, used a low trip generation, and 385 of the 525 units used this lower rate.

Mr. Metcalf said that student housing was expected to generate housing at 50% a greater rate, not including an assumption as to how many students would be using these units understated the impacts. He said that daily trips were likely to be 1,000 to 2,000 higher, and as many as 2,700 trips higher. He said that the TIA also did not look at the one lane underpass bridge, which could have been a critical intersection. He said that they next reviewed Old Ivy Road, which maintained much of its rural nature, with no shoulder and narrow lanes. He said that there was poor access control, stopping sight distance at Old Ivy and the proposed access was inadequate, and although the ramp onto Route 250 to 29 was calculated to be acceptable, left turns onto the ramp were very close to capacity and likely to back up.

Mr. Metcalf said that the proposed development would double the amount of traffic on Old Ivy Road and would contribute further to the confused access control, would require left turns where sight distance was inadequate. He stated that his professional assessment was that 525 residential units at this location was out of context for Old Ivy Road. He said that his clients were seniors, and he hoped the Board would keep that in mind.

Ms. Sally Thomas, Jack Jouett District, said that she understood that every neighborhood thought that they were unique, but Old Ivy apartments was unique. She said that for one thing, the inadequacy of the road was recognized in 1975, and the road was never intended for an urban setting, and improvements still left them being Cinderella's sisters, squeezing into too small a shoe. She said that the real proffer was the elephant in the room, and that the Planning Commission realized that the 1985 proffer's uniqueness, one member stating that it was like having the gate they always wished they had, being able to assess the adequacy of a public facility before approving the start of a development. She said that it was not like VDOT's usual requirements that they had to meet their warrants, and it was up to the Board's sense of satisfaction. She asked how to measure satisfaction.

Ms. Thomas said that she knew that when she served on the Board, she dreaded that she would make a decision that later made people say, "who in the world made this decision? What a mess they made." She said that they had to listen to the applicant, who said that it would be the best ever, better than anything else built by local developers, but neighbors feared the impact of a decision that nearly doubled the number of units on a country road that was always and still was inadequate. She said that the applicant simply proposed to wipe out that proffer, never pausing with the pesky satisfaction bit. She said that if they ignored the original proffer, that was to adopt Greystar's rewrite, they would throw away the gift of the power that the Planning Commission so greatly admired.

Ms. Thomas said that satisfaction should need more than a traffic mess that came with some

extra dollars to use as a match with VDOT, and she personally thought that until UVA joined the neighborhood and allowed access over Leonard Sandridge Road so that developments' traffic did not depend totally onto Old Ivy Road, the road would never be something they could say they were satisfied with. She said that whatever the solution, until they were satisfied, they and Greystar should not get out from under this proffer. She asked the Board to make use of this unique proffer to get some satisfaction. She said to say no to this refigured proffer and ZMA.

Ms. Betsy Vinton, University Village resident in the Jack Jouett District, said that University Village was an independent living condo association, and was not an assisted living facility. She said that her concern with regard to the Greystar project was safety. She said that she was a retired, board-certified pediatrician and had spent her professional life providing care for children with an emphasis on safety and preventive care. She said that she looked at Old Ivy Road, where she liked to walk on occasion, and she held her breath. She said that it was not a place for pedestrians and was a very busy road with only partial sidewalks that led nowhere. She said that it was definitely not a place for families with their children.

Ms. Vinton said that Old Ivy Road was a risky road, so if they brought in new residents, more cars, more people, including pedestrians and children, and if they added more traffic, the risks increased. She said that she was not against development, but she did oppose any consideration that would increase the traffic on Old Ivy Road and put everyone, particularly pedestrians, at greater risk. She said that she was asking the Board to make safety their primary consideration, in addition to preventive care. She said that the New York Times article "Why road deaths are declining across the globe but not in the United States" pointed out the need to identify dangerous traffic corridors and find ways to fix them. She said that they had a dangerous corridor in Charlottesville, which was Old Ivy Road.

Ms. Vinton said that she came to the Board to ask the Board to deny Greystar approval of their project as it was presented. She asked the Board to not add to the traffic here, but perhaps they could take the traffic elsewhere. She asked why the traffic could not be diverted away from Old Ivy to keep everyone safe, and why the Greystar project could not provide an access road from behind toward Leonard Sandridge or connect to the highway. She asked them to work with UVA, the state, and all who would benefit. She said that it was not a simple solution, but it was a safer alternative. She said that she asked for safety for pedestrians, bikers, strollers, and for cars.

Ms. Lisa McDermott, University Village resident since 2016 in the Jack Jouett District, said that she was an internal medicine physician and worked at several nursing homes in addition to occasional shifts at Sentara Martha Jefferson Hospital. She said that her concern was the inadequacy of roads and pedestrian access around Old Ivy Road. She said that as she traveled to work on a daily basis, she was concerned about increased traffic in the area. She said that she felt strongly that there needed to be significant improvements in the infrastructure as both the vehicular and pedestrian traffic increased in the area.

Ms. McDermott said that her biggest concern was the buildup of traffic on Route 250 and Route 29 southbound exiting to Old Ivy Road. She said that high traffic times included both when St. Anne's Belfield School lets out in the afternoon and at rush hour. She said that traffic often backed up onto the highway and shoulder, which created a dangerous situation as cars frequently slammed on their brakes due to unexpected early exiting. She said that in addition, there was a law enforcement officer who had to direct traffic when the school let out, which did not seem like a great use of resources. She said that she knew that VDOT promised to study this, but in the meantime, the problem continued to grow. She said that her second concern was the railroad bridge at the east end of Old Ivy Road, which was quite narrow, only letting one car go through at a time, but still must be navigated by both directions of traffic.

Ms. McDermott said that what was most concerning was that there was also pedestrian traffic, including walkers, bikers, and people on scooters. She said that she had seen people pushing baby carriages. She said that since there was no path, no sidewalk, the pedestrians must also use this narrow road along with cars, which was extremely hazardous at night because there was no lighting in the area. She said that the concrete wall itself seemed to be crumbling and appeared to be a hazard all around.

Ms. McDermott said that as a physician, she was concerned about the area having adequate access to emergency vehicles. She said that Morningside Assisted Living was on Crestwood Drive and frequently required EMS (Emergency Medical Services), as did some residents at University Village. She said that with more residential units, there would be increased need for fire trucks and EMS, and with more cars and people on the road all navigating these challenges, this would slow the response time and put lives at risk.

Ms. McDermott said that she hoped the Board would consider significant upgrades to the road and pedestrian access to this area before approving a substantial increase in additional housing units. She said that this should include better access for all vehicles, including large emergency vehicles, onto and off of Old Ivy Road from both ends, and pedestrian-friendly access from the east toward UVA that would avoid having to use the railroad tunnel at the east end.

Ms. Gloria "Gigi" Pippin, University Village resident in the Jack Jouett District, stated that she had moved from Wise County, Virginia, to receive the necessary medical treatment for her husband's diagnosed brain tumor. She said that they soon discovered that they had accidentally moved into a

wonderful community and neighborhood at University Village. She said that her husband had frequent need of 911 emergency rescue teams each time he experienced a brain seizure. She said that despite the high quality of care at the University of Virginia's medical center, he passed in December.

Ms. Pippin said that with her decision to remain at University Village, she was now focusing on the residents of University Village, where the average age was 87. She said that these residents also needed emergency assistance sometimes, and time was of the essence and could not be wasted en route to a needed medical facility. She said that with the train underpasses and the traffic backups, it was difficult for emergency vehicles like ambulances and fire trucks to maneuver the road.

Ms. Pippin said that the Fire Chief told them that the eastern underpass was never used, and if additional vehicle traffic was added to the road, it would become less safe and more challenging for rescue personnel to arrive. She said that she worried about what could happen during the construction and the doubling of population on this strange, little, narrow road. She asked the Board to please keep them in mind when making their decision. She said that they needed a road with good access and flow, but above all else, they needed a road that was safe.

Mr. John Vinton, University Village resident in the Jack Jouett District, said that he was present to speak about existing problems on Old Ivy Road, many of which had already been heard, and that would be compounded by the proposed Greystar development. He said that cars going west toward the new entryway for Greystar would be in trouble because of a number of issues with respect to the entrance and exit areas. He said that they would come around the corner past Huntington Village and curve again while sloping downwards as the entryway came into view.

Mr. Vinton said that once this project was built, it would be a complicated road design for their entryway, including an oncoming traffic lane, a lane-wide median, a through-lane, and a right turn lane, not to mention a pedestrian cross walk at the same location. He said that if westbound traffic was backed up, as it so often was on a daily basis, starting at the entry to the northbound US-29 entry or from the stop sign at the Old Garth Road, if the traffic started to back up from there, which happened daily, and moved back to the proposed entry area, there would be site problems, and cars following from the east to the west would back up easily at the entryway to the proposed project. He said that this was risky for both the cars that were stopped and cars coming in behind them, as well as the pedestrians who may be in the area.

Mr. Vinton said that the situation would be exacerbated as the UVA's Ivy stacks and Fontana food employees across the street entered and left their parking lots across from the development's entryway. He said that even without traffic backups, the risk would still exist throughout the day as hundreds of vehicles turned left into and right out of the proposed development. He said that he encouraged the developer and the County to consider lower density and safer alternatives to the currently proposed project.

Ms. Betty Natoli, University Village resident in the Jack Jouett District, said that she was happy to see the budget analysis, because one of the main points was safety and welfare. She said that early on, it was hinted that the bridge that crossed over the Route 250 bypass was going to be rebuilt, but it was not, however it was going to be refurbished without change to the width. She said that it currently was 26 feet wide, but in order to say that they had pedestrians or people on scooters, they were going to put four feet of the 26 feet for a walking pedestrian and scooter path. She said that any professional would say that 10 feet was the suggested bike path, and this was four feet, thus reducing the two lanes of traffic to only 11 feet each. She said that trucks and cars would be coming back and forth with a four-foot walking path, which did not seem to be safe, and safety seemed to be the main issue here.

Ms. Natoli said that the walkway sounded nice, but it was a walkway to nowhere. She said that if one drove there, there was no connectivity before, and the bridge was up a little hill with no sidewalks until back to where the new buildings were, and there was nothing on the other side, so it was a pathway to nowhere. She said that it would lead to chaos, and only got worse, because the planned bridge repairs were permanent changes to be made in the spring of 2024, and if this development was approved, they would be developing at the same time.

Ms. Natoli said that trucks could not go through the east end of the bridge because it was not high enough or wide enough, so they would all be going over this bridge. She said that at the same time, VDOT during construction would reduce the lanes from two to one. She said that the problem was that it would back up traffic and would not be safe at all.

Ms. Ellen Roberts, University Village resident in the Jack Jouett District, said that the recognition of a traffic problem on Old Ivy Road went way back and was fundamental to tonight's decision. She said that Greystar asked the Board to recommend overturning the 1985 proffer that limited residential density along Old Ivy Road, and to do so, the Board of Supervisors must find that the traffic problem had improved to their satisfaction. She said that the word satisfaction was difficult to define, but improvement could be studied. She said that Greystar had submitted a document with aerial photography and ground level photos in their narrative that claimed extensive and significant improvement on Old Ivy Road.

Ms. Roberts said that the document claimed 27 improvements since 1985, but the evidence of improvement was questionable. She said that the aerial photographs went across time and showed

development on and near Old Ivy Road had been extensive, including numerous housing additions and offices. She said that on the traffic problem side, the score responded with available traffic volume information. She said that traffic counts in 1984 were 4,111 trips per day, and in 2019, a few years back, they were up to 8,300 trips per day, and clearly by image and counts, traffic was worse.

Ms. Roberts said that the improvement claimed by Greystar, with a careful look at the locational mapping photos in the Old Ivy improvements document, showed that six photos were of entry to developments, which proved that development happened and showed nothing that showed traffic improvement, but quite to the contrary. She said that 14 of the claims were acceleration of deceleration lanes, sometimes with sidewalks, and one could say that these show the way that they made traffic “less worse,” but did not show improvement.

Ms. Roberts said that two were away from Old Ivy, and five probably represented improvements but paled in significance to the 4,289 increase in vehicles per day since then, and the 4,326 daily trips predicted to be added by this development alone, not including the Emmet-Ivy corridor. She said that staff recognized on page 9 of the report from the November 29 meeting, the improvements “had not significantly relieve congestion for vehicles traveling to or from the entire Old Ivy transportation corridor,” but like the mythical phoenix, it rose from the ashes and was still claimed in the proposal before the Board tonight.

Mr. Lyle Hollowell, Jack Jouett District, stated that he believed that the best decisions were made with a complete, clear, and accurate knowledge base. He said that he reanalyzed TIA data and sent a memorandum on February 17 to planning staff and the Board of Supervisors. He said that the memo took up two questions, the first being “what will the development’s traffic impact be on Old Ivy Road?” and “how will development affect Old Ivy traffic flow at specific key intersections?” He said that they had already heard a claim that the development contribution would be 6%, but he showed this estimate was not appropriate as it focused on western corridor intersections rather than Old Ivy, and by including the Ivy/Old Garth/Canterbury intersection, it artificially reduced the percentage figure by providing a huge denominator for the calculation, which was simple arithmetic.

Mr. Hollowell said that it was further reduced by not including all directions of movement. He said that the 6% was a composite measure, made of a choice of intersections, direction of movement, and time of day. He said that the choices made all of the difference. He said that as stated earlier, because it was structured a certain way, it did not make it correct. He asked who structured it this way and why not more than one measure. He said that if they focused on Old Ivy and included all directions of movement, the traffic impact was 14% for the worst hour, more than double the uncritically accepted estimate.

Mr. Hollowell said that using the \$12.5 million for 6% equaled \$750,000, but 14% equaled \$1.75 million. He said that the 6% misrepresented the actual impact for proffer calculation and actual driver impact, and for the former, it left money on the table. He said that at the level of intersections, they already heard that many were failing and would get worse. He said that the worst hour traffic for the proposed Old Ivy Residences entry and exit was problematic, and that would have significant conflict points regardless of its configuration.

Mr. Hollowell said that one example was the left turn entering and left turn exiting traffic from Old Ivy Residences would have to get by 10 westbound vehicles per minute, which would not be possible to navigate safely. He said that there would be significant conflict or a huge backup that would make Old Ivy Residences drivers suffer the most. He said that in any event, the northbound on-ramp was equally problematic.

Mr. Hollowell said that the knowledge base for this significant decision was problematic, and so much had already been said to be unknown. He said that in agreement with the Planning Commissioners, he thought the information base remained inadequate and there was no proof the proffer conditions were met and the rezoning application should not be approved.

Ms. Deborah Shatin, Jack Jouett District, said that her remarks focused on traffic impact interpretation. She said that the initial application from July 2021 and later revisions characterized the traffic issue and the associated 1985 proffer as largely resolved. She said that County planning staff however rejected that view and recommended rejection of the ZMA application based on it. She said that in response, the applicant acknowledged the problem but claimed to not be the cause.

Ms. Shatin said that the applicant offered a modest sum of money and non-vehicular traffic related improvements such as a multiuse path as solutions to the traffic problem. She said that the planning staff in response held firm, and when the application reached the Planning Commission in June 2022, they repeated the rejection with the traffic problem as the major reason. She said that the final application revision was submitted in August 2022 and repeated many of the same claims of improvement, shifting the focus to the western corridor instead of Old Ivy Road, which was 0.7 miles.

Ms. Shatin said that the second hearing was held in November 2022, and staff review acknowledged the planned improvements did not make a difference on Old Ivy’s overall traffic performance, and the TIA study predicted that many intersections were failing or near failing with added traffic. She said that the Commission, as the transmittal document stated, denied the application, finding the level of improvement unsatisfactory. She said that contrary, staff recommended approval, expressing faith in a proposed but not presented VDOT-sponsored traffic solution.

Ms. Shatin said that however, in January of this year, VDOT rejected the claim that their proposal would improve traffic on Old Ivy Road. She said that no improvements had occurred on Old Ivy, the VDOT plan was on hold with additional study proposed, and the very negative predictions of post-build traffic still stood, and safety issues had been heard as well. She said that the applicant now proffered a turn lane at one key intersection, and while any enhancement was welcome, the likelihood that it would change Old Ivy Road traffic was very low. She said that nothing substantial had changed since the initial critique in 2021, and therefore, the recommendation to uphold the 1985 proffer and to reject the ZMA request should be honored, and she urged the Board to do so.

Mr. Peter Rightmyer, Executive Director of University Village Owners' Association (UVOA), said he was present to discuss the now-removed parking space reduction request. He said that he hoped the Board had a chance to review his written comments, including the technical specifications, but for tonight, it was a consolidated version. He said that the initial Timmons Group development plan identified 911 parking spaces for their residences, and following one request, lowered the number to 751. He said that this was removal of 160 parking spaces, or 20% of the capacity.

Mr. Rightmyer asked what good an affordable rental home was if the tenants did not have a place to park the vehicles necessary for them to get to work to earn the money to pay the rent. He said that the shortage created an environment of towing, which led to missed work, which led to nonpayment and potential eviction, which was a vicious circle. He said that tonight, Mr. Richardson said that in his personal property report that many Albemarle County residents did not own houses but did have cars.

Mr. Rightmyer said that one of his employees may qualify for the houses based on his income levels, and when discussing the project and its potential problems and solutions and asked him about living next door. He said that a few days later, he told him that a pedestrian commute would be great but would not work because his wife and son needed cars to go to work, and he wanted his because he did not want to be at home without it. He said that these were real life demonstrations.

Mr. Rightmyer said that on the other extreme, at the Planning Commission meeting, Ms. Long told the Commission that University students living at Old Ivy Residences would walk to class and did not need cars, therefore there was no parking requirement. He said that three staff before the Board went to Darden and UVA Law, and it was ironic that they all had cars sitting in their parking spaces at the same time. He said that Ms. Long's rebuttal may be that that was in the past and that that was not how students traveled today, but he begged to differ. He said that the Target on Route 29 north was full of students on Saturdays shopping to their hearts' content, and they did not get there by walking. He asked the Board to please take these comments into consideration when making their administrative discussion. He said that he was disappointed that this was not in the public forum.

Ms. Barbara Grzymala, Treasurer of UVOA, said that she had served as president during the failed negotiations with Greystar. She said that their negotiations began in January 2021, when she, Mr. Sherman, and Mr. Peter Rightmyer met with Ms. Valerie Long, Mr. Ivo Romanesko, and others via Zoom to discuss the Old Ivy Residences project. She said that at first, the meeting was cordial, and they were working toward solutions that would be mutually beneficial. She said that Timmons Engineering was very enthusiastic about the prospect of interconnectivity for pedestrian and fire access across the University Village property, so much so that it was incorporated into their plans. She said that regrettably, it was the start of bait and switch.

Ms. Grzymala said that they estimated access for potentially 400 students per day to cross their property to get to school based on the demographics that were identified at that time. She said that this was an astounding number of crossings over 20 years, and to do this, their owners would have had to have abandoned 17 potential townhome lots with a current value of \$550,000. She said that as the treasurer of the condominium association, she was acutely aware that they could not give away land of that value without two-thirds of the owners voting their approval. She said that after consideration by Ms. Long and the Greystar representatives, they eventually only offered the UVOA owners in exchange paved access to the Rivanna Trail.

Ms. Grzymala said that officially, the University Village Board supported Greystar development at a reasonable size of R-10, or approximately 350 units. She said that the negative effects on neighboring properties, problems on Old Ivy Road, parking, sewage, emergency access, and other issues would be mitigated to an acceptable level by lowered density. She said that at the June 14, 2022 Planning Commission meeting, Ms. Long suggested that they were greedy to request compensation for the use of their property, and they had been told that it was unprecedented. She said that she described this to the Board so that they could recognize that the simple concept of interconnectivity was complex.

Ms. Hillary Strubell, Director of University Village Resident Relations in the Jack Jouett District, said that she was present to express her concerns resulting from the proposed Greystar sanitary lift station. She said that the Virginia Administrative Code 25-790-380 Article 2 on Sewage Pump Stations began "sewage pump stations should be located as far as practical from present or proposed built-up residential areas, and an all-weather road shall be provided. Stations should have proper zone of controlled or limited use surrounding them, and within such zones, residential uses or high-density human activities, should be prevented."

Ms. Strubell said that sewage lift stations contained pumps, valves, electrical equipment, and were basically a giant collection of moving parts that needed continuous maintenance and repairs. She said that she knew of several instances of lift stations overflowing because a float was dirty, because that was how finicky they could be. She said that sewage lift stations were often a source of bad odors that became a nuisance to those nearby, as the foul-smelling gas from the collected sewage was exceedingly corrosive, so much so that it actually damaged the wet well structure, piping, and the pumps, as well as causing serious health problems.

Ms. Strubell said that Greystar's proposed sewage lift station was located on their plan in the green space just up from the palustrine wetlands and pond, as well as right next to two of their proposed apartment buildings and a set of townhomes. She said that not only did this placement allow for environmental harm but was directly next to a residential area with no maintenance access road, and thus ignored the stipulations of the Virginia Code. She said that this meant that when the lift station failed, which they inevitably did at one time or another, the renters of Old Ivy Residences could potentially have to deal with thousands of gallons of raw sewage flooding the area when a pump or pipe burst, in addition to the noxious gases and odors that would affect the entire neighborhood, including all of her 128 residents.

Ms. Strubell said that while she was known as the person at University Village who could solve any problem, that problem might be a bit too big to handle. She asked the Board of Supervisors to reject this current proposal and the zoning of R-15 for the time being and push for Greystar to return with a plan that would eliminate these environmental issues and be a more pleasant place for all current and future residents of Old Ivy.

Mr. Bob Belton, University Village resident in the Jack Jouett District, asked the Board to please consider the trees in their deliberation. He said that the site plan for R-15 required lowering the ground level and building retaining walls six and 12 feet tall along the eastern edge. He said that this severe grading would kill trees by cutting off their roots. He said that fewer units would allow a buffer area as opposed to crowding 525 units onto this space. He said that he knew that they all cared about carbon capture and climate change.

Mr. Belton asked if they knew that old trees, such as the hundred-year-old chestnut oaks in the woods next to the new development, were possibly the best carbon capturers, as there was hard evidence that older trees accumulated 75% of their total carbon after 50 years of age. He said that pro-forestation was the term that defined leaving existing forests alone. He said that their wooded area was a general slope that even the early 20th century farmer left untouched, and the tree stewards were impressed with that forest.

Mr. Belton said that the carbon capture message appealed to scientists and spiritualists alike, and they had a duty to protect old-growth forests for their beauty and importance to the planet. He asked what protection meant. He said that he had walked from the stump to the end of an old tree's visible roots and measured it, and those roots extended far beyond the width of the tree canopy. He said that being compacted and cut off would kill these gentle giants that otherwise would visually enhance the edge of the new development. He requested the Board to consider the trees in their deliberations and the overall impact of this project on the quality of life.

Mr. Jim Bundy, University Village resident in the Jack Jouett District, stated that he was a retired pastor who had lived in Albemarle for 23 years and at University Village since last summer. He said that he was concerned along with many others about how the size of Greystar's development would affect the area, and he supported the idea of a lower-density development and infrastructure improvements before the development took place. He said that to be clear, he was advocating along with his friends and neighbors for a lower number of units in the development.

Mr. Bundy said that he nevertheless believed that a significant number of affordable housing units could be a part of this development, and Greystar could and should do better than 15%. He said that if 20% was an aspirational number so far, then this was a good time to make it more concrete. He said that he was concerned that they should not only take developers' word for it when they said that they could not afford to build more than the minimum number of affordable units.

Mr. Bundy said that Greystar, in his acquaintance with them during this process, had never shown a real interest in affordable housing. He said that they began by offering none and had since offered what the minimum required them to do. He said that perhaps he was dreaming, but they needed to find a developer who, with the County and citizens, could work in good faith to provide a reasonable amount of profitable, market-rate housing, and by reasonable, he meant a number much less than what was proposed, as well as making a meaningful contribution to address the need for affordable housing. He

Mr. Bundy said that he was concerned that Greystar could choose the option of making a monetary contribution to an affordable housing fund instead of providing actual housing. He said that he was concerned that even the minimal amounts of affordable housing were only offered for a ten-year period. He asked if anyone suspected that the need for affordable housing would go away in 10 years. He said that the Supervisors had expressed interest in affordable housing throughout the evening, and he raised his hand in agreement with those who spoke earlier about affordable housing.

Ms. Jane deButts, Huntington Village resident in the Jack Jouett District, said that another issue on Old Ivy Road was the flooding of the eastern underpass that had happened for as long as she could remember. She said that flooding had been a recurrent problem as recently as last summer, which was shown on one of the slides. She said that recently, some drainage work had been completed at the bridge, however, whether this would impact the flooding remains to be seen. She said that it would be great if this new drainage system fixed what had been a persistent problem. She said that they would be keeping their eyes open.

Ms. Kathleen Jump presented a slide show, which depicted several dangers on Old Ivy Road, including the road narrowing and the lanes disappearing under the railroad bridge, the lack of continuous sidewalks, crumbling sidewalks, and flooding of the railroad underpass.

Mr. Brian Spalding, Huntington Village resident in the Jack Jouett District, said that he wanted to take a look at the history since 1985 of the development along Old Ivy Road. He said that the first slide showed the development of Old Ivy Road in 1985, and University Village was under development but had not yet been built. He said that in 1985, the traffic study was completed that said there were 4,000 vehicles per day, and the planning group decided that at 7,500 trips, the road needed to be widened. He said that in 1996, more development had occurred in the area and at UVA.

Mr. Spalding said that in 2021, the recent traffic study showed 8,300 vehicles per day and the southern part of Old Ivy Road and the development along it was visible on the slide. He said that there were now over 1,100 parking spaces in the buildings on the south side of Old Ivy Road. He indicated Huntington Village and the proposed development. He displayed a graph that showed the increase in vehicle trips, the 7,500 threshold, the current level, and the projection by adding 4,360 more vehicles per day, noting that this put them far above the threshold. He said that this indicated that the road should be widened. He requested the Board to vote this item down.

Ms. Mignon Worman Tucker, Jack Jouett District, said that the future was that Old Ivy Residences was going in, and with over 4,300 trips per day, they would be adding over 1.5 million trips per year onto an already compromised road infrastructure. She said that adding the Ivy Garden redevelopment, the same thing would occur. She said that using the assumptions from Old Ivy Residences, this would be even bigger, because there was 100,000 square feet of academic and retail space. She said that the residences would increase from 400 units to 710 units. She said that using the Greystar numbers would result in over 3 million trips per year to already compromised infrastructure.

Ms. Worman Tucker presented a slideshow and said that RMD Properties was going to propose, on the corner of Copley and Ivy, a project of more than 200 residences along with retail. She said that, down towards Emmet, she would be excited about Performing Arts and Data Science, but that it would be difficult to travel down this unimproved corridor.

Ms. Worman Tucker said that the Fontaine Research Triangle would give 5,000 more jobs. She said that the future of University Gardens was unknown but was going to be redeveloped, and then there was Old Ivy Residences and White Gables II and III. She noted that the White Gables residents could barely make it out as it was, and the corridor had not been improved. She said that the Birdwood Event Center was approved in 2019 and would add more to the corridor as well.

Ms. Worman Tucker said that the yearly commuter increase would be more than three million for Old Ivy Road. She said that VDOT rescinded the recent dual southbound and wants a pipeline study. She said that they advocated the Board not approve anything until the study was not only completed but implemented by VDOT. She said that it would be a great legacy to leave behind that they voted for safety first in their reelection campaigns instead of going to the lure of extra tax dollars and affordable housing.

Mr. Paul Sullivan, Samuel Miller District resident and President of the Kendridge Homeowners Association, said that he was present because he had to live in the Old Ivy Road corridor area every day trying to get in and out of his neighborhood, watching all of the cars they had to interact with. He said that it was very important when the Board made their decision that they had all the facts, and without referencing numbers, it was difficult to get out of the neighborhood, and with the addition of the new residents, it would be even harder.

Mr. Sullivan said that the commissioner of the Culpeper District of VDOT stated a week or two ago that this corridor was the worst traffic problem he had in his entire District. He said that they talked about this study they were going to do, which had not started yet, and to do it right, it could take more than a year and would cost a lot of money. He said that before they could make a reasonable judgment on this new development, they should figure out the traffic first for all residents who lived there now. He said that if they did not do anything, someone would be killed or hurt, and it was imperative for them all to keep their community safe and secure.

Ms. Donna DeLoria, with the law firm of Payne and Hodous, LLP, speaking on behalf of the Filthy Beast and Father Goose LLC, said that she lived in the Rio District. She said that the bulk of this site, over 28 acres, was zoned R-15 since 1985 with a proffer. She said that the proffers were subject to

statutory and constitutional limitations, and her clients were paying taxes based on R-15 assessments and had been doing so for years without imposing any additional residential burden on services, meanwhile Old Ivy Road, Ivy Road, Leonard Sandridge Road, North Grounds, UVA Athletics, and other businesses and destinations had changed and developed around them. She said that her clients felt that it was time that this property entered the development pipeline.

Ms. DeLoria said that periods of traffic congestion in the congestion area were preexisting, and VDOT told them at the January 11 meeting and explained in further detail at the public information meeting on February 22 that there was an operational project that would relieve the situation without acquisition of right-of-way or installation of additional impervious surfaces. She said that it was curious to hear complaints about traffic safety from many of the same people who urged VDOT not to implement that simple plan and cheered for a delay that would virtually guarantee no change in the next two to 10 years. She said that from her client's perspective of more than 45 years of experience in real estate, construction, and development, the quality of Greystar's rezoning applications was striking.

Ms. DeLoria said that as was well-documented in the staff's thorough report, Greystar had paid full attention to the County's land use principles and policies, including their community's pressing need for affordable housing in this location. She said that the concept plan and other proffers would successfully address the effects of the completed development and would additionally provide specific and impactful improvements to Old Ivy Road. She said that her clients lived next door to Old Ivy Residences in Huntington Village, worked in Townside Shopping Center, and wholeheartedly supported these applications.

Ms. Chris Bridge, Jack Jouett District, stated that in order to understand the magnitude of the negative impacts of this project on Old Ivy Road and the community, they must consider more than the Greystar project. She said that the earlier slideshow listed many other projects, and when looking at the big picture, many of the developments already proposed, approved, or still leasing office space along this little road, which was less than a mile long and bookended by railroad bridges under which two cars could not pass, and where pedestrians were at risk every day.

Ms. Bridge said that she could understand that local officials were under a lot of pressure to increase density, provide affordable housing, preserve property values, and it had to be tempting to look at the promises of what they could bring. She said that at the end of the day, it looked good on paper, but looking at the thousands of vehicles and thousands of square feet of housing, classrooms, commercial space, and office space already in this pipeline, it was a different story. She said that some of the biggest projects would come from UVA, and major developments planned on Old Ivy Road would have increased pedestrians, vehicles, and activities night and day.

Ms. Bridge said that although the University had not participated in any discussions yet, the information was available that confirmed its impact, and even if they did not participate, they would be negatively affected by the problems. She said that the big picture was that the costs of the Greystar project outweighed the promises and benefits. She said that uncertainties had been pointed out by other speakers, whether it was the VDOT pipeline open-ended study, the housing developer incentives that were not clear as to their effects, and others that had been pointed out.

Ms. Bridge requested the Board to please not approve this project tonight because of what it looked like on paper. She said that the problems it would cause could not be fixed with landscaping, signals, signs, or sidewalks, and they could not make this safe by adding more traffic. She asked the Board to vote against the project and get the infrastructure improvements done so that they could vote on a project in the future that supported a truly sustainable community.

Mr. Ivo Romanesko, Farmington resident in the Jack Jouett District, said that he encouraged the Board to approve this project. He said that he spoke for the Comprehensive Plan and Neighborhood Model, and the clock was ticking on the Development Area. He said that some of his neighbors were upset, which saddened him, but they represented a small percentage of the 43,000 other households in Albemarle County who also shared these roads and drove the area around UVA, and he supposed the Board was who spoke for those people.

Mr. Romanesko said that housing issues were often emotional, and keyboard warriors did not always help. He said that he did not argue with his neighbors' feelings, and he understood them, but Albemarle grew by 1% annually, and it could be predicted that there would be more than 500 new households looking for rentals the size of Old Ivy over the next one, two, and three years, and those households would have few options for rent. He said that there was a question about where they would work, where they would shop, and where they would be entertained. He said that they knew of the largest employer, the shopping areas, the sports entertainment areas, and the medical facilities, and they knew that the UVA Census District was inside the bypass, and that census district was a magnet for renters and for homeowners.

Mr. Romanesko said that Old Ivy Residences that was planned, Huntington Village, and University Village were all in this census district., and the district had a 37% advantage in commute times, and census data showed it was only about 16 minutes inside the district, and 22 minutes or more outside of the district. He said that that was one argument in favor of this location. He said that whenever those 500 households arrived, people would want to rent at this location because it was so near to UVA, and people would be commuting on these roads regardless of where the development was located. He said

that he did not know how long it would take to study the traffic if the project were delayed.

Mr. Waller Dudley, Jack Jouett District, stated that he would suggest that a prior speaker had it right. He said that this was a timing and sequence issue. He said that more detailed context of what happened last week in that same room was that the VDOT people were present, and there was a much larger audience of citizens, and the VDOT people explained how many hours they had pulled out trying to figure out what to do merely with the little interchange in front of the Bellair Market. He said that at the end of their presentation, they confessed that they had no solutions identified as designs that would give meaningful relief to this area.

Mr. Dudley said that the audience was unanimous in the view of questioning why they would try to do that anyway without tackling the much larger issue of the entire neighborhood. He said that they had to do that before putting in place a plan that would really make a difference. He said that if the Board were to approve this, they would be doing this in the hope that some future unknown would come along and have all of this make sense. He said that he did not believe that was a prudent bet to place on the citizens who would be impacted by this idea.

Mr. Dudley said that it was a huge stretch to claim that 4,300 new vehicles would have a marginal impact at this particular location. He urged the Board to slow down and take a deeper, longer, more thoughtful look at this entire, messy area, and not to add the burden before the meaningful, broader fix could be envisioned.

Mr. Dudley said that he believed the VDOT people were right, because at the end of that meeting, they said that they should not do any of this, and they said that they had to do the pipeline study. He said that he himself did not understand the term, but it seemed to indicate they were going to look broadly, gather a lot more data, and figure this out in a broader way, and then determine what made sense on this particular property. He said that that was what should be done.

Ms. Kat Maybury, White Hall District resident, said she was representing Livable Cville, a group that advocated for affordable housing, sustainable transportation, and healthy neighborhoods that were welcoming to everyone. She said that she would read Livable Cville's letter to the Board:

"We are writing in support of the Old Ivy development. This is an opportunity for the County to make progress toward its housing, equity, and environmental goals. Albemarle County needs more housing, and this is an excellent location for it. The development will help the County meet its housing and equity goals by providing homes to over 500 families, including at least 75 families who cannot afford market-rate housing. This is consistent with the first goal of the County's Housing Albemarle plan, which was to 'increase the supply of housing to meet the diverse housing needs of current and future Albemarle County residents.' This development also supports the County's environmental goals. Hundreds of new homes close to job centers, schools, and amenities is one of the best ways the County could fight climate change. Multifamily homes, which account for most of this development, use less energy than detached, single-family homes. Transportation emissions account for more than half of Albemarle County's total carbon footprint. Carbon emissions are much lower when people have short commutes or bike or walk to their daily activities, which are feasible from this location. The density at this site could also one day support expansion of public transit to this area. This location clearly needs better infrastructure for drivers, cyclists, pedestrians, and people using mobility devices. The advantages of the site's proximity to important destinations can only be realized if there is a safe place to get to them. The more than \$2 million in funding for road and multiuse paths proffered by the developer will help facilitate these improvements, to the benefit of residents of Old Ivy, the surrounding neighborhoods, and the community as a whole. We encourage the County to employ these funds expeditiously to get this necessary infrastructure built as soon as possible. We believe housing is a human right, and we welcome the opportunity to have so many new neighbors. We hope you will vote to support this rezoning. Thank you for your consideration."

Ms. Kathleen Jump, Jack Jouett District, said that in 1985, Supervisors met with community members to talk about the rezoning for 80% of the parcel under discussion tonight. She said that the aspects of the proffer were unique and created a "gate" requiring road infrastructure before development. She said that the proffer lacked metrics and therefore it was important to review what the County was concerned with at that time. She said that planning staff comments at the time said that to develop the parcel to R-15, it would be necessary to make the improvements shown on the slide, including upgrading curb and gutter, expanding Old Ivy Road beyond two lanes, and realigning and improving the railroad underpass, which were similar to what was known today.

Ms. Jump said that the Supervisors' remarks made it clear that this area had been given water and sewer, and was appropriate for high density, but it lacked a road. She said that the Board considered this proffer in order to force improvements to the roadway, and it was not congestion on the road that they were concerned about, but the safety of the road. She said that the County was clear that if vacant properties along here were developed, that could increase the traffic on the road and limit the applicant on what could be done with their property. She said that Supervisor Lindstrom represented the area in 1985, and again repeated that this had all the elements for high density development except for one, which was the road.

Ms. Jump said that at that time, planning staff identified 7,500 vehicles as the trigger that would force more improvement on Old Ivy Road, thus maximum development of R-15 may never be realized. She said that the proffer of 1985 created a higher bar for the Board, and a question they had to wrestle with tonight was what had been improved on Old Ivy Road that would lift this restrictive cap. She said that tonight, they were being asked to make this important planning decision with no solution for two of the major concerns.

Ms. Borgersen stated that an additional speaker had requested to be allowed comment via Zoom.

Ms. Price asked if the speaker signed up in time.

Ms. Borgersen said they did not.

Ms. Price closed the public comment and said the applicant had time for rebuttal.

Ms. Long said that there were comments criticizing the scope of the traffic study, and she would reiterate that that scope was specified by Mr. McDermott, his team, and VDOT, and went through many rounds of review at the levels of VDOT and at the County. She said that there were no concerns from that review and staff recommended approval of the application.

Ms. Long said that the property had been designated high density residential since 1971, and in reading those proffers from 1982 and 1985, she learned that the focus was on what was called the main line of Old Ivy Road, from the northern bypass ramp to the eastern end, and the concerns were about the railroad trestle, the lack of curb and gutter, and the width of the roads.

Ms. Long said that other comments were made about the lack of sidewalks and the need to have sidewalks on at least one side, but those things were largely complete now. She said that the Supervisors in 1985 discussed the railroad trestle and that they needed someone who owned the land and VDOT to help out. She said that it had not been addressed since then, and as Mr. McDermott stated, he did not believe it was the applicant's job to resolve. She said that within the 50 years since then, there had been many other developments built on Old Ivy Road while this land had sat vacant, designated urban density residential with no one able to live there. She said that the record from the traffic study stated clearly that on main line Old Ivy Road, the level of service was a level "A" westbound, eastbound, during the morning and evening peak hours, which indicated the road was sufficient to handle this development.

Ms. Long said that the safety records indicated that there was a need for pedestrian and bicycle infrastructure, which was why Greystar had proffered to build it on their land and extend it if possible, with other land, building multimodal paths and expanding multimodal opportunities. She said that the road improvements would contribute to additional improvements, and \$2.4 million in road improvements through a combination of cash and constructed road improvements mitigated any transportation impacts that this project would create when looking at the congestion on the western end that was already existing and the lack of congestion on the main line Old Ivy Road. She said that Greystar was offering to address the shortages with the pedestrian infrastructure.

Ms. Long said that the younger people in the community needed a place to live, and this property had been designated since 1971, and the housing shortage had become a state that was untenable for citizens. She said that there were many options for a person of means to find a home in the community, and there were very few choices if people did not have those means, as described earlier by advocates. She said that this applicant had addressed every request made by staff in some way and had volunteered to create the second receiving lane when they learned it would improve the congestion. She asked that these contributions be recognized as a part of the request.

Ms. Long said that there was no evidence from 1985 that there was any congestion on the western end, and the issues were all about main line Old Ivy Road, which was now the frontage of this property. She said that interestingly, in reviewing the minutes from 1982 and 1985, in 1982, when University Village was being proposed, Huntington Village submitted a 200-signature petition in opposition to that.

Ms. McKeel asked if the concerns raised by citizens about the tree removal and the pump station could be addressed.

Ms. Long stated that originally, the application had a request for what was technically a central sewer system, because there was going to be a lift station necessary to get the gravity for that sewer, but they no longer needed that. She said that the issue about working with the ACSA to upgrade that pump station was the alternative, so there was no longer a request for a lift station on the property. She asked for clarification about what the issue was with the trees on the parcel.

Ms. McKeel stated that a constituent expressed concern about the old growth and hardwood trees in the area being affected by construction. She said that the trees were on the University Village property.

Ms. Long said that most of the trees on Greystar property were part of the area that was to be preserved as eight acres of outdoor space, with the wooded area around the pond and Rivanna Trail and the stream buffer. She said that some trees would be removed, but none of the trees on the University

Village property would be touched. She said that there would be tree protection fencing and they could perform a tree study to ensure that arborists could guide the measures to protect the adjacent trees.

Ms. McKeel said that the area was once a large forest that was clear cut.

Ms. Long said that she had been told it was pastureland for many years, and when VDOT built Leonard Sandridge Road, that was the fill area.

Ms. LaPisto-Kirtley said that someone had mentioned possible access to the site could be made from Leonard Sandridge Road. She asked if that was feasible.

Ms. Long said that it currently was not possible because the land was owned by the University. She said that at one time, they believed it would be beneficial for dispersing traffic, and upon the evaluation of traffic engineers, it was determined that it would not reduce trips very much based on the directions people were going. She said that regardless, they had held meetings with the University of Virginia about a possible vehicular connection in that location, but they were unable to work it out with them. She said that they had been focusing on a bike-ped path in that same location.

Mr. Andrews said that it appeared that much of the development along Old Ivy Road was driving by the University, so he would like to better understand what the role of the University was in this situation.

Mr. McDermott said that as a state agency, the University was not subject to any of the County's zoning regulations, so they did not need to come to the County if they wanted to develop any of their properties. He said that the County held certain agreements with the University where the County collaborates on projects, and the University was willing to discuss and try to work with the County, but the County had no legal recourse to have them submit or require proffers from them.

Ms. Mallek said that she was concerned about the contrary vehicle impacts that had been brought up tonight. She said that the information was conflicting, and it appeared that everyone thought their data was correct, so there may not be a real answer. She noted that the focus of the applicant's vehicular analysis may have yielded conservative results.

Ms. Price closed the public hearing and brought the matter before the Board for discussion.

Mr. Gallaway said that the 1985 proffer was too subjective and should have been defined. He said that to attempt to define what the Supervisors at the time or the current Supervisors would define as "satisfactory" was a task that was not how the Board worked. He said that each development along the road had made some sort of improvement to the road that had been required with their entrances, and it seemed no different in this case that the development was being asked to do things specific and across their frontage, and then doing other area type of proffers there.

Mr. Gallaway said that he had experienced over time that his constituents had been requesting this type of mix of housing types, but the infrastructure of the roads was integral to the success of the development of corridors. He said that he understood that traffic and safety issues were at the forefront of this item, but the way that road and transportation improvement projects were done in the state was that the developments approved and in place scored higher to get the road projects. He said that if the application were approved, the same support that was given to him to make improvements in the Rio District would be given to ensure that this stretch of road was improved as well.

Mr. Gallaway said that the 5% Development Area was being developed lower than what the approved density was, and when it was maxed out, it would be a huge conversation for the community to have. He said that the density was designed to be in the Development Area, so the mixture of types in the subject property was better than an apartment-only complex. He noted that while there was hope that this development would draw younger tenants, retirees may also be interested in living in this area. He said that if the Board approved the application, the issue with the pedestrian access and the railway had to be addressed, the flooding had to be mitigated, and the County had to take on the responsibility of getting the infrastructure in place.

Ms. McKeel said that she recognized the concerns everyone had raised about the traffic. She said that this project did provide some positive aspects, such as affordable housing units, workforce housing, and housing near UVA, which was a large employer, and building out at a much lower density than what was allowed.

Ms. McKeel said that the application embraced the Rivanna Trail system and the preservation of green spaces, and the site was designed for minimal impact to existing residential developments. She said that the proffers to improve sidewalks, roads, traffic were also positive factors. She said that this project was the catalyst for VDOT to recognize solutions were needed in this area, and VDOT would identify the solutions necessary to alleviate the larger traffic issues of the area through its pipeline study. She said that the timing of the improvements of the road and the development of this proposal could work in tandem. She said that the Planning Commission had certain concerns but recognized that this was a good proposal. She stated that she was supportive of this project.

Ms. LaPisto-Kirtley said that she concurred with Mr. Gallaway and Ms. McKeel. She said that working with UVA to create a path around the underpass would be a great solution if it could ever be achieved. She stated that she was supportive of the proposal.

Mr. Andrews said that housing developments such as this were not viewed as providing a specific type of tax benefit but were viewed in terms of the quality of life they offered and the need for affordable housing that was identified. He said that this proposed development was very near the centers of the Development Area and amenities. He said that the traffic situation was appalling and needed to be fixed, and much cooperation with VDOT and perhaps UVA and neighbors was necessary. He said that Old Ivy had an east end, a west end, and half of a bypass connection that were all incomplete.

Mr. Andrews said that this was an area appropriate for the level of density were it not for the traffic, and to do a lower-density development would only be applicable if the traffic issues could not be fixed. He said that it was of great concern that the road had no good pedestrian access, yet the Development Area was meant to have availability for transportation modes other than each citizen taking car trips. He said that he hoped the members of the public who brought forward their energy for this issue would continue to do so in order to solve the larger traffic issue if this were approved.

Ms. Mallek said that when she saw this proposal months before, she thought she wouldn't support it. She remembered that flooding under the trestle had been a problem back to the 1950s. She said that as she learned more details, she became more troubled, yet she was pushed in a different direction for her decision. She said that they could not predict the tenants who would make up this proposed development's population. She said that the traffic issues in this area had been exacerbated by other past development and decisions made by the County, and it was only with the concerns raised by so many local residents that VDOT understood what to be aware of, and they certainly understood the need to find the solution for this area.

Ms. Mallek said that in Virginia, they were not allowed to plan ahead by taking impact into consideration as in other states to decide things like this, and that was a failure in the system. She said that many benefits would be felt from this development, and she hoped that the drawbacks would be short-lived. She said that she hoped that more solutions would be identified in the future with this proposal.

Ms. Price said that there was no capacity to defer this item, so the matter would be decided tonight. She said that this item demonstrated to her that as a County, they could not permit sidewalks to not be built on the outside of developments on major roadways. She said that there were many bits and pieces that did not connect, so moving forward, they had to ensure that when a development went in on a major artery, they had to have that.

Ms. Price said that something with bike and pedestrian improvements was necessary to be installed on Old Ivy Road regardless of the proposed development. She said that she had voted against previous proposals due to traffic and safety improvements, after which they were able to begin getting infrastructure improvements that were needed.

Ms. Price said that there was reference earlier that the land under some type of zoning could accommodate 1,000 to 1,202 units, so looking at 525 units made her question why there were not more. She said that a report indicated that the Albemarle County's Development Area was only hitting 58% capacity, and she calculated this development to be between 44% and 53% capacity. She said that there would be a substantial vegetative buffer between this development and the bypass, which went towards improving the quality of life. She said that it was the right location for development, and the right type of housing was provided at a reasonable density.

Ms. McKeel **moved** that the Board adopt the ordinance to approve ZMA202100008 Old Ivy Residences as presented in Attachment G.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

ORDINANCE NO. 23-A(2)
ZMA 2021-00008

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 06000-00-00-05100, 06000-00-00-024C1, 06000-00-00-024C3, AND 06000-00-00-024C4**

WHEREAS, an application was submitted to rezone 5.52 acres on Parcel 00600-00-00-05100 from R-1 Residential to R-15 Residential zoning, and 1.8 acres on Parcel 06000-00-00-024C1 from R-10 Residential to R-15 Residential zoning, to amend the proffers of ZMA 198599921 as they apply to Parcels 06000-00-00-05100, 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4, and to amend the concept plan and proffers of ZMA199600020 as they apply to Parcel 06000-00-00-024C1, to be rezoned with the amended plan and proffers;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00008 and their attachments, including the Concept Plan last revised August 15, 2022 and the Proffers revised February 17, 2023, the information presented at the public hearings, any written

comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-18.1, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00008 with the revised Concept Plan entitled "ZMA 2021-00008 Rezoning Concept Plan for Old Ivy Residences" prepared by Timmons Group, dated July 19, 2021, last revised on August 15, 2022, and the Proffers revised February 17, 2023.

Mr. Steve Rosenberg, County Attorney, said that he had sent the Board a revised resolution to take the place of Attachment I to properly reflect the applicant's desired outcome for purposes of the stepback special exception. He said that the revised resolution would apply to all four of the buildings shown on the Concept Plan, which had been reviewed by staff, and counsel to the applicant had concurred with those revisions. He said that in considering this item on the agenda, he would ask the Board to consider the revised version of the resolution.

Ms. Price asked if there were four or five apartment buildings.

Mr. Rosenberg clarified that there were five.

Ms. Price clarified that the waiver would apply to all five.

Mr. Rosenberg said yes.

Ms. McKeel **moved** to that the Board adopt the revised resolution for SE2022-00011 Old Ivy Residences for the reasons listed in the staff report.

Ms. Mallek **seconded** the motion. Roll was called and the motion passed by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.

NAYS: None.

Ms. Price clarified that Attachment J was no longer considered because it was now an administrative matter.

**REVISED RESOLUTION TO APPROVE
SE 2022-00011 OLD IVY RESIDENCES**

WHEREAS, upon consideration of the staff reports prepared for SE2022-00011 Old Ivy Residences (in conjunction with ZMA202100008) and the attachments thereto, including staff's supporting analysis, any comments received, and all of the factors relevant to the special exception in Albemarle County Code §§ 18-4.19(5), and 18-33.9, the Albemarle County Board of Supervisors hereby finds that the proposed special exception:

- (i) would be consistent with the applicable Neighborhood Model Principles from the Comprehensive Plan; and
- (ii) would not have a negative impact on the Bypass Entrance Corridor

NOW, THEREFORE, BE IT RESOLVED that the Albemarle County Board of Supervisors hereby approves a special exception to waive the 15-foot stepback requirement of County Code § 18-4.19 for the multi-family structures on Parcels 06000-00-00-05100, 06000-00-00-024C0, and 06000-00-00-024C3.

Agenda Item No. 20. Public Hearing: ZMA202100009 Old Ivy Residences Preserved to Managed Slopes.

PROJECT: ZMA202100009 Old Ivy Residences Preserved to Managed Slopes

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL(S): 060000000024C1, 060000000024C3, 060000000024C4

LOCATION: 2441 Old Ivy Road, Charlottesville, VA, adjacent to Route 250/29 Bypass

PROPOSAL: Rezone areas of the Preserved Steep Slopes Overlay District to Managed Steep Slopes Overlay District.

PETITION: Rezone areas of existing Preserved Steep Slopes Overlay District to the Managed Steep Slopes Overlay District on Tax Map Parcels 060000000024C1, 060000000024C3, and 060000000024C4.

OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED.

ENTRANCE CORRIDOR (EC): Yes

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6.01-34 units/acre); supporting uses such as places of worship, schools, public and institutional uses, neighborhood scale commercial, office, and service uses; Parks and Green Systems - parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, preservation of stream buffers, floodplains and steep slopes adjacent to rivers and streams in Neighborhood 7 of the Southern & Western Neighborhoods Master Plan.

Mr. Cameron Langille, Principal Planner, stated that the current slide on the screen showed an aerial image on the lefthand side that showed trees on the property. He indicated the areas with existing preserved steep slopes that were a part of the Steep Slopes Overlay District in red at the top of the aerial image. He stated that to the right side of the slide, an image from GIS (Geographic Information System) showed a map of where the official Steep Slopes Overlay District applied on these parcels. He said that the yellow color on the righthand side of the image were managed steep slopes that were allowed to be disturbed for land development activities but with specific technical criteria that must be met. He said that the application before the Board was asking to reclassify the areas indicated in green, the preserved slopes, to managed steep slopes.

Mr. Langille said that the process for evaluating a request such as this was outlined in the Zoning Ordinance in §30, which compared the different attributes that defined a managed slope versus the preserved slope. He said that five different attributes identified features that would exist that would warrant something being classified as a managed slope, and there were seven attributes that would make something be a preserved slope. He said that he reviewed the criteria with engineering staff, including evidence and justification provided by the applicant.

Mr. Langille said that the preserved slopes identified on the GIS map met basically all of the attributes and criteria to be classified as a managed slope. He said that they were primarily created by manmade activities associated with construction of the Route 250 and Route 29 bypass, not to mention the construction of Leonard Sandridge Road and agricultural activity that occurred on the parcel in the 1990s and 2000s. He said that staff recommended approval of this zoning map amendment (ZMA) to the Planning Commission, which voted 6-0 to recommend approval.

Mr. Andrews asked if a managed slope would ever become a preserved slope.

Mr. Langille said that it was possible that it could occur. He said that this was a new overlay district that was applied throughout the Development Areas, and he was only aware of there being a mechanism in the ordinance to change preserved slopes to managed, but the maps could be amended in the future if it were necessary. He said that currently, if a landowner requested a change from a preserved slope to a managed slope, it would follow this process.

Ms. Price opened the public hearing.

Ms. Valerie Long, an attorney from the law firm Williams Mullen, representing the applicant, Greystar, said that she had a presentation if the Board members had any questions, but based on staff's recommendation and the Planning Commission's recommendations, they would leave it at that for now.

Ms. Price asked if there were any other questions or comments from the Board or speakers from the public. Hearing none, she closed the public hearing and brought the matter before the Board for discussion.

Ms. McKeel **moved** to adopt the ordinance as presented in Attachment K to approve ZMA202100009 Old Ivy Residences Preserved to Managed Slopes.

Ms. LaPisto-Kirtley **seconded** the motion. Roll was called and the motion carried by the following recorded vote:

AYES: Mr. Andrews, Mr. Gallaway, Ms. LaPisto-Kirtley, Ms. Mallek, Ms. McKeel, and Ms. Price.
NAYS: None.

ORDINANCE NO. 23-A(3)
ZMA 2021-00009

**AN ORDINANCE TO AMEND THE ZONING MAP FOR
PARCELS 06000-00-00-024C1, 06000-00-00-024C3, AND 06000-00-00-024C4**

WHEREAS, an application was submitted to rezone 1.55 acres on Parcels 06000-00-00-024C1, 06000-00-00-024C3, and 06000-00-00-024C4 from Preserved Steep Slopes to Managed Steep Slopes; and

WHEREAS, on November 29, 2022, after a duly noticed public hearing, the Planning Commission recommended approval of ZMA 2021-00009;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Albemarle, Virginia, that upon consideration of the transmittal summary and staff report prepared for ZMA 2021-00009 and their attachments, including the Old Ivy Residences Preserved Slopes Zoning Map Amendment last revised February 7, 2021, the information presented at the public hearings, any written comments received, the material and relevant factors in Virginia Code § 15.2-2284 and County Code § 18-30.7.3, and for the purposes of public necessity, convenience, general welfare, and good zoning practices, the Board hereby approves ZMA 2021-00009 with the revised Application Narrative entitled "Old Ivy Residences Preserved Slopes Zoning Map Amendment" prepared by Timmons Group, dated July 19, 2021, and indicated as last revised on "February 7th, 2021 [sic]."

Agenda Item No. 21. From the Board: Committee Reports and Matters Not Listed on the Agenda.

Ms. Price said that there had been a great Pantops CAC (Community Advisory Committee) meeting.

Agenda Item No. 22. Adjourn to March 8, 2023, 3:00 p.m. Room 241.

At 12:27 a.m. on March 2, 2023, the Board adjourned its meeting to March 8, 2023, 3:00 p.m., Room 241 on the Second Floor of the Albemarle County Office Building, 401 McIntire Road, Charlottesville, VA 22902. Opportunities for the public to access and participate in this meeting are posted on the Albemarle County website on the Board of Supervisors home page and on the Albemarle County calendar. Participation will include the opportunity to comment on those matters for which comments from the public will be received.

Chair

Approved by Board
Date: 02/19/2025
Initials: CKB