

Minutes

**PLANNING COMMISSION REGULAR MEETING  
November 10, 2020 – 5:30 P.M.  
Virtual Meeting**

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

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

***Location:*** Virtual/Electronic

**Members Present:** Chairman Mitchell, Commissioner Solla-Yates, Commissioner Stolzenberg, Commissioner Russell, Commissioner Lahendro, Commissioner Dowell, Commissioner Palmer, Commissioner Heaton

**Staff Present:** Patrick Cory, Missy Creasy, Joe Rice, Lisa Robertson, Alex Ikefuna, Matt Alfele

Chair Mitchell called the meeting to order at 5:00pm and began review of the agenda. He provided Commissioner Stolzenberg the opportunity to provide an overview of the parking garage RFP. Chair Mitchell then provided the following: 1. There is a commitment to Albemarle County for parking 2, This is an action that would need to occur from City Council, 3. Planning Commission recommended less parking as part of the CIP last year and 4. PC recommended spending less on the parking garage.

Commissioner Lahendro asked if staff has reviewed this and it was noted that this information only came up an hour before the meeting. Commissioner Stolzenberg noted that any zoning change to allow by right should be done before the RFP goes out.

Commissioner Solla-Yates noted that he had a question for the Nassau applicant. Commissioner Stolzenberg moved back to the parking garage and brought Commissioner Dowell up to speed when she entered the meeting.

Chair Mitchell noted the process for this evening's meeting.

**II. COMMISSION REGULAR MEETING – Meeting called to order at 5:30 PM by the Chairman at 5:30 PM**

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

***Location:*** Virtual/Electronic

**A. COMMISSIONER'S REPORT**

**Commissioner Russell** – I have a report from the Fontaine Avenue Smart Scale Streetscape Steering Committee. We met on October 20<sup>th</sup>. The last time the Planning Commission saw this proposal for bike and pedestrian improvements on Fontaine was in December, 2019. The Planning Commission voted to recommend approval of this project and noted its compliance with the Comprehensive Plan. In January, Council accepted recommendations. In these past months, they were at 30% development of the plans. It's now at 60% design development. One thing I noted and it was discussed is that the project is scaled back to within the city limits only. It stopped at the county. There is about 40 feet of no bike lane. We all noted

that. Helen Wilson from UVA also voiced her concerns. I would propose to the group if we have any way to resolve or mitigate this or set aside funds in the future. Working with the county is what we may need to do. In December, there is a design public hearing planned so that might happen before the City-County meeting. Some other design elements were discussed. We talked about the aesthetics of a retaining wall at Mimosa. We talked about some parking being impacted. The impact to parking is not of concern. The plan does call for increasing overall tree canopy. The project engineers are planning to purchase stormwater credits offsetting stormwater requirements. I wish that was not the case. That seems to be the restriction in the site. They were originally considering bio-retention. That's not possible given the site constraints. That's why stormwater credits are being pursued. There is a December design public hearing. It is scheduled to go to City Council for design approval early next year.

**Commissioner Stolzenberg** – I have had only one meeting in the last month. We had a TJPDC meeting last Thursday evening. The big interesting things are the regional housing partnership rolling out an affordable housing search tool where rent restricted affordable housing will be listed. That will be rolling out in the coming months. They will be doing a bunch of outreach to affordable housing developers to list their apartments on it to potential tenants and users. The rent relief program got some more funding for that. Anyone, who needs rent relief, should go [tjdpc.org](http://tjdpc.org) and try to sign up there. There was a mention of a proposal from the Executive Director about a potential rename for TJPDC. Both the TJ part and the PDC part are up for change. No action was taken last Thursday. Councilor Payne is following up on that. The City is going to ask staff pursue new name options. We would have had a PLACE meeting on Thursday. I believe that it was not noticed. It is now a staff designated committee and not a Council committee. It technically doesn't need to meet. Admirably, the City is planning on noticing those. That has been delayed until it can properly be noticed.

**Commissioner Heaton** – No Report

**Commissioner Dowell** – I will be giving a report from the Ridge Street Task Force. One of the biggest issues that arose during the meeting was the ease of access to downtown from the Ridge Street neighborhood. It was noted that a large percentage of the Ridge Street neighborhood residents are considered frontline workers. It would be nice to have programs and education for residents in the area. Trying to see if jobs are approaching the actual residents here to help them create economic sustainability and to see if we could use some funds from this task force to provide scholarships to residents to get skills or trade certifications. LEAP let us know that they have some resources for people, who live in this neighborhood and want to get certifications or may need childcare to help cover watching their children. We also talked about increasing the number of Speed Limit signs as a visual more often to calm the traffic. We talked about putting benches at the bus stops. A couple of the bus stops have been moved in this area, but they do not have benches. A couple of things that we wanted to take into place before we move forward. Staff is going to be reporting back to us about how the Elliott Streetscape Plan, the SIA, the Old Ridge Street Plan, and the Fifth Street Plan will be tied into the recommendations of the task force. From the public comment, we had issues about the crosswalks on Elliott Street and the importance of continuing the engagement process. One thing that I took from the Planning Commission with the Cherry Avenue Corridor was that I recommended that the task force walk the neighborhood. Everyone can see exactly what angles we were talking about and how the cars are moving through the neighborhood. I believe that we might have that coming up on Friday.

**Commissioner Solla-Yates** – The Housing Advisory Committee met on October 21<sup>st</sup>. It was a roundtable format. What struck me was a report that some landlords are potentially discriminating against rental applicants on the basis of income asking for proof of income and that they have three times the income to afford their rent, which is troubling. The City is investigating it as of October 21<sup>st</sup>. On the 28<sup>th</sup> of October, there was a meeting of the Barracks Streetscape Steering Committee talking about the aesthetics of the retaining walls. There are lots of good options. A lot of people had strong opinions. Brick ended up being the favorite of the group, much to the dismay based on the feedback I got from the Commission. There were some changes that I wasn't expecting. There will be less space bicycle and pedestrians than standard. They had to get a special request from VDOT to squeeze that tighter. To get that special allowance, they had to eliminate the street lights that we saw on vertical poles. Those are gone. There will be recessed lighting built into the retaining wall that will be lighting the walk and into the street. They are still working on the canopy. There are going to be some issues moving utilities, which will wipe out a lot of canopy. I asked if they had looked at burying utilities. They said it was too expensive. It is probably not going to be possible with the budget.

**Commissioner Lahendro** – Over the last month, I attended a Board of Architectural Review meeting on October 20<sup>th</sup>. We had three Certificates of Appropriateness approved. One was withdrawn prior to the meeting. We did a preliminary discussion of one project on Oakhurst Circle. We also had a preliminary presentation by the designers of the City/County Courthouse project, reviewing the kind of features and phasing and the anticipated BAR reviews that are going to be needed. In support of the business activity in the city during the pandemic and the upcoming cold weather, the BAR unanimously passed a motion approving outdoor tents in architecture design districts for as long as the governor's state of emergency is in effect. We don't have to go through that individually for every tent. I also attended a Tree Commission meeting on October 28<sup>th</sup>. The real action and highlight of that meeting was a presentation by Crystal Rittlegood, who is the city's environmental sustainability facilities development manager. She presented on the recently completed city green print 1.0 – Charlottesville Green Infrastructure Guide. It is a guide on the city website that was put out two months ago. It was worked on for many years. It has links to the green asset maps that provide searchable data. Green infrastructure encompasses the natural elements, such as trees, rivers, and good soils, the building blocks of healthy communities and the natural assets they support. As the city develops in the future, constructing buildings, roads, and utilities, the value of Green Print 1.0 and the data it provides on the city's existing natural systems. They can be preserved, integrated, and enhanced with the new development. All developers and designers should be familiar with this document and go to the website. The city did a fantastic job in getting it together.

## **B. UNIVERSITY REPORT**

Commissioner Palmer – No Report

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

**Chairman Mitchell** – I had the honoring of representing the Commission in the process of picking the new NDS Director. The people on my team included three developers, one past Planning Commission chair, and one councilor. We all came to a unanimous consensus that Mr. Parag Agrawal was the right person for Charlottesville. The slate was a great slate. We were picking from a great group of people. He will be onboard soon.

## D. DEPARTMENT OF NDS

**Ms. Creasy** – You received a notification from the Clerk of Council concerning the updates to the FOIA and some other public records documents. We are going to plan to have some at a future meeting to go through those with you. As part of your role, it is important that you do take a look at those materials. When you went through your orientation, we gave you some very basic background on that. It will be helpful to provide some overview. We will be doing that. We do have a couple of items this evening. We have a full agenda for December. We will continue to have full meetings. We are working with County on the joint work session with their planning commission. We have that on the calendar for January 26<sup>th</sup>. The topic will be housing. We have a lot of housing activities going on in both communities. We want to frame that in a way that will allow both groups to have a good discussion about those activities and find ways to work together. We are still continuing to function as the department. We have the new director coming. We are in the process of working towards a new building official. Our building official retired in August. We are also recruiting for an ADA Coordinator. We have no guidance on where we will be over the next few months. We're continuing on this path. We have an avenue for every application to make it through our system. Any process we were doing before the pandemic, we are doing in a different way. We are getting those things done. As you can see from the anticipated agendas, we are having a good number of items come forward. In speaking with consultants, the Commission will want to determine whether they want to have comments from the public following the affordable housing discussion.

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

No Public Comments

## F. CONSENT AGENDA

1. Minutes – August 11, 2020 – Pre-Meeting and Regular Meeting

**Commissioner Stolzenberg moved to approve the Consent Agenda (Second by Commissioner Lahendro). Motion passed 7-0.**

**Meeting was recessed for two minutes.**

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

## III. JOINT MEETING OF COMMISSION AND COUNCIL

**Vice Mayor Magill called Council to order.**

*Beginning:* 6:00 PM

*Continuing:* Until all public hearings are complete

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

1. **ZM20-00004** - 817 Nassau Street –Hulett Management Services Inc., landowner, has submitted a Rezoning Application for 817 Nassau Street, identified within the City's Real Estate Tax records by Parcel Identification No. 610084000 (Subject Property). Pursuant to City Code Sec. 34-41, the

purpose of the application is to change the zoning district classification of the Subject Property from R-1S (Residential Small Lot) to R-2 (Residential Two-Family). The Subject Property contains approximately 0.19 acre with frontage on Nassau Street. In 2019 a single family residence was demolished on this site, and the Subject Property is currently vacant. The Comprehensive Land Use Map for this area calls for Low Density Residential. Information pertaining to this application may be viewed online at [www.charlottesville.gov/agenda](http://www.charlottesville.gov/agenda). Persons interested in this Rezoning may contact NDS Planner Matt Alfele by e-mail ([alfele@charlottesville.gov](mailto:alfele@charlottesville.gov)).

**i. Staff Report**

**Matt Alfele, City Planner** – You are holding a public hearing for a rezoning at 817 Naasau Street from R-1s to R-2. Justin Shimp is representing the owner, Hulett Management Services, which owns the property. There are no proffers or development plan. They are basically requesting rezoning to build a duplex. In the staff report, there is a comparison of R-1S zoning district to R-2. One of the interesting things out of this is you can get a single family attached or a two family dwelling. The number of units you would get out of this rezoning is going to be similar to what you would get in R-1S because of accessory dwelling units. We have not had any public outreach, except one citizen did reach out in support. There has not been any emails of phone calls outside of that I have received. The applicant did hold their community engagement meeting. Nobody showed up for that.

**ii. Applicant**

**Vice-Mayor Magill** – I wanted to know what kind of community engagement process was enacted.

**Mr. Alfele** – We do have a process for that. It involves mailing the explanation of what you are doing, when you're holding the meeting, a self-addressed envelope to mail comments back if you can't attend the meeting within all residents within 500 feet. The applicant did do that. The Zoom meeting was held September 23<sup>rd</sup> by the applicant at 6:30 PM. That meeting stayed open until yesterday, which was a 30 day window to receive any comments that would have been mailed back from the packets.

**Vice-Mayor Magill** – Do we know how many citizens live within 500 feet of the property?

**Kelsey Schlein, Applicant** – I recall it being several hundred. All of the ones that we mailed out with city COVID process were several hundred. It is typically quite a few people.

**Commissioner Solla-Yates** – What is the reason for this? I don't see a reason.

**Mr. Shimp** – You could do the little accessory unit trick on this. There are restrictions to size of the unit based on the primary dwelling unit. R-2 is two full family units on the property instead of one. That's just better in our opinion. That's the only justification that we need.

**Commissioner Stolzenberg** – Is the intent to subdivide them into two single family attached? Or is it to build a combined duplex on one parcel?

**Mr. Shimp** – I think it will mostly likely be a combined family dwelling.

**Commissioner Stolzenberg** – I do have a question for staff in relation to the community meeting. For the site plan review community meetings, they are now all posted on the city website so that the videos can be reviewed. I really like that. I am wondering why this one is only available through the developer.

**Mr. Alfele** – When you do a community meeting with how it was set up with the rezoning and special use, it put the onus on the applicant. Prior to the pandemic, they would hold a meeting so that the community was there at the beginning. Before they started to going through the process, they would have this community engagement meeting. The site plan conference meetings are the city’s responsibility. When you submit a site plan, you are in the process and the city is hosting that meeting.

iii. **Public Hearing**  
No Public Comments

iv. **Discussion and Motion**

**Motion: Commissioner Solla-Yates - I move to recommend approval of this application to rezone the Subject Property from R-1S, to R-2, on the basis that the proposal would service the interests of the general public and good zoning practice. (Second by Commissioner Lahendro). Motion passes 7-0.**

#### IV. **Joint Council – Planning Commission Work Session – Cville Plans Together**

**Jennifer Koch, RHI** – We will provide a brief overview of the materials that are available right now. We are in a community engagement period. We will proceed into the bulk of the conversation, which is focused on the draft affordable housing plan. With the draft affordable housing plan, we will be going through that. We will stop at certain points to open up for discussion.

Cville Plans Together is the name of a process for working to update the city’s comprehensive plan. As part of that update, we have drafted the affordable housing plan. It will feed into the comprehensive plan. Once the comprehensive plan revision is complete, we will be rewriting the zoning ordinance to ensure that reflects these goals and strategies that we are putting into the comprehensive plan. We want everyone in the community to understand what is going on. We have the draft affordable housing plan that is out for comments. That will be the focus of our discussion. We have also put up draft comprehensive plan revisions that includes guiding principles, our overarching priorities of the entire comprehensive plan, as well as some vision statements, which are priorities for each of those topics and specific chapters. Those are all available for review. For the comprehensive plan, this is the first starting point for revisions. We are about to get some community input on these statements before we move forward into the goals beneath these statements and the strategies to reach those goals. We want to make sure we

have some conversation about that. We have all of this information on the website: [CvillePlansTogether.com/virtual-meeting/](https://CvillePlansTogether.com/virtual-meeting/). You can also see what the website looks like. Those three important sections of engagement summary, which leads you to a summary of what we heard in May and June from all of the community input. That input went into the draft affordable housing plan and the draft comprehensive plan revisions. It is important that we go through that so that everyone knows what we heard. At the bottom of this page, there is a list of all of the events and opportunities including this event and everything that is going on between now and early December. We're asking for comments back by December 2<sup>nd</sup>. There are several opportunities between now and then for people to tune in and learn more. We have a series of events coming up to share information and gather input. We have four webinars, two for the draft affordable housing plan and two for the draft comprehensive plan revisions. The first webinar for the housing plan is tomorrow evening. We also added in this phase some drop in office hours, which will be a time for people to stop by in the virtual environment or on the phone. That's building on a concept we originally envisioned in a non-COVID environment. We are suggesting this as an alternative. There is a toll free number people can call. We look forward to discussions there. There is also a survey. It's not the only way people can give their input. People can send comments by the comment form or directly to the email address: [engage@cvilleplanstogether.com](mailto:engage@cvilleplanstogether.com). You can also use the toll free phone line. You can call in and listen to a brief message in English and Spanish and leave your comments. We have been distributing fliers with all of this information. We will continue to do so. It has things like the phone number to call in for these events. We have also been looking for opportunities for some COVID safe popup events. We do want to be out in the community. We know that not everyone is going to go to the website and look at this. I and Latoya were around Charlottesville this weekend. We had a couple of different events and stopped and interacted with people. We're going to continue to look for opportunities there. We do have a couple of peer engagers on board. We are working with them. These are people from the community, who are really passionate about community engagement and making sure that people can be involved. We started to work with them. We look forward to that partnership. We have also scheduled a steering committee meeting on November 23<sup>rd</sup> from 4 PM to 5:30 PM. We have posted a link to register.

**Phillip Kash, HR&A** – We are talking through our draft housing plan with you today. This is the first time we are talking about the draft plan in a public setting. We're pretty excited about this. A lot of working went into putting this draft together. It reflects feedback from countless parties within Charlottesville. We think we have done a good job reconciling those different viewpoints. This is a draft. As you put things in writing, you get more feedback and have more conversations. We're already getting some of that feedback. We're going to try to address some of it that has come in the past few days during the presentation. We expect to get a lot more. We are looking forward to the conversation here to refine and improve. We also acknowledge that it's a relatively long document. We're going to try to break it into pieces. A lot of additional time for conversations and we are going to be available for 1-on-1 conversations as appropriate.

**Sarah Kirk, Project Manager** – We have put out a draft earlier this month. It has been an ongoing effort these past eleven months under Cville Plans Together. Some of the work that we have already done included building on the past housing needs assessment to really understand the work that has already been done in Charlottesville, engaging with the steering committee as

well as other local groups to understand priority issues around housing, participating in the public engagement for Cville Plans Together, and really evaluating the tools that are a part of the recommendations for their feasibility and their potential impacts in Charlottesville. We are in the midst of a one month public review and comment period. We are welcoming comments. We have already gotten some input in writing from groups in Charlottesville. Through the engagement and the comments provided by email or through the website, we are incorporating feedback. Based on that feedback, we are revising the plan and submitting it for endorsement in early 2021.

**Mayor Walker** – How are you tracking the recommendations that come in and whether you implement them in the plan? Will we know that?

**Mr. Kash** – How we are planning to approach this has been similar to us. This is not a HUD regulated plan. We are intent with following general HUD rules. We will take all of the comments and the comments will be attached as an appendix to the document so that it is transparent with we have responded to. This isn't federally regulated. We have a great deal of flexibility in how we approach it. We want to make sure that the comments are reflected. Otherwise, it undermines people's willingness to give us comments.

**Mayor Walker** – I think we should just know where the comments came from and how they are being incorporated.

**Ms. Kirk** – Our goal for today is to provide an overview of the plan as well as the key initiatives and ideas that are within the plan. We're going to go through that and hold discussions. We would like to talk through the recommendations. At that we point, we are going to go through section by section of the recommendations and allow for discussion as needed. Then talk a little about the next steps.

A lot of people have seen this before. We have shown this to a lot of people. This has been how we have been talking about the core ideas of the plan since this summer. The recommendations in the plan are informed by three guiding principles. These aren't really goals. They are lenses and types of consideration that are brought into each of the recommendations. We have thought about how each recommendation aligns with these guiding principles. Those are **Racial Equity** – We want to make sure that we are making recommendations about how these tools or recommendations can be implemented, but how they can be implemented in a way that is intentional and overcoming historic inequities – **Regional Collaboration** – Identifying areas where we're making recommendations for the city but the city has an opportunity to partner within the region to advance its goals more broadly – **Comprehensive Approach** – Making sure that we're thinking a broad variety types of tools and types of housing options that the city should be supporting.

There are five chapters of the plan. The first two are about implementation needs. The other three are about tools. That is backwards from how we would do it. What we have found is that Charlottesville has already considered that it has in place a lot of the tools that we were talking about. We have made recommendations about how Charlottesville could approach, tweak, design, and approach to implement those various tools. Where we have found the real need for



focus was how those tools get implemented. That's specifically around funding and governance. We have put those two up front. There are twenty-two separate tools recommended within the plan. We have captured a lot of the different ideas that people have been talking about in Charlottesville and thought about how to move them forward in alignment with those guiding principles. The core ideas of the plan are these three initiatives. Those three initiatives form a really strong commitment to equitable affordable housing in Charlottesville. Those are **funding**: dedicating \$10 million annually to affordable housing. **Governance**: building inclusive governments throughout Charlottesville's affordable housing infrastructure. That's the city, public organizations that advise on the use of public funds, and that's the leadership of nonprofit partners. Governance that is inclusive across all of those different groups is really crucial to insure that Charlottesville's affordable housing work is meeting that racial equity goal and including diverse voices. The third one is **Adopting Progressive and Inclusionary Zoning Reforms**: We know that is something the city has spent a lot of time talking about. It's going to be done in part through the rest of this Cville Plans Together effort. Those three things together would be a major commitment above and beyond what a lot of cities across the country are doing to advance affordable housing.

**Chairman Mitchell** – How typical is it that we actually articulate a number relating to funding in the Comprehensive Plan?

**Mr. Kash** – For a comprehensive plan, it is pretty unusual. For an affordable housing plan, it is much more common. Even with an affordable housing plan, you don't always do it. For an affordable housing plan, you might talk about a particular bond issuance. You might talk about how you are going to spend the bond issuance. We are really talking more about a plan that goes with your housing trust fund. It's not uncommon for a housing plan to do this. About 50% of housing plans do this. With comprehensive plans, it is unusual the approach that Charlottesville is taking with the comprehensive plan having a housing plan component to it.

**Chairman Mitchell** – As we move forward, you may want to coach us as to how we blend this into the comprehensive plan. The Planning Commission is focused on getting the comprehensive plan out. We will need some guidance as to how we "marry" these things.

**Mr. Kash** – If we can't implement them, we didn't succeed. That seems like a fair request.

**Ms. Kirk** – There are a lot of recommendations and a lot of details in the full draft plan. It is now available. We encourage everybody to take some time to look through it and provide us comments. For each housing tool, we talk about how the tool is currently used or how it relates to the needs that have been previously identified in Charlottesville. We provide greater detail about recommended changes or approaches to implementing the recommendation. We talk about the potential impacts of implementing the recommended changes. For each tool, we provide some considerations to ensure that they align with the guiding principles. We talk about the implementation needs, including potential timeframes for implementation and the lead and partners that will be able to help advance that. The final program design and annual budget priorities will be set by the city in coordination with both the HAC and a new committee we are recommending be formed to govern the CAHF funds. Those particular implementation needs may change based on the priorities that those bodies set. We have tried to provide a robust

understanding of where the priorities might be and how the city should go about making those changes.

**Mr. Kash** – That’s an overview of really what we are going through here. We’re going to go through each of these five chapters. We are going to talk about the higher level before we start to get into the first ones. The first one that we are going to get into is about funding. Is there high level questions or comments? I heard the comment about how this connects to the comp plan. I heard the comment about making sure we are showing all of the comments for full transparency.

**Mr. Lahendro** – Can you explain how that funding level was arrived at?

**Mr. Kash** – At the highest level, we are proposing dedicating \$10 million over the next ten years. When we look at the programs and the level of impact, we think that gets you to around 4,000 households benefited. We made this commitment for a couple of reasons. There is significant need in Charlottesville for affordable housing. We had the previous study on the level of need. I think that makes a pretty compelling case. Everything in our analysis supports that case. There is a need for consistent funding. We are addressing this as a challenge that it with us for the long term. You need funding so that you can build out the capacity in your partners and capacity in the local government to execute it. We did not recommend a bond approach where you go once with a large amount of capital, but actually recommended an ongoing funding approach. We made recommendations about the level of funding. We have tried to reflect these both on the priorities that we heard from the community and where we heard the housing gap is at. We made a recommendation that 40% of the funding go to extreme low income households under 30% of Area Median Income, 40% of the funding go to households at 60% Area Median Income, and 20% be able to serve households up to 80% of AMI. We have made real recommendations on the targeting. We made some recommendations about transparency: Publishing the metrics that are going to be used to measure impacts, the level of costs, and what is being produced with this funding and making sure that is transparent and clear. Can we disaggregate it based on neighborhood and characteristics of who benefits, race, and income levels?

**Chairman Mitchell** – You’re going to go into exactly where this money is going to go? What portion of this is going to go into helping with a down payments, rental support, mortgage offsets? Are you going to go into that?

**Mr. Kash** – We did not recommend a detailed budget by program. We recommended an allocation by funding level. We recommended a set of programs. We recommended a governance structure that makes recommendations about the allocations of that. The allocations of funding are done on an annual basis.

**Mayor Walker** – Is there any assessment done on the available land within the city limits and how many of these 4,000 households could be created within the city without looking at those partnership opportunities?

**Mr. Kash** – The 4,000 households is not necessarily for 4,000 new units of housing. We looked at the programs. What is the ability of programs to implement into them? We are talking about

public housing. The redevelopment of public housing units would potentially be included in this 4,000 units. Those are existing sites where there are already land. When we looked at that program, we look at that. We looked low income housing tax credit. We looked at some of the development you have, some of the parcels that are available in the community, and the potential to absorb it. This is where we talk about regionality. What is the ability to do some of this development in the urban ring? We don't make that a requirement. We make that a recommendation. Yes, we have looked at the ability of the different programs to absorb and be feasible to execute it. It would be a stretch for me to say that we have identified sites for all of this development. We have not gone to that level of granularity.

**Commissioner Solla-Yates** – I have a question on the bucket sizes. Just looking at the bucket sizes and rental homes, they are different partly because they are looking at different AMI slices. I am worried about what the blanket is covering and who isn't being covered. Does this still cover everyone under 30% AMI?

**Mr. Kash** – Covers everyone under 30% AMI? Would this cover every household under 30% AMI? It would not.

**Ms. Kirk** – That 40% of funding that is available for households at 30% and below.

**Mr. Kash** – Even dedicating 100% of this funding would not cover everyone under 30% AMI.

**Commissioner Stolzenberg** – Where did you guys come up with this 40%, 40%, 20% framework? Looking at the rental affordability challenges on page 31 of the draft, the extremely cost burden households, the majority of them are certainly below 50% AMI. By the time you get into the 60-80, we have no or very few households that are extremely cost burden. Why not specifically target families with the most need?

**Mr. Kash** – We are targeting the families with the most need. There is need at every percent of AMI and below. It's not just rental housing that we are trying to address. We are also trying to address access to home ownership. It is really consideration of both home ownership and rental that led us to this distribution. We will get feedback that pushes us to a different distribution. A different distribution can be done. We think that you want to have mix of incomes. There is housing need up to 80% AMI. We particularly think your home ownerships should go up to 80% and below. 50% AMI could still be a part of your home ownership program. We really mean the below comment. We are trying to address the home ownership and access to wealth building issues and affordability challenges in Charlottesville as well. Dedicating funding only to extremely low income rental doesn't give you room to address that public policy goal as well. There might be a decision that it is not a public policy goal Charlottesville wants to address. That is something we will talk more about in the governance section. We got a lot of feedback and pushback to make sure that was something that was included. We think it is a good policy to include it.

**Commissioner Solla-Yates** – In thinking about the different bucket sizes, it might be helpful to understand the racial equity implications of the income bucket. That might help us understand.

**Mr. Kash** – The racial mix for the different income bands.

**Commissioner Stolzenberg** – I have one more question. Ten million dollars as a number could mean a lot of different things in terms of how that figures out into the budget. It seems that there are very different constraints on cash funded expenditures versus bondable expenditures. Is there a prediction or designation of how much would go to which either in the context of city funding constraints or in the context of needs? Or is the idea that however you come up with it, whatever government structure is in place, we will figure out what that mix is?

**Mr. Kash** – The recommendation here is that funding is flexible enough that it can move across regardless of recommended programs. Whether it goes into a physical asset or actually goes into rental assistance, a non-physical asset, what we are recommending is the flexibility. Which pot the city draws from, we're not saying it should be from one particular pot versus another. It should have the flexibility to serve regardless.

**Commissioner Stolzenberg** – Is it \$10 million in cash that the city is allocating per year? In the next fiscal year, the city drops \$10 million on some project that was bondable, we are really spending \$500,000 over 20 years plus some interest, does that count as meeting the \$10 million for this year?

**Mr. Kash** – Yes.

When we came with the recommendation of \$10 million, we really put a focus on consistency and looking at what Charlottesville has been doing on a scale of needs. We are trying to balance two sides here. The first side is what we can see in Charlottesville's budget and what appears to be sustainable. The other side is the ability is to absorb the capital, the capacity, and what money is being deployed in the market and the scale of need and the level of challenge that we have here. What we came out with was a recommendation of \$10 million. In the last three years, Charlottesville has been putting more money towards affordable housing. We are recommending a slight increase in that level commitment to sustaining it going forward. We are recommending \$9 million that would go out directly into programs and \$1 million to be set aside for administrative expenses. I think there is a very fair comment to be raised on whether the administrative costs should sit inside the \$10 million or outside. We do think it is really important to invest in the administrative side of this. Charlottesville is really taking on a lot of affordable housing programs much closer to a larger city and has to scale up both the capacity of its local government apparatus as well as investing in the capacity in training the nonprofit partners who are delivering. This administrative money is intended primarily for local government capacity to execute efficiently, but also for some capacity building to the recipients of the funding.

**Chairman Mitchell** – The \$9 million is a capital commitment and the \$1 million is an operational commitment?

**Mr. Kash** – The \$9 million would necessarily qualify for capital. Some of it won't go into physical improvements. Some of it might be rental assistance.

**Ms. Kirk** – It also include tax relief

**Chairman Mitchell** – I am wondering practically of how it works from a budgeting perspective, since Council cannot commit another Council to expenditures.

**Mr. Kash** – The plan is a commitment but it means it cannot be changed in the future. A future Council could decide not to follow this.

**Chairman Mitchell** – This is more of an aspirational approach?

**Mr. Kash** – It is a specific commitment made to doing something. Somebody could run on a platform to not do this. It is a democratic society. People can change what the government is doing. As long as community support remains for it, these things usually stay. It is a challenge all housing trust funds work on. We have seen housing trust funds be hollowed out over time.

**Commissioner Stolzenberg** – If the administrative funding is paying for staff capacity plus trainings for nonprofits, is there additional administrative overhead within the \$9 million?

**Mr. Kash** – Usually with these programs, you are covering a set delivery fee with it. Let's say you are doing the down payment assistance program. You would have a cost you to administer the down payment program to every grant. You would build in some administrative costs. That would be part of it. That is intended to be in there.

**Councilor Payne** – In terms of dedicating it across Councils, I know one of the difficulties is that Councils can't legally bind future Councils to expenditures. One of the challenges there is how you create mechanisms to ensure that any funding level is maintained. We have some legal restrictions at the state level.

**Mayor Walker** – If we build this culture within the community who is voting for Councils, understand this commitment. No matter who they vote for, this should remain a commitment. We just have to figure out how to make sure this is a community level conversation and not simply based on the individuals who are in positions right now.

**Mr. Kash** – We can hopefully speak to that on the governance side. Sustaining the commitment is one of the keys to success. It can lead to increases in these. It can go the other way.

We have talked about this income targeting. I heard the feedback. One is whether we are missing the point about serving extremely low income rental households. Two is whether this lines up with our racial priorities by income band. Those were the main pieces of feedback. The other piece of the income band is the community representation piece. We are looking for community representation in anyone who receives funding for this program. Let's say it is a program administrator. What is their representation on their or amongst their staff? When we say community representation, do we mean both racial representation? How are the households that are beneficiaries participating in the programs involved in the decision making process for how these program are designed and operated and implemented? That has not been the approach historically in affordable housing. As we look at best practices around the country, they are

trying to reconcile with their goals, priorities, and how this has been done historically. That is a really important recommendation. I don't want to inflate race and beneficiary. We are making two separate and related recommendations there. One is about racial diversity and reflecting Charlottesville's role and the other about beneficiaries and participants in the housing programs being included in the decision making process. It doesn't make a recommendation about pushing for maximum levels of affordability. On the rental side, that's a clear point. We're talking 99 years. On home ownership, we're talking about repayment of funds as opposed to turning everything into grants. That's always the right balance on home ownership. It is a sticky conversation.

**Commissioner Solla-Yates** – I had a question on the 99 years. We haven't done that because it's been cost prohibitive up to now. Is it cost effective? Can we do it?

**Mr. Kash** – I don't want to undermine or challenge anything that has been done previously. I haven't done the analysis on the deals. Usually, it's extremely cost effective. When we are not doing work for local governments, we do work for developers. The cost of affordability 30 years from now is very, very low as a developer. That's not how my financial model works. Usually, it's the best possible investment a local government can make. There are exceptions to that. Sometimes it is little more complicated. There are reasons you don't want to mess up financing. There are plenty of places in the country that do 50 years and others that do 99 years and no negative impact on their pricing. We say that pretty consistently. Developers should be willing to give you longer affordability in exchange for other support pretty easily. It is pretty good deal for everybody financially.

**Mayor Walker** – We pushed that with the PHA to expand there and we will see how it works. It's the Friendship Court Development.

**Mr. Kash** – That is one of the core challenges of public housing redevelopment. The country has gone in a direction of bringing private financing into public housing. On one side, it is great in that it brings additional funding. On the other side is the privatizing public housing and could be the worst thing ever. It could be a Trojan horse. Making sure you have permanent affordability and really understanding the development agreement that you are entering into and the government structure of that development agreement is really important. I don't believe anyone you are working with is to be this type. There are a number of affordable housing groups out there, who structure these transactions so that they are intentionally going to bankruptcy so they can break the affordability restrictions. That is a real thing.

**Commissioner Stolzenberg** – Friendship Court is not under the Housing Authority. Mayor Walker, how did that end up with PHA or are those discussions still on going?

**Mayor Walker** – I am here and learning through this process. When we were working with Keith Woodard and the development downtown, that is the terms that they put on the parking garage. Let me explore this a little bit more and ask for them to include it there. That's where I learned that is what is common. I have been asking for it since then.

**Mr. Kash** – We are moving into governance. I hear the comments on funding. We going to get into governance. On the governance side, we're trying to give you the best plan possible and hear all the different needs and try to give you recommendations on it. The needs and priorities are dynamic. You have asked very good questions about how this gets implemented. The questions about the administrative costs are really important. We wanted to make sure that we are putting just as much effort into the governance structures. We also recognize that working in Charlottesville where you have a preponderance of government structures compared to some of the other communities that we work in. We want to make sure that those are working. As we saw our work, we saw real differences in what the priorities were for housing and we want to make sure the government structures are set up to have those conversations. Home ownership was the clearest difference that happened to line up along racial lines. There are other cleavage points. When you talk to black respondents, home ownership ranked as a very high priority. When we spoke with white respondents, it was closer to 50-50. I can speculate why that is. That has to do with different lived experiences. We wanted to take ourselves out of the role of trying to arbitrate that and more build the government structure. The key actions on the governance at the highest level are making there is an onboarding process and significant training. Affordable housing is a complicated topic that we pepper with technical speak and acronyms to make it more opaque and complicated. There is training on that front. We think it is really important. We also think there is cost to administer this. We want to make sure that is supporting the governance. We want to make sure that this is all set up to model success. When we say that, it's really making sure that we can see the progress in diverse participation. Is there actual participation in the governance and decision making process? Telling you that 100 units were built. Telling you where those 100 units were built and who benefited from them is just as an important part of the conversation and the housing industry tends to stop there. That's now what you asked for in the plan.

**Ms. Kirk** – There are four key areas of recommendations that we are making around governance. The first two are external bodies to the city: the HAC and (what we are recommending) the Affordable Housing Fund Committee. The second two are more related to the city's own capacity and its processes. The key recommendations that we are making for the HAC are to refocus the HAC around providing City Council with recommendations around housing policy priorities and to separate the budget piece from the work that they are doing. It might be making recommendations about a potential zoning change. We know that there is new state legislation enabling the city to adopt inclusionary zoning. It might be about the city needs to do more about home ownership or investigating land bank or other tools that come up in conversation. That's a key piece of the refocused HAC. That is pretty much in line with what they are already doing. In addition, making sure they can champion and advance the implementation of the affordable housing plan. Understanding where those priorities are and making recommendations about when and how to adopt some of the recommended tools that are outlined in the plan.

**Commissioner Solla-Yates** – It is hard for the HAC and the Planning Commission to stay in line. I spend a lot of time trying to do that. How will that work in this plan?

**Mr. Kash** – I believe that we have made things more complicated. We have made a recommendation that we never normally make, which is another governing body. We have made

this with great hesitance. Part of that is about not addressing that well on the membership side. I take it as a point of feedback. Maybe there needs to be cross-seating between the Planning Commission and the HAC. There is just more of a direct connection. That may happen informally, It is a good thing to call out. There is some overlap and interest there. Part of that is through conversation. I don't have a perfect answer to that. Mainly some cross-seating and conversation. We're open to feedback, pushback, and better thoughts than what we have on that.

**Ms. Kirk** – We have spent a lot of time thinking about how to bring the city staff into alignment with housing advocates on budget priorities. That was an area we had seen and heard about tension. That's something we might need to talk about on the HAC side as well. One of the key reasons we are advocating for a second body is to avoid and reduce opportunities for conflicts of interest between the HAC. By separating that funding recommendation piece, we hope that we can continue engage affordable housing providers, real estate professionals, etc. on housing priorities but separating that conflict of interest piece.

**Mr. Kash** – This is as much about perception. The HAC has been pretty clear and avoiding conflicts of interests. That is something we consistently heard. If nothing else, there is a perception there. The budget piece can swallow the entire HAC. We don't think the budgeting process should swallow that. We think that is an important policy. Part of our goal on the comprehensive is for you to be working on housing goals, issues, and solutions. HAC still gets connected to the programmatic side and funding side by pushing priorities like home ownership and tools. The budgeting conversation gets handled in a different conversation. It is not that different from what the HAC had moved towards with a subcommittee on this topic. We think full separation is actually useful here. We are recommending another body which is something we don't normally do.

**Ms. Kirk** – The recommended CAHF Committee as we are calling it would be charged with providing City Council with recommendations about the budgeting and the use of CAHF funds as well as making recommendations on scoring and selection criteria for recipients of those funds. We're recommending a structure that provides equal weight to providers and applicants for affordable housing, affordable housing residents or beneficiaries, and city staff. The goal is to bring into alignment people who are benefitting from the city funds, people who are using city funds, and the city staff, who are administering city funds.

**Councilor Hill** – With the size of the city and the number of providers, it could be a challenge to have that without people having a conflict. There may not be a conflict one year but to not have a conflict over multiple years would be difficult to retain continuity on this committee.

**Mr. Kash** – Do you think that's a challenge? We wrote a draft conflict of interest policy because we thought it was such a challenge. It's included in the plan that makes for two tiers of conflict. One is allocating funding across the different programs. It lets you vote on the allocation of funding across the programs, just not the program you are participating in. You can participate. If you worked at a nonprofit that provides down payment assistance, you wouldn't be able to vote on any allocation to that program. You wouldn't be able to participate in the conversation on scoring criteria or selection for anybody in that space. You could participate in the rest of the conversation. We definitely acknowledge this challenge of having experts and having the people



invested in this involved without having conflict or perception of conflict. The policy draft is based on some work we have done in Pittsburgh. We laid it out because we want to get feedback on it. It has worked pretty well there. It is a real challenge. You need continuity and expertise. Councilor Hill – For all intents and purposes, the subcommittee of the HAC has tried to achieve that separation. I do think there is value in having a separate group that’s not intertwined with the groups that has the people that are going to be the beneficiaries that are doing the policy making. I see the logic. I also appreciate smaller committees both in terms of what you proposed for the HAC. This would be much more effective at times.

**Commissioner Stolzenberg** – You said that we already have a lot of government structures. You specifically would never recommend making a new government structure. Why do you recommend a new government structure?

**Mr. Kash** – We think you have to separate the budgeting conversation from the policy side of this.

**Commissioner Stolzenberg** – In what other contexts, what do you do? Do just not have the policy committee?

**Mr. Kash** – In other places, the HAC or the equivalent is more informal. I think that we see it two ways. Usually there is not a formal group like the HAC. You have a housing trust fund created. Then you have housing trust fund board. The housing trust fund board encroaching into policy issues that they shouldn’t encroach or maybe they should. We see encroachment in the other direction. It is relatively unusual for it to go the other way. That is our thinking here. We are certainly open to conversations about more elegant solutions and not creating additional bodies. The comment made that this is not that dissimilar. It is already happening; just a little more formalized. Hopefully it turns out to be a positive thing. This is what we are recommending. I think it is a good recommendation. It doesn’t feel as perfect and clean we wanted it to come up with. The other we feature that we thought in particular was a forum for city staff and the housing providers to be talking directly to each other on their recommendations before they get to elected officials. The decision ultimately rests with the elected officials. Elected officials make all of the calls. A forum for that conversation to happen seemed really important. We heard some concerns and some distrust on both sides. There is always going to be some tension between the administrator of a program and the person, who operates it. That’s somewhat healthy. It seemed like there was room for improvement for those relationships. This could be a forum to help make that happen.

**Ms. Kirk** – The next recommendation is about empowering and increasing the capacity of city staff. This recommendation is really about staffing the city’s housing staff at a level that is equivalent that recognizes the scale of housing programming that is existing in Charlottesville. Making sure that there are enough staff adequately resourced to administer all of the different programs that we are talking about. We provide some information in the plan about the level of staff Charlottesville has relative to its funding and the level of staff at some other comparable cities. We provide some other recommendations, which are outlined here that would help to further increase staff capacity to the collaborators and supporters of affordable housing. That includes assigning a staff member to be a liaison for affordable housing development. The city

already does this for historic preservation. Making sure there is somebody on city staff who can be the point person to shepherd development through. We also talk about including city staff on the CAHF committee in order to encourage collaboration on funding priorities and providing clear communication about staff rules and city processes as well as opportunities and pathways for community feedback to the city. There a lot of things there that are mostly around making sure that the city staff is adequately resourced to implement the various tools and recommendations of the plan. As part of that work increasing the capacity and support of the staff, we talked about establishing clear, transparent, and competitive processes to award funds. This relates both to city staff and to the CAHF committee. It is really about establishing a transparent RFP process for funds and competitively scoring projects using a standard underwriting process. We have provided some examples of types of scoring criteria that could be used. It's really about making sure that public funds are used efficiently and effectively and targeted to the areas of need in the city.

**Mr. Kash** – It puts you in a place to evaluate on whether you are funding and supporting the goals. We need to be primarily funding 30% AMI. If we end up at 40% without this kind of analysis reporting, it very hard to be sure of that. It is about process. It is less exciting than some of the other ones. We think that it's really important if there's a long term commitment to affordability to have these in place because they make the programs more effective and sustaining public trust, transparency, and making this is an ongoing commitment. The public understands what they are getting for their investment. It is much easier and clear to communicate the public benefits that are being generated here. Annual reports are dull but incredibly useful if they are well organized.

**Chairman Mitchell** – What are we talking about? Are we talking about local funds? Are we talking about local and federal funds?

**Mr. Kash** – We are primarily talking about local funds. That's a fair point. If you are doing this report, you might as well pull the same numbers and information for federal funds. We were thinking about local funds. You have made a good point.

**Councilor Hill** – One of the challenges that we have had is how the city allocates all of its dollars to outside resources. There has been inconsistency in just the process by which we evaluate those things. Within the housing funding that might come locally or non-locally as well as some of the nonprofit funding requests, which comes from our vibrant community funds. I have always been interested in going through this process and that we come out of this. This is way beyond housing. We have a measurements and solutions group that is working on basically putting targets in place. If we are going to be allocating city funds, we have consistent criteria so that there is full transparency and fairness across the levers that are being pulled for those funds come from.

**Chairman Mitchell** – The other thing that I did not quite understand was the underwriting. What do you mean by that?

**Mr. Kash** – This applies more to the development projects. Are these financially feasible with what they propose to do? You are underwriting for two sides. One is to make sure that the deal is

financially viable. The other is whether they leveraged all of the private money that is reasonable to leverage. Public sector underwriting is much harder because you have to figure out if the deal works and did I get the most for public money? Underwriting for this is challenging. You want the deals to be safe. If there is a bump in the economy, they still work. You want to stretch the public dollar and get as many as you can.

**Chairman Mitchell** – What is the threshold? Where is the threshold?

**Mr. Kash** – You have to measure on both sides.

**Mayor Walker** – I think the annual plan is a great idea. The last development we voted on, I asked a question during that about whether the previous units on Main Street that were supposed to be affordable units. They didn't have people in them. We voted on something. The market rate units were built. The affordable units were not. An annual plan will help us keep track. I have been asking since I have been here where are all of the affordable units? I still don't have a clear understanding. I know what has been voted on. I don't know what has been maintained or even ever filled with some affordable to begin with. There's no accountability even when we have been giving SUPs to developers. That accountability piece isn't there.

**Mr. Kash** – We have only talked about implementation. We haven't talked about the tools, which is usually we spend most of our conversation. We're going to get into land use to start with. Given the composition of this group, we will spend a fair amount of time talking about this.

**Ms. Kirk** – Land use is particularly where there is opportunity and a real direct connection between the housing plan and the comprehensive plan. What we have done is provide recommendations and guidance about ways to think about land use reform. It is one of those major initiatives. The specifics of how, where, and how much will be decided through the comp plan update and the zoning rewrite. When we talk about land use, we are talking about using land use reform to increase access to opportunity or increase housing in areas that are served by transit or near employment centers, to redress or reduce racial segregation, in particular recognizing historic role that land use and zoning have played in creating and sustaining racial segregation. It's about increasing the housing supply and limiting the increase of home prices that can result from limited supply, and supporting affordability without subsidy. Without subsidy, you're not going to decrease rent or meet the needs of the extremely low income households. There is also the potential to create unintended development pressures in areas susceptible to gentrification displacement. We have made recommendations to try to curb that. We have provided detail about each of these recommendations. Are there tools in particular that the group wants to spend more time on?

**Commissioner Solla-Yates** – We have gotten some pushback about whether by right makes sense or should it all be affordable only. Can you help us understand what each tool is and why it makes sense?

**Mr. Kash** – Multi-family by right, the way we have written it, is housing development. You are asking: Why housing development vs the by right should be affordable only? I think it is a “yes

and” answer. Yes, definitely for affordable housing. We tried to lay this out on the front slide that we just went through. We do believe supply is part of the conversation when talking about affordability. Not building enough housing will lead to market pressure and that will make affordability worse. A supply solution has major limitations. Building more housing can slow the increase in rent. There is plenty of evidence of that happening. It’s not going to create affordability. We are making this recommendation because Charlottesville is a nice place to live. I don’t expect that to change anytime soon. I don’t think you will want that to change anytime soon. For it change, it will have to stop being a nice place to live. How does that desire get accommodated? If it doesn’t get accommodated, it gets accommodated by bidding up the price to be in Charlottesville, which is happening in desirable and amenity rich neighborhoods across the country. Part of that is allowing for an increase in the supply of housing. There is a real tension for public bodies like yourself to help manage that tension between building enough housing to accommodate that growth and destroying the character of a neighborhood and creating a gentrification pressure. We are trying to be direct and sincere of the tensions between those two things and recognize the limitations of housing supply. The other thing that may not come across as well as it should in the shortened condensed version is that Charlottesville has a really important role to play. This is the point more than any other where regionality and the urban ring are critical. Charlottesville is an important part of the housing market. It is not big enough by itself to shift the housing market with supply chains on its own. That is clear in the report. It is not as clear as it needs to be. We have done analysis in other cities on how much housing is needed to shift the curve. It is not small numbers. It almost never shifts the curve down. It just means that it levels it out. On the multi-family side, allowing more multi-family development has to pair with inclusionary zoning. You can have exclusionary zoning without allowing more multi-family development. We think it will be much less effective. On the multi-family side, we are talking about removing some of the barriers. These are the actions we are talking about. We are recognizing that there is a significant nuance to what is actually going to happen. We are talking about restructuring your existing multi-family zoning so that actual feasible development is by right. With setback requirements and actual lot usage restrictions and other issues, you can’t do it. You still have to come in to get permission. We have started to talk about and look at the areas where the commercial areas and some of the single family areas are and are suitable to allow more. Making it easier to do and where it is already permitted and identifying some different areas but doing it in such a way that it doesn’t displace low income residents. Drawing a map and saying that this is an area that has lower price points and lower income and we are not going to up-zone that area because the market pressure will lead to demolition, redevelopment, and displacement. That’s not what we are looking for. Fundamentally, we are recommending less discretion and setting some criteria on the front end and less discretion on a project by project basis. That is a hard change to make and practiced to work well. That is the recommendation we are making. It has to be with the urban ring and we can get bigger than that. The urban ring is going to be a bigger driver of this than you are.

**Chairman Mitchell** – I totally agree that the urban ring is where we are going to most effectively address this problem. We cannot do it just inside Charlottesville. Collaboration is going to be very important. I am hoping that you can “beef up” the chapters as it relates to what is happening in the urban ring and we can do to collaborate with the county just outside of the city. The question is related to this feedback we got back from the HAC on your report. The

objective to by right soft density and they wanted us to talk about by right affordable soft density. What does by right affordable soft density mean?

**Mr. Kash** – We received that and we read through it. We have not had the conversation with the HAC. This is my interpretation. What I believe it is allowing some of that soft density but only in places where it is exchanged for affordability. There are examples where you could allow a triplex, up to three in soft density, where one of them has to be affordable. It's an inclusionary zoning policy that would apply in your single family areas. I might be wrong about what they intend to do. Unless you have significant subsidy nested with the zoning, the economics on that usually don't work. The affordable units don't make enough money to pay for construction costs. If you have two other market rate units, they are not enough to cross subsidize. You usually have to get to around higher than four in a fourplex. I don't think that recommendation will work. I might be misunderstanding what they are saying and want to have a conversation. Maybe it's about nesting with a subsidy. If we have enough money, it could be a great strategy.

**Commissioner Stolzenberg** – In a few places you talk about identifying single family neighborhoods that might be suitable for soft density or for denser multi-family. It is not an accurate claim to say any of our neighborhoods in the city are single family. If you look at the built environment, every neighborhood has some level of attached homes or duplexes. I wonder if the framing on soft density, in particular, should be more about identifying neighborhoods where it is not suitable because we don't want to create built in pressures. If it defaults, more would be allowed.

**Mr. Kash** – That makes a lot of sense.

**Councilor Payne** – It's really an important point that it begins in the land use section with the acknowledgement that this will not bring rents down. It won't meet need at even 80% AMI and certainly not at 60% or below. Up-zoning could potentially will bring in more outside investment and that varies street by street the impact on displacement that could have important grounded realities. I am particularly interested in multi-family. What areas both in the city and the urban ring as well as what specific changes can be made? One of our big problems is our zoning incentivizing by right office space and in some cases hotels. It is not producing any housing and having the biggest effect in terms of creating demand for people to live in the city. What specific areas and changes can flip that so that we are not just seeing all of this by right office space that is popping up by right? If anybody wants multi-family housing, they have to go this through long process. It seems like inclusionary zoning might square that circle of conversation around affordable density. When we are developing that policy, we think that will address that concern as well as developing that policy will get us to the point where we are doing that market analysis of what is feasible in addition? When are we going to need additional subsidy in order to bring down the AMI levels? That inclusionary zoning is an important piece for us to discuss if we are thinking about that.

**Mr. Kash** – Yes. Connecting inclusionary zoning and multi-family is essential. You can't make that same connection on the single family. I think it has to be framed a different way. The framing that was recommended to us was a good way to change that conversation. The fact that you are incentivizing something because multi-family is difficult that you don't really don't

want to be incentivizing is a great conversation to be having. We started with Code Studio really looking at neighborhoods and areas and having some conversations about it. The housing plan that we are writing won't specify neighborhoods but the portion of the comp plan will start to have those conversations. We are getting into it. Our piece of work doesn't get into it as much because Code Studio is "much smarter" about this than we are. Code Studio has been in all of our conversations. We have been talking with them and will stay involved and around for any conversations that they have so that these things are not too disjointed. We have worked really hard and RHI has done a good job of talking with us. I don't have any answers about location, but we are talking with each other.

**Ms. Kirk** – We do provide recommendations on tenant's rights. Tenant's rights are really about helping existing tenants increase their housing stability and to find a better balance between the power and rights of landlords and their tenants. They won't create any new affordable units. They do help households to stay in housing. They also really have limited potential in Charlottesville due to restrictive state laws. We have made some recommendations around ways that Charlottesville can meaningful advance tenant's rights either through avenues that are currently available legally to the city or through advocacy at the state level. The two key ones that are really available to the city currently are related to any time that the city is putting funds into a development or into a deal or into a program. We have already talked about the scoring criteria that the city should use to award funds. The city can put in requirements for enhanced tenant's rights any time it is providing funding for affordable housing development. If the city is able to provide funding for legal services for tenants facing eviction, it can establish citywide right to counsel to help tenants facing eviction to stay in their homes.

We have a number of recommendations about the public subsidy. We have recommendations about rental affordability, home ownership, and helping tenants to meet a gap to make their rental payments.

**Mr. Kash** – The purpose of limitations are straight forward. You are creating direct housing and providing direct assistance. This is really the only way you're getting to those at the lowest levels of income. When I say lowest levels of income, households at \$35 to \$40 thousand a year in many cases like households that certainly have significant income. The housing market is not serving them. There are limitations to this. The limitations on subsidy are related to the fact that it is extensive. There is a limit on public funding to pay for it. It takes careful design and program execution to design it. Those are straight forward.

I do want to talk about the tools here. There are a lot of tools here and we're probably not going to do them justice. We group the tools based on the issue they are trying to address. These are the tools most directly related to rental affordability or either creating or preserving affordable housing. Land bank can be used for home ownership as well. It has more flexibility. That is an imperfect grouping. You are funding low income tax credit. The low income tax credit is how most affordable housing in America is produced. When I say most, I mean 90% plus. It is the biggest tool. Due to development in Charlottesville, there is still a need for additional gap funding to help the close the deal. It is not true everywhere. It is true that Charlottesville is a more expensive place to build. This is about making sure there is gap funding so that Charlottesville is going after and getting a regular pipeline of tax credit deals. Charlottesville

should be going after deals on an annual basis. There should be a regular pipeline of production here. That is possible the way the state is currently allocating funding. It had to be competitive. It is not easy to do, but it is possible to have significant higher level of production. We talked about public housing redevelopment. Redeveloping and modernizing the public housing in Charlottesville and making sure that it remains an asset available to current and future generations is essential. Public housing, while extremely expensive and at times frustrating for everyone, is the best way to make sure there is housing for households with extremely low incomes. It is less expensive than any of the alternatives. The alternative is to allow homelessness and squalor. There are certainly local governments that have tried to push and tried to avoid public housing and have tried to use public housing development process to get rid of their public housing. Charlottesville has decided not to do that. It has decided to invest in it. This is about make sure that there is enough funding to make sure that public housing can be redeveloped. This is one of the hardest parts in the whole plan because the housing redevelopment authority is still in the process of digging through what the strategy is. We can't give exact numbers on the cost. We can only look at projects and efforts in other places and deals that are currently moving forward and put forth recommendations there.

**Mayor Walker** – With regards to your comment earlier about making sure that the financing for housing is structured in a way where it isn't potentially bankrupt and lost. Do you have examples where that financing has been structured differently than ours is being structured?

**Mr. Kash** – I don't know how yours is being structured. I currently don't have examples in the plan. I can certainly give examples of public housing redevelopment that has been structured in a way to protect the interests of the residents and affordable housing into perpetuity. A lot of it comes down to who owns the land and who owns the building. Those are the two most fundamental questions. If you own the land but not the building, how is your ground lease structured?

**Mayor Walker** – That's my other concern in the new development that is happening. That struck a chord when you made the statement.

**Mr. Kash** – We will provide some examples and I am happy to talk about this more specifically. It shouldn't be a "buyer beware" situation. It should be a clear and safe harbor. That is not the way HUD has structured. It is easy. I think a lot of these program were designed with good intent with people trying to save affordable housing. If you end up with a developer who is not a great partner, there is real risk. It is something we struggle with in other places.

The preservation fund is one of the few tools we are recommending that is not currently in existence. This is really about acquiring existing single family or multi-family housing and taking it out of the market. If you're buying an apartment building, you get a mortgage. If you're a nonprofit developer, you put in some money. If you're a for profit developer, you're generally putting in equity. That equity has a really high return requirement. That's where most of the profit motive is going on. The debt payment is fixed. The preservation fund is basically designed to replace that equity with public money that doesn't have that profit motive. Rents might go up because that is what it takes to maintain and sustain the property, not on a profit motives. The concept is to take the property out of the market. Preservation funds are becoming very popular

in a lot of places. They are the best thing you can do efficiency-wise if you can't do rent regulation. In Virginia, you won't be doing rent regulation. It is definitely worth looking at. You have a lot of programs that are very effective. We put this in as another tool. It should not necessarily jump in front of anything.

I won't speak that much about the land bank. This is about creating a new legal entity or vesting the legal authority in an existing entity to hold land and assemble properties and not have to pay property taxes on them. This is something Charlottesville has looked at carefully before and got derailed based on concerns about end runs around the housing redevelopment authority.

**Chairman Mitchell** – Why would we use a land bank assets for rental properties when the land bank assets are dedicated to allowing our low wealth community to get in these land banks and begin generating wealth?

**Mr. Kash** – I think the land bank can be just a legal entity to take the property and not pay taxes. You have a lot of flexibility and that is why it is a little out of place. You don't have to just use it for rental. You can use this on a home ownership play. You can do a simple property and then sell it. You can even try a land trust approach. The land trust owns the land and doesn't have to pay the taxes. There is still an opportunity for ownership and wealth building. This is more about reaching an agreement on who should have this legal authority and how it should be controlled. It is a legal authority the state has given you and Charlottesville should use. We just need trust and an agreement on where that authority is going to rest.

**Mayor Walker** – You're not talking about creating a new entity that is going to need funding from the city?

**Mr. Kash** – We are not recommending a new entity unless that we can't see that it is necessary. You don't need a new entity to have the legal authority to do this.

**Mayor Walker** – We don't want to be creating new entities that are going to be additional organizations competing for a limited set of funds.

**Mr. Kash** – I don't think we say that as clearly as we should in the report. That is certainly our intent and we will say that more clearly.

**Councilor Payne** – I want to emphasize the importance of the preservation fund. In your report, it mentions that there is 644 low income housing tax properties in Charlottesville at risk of becoming market rate. I think it is so important. If we are investing in interventions and 644 units are going away and becoming market rate, we may just be "treading water." I think that is why going forward structuring our low income tax credit investments with 99 year lease and shared equity is so important that we are not making substantial investment in 30 years' time. It is all market rate again. We have made very superficial impacts. I want to emphasize of this as a policy for us.

**Mr. Kash** – I want to spend on home ownership. This is the area we have received the most comments on. We tried to lay out in our plan how important we think home ownership is. The



feedback is telling us that we have to be even clearer on that. There is certainly a perception that the plan is underselling that. We are going to try to listen to that feedback and get more and get clearer and tighter on this and making sure that we're reflecting everything. In our analysis with the advisory committee, we have laid out how home ownership has been a real challenge in Charlottesville. Home ownership rates have dropped for lower incomes and how home ownership rates have dropped for black households and the importance of home ownership. Home ownership is so critical particularly if you have a racial equity lens on things. If you have an economic equity lens on things, home ownership is the number one asset for most families. It is the driver of economic mobility. You don't have to like that that is the model for our country. That is the current asset building model. We do think that it is immensely important. We lay out several programs in here. These are all existing programs. We are just talking about making modifications and adjustments. We are talking about down payment assistance program that we are increasing the level of funding in the amount of money going into the program. We are recommending a higher level and that more funding go in per household. One of the biggest obstacles in down payment assistance programs right now is that the market is so expensive. There is not enough money in the down payment assistance programs that let households actually compete in Charlottesville. If you actually want this to be a meaningful program, there has to be more funding and the ability to layer with other funding sources. This is really about identifying opportunities for additional single family development and making sure they are affordable. It could be paired with your ADU and some of the zoning recommendations we have made. Owner occupied rehabilitation is a program that you already have. We're recommending additional funding for it so that it can be ramped up at higher levels of repair. If you are trying to support low income home ownership, owner occupied rehabilitation is about two things. One is making sure that existing owners can stay in their place. Two is making sure that their homes are repaired and maintained over time. When it comes time to sell it, they are able to get the equity and the value from that home. You can be in a neighborhood that is experiencing a lot of appreciation. If you can't access the financing, you can't maintain the home. You end up selling to a cash seller, which means you get much less value and there is much less wealth building for you. This is intended to address both of those. To do that, we need more money and we need to be comfortable spending more money per house. The last is an endorsement and recommendation to maintain and extend your property tax relief program. It has a real cost and there may need to be some targeted revisions over time. It also has a real benefit. It is reaching households that are at risk of facing displacement pressure and have a real constrained budget. When you look at the data on owners that are cost burdened, you can see that.

**Mayor Walker** – With the rehabilitation assistance, are there clear recommendations or is this the extent of the recommendation?

**Mr. Kash** – There are clear recommendations. There are recommended actions. The recommendations are fundamentally about increasing the level of rental assistance, making the assistance when you are doing a larger intervention, making it a no payment loan and not a grant. The idea there being that the money will recycle back so that you can do more households. By making it a loan, when that house does come up for sale, another affordable homeowner gets the “first bite at the apple.” It doesn't require the homeowner to give up any of the value of the existing house. They should leave in a better financial place. We didn't move it and make it a recommendation less of a grant. We usually make that kind of recommendation and get feedback

on it. There are legitimate public policy reasons to go both directions. We think it is important to recycle and make sure there is access for future homeowners. There is a real balancing to that. Councilor Payne – I would add with the property tax relief. I believe there are hard limits set by the state about the amount of relief as well as the assessed value or the property that can qualify that are real limits on the programs. That might be something we add to just cause eviction and rent control for efficacy for the General Assembly to allow us to better target that program to reach a deeper need.

**Mr. Kash** – We are going to follow up and ask more questions about that. I think we can add that as an anti-displacement property tax policy at the state level. That is the goal of the approach you are taking. It is an anti-displacement conversation.

The tenant based voucher and emergency assistance is for the lowest income residents on a household basis. Those are at risk of eviction or homelessness. You have tenant based voucher program. We make a couple of recommendations about adjustments and really about increasing level of funding. In the emergency rental assistance, Charlottesville like most of the country has been involved in standing up programs in response to COVID-19. We're recommending that you look at how to make these funds in this support an ongoing and permanent effort. The country, as a whole, had an eviction crisis because of COVID-19. Whole households experience eviction crises all of the time. Their crises, while not the community crises, aren't any less real or any less need of assistance. You stood up and created some of the infrastructure and to run one of these programs. It should be easier to help make that a permanent thing.

I know that I went through this things quickly on the subsidy side. For each of these tools we lay a couple of different slides explaining the context, explaining the specific recommended actions, and talking about how each tool links back to those three guiding principles: regionality, racial equity, and comprehensiveness.

**Ms. Kirk** – We are accepting public comments through December 2<sup>nd</sup>. Based on those comments received, we are going to revise the plan and submit it for endorsement in early 2021. The affordable housing plan is going to be incorporated into the comprehensive plan.

**Ms. Koch** – In general, we have outlined how we are envisioning that. The visions statement that is in the affordable housing plan has been used in the comprehensive plan vision statement for the housing chapter. The housing chapter in the comprehensive plan goes beyond what is in the affordable housing plan. The policy recommendations in the affordable housing plan will be incorporated into the comprehensive plan as goals and strategies to reflect or address that overall housing vision statement that is in the comprehensive plan. In addition, these strategic actions that are outlined in the affordable housing plan will be a piece of the implementation chapter of the comprehensive plan. Those major recommendations and action steps of the affordable housing plan will be placed directly into the comprehensive plan. The full document is not going to be the housing chapter of the comprehensive plan. It will be an important document that will be explicitly a piece of the comprehensive plan.

If you go to the website [CvillePlansTogether.com/virtual-meeting/](https://CvillePlansTogether.com/virtual-meeting/), you can see the engagement summary from May and June. That is important because what we heard then from the Planning

Commission, Council, and the steering committee fed into the affordable housing plan and the comprehensive plan pieces that we have drafted. Please visit the website, we would love to hear your comments. We will be following up with the Planning Commission and City Council by email. We would love to have any other comments from you as well. There are many upcoming events and webinars. You can find them on the virtual meeting page of the website.

We did have delays earlier in the project due to the slow start with COVID. There was some other brief delays as well over the summer. We want to make sure that was all shown on the schedule. There are a few important things shown on the schedule. We will be revising the affordable housing plan as we get closer to the end of the year. The plan is to take that to City Council for endorsement in January. We will be incorporating that into the comprehensive plan. With the comprehensive plan, we are moving forward once we have done input on the vision statements for the different chapters. We are going to be moving forward to make those revisions and revise the goals and strategies that are in the plan to speak to those vision statements. We will have a check in at the Planning Commission meeting on December 8<sup>th</sup>. At that point, I would like to speak with you all about a few things. One of them will be checking back in on the schedule, letting you know what we heard, what changes we think might be needed with what we are sharing now, and if we need to make any adjustments to the schedule. We would also like to talk to you about the future land use map. As we mentioned, that is a really important piece of all of this. It feeds into the affordable housing plan recommendations. We want to talk about your process in the past. We want to speak with you how we move forward from that and how we want you to incorporate that into the future land use maps. That is something we will be working on throughout December. We want to have a discussion with you. This is an ambitious schedule and we are not trying to hide that. We think it is doable. It depends on what comes out in the next month in terms of potential revisions or changes that might be needed to our current path forward.

**Commissioner Russell** – I just keep coming back to the concern about the land use strategies of ADUs, by right multi-family, and soft density. Unless there is an affordability requirement, they won't have that affordability effect unless they are paired with a requirement. How would we make that criteria? That seems complicated and challenged.

**Mr. Kash** – I think that it is complicated and challenging. I think that you're accurate. New development and even Accessory Dwelling Units will not be affordable because the rents don't support it and people are going to tend to take the highest revenue they can. We do talk about taking subsidy put it into Accessory Dwelling Units. There is some direct affordability. A lot of the land use pieces are going to be, with the exception of the inclusionary zoning and multi-family, the other land use pieces are primarily going to be about reducing the pressure on the market. We tried to not overstate and make like that is a magical solution because it is not. The data is really clear. It can work and make a difference. It is also really clear for Charlottesville that you have to have development. Most of that is development is going to have to sit in the urban ring for it to get to a scale that is going to move the needle or keep the needle from moving up too quickly.

**Ms. Kirk** – As we discussed before, a healthy multi-family development environment is going to be a necessary precondition to having that inclusionary zoning, which is a tool that will actually increase the production of affordable housing.

**Commissioner Dowell** – Did you see it feasible to come up with any recommendations to incentivize property owners to rent or to continue renting to our lower income residents? Is there any incentive or type of program to keep the units affordable for the actual landlords, who are providing this housing?

**Mr. Kash** – You have a fair number of landlords that rent properties that are affordable. There is market pressure in there. They have to make an economic choice about whether they raise the rents or sell the property to redevelopment and what can we offer them to help to encourage to keep them affordable? The most direct and honest answer to this question is no. We don't have policies along those lines. The preservation fund is probably the closest. It really isn't set up for them to stay the owner. It is more set up for them to sell it to somebody else with them knowing that it would stay affordable. They would get to sell it at a market rate. That is the short, direct answer. We could look at tax abatement policy and loan programs. That is something you could do. It could be done. We can adjust the preservation program to be set up as more of a financing tool for existing owners or we could look at tax abatement policies or how the land bank might fit into that. We haven't yet.

**Commissioner Dowell** – If you have the time, I think that would be a positive road to go down. With new development coming in, there goes the pressure with the taxes going up. If we are really trying to make sure we increase or maintain our housing stock, we have to be able to provide vouchers for residents to use with private landlords, but we need to figure out some type of way to incentivize these landlords to keep their rents affordable in the private sector.

## **PUBLIC COMMENTS**

**Lakeisha Washington** – I would like to speak about affordable home ownership for the people in Charlottesville. My mom worked three jobs to pay bills and take care of us. I am now a mom and that has been a dream for myself and daughter. I will not work more than 2 jobs to have a home. Families shouldn't have to make those kind of choices. I have worked with Habitat to help reach my goal of home ownership. The affordable housing plan does have a lot of great aspects. I feel that it doesn't go far enough. I hope that you will consider this moving forward.

**Emily Dreyfus** – I was so glad to hear what you have recommended. This was a very inspiring presentation. I liked the idea of hiring outreach peer workers. I wanted to emphasize a couple of thoughts on tax relief and rent relief program. Those two programs need to go deeper to reduce displacement. Spending more money per household is where we need to go to make those tools more impactful.

**Neil Williamson** – I am very impressed by the consultant team that you have brought together. I will hope that you will use empirical evidence to judges these various policies that are being propagated. We have grave concerns about what is enabled in rent control. We have also

concerns about inclusionary zoning. We are very encouraged by the focus of increasing home ownership and increasing positive rental units. I am hopeful that the Planning Commission and City Council can evaluate these tools and how they can address the objectives in the plan.

## V. COMMISSION'S ACTION ITEMS

*Continuing:* until all action items are concluded.

No additional items

### PARKING GARAGE ON MARKET STREET

**Commissioner Stolzenberg** – A few years ago, we bought the Guadalajara and Lucky Seven property for about \$2.85 million. A year later, we came to an agreement with the County to redevelop courts. Part of that agreement was to use that Guadalajara and Lucky Seven parcel plus the next door service parking lot and to buy the County share of that to build structured parking, at least 90 spaces, to give to the County to support the courts. Kimbley Horton did a concept study on what could go there. Council directed staff to pursue a plan that used both parcels to build a parking structure of at least three stories and several hundred spaces with a little retail on the bottom floor. Staff added one more parameter that it be by right only so they would have to come and ask us for a Special Use Permit. At this point, staff is working on putting together a request for quotation to find some teams that will be capable of building this. Following finding those teams, they will put out a request for proposals. It will be a very broad task to allow those teams to create a creative proposal that satisfies the minimum requirements and do it how they would like. My initial proposal that I was going to introduce tonight. We have talked a little bit more about why the initial plan was to put the three story parking garage. The big constraint is that it is a very wide lot but a very thin lot. In downtown zoning, above the third story, there is a very large setback required to the point you basically can't put any more stories on it cost effectively. My proposal is to change the zone of the parcels to Downtown Extended, which will let you do everything you can do on the downtown parcel and frees staff hands on the RFP proposal and to do a more creative proposal on that site. It would be a simple rezoning. When I brought that to the Parking and Economic Development Department, they were Ok with it. It doesn't any additional constraints to them. They can do it the exact same way as they thought it would probably have to go down if possible. Maybe they will get a good proposal from RFP respondents. The way I was going to go about it was initiating a zoning map amendment tonight. Legal counsel has said that there are some issues, given that it is not a broad map change. It is just a rezoning of a few parcels. The City, as the owner, is going to have to initiate that. There were some concerns about whether anything would change on just allowing more to happen there, given that a taller building might cost more money even if it might bring in revenue through renting office space or creating housing and other social ends. That is beyond the scope of what I was thinking, which is a simple rezoning that would be done prior to the RFP going out in three months. There would be more options available to the respondents of that.

**Chairman Mitchell** – The logic behind what Commissioner Stolzenberg is recommending is solid. It actually reflects the vote that we took a year ago when we voted on the Capital Improvement Program. We actually voted to not fund the garage to the extent that staff wanted us to. We didn't think we needed as much parking space as had been budgeted. I think we reduced the funding of that by about 50%. We voted to reduce the parking, but honor the parking commitment to Albemarle County. We have made a commitment there. We also voted to

include more mixed use and possibly include more housing in the project. What we are attempting to do today is to start a conversation with Council regarding what we actually do with that property. It allows us to reduce the cost, increase more affordable housing, make it a mixed use property, and possibly put us in a position to raise more revenues.

**Commissioner Stolzenberg** – That is spot on. We have a \$5.5 million piece of land. We have \$10 million to build some stuff on it. We know that we need to build a bunch of parking for the County and the City. The problem is that is all you can do under the current zoning. Maybe there is a potential for more. The land is already paid for. All of that space above it is free.

**Chairman Mitchell** – Our real intention today is get this in your mind and tee up some conversations. The problem is that the RFP will be issued in February to do this.

**Commissioner Stolzenberg** – It will take about three months. That is the timeline, but it sounds like it might slip.

**Chairman Mitchell** – We need to provide staff with a clear articulation for the parameters of the RFP in three months.

**Lisa Robertson, City Attorney** – This is not just a simple RFP. This is a design build construction process. We are giving them the minimum parameters. If we want there to be residential units within this garage, we have to say that. The cost to the city up front to build a building that would either include that at the outset or that would include a foundation that could be used to add that on at a later date. I want everyone to understand that it is not as simple as a straightforward RFP saying “Come build this for us.” Tell us what you think of the best thing to do. Aside from that, they have correctly summarized what we talked about earlier this evening to the extent. If there is going to be a rezoning, City Council would need to do it as the owner of the property. That would also be the quickest way to move through a rezoning process. I think that City Council should also directly touch base with the Economic Development Director about timelines. It’s something that certainly can be considered. I certainly understand what is motivating it. That is to give you the flexibility to expand the range of options on this difficult site. I know that staff is very close to developing a final draft of the design build solicitation that can go out. We are butting up against some timelines and deadlines that relate to establishing the parking for the new general district court system. A lot of things have to come together pretty quickly.

**Councilor Hill** – I don’t want the public that these were not very similar approaches and questions that at that time, every councilor challenged staff on. A lot of it came down to feasibility and budgeting. I want to be clear like we didn’t try to look at whatever way we could do this to get the most we could out of these spaces and this land. I remember very clearly even to build the foundation so that in the future, it could be built up high and other sources of revenue was pretty cost prohibitive. At the same time, I am all about allowing for flexibility because things can change. We have certainly pressed on this during many of this process.

**Councilor Snook** – I wasn’t on Council when the earlier decisions were made. One of the first questions that I asked after being elected was whether it was possible to look at that site with

more in mind than simply parking conscious of a couple of things. One is that ten years from now, we are going to be thinking “Boy what a waste of parking on that spot.” The second thing that I thought is that when you’re in the shadow of a very large building already, that’s not a bad place to build a taller building. It might be out of line just a couple of blocks away. It would be right next to a very large building. You can easily go 5 or 6 stories without confronting problems with the overall skyline. It would still be a difficult problem perhaps at street level. It is not going to look grossly out of place. If there is a way we could do that, I understand that there are differences in cost and the foundations. If there is a way we can do it and elicit meaningful proposals. I would like to try to do it.

**Commissioner Lahendro** – I saw this about a half hour before the meeting started tonight. What immediately came to mind is that this is in an architecturally designed control district. It is there for a reason. I wanted to make sure that we have the opportunity to evaluate it and evaluate what it means to go much higher in this control district and make sure we get the appropriate people and other boards, who have jurisdiction over things being built in this area the opportunity to review it appropriately.

**Mayor Walker** – We were not all in these meetings together. During my meeting, I definitely asked about housing because housing has always been a big deal. I also asked about the two businesses that are being displaced because of the building and if there was a way to ensure that they could come into the new building. If they wanted to stay in that location and build everything from retail. It is harder to create for restaurants and retail structures. We did have these conversations. I was not aware of what is being presented tonight. Anything that we can explore that would make better uses is something definitely worth exploring. Just being in the room with the County and how frustrating that relationship with the Board and the Council at the time was the primary driver in attempting to get something resolved. If we can do this better, I think we would all and the community would benefit from that.

**Commissioner Stolzenberg** – When the feasibility of alternatives was explored, all of those concepts were still within this idea of staying within the existing downtown zone and not asking for a rezoning. My primary initiative would be for Council to initiate a rezoning to downtown extended, which simply adds more permission and doesn’t remove it from the architectural review district. It sounds like there may be room for some discussions with the Economic Development Department and Parking Director of exactly what might be allowed or feasible or suggested in the design build RFP in order to accomplish some of those goals once those constraints are loosened. Do those some reasonable?

**Ms. Robertson** – I think that those are reasonable things to consider. I think that Council will have some opportunity to look at this in the context of the workshop on Thursday. As I understand it, the primary issue for City Council is going to be whether there is enough money to fund that flexibility and build in that flexibility up front. It’s going to be a financial decision. I have not talked to staff about whether it is possible.

**Chairman Mitchell** – Where is the initial financial burden coming from?

**Ms. Robertson** – Even if you didn't add the residential units up front, building a foundation that can support adding additional floors to the building at a later date.

**Chairman Mitchell** – We voted on this last year. Our objective was to reduce the cost.

**Ms. Creasy** – The Commission provided a recommendation to City Council.

**Chairman Mitchell** – Our recommendation was to reduce the cost of the infrastructure to support the parking lots.

**Ms. Robertson** – It is reasonable to request the City Council to consider what you are asking for. It sounds like there is good consensus that people would like to see more done with this property. You made Council aware of your strong feelings. It sounds like a number of councilors have similar feelings. Is there a reasonable expectation within the city's budgetary constraints that even if you rezone the property, are you going to get what you are hoping for?

**Commissioner Stolzenberg** – That's a really good point. At the very minimum, you won't get anything worse. When we were talking last December, the thing that we had envisioned to reduce the cost and recommended in the memo was a public-private partnership. We make sure we get the parking and we hand some of the parking over to the County, keep some parking, and we make sure it is done on time. Whatever happens on the site is a bonus to everybody. My understanding of the current RFP process is that it is open ended enough that a proposal could come in with those other things with the caveat that under downtown zoning, it's effectively impossible. There is really no room for anything else.

**Ms. Robertson** – The site is a difficult site. What a design build solicitation seeks is you tell them what you want. They tell you how they will build it. You are telling the design builder what you want. You're giving up some authority over how that gets done. I don't want the general public thinking that this is a design competition.

**Councilor Snook** – Could we be doing it as specifically as the request for people to jump in and say that they want to be a partner in a public-private partnership that has the following parameters. One of the parameters is that we are going to have a couple extra stories there that we get to do with them what we will. Put together a deal that gives them something, gives us something, and may hold the cost down. We would have to see what kind of proposals came in. I think it would be possible to do something like that.

**Ms. Robertson** – It seems that there is a legal procedure for everything. There is a separate legal procedure for public-private partnerships and how you receive those proposals. I think it would be a really good idea for Council to check in with Chris Engle and discuss these issues and to hear from Mr. Engle and the team of people that have been working on the design build process, including going to the BAR at some point just like any other developer. I think it is important to check in with Mr. Engle and see if any of these things are feasible and whether it can be structured in a way that doesn't delay the design build process.

**Chairman Mitchell** – What do you recommend that we do next?



**Ms. Robertson** – Someone should make a motion to formally request Council to consider changing the zoning on this site to a category that would allow more flexibility.

**Commissioner Solla-Yates** – Another way to think about this would be to look at it as a boundary adjustment to extend the downtown extended zoning to this site so that it is a more coherent “gateway” zone instead of just one blob. Would that make more sense?

**Ms. Creasy** – We may have more properties involved with that. That would be additional owners. I am not involved in the process for this. I don’t have the background on this. We also noted that it wouldn’t be the most straightforward zoning. There is an alley in there. There would be some work to get through that. It wouldn’t be a straightforward, quick opportunity. We can work through logistics. It wouldn’t be something that would be able to happen immediately. We have to work through the legality.

**Chairman Mitchell** – We should think on this more. I think this is a great idea. We can make this happen. I would love to have a chat with staff on how we structure this and we bring to the table a motion that is going to work and pass in time for it to be rolled into the proposal.

**Vice Mayor Magill** – Any rezoning change that we would also be sending out notices for public comment. How long of a timeframe is the minimum that we would be looking at to get the rezoning done?

**Ms. Creasy** – We would have to work through any processes. Staff was looking at the aerial map and found the alley. We started thinking through potential processes for how you deal with that and what happens to that property once it is zoned. We would have to spend more time in trying to figure out what the procedural steps would be to understand what limitations there are on the property and what steps would have to happen to reach the goal that we have been given. It’s a one for one rezoning. We have some more logistics that would have to come into play. I also would not want to move forward with anything without any sort of direction from the staff who are working on this day to day for multiple years. I am not familiar with the details. They probably have some insights that we would have to “double do” that they already make and can already provide.

**Vice Mayor Magill** – Even if it was the absolute cleanest process, is that a minimum of three months?

**Ms. Robertson** – The quickest path forward is for City Council to initiate a change. That requires the Planning Commission to report back to City Council within 100 days. Within that time period, all of the public engagement and the community meetings have to be done within 100 days. That’s more than three months. That is going to impact the timeline that staff is currently working under. They will have to tell City Council whether or not there is any leeway in their schedule. My understanding is that the schedule is tight because it took so long to get an agreement established to start with and to get into the process of getting this thing to the point where it can be designed and constructed.

**Mayor Walker** – It is important for us to reach out to the County and make sure they understand if we are contemplating this change so they don't think we're not going through. There was so much tension last time. If we're going to explore something like this, I want to make sure that we talked to Mr. Blair and make sure he reached out to Jeff Richardson to have that conversation.

**Commissioner Stolzenberg** – I want to be very clear that my intention with this is definitely not to impact the 90 spaces that we are giving to the courts or to impact the timeline at all. We're two years into this agreement being signed. We're still another three years away from the garage opening. I feel that there is still some flexibility to make this happen within the timeline. My understanding is that those 100 days is the maximum amount of time before the Planning Commission needs to make a decision.

**Ms. Robertson** – There is a new law that says if you want to reduce that time, you have to have a public hearing on whether you should reduce the time. I would recommend that you make a motion asking City Council to consider a different zoning, not necessarily specific to a particular zoning district. Make a motion ask Council to quickly explore whether there is different zoning that could be applied on this project.

**Chairman Mitchell** – I like your recommendation. Could you please walk us through the implications of such a recommendation – like speed and viability?

**Ms. Robertson** – If you made that motion tonight, City Council can consult with Mr. Engle. They can get updated information about timelines, cost, and implications for the project. They can work directly with me and Mr. Blair. We can work with both zoning staff and the project staff to see if not downtown extended, if there is some other way to resolve the zoning issues that are providing the constraints.

**Commissioner Russell** – I want to understand something Commissioner Lahendro said about it being an architectural design control district and allowing opportunity for the BAR to provide comments. I have heard about all of these entities. Is their interest as part of this?

**Commissioner Lahendro** – That is a question for Ms. Robertson. As part of the evaluation by staff, they would be in touch with Mr. Werner to determine if there are any ADC issues that need to go to the BAR.

**Ms. Robertson** – Normally, that is built into the project. On the current project timeline, once there is a proposed plan ready to review, that BAR review is part of that timeline. They are not there yet because it is a design build process. While they are talking in general about what is to be built, that is within the current zoning parameters. The BAR gets to review it. There is not an issue of height in access of what is normal such as there might be with a Special Use Permit process.

**Commissioner Lahendro** – With the change in zoning and the allowed additional extra street wall height, how is that evaluated within an ADC?

**Ms. Robertson** – If you change the underlying zoning, that doesn't change the overlay district. The overlay applies to whatever the underlying zoning district is. I suppose City Council could also consider exempting itself from the regulations, which would make things a lot quicker and achieve maximum flexibility. It doesn't mean that the BAR couldn't be asked to weigh in on things that are important. There are some other possibilities here that are available to the City. It is the sovereign entity that makes the rules as opposed to a private landowner. All of these things have implications. If you want maximum flexibility, that's it. On the other hand, wrapping around another zoning district brings in private properties that adds a whole different dimension to a proposal. Just adding downtown extended zoning to this particular site is certainly an option. It would not change the BAR review. It would just change underlying zoning. There are basically three possibilities which can be evaluated within the parameters of the motion that Commissioner Stolzenberg just made.

**Commissioner Lahendro** – It will still be within the control district and whatever project comes forward will still be part of that district.

**Ms. Robertson** – Unless City Council determines that it would like to exempt itself.

**Commissioner Solla-Yates** – If City Council wishes to exempt itself from those regulations, recognizing that the City is a good faith partner in development, how long would that take?

**Ms. Robertson** – That could be done fairly quickly. I would need to look at that. That's not something we have ever looked at in depth. It's something that is legally a possibility.

**Motion – Commissioner Stolzenberg – For Council to consider an alternative zoning for this site in order to facilitate a process with staff creating a more productive end product. (Second by Commissioner Solla-Yates)**

**Motion passed 7-0**

**Meeting was adjourned at 8:55 PM**