

Southwood Phase 2

Rezoning Application Narrative ZMA 2021-00013

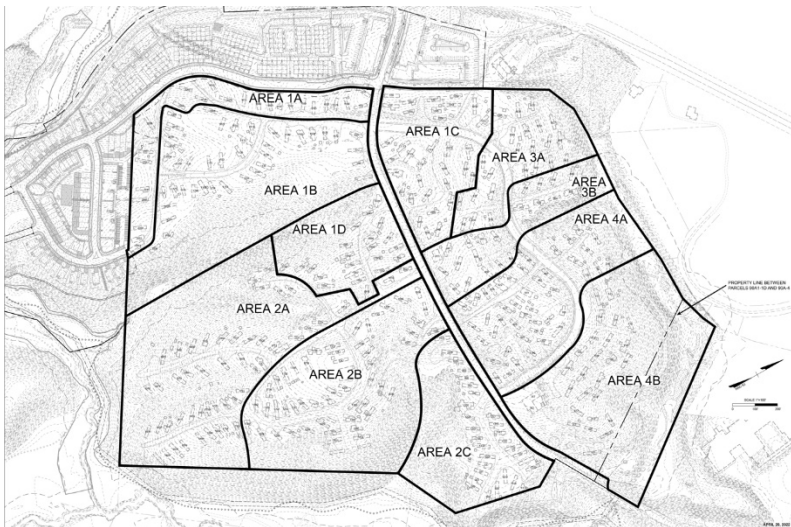
Project Description

Southwood Charlottesville, LLC (the “Owner”), wholly-owned by Greater Charlottesville Habitat for Humanity and referred to herein as the “Applicant” or “Habitat,” proposes to amend the approved Phase 1 rezoning (ZMA 2018-003) for Southwood mobile home park in order to redevelop the entirety of the park. Phase 1 consisted of greenfield parcels, and this amendment includes the property where the existing mobile homes are located. This amendment, Southwood Phase 2 (“Phase 2”), proposes to rezone the following parcels from R2 Residential to Neighborhood Model District (NMD).

Tax Map Parcel	Acreage per Albemarle County GIS	Survey Acreage	Owner
090A1-00-00-001D0	86.8 ac.	88.91 ac.	Southwood Charlottesville, LLC
090A0-00-00-00400	4 ac.	4.11 ac.	Southwood Charlottesville, LLC
090A0-00-00-001C0	0.46 ac.	.31	Southwood Charlottesville, LLC
3 parcels total	91.26 ac. Total	93.33 ac. Total	

All of the parcels are designated in the Comprehensive Plan and the Southern and Western Neighborhoods Master Plan (the “Master Plan”) for Urban Density Residential with up to 34 DU/acre within a mixed-income, mixed-use development. A Center designation is shown in the Master Plan in the general area near the entrance of Hickory Street and Old Lynchburg Road.

Phase 2 is planned within the project's existing mobile home park. Development will occur in phases, referred to as “Areas” in the plan shown below, in order to limit the impact to the existing residents.



The Applicant is proposing to continue the form, density, and uses that were approved in Phase 1 with this second phase. The resident planners who designed and wrote the Code of Development for Phase I have provided input in this next phase that the form, density, and uses established with Phase I should continue into Phase 2.

The revised Code of Development establishes dwelling units for a mixture of incomes and uses and provides the opportunity to continue the informal services offered within the community into occupations or small business ventures.

Application Plan and Code of Development

A proposed Application Plan prepared by Timmons Group dated October 18, 2021 and last Revised Per County Comments on June 27, 2022 (the "Application Plan") and Code of Development prepared by Habitat for Humanity dated July 5, 2022 (the "COD") are enclosed with this Application. The Project proposes up to 1,000 dwelling units including single family detached, single family attached, and multi-family units, for a gross density of 10.7 DUA across the entire 93.33 acres.

The Project also proposes a minimum of 10,000 square feet and maximum of 60,000 square feet of non-residential use, primarily concentrated within the Neighborhood Center Special Area, Neighborhood Mixed Use, and Urban Density Mixed Use areas but also permitted with smaller footprints within the blocks designated Neighborhood Density.

The Application Plan identifies a continuation of blocks from Phase 1 into Phase 2. These blocks correspond with the uses, form, and densities outlined in the COD and as shown on the Block Density Plan. The Application Plan also includes potential areas for vehicular ingress and egress into the block areas. It is anticipated that the existing road network will serve these blocks and be upgraded to Virginia Department of Transportation (VDOT) road standards. The green space, recreational amenities, and trail network have been identified on the Application Plan and in detail within the COD.

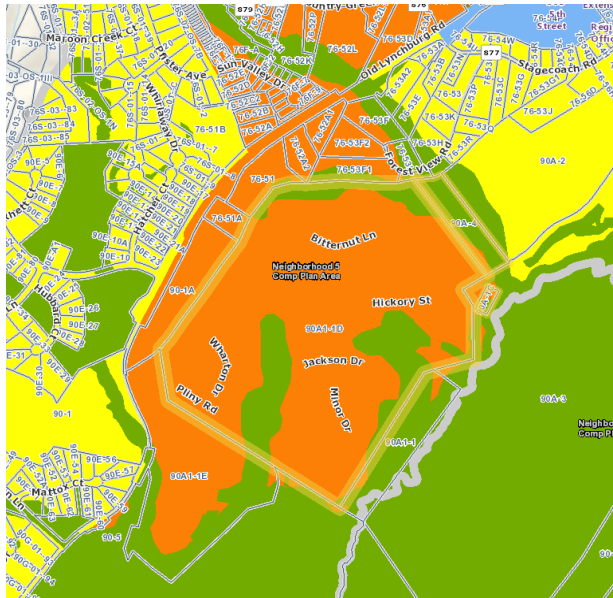
Surrounding Area

Southwood is located along Old Lynchburg Road, just south of the City of Charlottesville where the four lane divided street transitions to a two-lane rural road. The property is within the County's designated development area. It is surrounded by a mixture of residential and institutional/ public uses and shares its southern and eastern property lines with Biscuit Run Park.

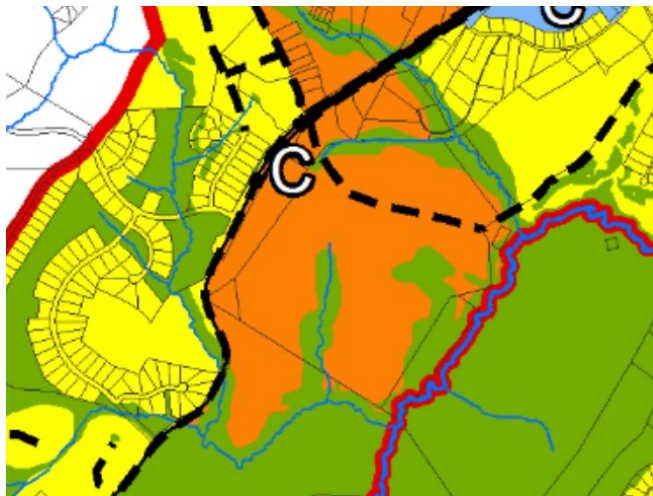
Comprehensive Plan Land Use Designations

The Project is located within the Southern and Western Neighborhood's Master Plan area. The Master Plan's Future Land Use Map designates all of the Property as Urban Density Residential and also includes a Center designation near the entrance of Hickory Street with Old Lynchburg Road.

The Property is outlined in yellow on the image below from the County GIS Comprehensive Plan layer:



The map below is from the Master Plan's Future Land Use Map.



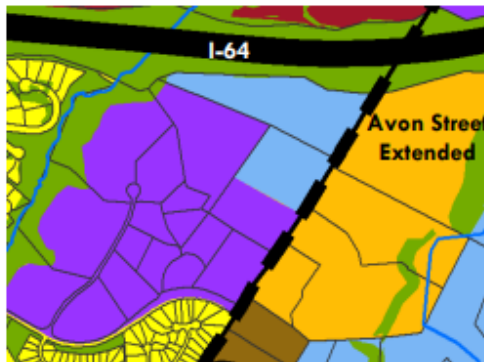
In addition to the Urban Density Residential designation, the Master Plan states the following regarding the Center designation and redevelopment of Southwood:

**Figure 19:
Southwood Mobile Home Park**

9. The **Southwood** (Figure 19) Center contains the existing Southwood Mobile Home Park which contains approximately 1500 residents, 342 mobile homes of various ages and states of repair, a Boys and Girls Club facility, and many children. It is recommended for Urban Density Residential development.

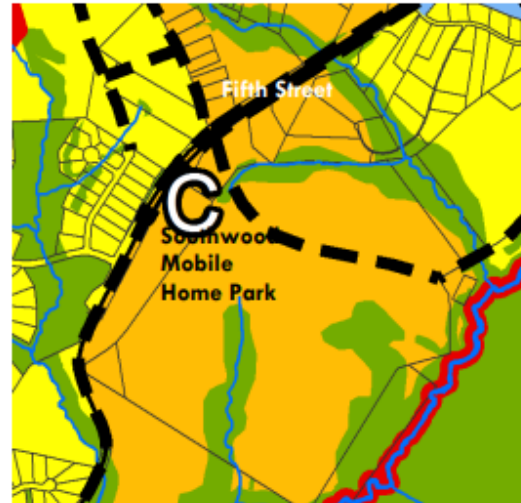
Redevelopment of the Southwood Mobile Home Park should be as a mixed-income, mixed use community. A mixture of housing types for different income levels is expected. A retail and/or services area should be provided for the neighborhood. The proposed Southern

Figure 20: Avon Street Extended



Connector road project is also a

part of the planned future development. At this time, Habitat for Humanity is planning for the redevelopment of the mobile home park as a mixed-income, mixed-use community. During the planning stage, opportunities may exist for the County to partner with Habitat for Humanity to help request grant money, significantly improve and expand the regional inventory of affordable housing, tie into the transportation network throughout the area, and if Habitat for Humanity is able to exchange land owned by the State for Biscuit Run State Park, obtain land to add to the County inventory of playing fields.



The Master Plan further designates Southwood as a Priority Area and states the following regarding Priority Areas as well as Southwood itself:

Priority Areas

Priority areas are places where significant development is currently underway, future development is to be directed, and investment in public improvements is programmed or recommended. They have been established to help guide the locations for public investments and other decision making. These priority areas are especially important in providing guidance on land use decisions. While decisions regarding private development proposals and investment should not be based solely on these priority areas, decisions on development proposals should be made with an understanding of where public investments are being focused.

Land use decisions should be consistent with priority areas established in the Development Area Master Plans. The County may find it inappropriate to approve new rezoning or special use permit requests outside of the designated priority areas if planned facilities are not in place to support the proposed project and the existing neighborhoods. To be approved, projects outside of priority areas will need to provide significantly higher levels of improvements to ensure that adequate infrastructure and services are available to the area.

Southwood Site – site is the existing Southwood Mobile Home Park. This area contains mobile homes of various ages and states of repair, a Boys and Girls Club facility, and many children. It is recommended for Urban Density Residential development with a neighborhood Center.

Redevelopment of the Southwood Mobile Home Park should be as a mixed-income, mixed use community. A mixture of housing types for different income levels is expected. The neighborhood center should be provided for neighborhood supporting commercial uses. The proposed Southern Connector road project is also a part of the planned future development.

Consistency with the Comprehensive Plan

The proposed community is consistent with the Comprehensive Plan¹'s designation of Urban Density Residential with a Center and Parks and Green Systems. Urban Density Residential contemplates an average density of 6.01-34 dwelling units per acre ("DUA"). At up to 1,000 units across the entire 93.33 acres the Project density is 10.7 DUA, within the recommended range of the Comprehensive Plan. The net density of the Project is approximately 12 DUA, based on 81.42 acreage available outside of environmental features and areas designated as Parks and Green Systems, which is still within the recommended density range of the Comprehensive Plan. Existing R-2 zoning would permit approximately 187 dwelling units (not including any bonus density), whereas the Comprehensive Plan Land Use Map calls for over 6 DUA, up to 34 DUA. Objective 5 of the Development Areas chapter of the Comprehensive Plan is to "promote density within the Development Areas to help create new compact urban places." Therefore, it will further the goals of the Future Land Use Plan of the Master Plan by providing at least 527 units, with a maximum of 1,000 dwelling units (including affordable units) close to employment areas and on an existing transit line.

The Center designation and supporting language within the Master Plan specific to Southwood, recommends a mixed-use community, with a retail and/or services area for the neighborhood. Phase 1 included 50,000 sq ft of non-residential, however only a maximum of 10,000 sq ft will be built within that Phase. Phase 2 is proposing up to 60,000 sq ft of non-residential (minimum of 10,000 sq ft) which will address the recommendations of the

¹ *Albemarle County Comprehensive Plan*, adopted June 10, 2015.

Master Plan to provide a mixed-use community and a retail and services area for the neighborhood. It is anticipated that these uses may include a childcare center, community center, Boys and Girls Club, incubation space for resident businesses, and other commercial office and retail uses.

The areas designated as Parks and Green Systems in the Master Plan have been included in the proposed open space block areas and will not be impacted. As required by the NMD regulations, at least 20% of the project area will be set aside as open space, to include amenity areas. The COD further outlines the amenities to be provided in Phase 2. See Section 8.0 of the COD, including Table 8: Minimum Green Space and Amenity Requirements by Block and Figure 8: Conceptual Location of Amenity Areas.

Habitat is proffering a public easement over the entire length of the primitive trail encircling Southwood (both Phases 1 and 2). Habitat, followed by its successor in title, the Southwood Community Association, will retain responsibility to maintain the trail. The trail crosses public rights-of-way in two locations, but the Applicant also will provide pedestrian connections via easements across blocks at various points along the trail to link public sidewalks with the trail. Further, the Applicant will grant public easements to connect the Southwood Trail to the Biscuit Run Park trail. The Conceptual Location of Amenity Areas (Figure 8 of the Code of Development) shows conceptual locations where the Southwood trail will connect to the Biscuit Run Park trail. The Applicant will work with County Parks and Recreation to plan these connections.

Affordable Housing:

In July 2021, Albemarle County adopted an updated housing policy called “Housing Albemarle.” The policy includes 12 key objectives which will help the County achieve its housing goal of providing safe, decent, and sanitary housing, available to all income and age levels, located primarily within Development Areas, and available equally to current and future residents. The Project Application Plan includes within the Code of Development, a statement that a minimum of equal or greater to 227 residential dwelling units will be affordable to households making at or below 80% of the Area Median Income which is consistent with the Housing Albemarle plan. Additionally, the application includes a proffer holding an additional parcel for the development of a minimum of 50 Low Income Housing Tax Credit rentals for a period of time. Added together the 277 affordable units represent 53% of the total number of units at minimum build out and 28% at maximum buildout. It is worth noting that these 277 units will be additive to the 207 affordable units being built in phase I of the Southwood project for a minimum of 484 new affordable units being added to the local inventory. It is important to note that the existing mobile homes are in a deteriorated condition and would not meet the County’s definition of safe and affordable housing. Although Habitat proffered 15% affordability in phase I, it is delivering 62%. Habitat’s sole mission is to create and preserve affordable housing and will look for opportunities to perform above the minimums whenever financially feasible in phase II as well. The project also aligns with several of the plan’s objectives: Increasing the Overall Housing Supply, Preservation of Existing Housing and Communities, Fair Housing and Community Equity, and Sustainable Communities.

Board of Supervisors Resolution: Public/Private Partnership Opportunity

As discussed in this Narrative, Habitat is working with the County and VDOT to redesign Hickory Street as a public thoroughfare with on-street parking; it is working with Parks and Recreation to provide public trails and trail connections in conjunction with Biscuit Run Park planning; it is working with Albemarle County Public Schools to plan a potential school site. Habitat hopes to work with the County to pursue public funding for Hickory Street and other public infrastructure needed in Habitat. The redeveloped Southwood will significantly increase the County’s tax base as discussed below.

The County Board of Supervisors adopted the following resolutions on October 5, 2016:

“NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that the Southwood redevelopment project represents an essential public/private partnership opportunity that is

consistent with the Comprehensive Plan and the County's broader strategic goals, the success of which is greatly influenced by the extent and quality of active engagement between representatives of Habitat and representatives of the County, including County staff; and

BE IT FURTHER RESOLVED *that the effective redevelopment of Southwood according to the core values of non-displacement and sustainability is a critical component of successfully working with a concentration of the County's most vulnerable population that could serve as a blueprint for future revitalization and redevelopment of the County's aging suburban infrastructure."*

These resolutions were based on the County's stated commitment "to engaging actively in redevelopment and revitalization in the County's Development Areas with acknowledgment that a successful project of this magnitude and complexity requires extensive collaboration and coordination among the project developer, affected residents and public agents, including County staff and officials; and ...(that), Albemarle County, as part of supporting this project, may wish to consider targeted investments in public infrastructure including, but not necessarily limited to specific roads, trails and park land for public benefit, as well as innovative land use development strategies supported by the County's Comprehensive Plan; and ... strategic investments in Southwood are intended to result in significant returns including, but not limited to, high-quality affordable housing units, additional employment opportunities, increased tax base, and reduction in the high demand for County services." The Resolution is attached as **Exhibit A** for reference.

Other elements of the Comprehensive Plan that Southwood Supports:

From the Development Areas Section of the Comprehensive Plan:

Objective 2: Create a physical environment that supports healthy lifestyles through application of the Neighborhood Model Principles

Strategy 2e: Continue to approve mixed-use developments that are in keeping with the Neighborhood Model and Master Plans.

Strategy 2f: Continue to promote centers as focal points for neighborhoods and places for civic engagement.

Strategy 2g: Through Master Plans and rezoning approvals, ensure that all Development Areas provide for a variety of housing types and levels of affordability.

Strategy 2o: Promote redevelopment as a way to improve and take advantage of existing investment in the Development Areas

Strategy 2r: Promote use of Development Area land up to the boundary with the Rural Area. Do not require transitional areas between the Rural Area and Development Areas.

Objective 4: Use Development Area land efficiently to prevent premature expansion of the Development areas

Objective 9: Match infrastructure availability and capacity with new development, especially in Priority Areas.

Strategy 9b: Make decisions to approve new development with an understanding of where public investments are being focused. Give priority to approving rezonings and special use permits that are consistent with priority areas established in the Development Area Master Plans.

Consistency with the Neighborhood Model Principles: See Code of Development Page 6

Impact on Public Facilities and Infrastructure: See Also Code of Development Page 7

Schools:

Southwood is in the Mountain View Elementary School district. Mountain View has been near or over capacity for approximately five years. The closing of Yancey Elementary has contributed to the overcapacity problem. In 2019, the Long-Range Planning Advisory Committee (LRPAC) recommended expanding and renovating Mountain View Elementary as a short-term capacity solution. The County approved a \$6.1M budget for construction of six new classrooms and a cafeteria addition. The project is scheduled to begin construction this year.

In 2021, the LRPAC recommended a Mountain View Capacity Project for long-term capacity solutions. Following planning meetings of the Master Planning Study committee, County planning staff, and the community held throughout 2021, consultant RRMM Architects issued its Mountain View Capacity Update on December 2, 2021. The report notes that the following options that were considered but not recommended based on participant input:

- Build new Early Childhood (Pre-K and K) building on Founders Place Site
- Move one or more grade levels from Mountain View to Walton MS
- Build additions to increase capacity of Red Hill ES by 200 students and redistrict students from Mountain View to Red Hill
- Build a new 400-500 seat PK-2 school in the Mountain View attendance zone. Current Mountain View becomes a 3-5 school
- Build additions on to Mountain View to increase the capacity to 800- 850 seats
- Build a new 800-850 seat school to replace Mountain View on an acquired site

Based on input received, the consultant recommended construction of a new 400-450 student capacity elementary school that would increase overall capacity in conjunction with the existing, expanded Mountain View.

After the student enrollment numbers for 2022-23 have been finalized, the School Board will determine whether to proceed first with the new elementary school in the northern feeder pattern or with the new southern feeder pattern elementary school. Depending on whether first or second, the timing for beginning design would be July 2024 or July 2027 with construction to begin after a year of design. Therefore, a new school site could be needed as early as July 2025.

The Subdivision Yield Analysis (prepared by Cooperative Strategies for Albemarle County Public Schools on August 23, 2021) was provided by Albemarle County Public Schools (ACPS) as the most current and precise method for calculating the potential number of students to be generated by a new residential development in the various school districts based on enrollment numbers from various housing types. Recognizing that Southwood already has 362 existing students, Rosalyn Schmitt, Chief Operating Officer of Albemarle County Schools, in conjunction with Habitat, prepared the analysis below to take into consideration existing students and to provide for the transition of families from trailers to various new housing types within the community. At the maximum buildout of 1,000 homes, this rezoning would be expected to add 114 students to the southern feeder pattern over the 15-20 year build-out of Phase 2 with a maximum of 63 new elementary school children.

Phase	Unit Type	Total Number of Units	Net Increase in Number of Units ³	Elementary (K-5)		Middle (6-8)		High (9-12)		Total Number of Students (K-12)	
				Yield Rate ¹	Total Number of Students	Yield Rate ¹	Total Number of Students	Yield Rate ¹	Total Number of Students		
PHASE 1	Single Family Detached	48	37	0.14	5	0.06	2	0.09	3	11	
	Single Family Attached/Townhouse	130	99	0.06	6	0.02	2	0.01	1	9	
	Duplex	12	9	0.06	1	0.02	0	0.01	0	1	
	Multifamily/Apartment ²	145	111	0.14	15	0.08	9	0.08	9	33	
	Phase 1 Total	335	255		27		13		13	54	
PHASE 2	Single Family Detached	140	107	0.14	15	0.06	6	0.09	10	31	
	Single Family Attached/Townhouse	710	541	0.06	32	0.02	11	0.01	5	49	
	Multifamily/Apartment ²	150	114	0.14	16	0.08	9	0.08	9	34	
	Phase 2 Total	1000	763		63		26		24	114	
Phase 1 + Phase 2 Total		1335	1018		91		40		37	168	<i>Net Increase in Students</i>
Current Southwood Students⁴		317			154		92		116	362	
Total Number of Students					245		132		153	530	
¹ Yield rates are calculated by dividing the current number of students living in the district by the total number of housing units by type in the district. Calculations were done with 2019/20 enrollment. ² Yield rate for apartment units provided by PHA (0.3 student per PHA LIHTC (Low Income Housing Tax Credit)) ³ Assumes current Southwood families will occupy different unit types proportionately. ⁴ Based on 2021/22 School Year											

We expect that the pattern of families aging and moving will be quite different in Southwood than in most neighborhoods with regard to the Habitat homes. Habitat homes are sold with deed covenants and mortgage structures that incentivize long-term home ownership and are built for whole-life living, with accessible first floors inclusive of at least one bedroom and a full bath. Therefore, children growing out of the school system will not be replaced by new children at the frequency that would occur in homes held for shorter time periods. Rather, we expect an increase, then a decline, over the next 40 years as Southwood homeowner age in place.

The County recognizes that the school district has an existing capacity challenge and will need to take steps to solve the issue as the County's school population grows. However, based on the extraordinary \$160 million affordable housing contribution that Southwood is making to the County, the Applicant is not able to donate a school site at no cost. As described below, providing affordable housing is very costly and must be weighed against any applicant's ability to provide other contributions to public facilities. The Applicant instead will proffer an approximately seven-acre school site for potential sale at a 20% discount from market value reflecting Southwood's contribution of approximately 20% of the new elementary school's students. This proffer addresses the impact of the net increase in students from this rezoning, providing an essential nexus, as required by Nollan v. California Coastal Comm'n, 483 U.S. 825 (1987) and is roughly proportional to that impact, as is required by Dolan v. City of Tigard, 512 U.S. 374 (1994). The donation of a seven-acre school site would not be proportional to the impact of adding 63 students elementary students over 15-20 years. As the Virginia Supreme Court has recently confirmed in Bd. of Supervisors of the Co. of Albemarle v. Route 29, LLC, Record 201523 (June 2, 2022), "in order to be constitutional and enforceable, conditional proffers must bear an essential nexus and be roughly proportional to the impacts associated with the new development.... 'rough proportionality,' while not requiring a mathematical formula to determine the degree of congruence, requires an 'individual determination' by the municipality that the conditional proffer target and addresses specific impacts of the proposed development."

Habitat is a non-profit organization with a mission to provide safe, decent, affordable housing to those with lower incomes. The Greater Charlottesville Habitat is the most productive affiliate in the country for a service area of its size, having averaged 20 homes built and sold annually over the past ten years and having developed nine mixed income communities. Habitat sells homes at its cost to build, providing no-interest loans specifically tailored to each homebuyer's financial profile. Almost all sales involve deferred and forgivable mortgages and other funding sources that further reduce the actual amount buyers pay. The construction and development costs are funded by a complex combination of grants, donor funds, and cross-subsidies from market rate lot

sales. Far from profiting from providing affordable homes and mixed-income developments, Habitat leaves substantial subsidy in every home it builds because the cost of construction far outweighs the amount its buyers can afford. At Southwood, the sale of lots to market rate builders is critical to providing funding to develop the infrastructure and build the affordable homes. Habitat cannot simply give land of that value to the County without sacrificing its ability to provide homes to needy families by constructing replacement housing funded by market rate lot sales.

Habitat has discussed with ACPS providing a finished pad for a school site up to seven acres on Blocks 20 and 34 of the Project. ACPS and the Applicant have discussed size and location of the site, potential design, and timing of delivery. As part of these discussions, Habitat has worked with a design firm to create a concept plan for an urban size school that meets County requirements for such critical elements as classroom numbers, recreational and administrative space, etc. That concept plan and rendered elevations are attached as **Exhibit B**. Please see the proffer statement.

Transportation:

ZMA 2018-0003 (Phase 1) included estimated traffic numbers of 5,000 vehicles per day for Phase 2, not knowing what the actual number would be. Included with this Application is a comprehensive Traffic Impact Analysis for both Phase 1 and Phase 2, which supersedes the TIA for Phase 1, which is no longer valid. Please refer to the Traffic Impact Analysis prepared by Timmons Group, dated February 22, 2022.

The Applicant has discussed with County Transportation, Zoning, Planning, and Parks & Recreation Departments how best to address the future funding and development of Hickory Street south of Southwood. (This off-site portion of the road lies over property owned by the County, The Covenant School, and other private landowners.) Based on feedback from the County, the Applicant is proffering engineered design drawings of 30% completion for the construction to VDOT secondary public road standards of Hickory Street from the southern boundary of the Property to the intersection with Oak Hill Drive. Following the receipt of feedback from County reviewers and VDOT, the Applicant will provide revised road plans in a form that the County may use for future grant applications, design and construction. This road will create a critical parallel road network of public streets alleviating pressure on Old Lynchburg Road by dispersing traffic.

Tax Revenue:

The replacement of the 93-acre mobile home park by subdivided home lots will provide significant real estate tax dollars to the County, which will help defray the costs of education, transportation, parks, and other services. Currently, Southwood residents pay personal real estate tax on their mobile homes, and the Owner pays real estate taxes on the unsubdivided parcels. Once the Property has been subdivided and homes have been constructed, the estimated real estate taxes from ***Habitat homes alone*** in Southwood will be over \$850,000 per year with the net gain in taxes equal to \$710,000 without any additional impacts given that the same residents will remain. Through its subsidized mortgage structure, Habitat will largely be the payor of such additional County revenue.

ASSUMPTIONS:			RESULTS:		
Number of Trailers	317		Personal property tax paid by current residents prior to redevelopment	\$ 75,890	per year
(Assumed Value per trailer)	\$ 7,000		Real estate taxes paid per year by Southwood Charlottesville LLC	\$ 64,131	per year
Personal Property Tax Rate	\$ 3.42	per \$100	Total taxes paid per year for the trailer park property prior to redevelopment	\$ 140,021	per year
Real Estate Tax Rate	\$ 0.854	per \$100			
Avg Value of a new affordable home in S	#####		Real estate taxes to be paid by rehoused residents post redevelopment	\$ 850,055	per year
			Annual net gain for County without increased impacts	\$ 710,034	per year

Impacts on Environmental Features: Please see also the Application Plan and Code of Development
Page 8

Stream Buffers:

Wetland Studies and Solutions, Inc. (WSSI) prepared a “Waters of the U.S. (including Wetlands) Delineation,” dated March 11, 2022, for Areas 2A and 2B and determined that the stream in Block 13 is intermittent. The Army Corps of Engineers (ACOE) and the Virginia Department of Environmental Quality (DEQ) have confirmed these findings. Please see their determination letters attached as **Exhibit C-1** and **Exhibit C-2**, respectively. Therefore, no water protection ordinance stream buffer will be needed in Block 13. A WPO buffer is shown per County GIS in Block 15. The stream will be evaluated in this area during site planning and, if found to be intermittent, will not require a buffer.

Stream Restoration Easement:

Albemarle County Facilities & Environmental Services (FES) is planning to conduct a stream restoration project on Biscuit Run and/or one of its tributaries. FES’s consultant, Ecosystem Services, is currently preparing a report summarizing a conceptual design approach and phasing plan. This anticipated report will be the core of the Biscuit Run Restoration Master Plan, which FES will use to garner support and cooperation for proposed restoration projects and to strengthen grant applications. The report is expected to be finalized in mid-August. Based on the draft Biscuit Run Restoration Master Plan prepared by Ecosystem Services for Albemarle County FES, the current priority restoration site is expected to be a segment of an unnamed tributary adjacent to the Southwood property. The Applicant is coordinating with FES to help facilitate successful stream restoration and, at FES’ request, will grant one or more easements to the County in furtherance of such efforts.

Infrastructure and Stream Impacts Generally:

The mobile homes northeast of Hickory Street are served by County sanitary sewer, while those southwest of Hickory Street have private septic tanks and drainfields. The Applicant is working with its environmental consultant to remediate any conditions to ensure redevelopment causes no impact on streams. Though a formal survey of existing drainfields has not been conducted, it is believed that there are 43 drainfields and the Applicant is not aware of any issues regarding stream impact. Following DEQ procedures regarding remediation, under oversight of WSSI, the Applicant is moving oil tanks and septic tanks serving existing mobile homes in groups of 8-10 as the homes are moved to make way for redevelopment. The 26 trailers in Area 1A have been moved to the north side of Hickory, and all associated oil tanks and drainfields have been removed. The Applicant is in the process of moving 65 trailers with associated drainfields, septic tanks, and oil tanks from Area 1B and expects to complete that work by the end of 2022. There is no further room within Southwood to relocate any additional trailers, so the Applicant has had a new sanitary sewer line designed to serve remaining trailers in the area southwest of Hickory so that the remaining septic tanks and fields can be decommissioned.

Historic Resources: There are no known historic resources on the Property. The Applicant will obtain a cultural resources study of the Property if required for any federal funding it pursues to develop the Property.

Climate Action Plan

In October 2020, the County adopted the Climate Action Plan that recommends a number of strategies and actions for renewable energy and other initiatives. Southwood will specifically contribute to the following strategies and actions:

Strategy: Increase opportunities for bicycling, walking, and other alternative forms of personal transportation for daily travel.

Actions:

- *Increase the extent of sidewalks, bike lanes, and shared-use paths in the County's Development Areas, focusing on strategic, high-impact connections and filling gaps in existing networks.*
- *Improve the quality of bicycle and pedestrian infrastructure in the Development Areas to make it safer and more comfortable for users.*

Strategy: Through land use planning, provide an urban land-use pattern more conducive to sustainable local and regional travel, and to protecting carbon sequestration in the Rural Area.

Actions:

- *Incentivize denser and more mixed-use development patterns within the Development Areas, including infill development within existing low-density areas and redevelopment of existing underutilized commercial sites.*
- *Increase affordable housing options in areas served by a variety of transportation options.*

SUMMARY

Below are the favorable and unfavorable factors in the staff report to the Planning Commission. The Applicant has worked to address the issues listed as unfavorable factor in this resubmission and provides responses to those items below.

Factors listed in the April 26, 2022 staff report to the Planning Commission:

Factors Favorable:

1. The rezoning request is generally consistent with the recommendations contained in the Southern and Western Urban Neighborhoods Master Plan and the Comprehensive Plan.
2. The rezoning is within the Priority Area of the Southern and Western Urban Neighborhoods Master Plan.
3. The rezoning is consistent with most of the applicable Neighborhood Model Principles.
4. The rezoning provides affordable housing that meets the housing policy of the Comprehensive Plan with regard to the minimum number of units provide, however staff has some remaining questions and clarifications for the applicant.
5. Redevelopment of the existing mobile home park would provide new housing options and home ownership for existing community residents.
6. With redevelopment, two improved transit stops would be provided.
7. The rezoning supports the County Board of Supervisors Strategic Plan goal for Revitalizing Aging Urban Neighborhoods and is within an Opportunity Zone.

Factors Unfavorable:

1. The rezoning request will add additional students to Mountain View Elementary, which is currently over capacity. This application has not adequately addressed the impacts generated by this proposed development.

Response: Please see the discussion of school impacts above. The Applicant has worked with ACPS to site and design a school site desirable and acceptable to ACPS within its anticipated timeframe for construction and is proffering to sell a school site to ACPS at a reduced price and will complete all development and pad preparation at cost. The offered 20% price reduction for the school site land corresponds to the approximately 20% contribution of students to the 400-600 capacity elementary school from the Southwood community (Phases 1 and 2). Further, the transformation of Southwood from a rental trailer park to a community of taxed lots will provide the County with an estimated additional \$850,000 per year in real estate tax revenue from Habitat homes alone (not including market rate lots and homes).

2. The need for a new school has been identified but additional studies would be needed to acquire a site, design, and construct a school.

Response: *The Applicant has worked closely with Rosalyn Schmitt, Chief Operating Officer of ACPS, who has communicated Habitat's offers and plans to the School Board. Habitat has provided two designs for ACPS review and has crafted proffers to accommodate the Schools' potential timelines for construction. Habitat can provide the site within the Schools' timeline, though it will ultimately be ACPS's decision whether to purchase the proffered site.*

3. The rezoning will add additional traffic to Old Lynchburg Rd/5th Street Extended and impact existing intersections along the corridor. The rezoning does not adequately address impacts to the section of Hickory Street from Southwood to Oak Hill Drive. No bike lanes are proposed on Hickory St.

Response: *All existing traffic issues identified by the Applicant and the County will continue to exist whether or not Southwood is redeveloped. Approximately 1,300 residents already live in Southwood. The County is already addressing some of these intersections with new plans or studies. The Applicant is providing 30% engineered plans for that portion of Hickory Street off-site from the southern boundary of the project to Oak Hill Drive. Once fully-designed and constructed, Oak Hill will become a public road and will serve as an alternate route to diffuse traffic in the area. Additionally, as a multi-modal Gateway into Biscuit Run park, the redevelopment will obviate vehicular trips from the southern and western neighborhoods to the entrance of the park on Route 20 South.*

The Southwood resident designers were concerned about the safety of bike lanes in the right-of-way and planned, instead, a 10-foot wide multi-use trail that will run parallel to Hickory Street, separated from the street by a planting strip. This multi-use trail can connect to the County's planned multi-use path on Old Lynchburg Road as well as to the Biscuit Run network of trails. The multi-use trail for pedestrians and cyclists, the fully built-out Hickory Street, and the two new transit stops will provide multi-modal routes of transit through Southwood, which will help alleviate vehicular traffic on Old Lynchburg Road.

4. The rezoning will result in a significant increase in residential units. Developments of this size generate impacts to County parks facilities, specifically Biscuit Run.

Response: *Southwood Phase 2 will contribute a minimum of 227 additional affordable housing units to the County and will fulfill the Comprehensive Plan's goals of redeveloping Southwood into a mixed-income, mixed-use neighborhood with a variety of housing types at many affordable price points. In total, Southwood redevelopment will add a minimum of 484 new safe, decent and affordable homes. The net increases in real estate taxes to the County from the redevelopment will contribute substantially to the public treasury. Public parks such as Biscuit Run are intended for county residents to enjoy. The proffers include public easements over (a) the Southwood perimeter trail, (b) trail connections from public sidewalks to the perimeter trail, and (c) connections between the perimeter trail and the Biscuit Run trails. The area's Long-Range Transportation Plan identifies Southwood as a key "gateway" facilitating non-vehicular entrance into Biscuit Run Park and thereby allowing access to the park from residents of the Southern neighborhoods without driving to the main entrance on U.S. Route 20 South. This gateway is created in multiple ways through this redevelopment: transit stops, public trails and trail connections, enhanced parking on an upgraded Hickory Street, the conversion of Hickory Street*

from private to public right-of-way, and land use locating residences within an easy walk to the park.

5. The rezoning does not provide a commitment to construct a minimum square footage for nonresidential uses and therefore does not provide assurance for a Center as recommended by the Master Plan.

Response: *A minimum of 10,000 square feet of non-residential uses will be developed in Phase 2.*

EXHIBIT A

A RESOLUTION SUPPORTING A COLLABORATIVE REDEVELOPMENT PROJECT PROCESS FOR THE SOUTHWOOD COMMUNITY

WHEREAS, the Southwood Mobile Home Park (Southwood), located on Hickory Street south of I-64 and east of Old Lynchburg Road in the Southern Urban Neighborhood, which is a priority area within one of the County's designated Development Areas, currently has 341 mostly substandard mobile homes and more than 1,500 residents representing the County's largest concentration of substandard housing, and utilizing a larger percentage of County services than any other single development in Albemarle County; and

WHEREAS, Habitat for Humanity of Greater Charlottesville (Habitat), which purchased Southwood in 2007, expects its planned redevelopment of the 88-acre site to include the removal of mobile homes, replacing them with a variety of different site-built unit- type homes in a manner consistent with its non-displacement pledge, resulting in approximately 400 new affordable housing units; and

WHEREAS, Habitat, having already invested more than \$2 million on deferred and emergency maintenance - including road improvements, sewer system upgrades and emergency electrical repair - recognizes that extensive additional infrastructure improvements will be needed which may be in excess of its capability to fund without assistance; and

WHEREAS, through its Strategic Plan and Comprehensive Plan the County is committed to engaging actively in redevelopment and revitalization in the County's Development Areas with acknowledgment that a successful project of this magnitude and complexity requires extensive collaboration and coordination among the project developer, affected residents and public agents, including County staff and officials; and

WHEREAS, Albemarle County, as part of supporting this project, may wish to consider targeted investments in public infrastructure including, but not necessarily limited to specific roads, trails and park land for public benefit, as well as innovative land use development strategies supported by the County's Comprehensive Plan; and

WHEREAS, strategic investments in Southwood are intended to result in significant returns including, but not limited to, high-quality affordable housing units, additional employment opportunities, increased tax base, and reduction in the high demand for County services.

NOW, THEREFORE, BE IT RESOLVED by the Albemarle County Board of Supervisors that the Southwood redevelopment project represents an essential public/private partnership opportunity that is consistent with the Comprehensive Plan and the County's broader strategic goals, the success of which is greatly influenced by the extent and quality of active engagement between representatives of Habitat and representatives of the County, including County staff; and

BE IT FURTHER RESOLVED that the effective redevelopment of Southwood according to the core values of non-displacement and sustainability is a critical component of successfully working with a concentration of the County's most vulnerable population that could serve as a blueprint for future revitalization and redevelopment of the County's aging suburban infrastructure.





KEY PLAN

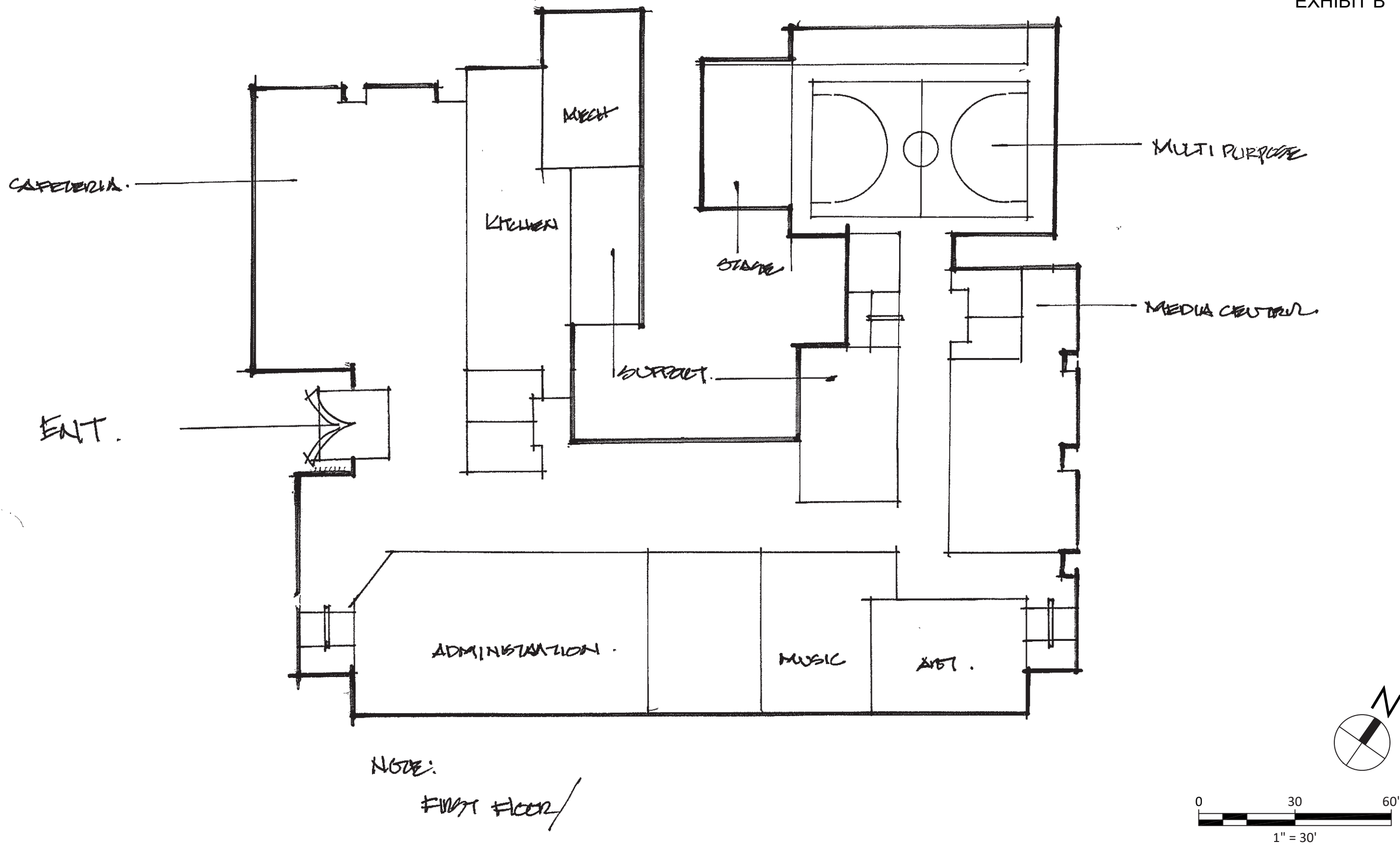




KEY PLAN

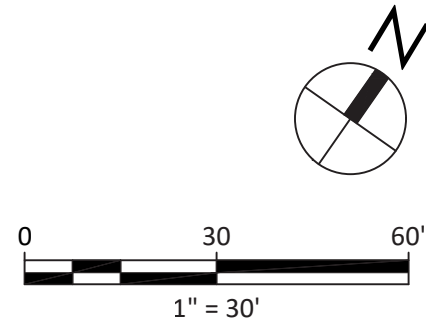


KEY PLAN



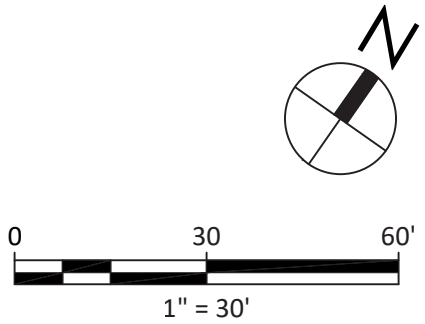


NOTE: SECOND FLOOR.
14 CLASS ROOMS
2 SPECIAL ED.





NOTE: THIRD FLOOR
14 CLASS ROOMS
2 SPECIAL ED.





June 20, 2022

Mr. William Thiessen
Habitat for Humanity of Greater Charlottesville
967 2nd St SE
Charlottesville, Virginia 22902

Via Email: wthiessen@cvillehabitat.org

Re: Jurisdictional Determination (#NAO-2021-02751)
Southwood Trailer Park Sections 2A and 2B (±40 acres)
Albemarle County, Virginia
WSSI #31349.09

Dear Mr. Thiessen:

Enclosed is a copy of the U.S. Army Corps of Engineers' (COE) Jurisdictional Determination (JD) (#NAO-2021-02751) confirming the wetland delineation prepared by Wetland Studies and Solutions, Inc. This JD is valid for a period of five years from the date that it was issued (June 14, 2022).

Please note that this JD is only the COE verification of the wetland delineation and does not constitute authorization to impact any waters of the U.S. on the site. If you have any questions, please contact me at rshumway@wetlands.com or (703)-679-5740.

Sincerely,

WETLAND STUDIES AND SOLUTIONS, INC.

A handwritten signature in black ink, appearing to read "Rachel Shumway".

Rachel Shumway, WPIT¹
Environmental Technician

A handwritten signature in black ink, appearing to read "Jennifer Favela".

Jennifer M. Favela, PWS²
Project Environmental Scientist

Enclosure

cc: Mr. Andrew Vinisky, Habitat for Humanity of Greater Charlottesville (w/enc.)

L:\31000s\31300\31349.09\Admin\05-ENVR\Delin\COE\AJD (#NAO-2021-2751)\NAO 2021-02751 Southwood Trailer Park (Sections 2A and 2B) JD Letter.docx

¹ Wetland Professional in Training, Society of Wetland Scientists Certification Program, Inc.

² Professional Wetland Scientist #3033, Society of Wetland Scientists Certification Program, Inc.;
Stormwater Combined Administrator #0624; Responsible Land Disturber #18498





DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

June 14, 2022

NOTIFICATION OF APPROVED JURISDICTIONAL DETERMINATION

Western Virginia Regulatory Section
NAO 2021-02751 (Southwood)

Habitat for Humanity of Greater Charlottesville
Attn: William Thiessen
967 2nd Street SE
Charlottesville, Virginia 22902

Dear Mr. Thiessen:

This letter is in regard to your request for an approved jurisdictional determination for the waters of the U.S. (including wetlands) on a 40 acre parcel, located near the Southwood Trailer Park (Sections 2A and 2B, in Albemarle County, Virginia hereinafter referred to as the project area.

The U.S. Army Corps of Engineers (Corps) received your request for an approved jurisdictional determination for the above referenced project area. Based upon a desktop evaluation and a site visit, the 33 CFR 329 definition of navigable waters of the United States, and the 33 CFR 328 definition of waters of the United States and federal regulation of navigable waters, the Corps determines:

There are waters of the U.S. within the above-described project area, which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344 and/or Section 10 of the Rivers and Harbors Act. These waters exhibit wetland criteria as defined by the 1987 Corps of Engineers Wetland Delineation Manual, and the Eastern Mountains and Piedmont Regional Supplement. This site also contains waters with an ordinary high-water mark that are part of the tributary system to Navigable Waters of the U.S. The project area contains approximately 0.04 acres of jurisdictional wetlands and 1247 linear feet of jurisdictional stream channel.

Please be aware that you may be required to obtain a Corps permit for any permanent or temporary discharges of dredged and/or fill material into waters of the U.S. Furthermore, you may be required to obtain state and local authorizations, including a Virginia Water Protection Permit from DEQ, a permit from the Virginia Marine Resource Commission (VMRC), and/or from your local wetlands board.

This delineation and jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. Therefore, if you or your tenant are U.S. Department of Agriculture (USDA) program participants, or

anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

The Norfolk District has relied on the information and data provided by the agent to make this determination. If it is determined such information and data are materially false or materially incomplete, a new determination would be necessary.

ADMINISTRATIVE APPEALS NOTIFICATION

This letter constitutes an approved jurisdictional determination for the above-described project area. If you object to this determination, you may request an administrative appeal under Corps regulations (33 CFR Part 331.) Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

ATTN: Ms. Naomi J. Handell, Regulatory Program Manager
United States Army Corps of Engineers
CENAD-PD-OR
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, NY 11252-6700

The Corps will determine whether the RFA is complete and meets the criteria for appeal under 33 CFR 331.5. The RFA must be received at the above address within 60 days of the RFA, and by August 14, 2022. The Corps will not accept incomplete or late RFAs. You do not need to submit an RFA if you do not object to the approved jurisdictional determination.

This approved jurisdictional determination is valid for five years from the date of this notification unless new information warrants revision prior to the expiration date.

If you have any questions regarding this notification, please contact me either via telephone at (434)-973-0568 or via email at Vincent.d.pero@usace.army.mil.

Sincerely,

Vincent D. Pero

Vincent D. Pero
Project Manager, Western Virginia
Regulatory Section

Enclosure(s)

Cc: VA DEQ

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Habitat for Humanity of Greater Charlottesville – William Thiessen		File Number: NAO-2021-0751	Date: June 14, 2022
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Vincent D. Pero
920 Gardens Boulevard, Suite 103-B
Charlottesville, Virginia 22901

If you only have questions regarding the appeal process you may also contact:

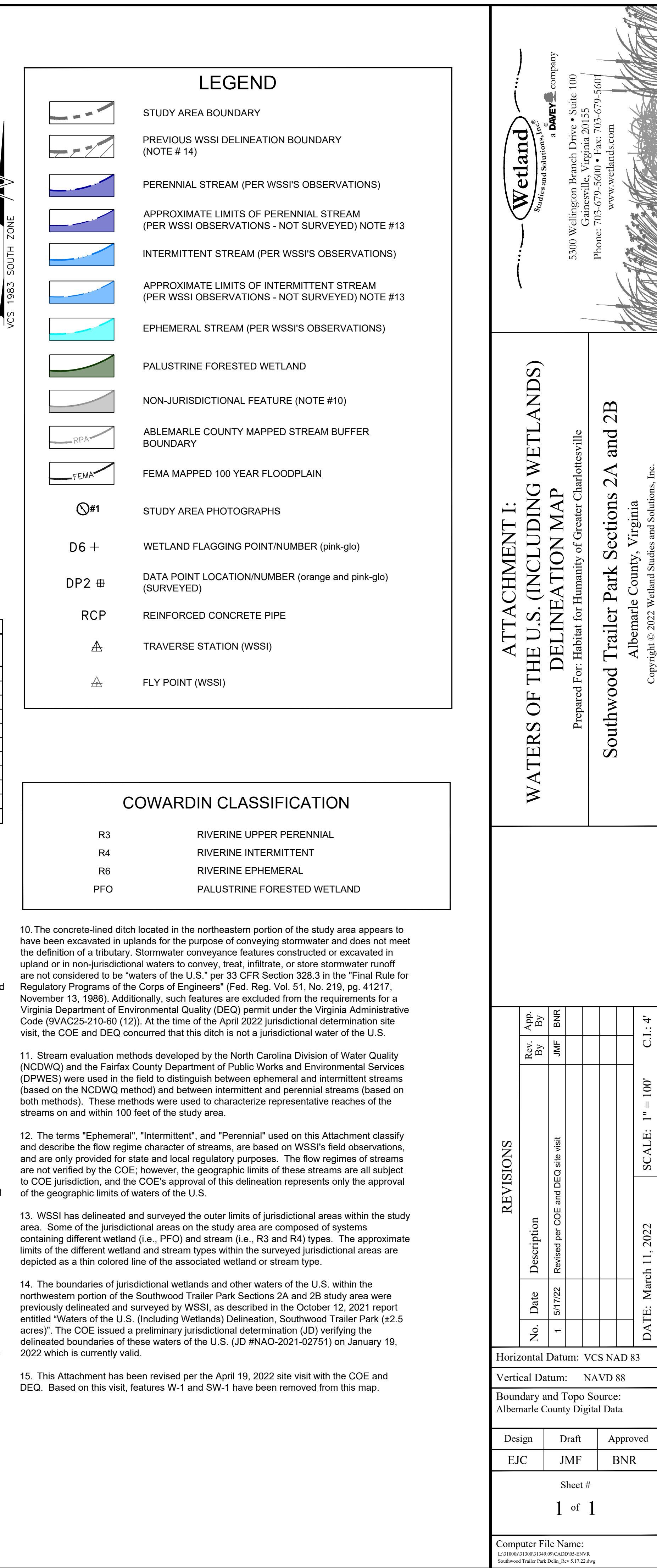
Ms. Naomi J. Handell
Regulatory Program Manager (CENAD-PD-OR)
U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700
Telephone number: (917) 789-4841
Naomi.J.Handell@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:





Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

P.O. Box 3000, Harrisonburg, Virginia 22801

(540) 574-7800 FAX (804) 698-4178

Located at 4411 Early Road, Harrisonburg, Virginia

www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Tiffany R. Severs
Regional Director

June 27, 2022

Habitat for Humanity of Greater Charlottesville

Attn: William Thiessen

967 2nd Street SE

Charlottesville, VA 22902

Re: Virginia State Surface Waters Determination
Southwood Trailer Park Sections 2A and 2B, Albemarle County, Virginia

Dear Mr. Thiessen:

Pursuant to the Virginia Water Protection (VWP) Permit Program Regulations 9VAC25-210-45 and 9VAC25-210-10 of the Virginia Administrative Code, the Virginia Department of Environmental Quality has enclosed the above referenced Preliminary Virginia State Surface Waters Determination for Southwood Trailer Park Sections 2A and 2B on a 40-acre parcel.

The map entitled "Attachment 1: Waters of the U.S. (including Wetlands) Delineation Map", dated 3/11/2022, revised 5/17/2022, and received on 5/23/2022 (copy enclosed) provides a final determination of the locations of state surface waters and/or wetlands on the above listed property. The basis for this delineation includes application of the State Water Control Law, VWP Regulation, the Corps' 1987 Wetland Delineation Manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: April 2012 Eastern Mountains and Piedmont Regional Supplement, the positive indicators of wetland hydrology, hydric soils, hydrophytic vegetation, and/or the presence of an ordinary high water mark.

Activities that discharge fill to, dredge, drain or otherwise cause significant alteration or degradation of state surface waters, including wetlands, on this site may require a VWP Permit.

☒ The characterization (PFO, PEM, PSS, stream channel and/or ephemeral stream channel) of state surface waters is included in this approval.

☐ The characterization (PFO, PEM, PSS, stream channel and/or ephemeral stream channel) of state surface waters was NOT reviewed or approved in this process.

This preliminary state surface waters determination is valid for 5 years from the date of issuance.

Please contact Eric Millard by email at eric.millard@deq.virginia.gov, by phone at 540-217-7483, or at the above address if you have any questions.

Respectfully,



Eric Millard
Enforcement Specialist Senior

Enclosures: Delineation Map

cc: Jennifer Favela, Wetland Studies and Solutions, Inc.
Vinny Pero, U.S. Army Corps of Engineers
B. Keith Fowler, DEQ-VRO