

CITY OF CHARLOTTESVILLE
"To be One Community Filled with Opportunity"

Housing Advisory Committee



Wednesday, October 18, 2023, noon

Location:

CitySpace Large Meeting Room
100 5th ST NE, Charlottesville, VA 22902

- 1. Attendance**
- 2. Chair Items**
 - a. Open Remarks
 - b. Introductions
- 3. Approval of Minutes**
 - a. September 20, 2023, HAC Regular Meeting
- 4. Agenda Items**
 - a. HAC Subcommittee Updates
 - i. Policy
 - ii. Governance
 - b. Staff Update: Anti-Displacement Strategy
- 5. Public Comment**
- 6. Adjourn**

Agenda Attachments

Exhibit A: September 20, 2023, HAC Regular Meeting Minutes; Exhibit B: HAC Zoning Code Recommendations; Exhibit C: HAC By-Laws; Exhibit D: Anti-Displacement Framework Draft as Presented on October 3, 2023 Council Work Session

Staff Contact:

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Exhibit A

CITY OF CHARLOTTESVILLE

"To be One Community Filled with Opportunity."

Housing Advisory Committee



Housing Advisory Committee (HAC) Minutes
Wednesday, September 20, 2023
12:00 p.m.

Call to Order at 12:11pm

1. Attendance and Introductions
 - Joy Johnson (JJ)
 - Phil d'Oronzio (d'O)
 - Josh Hughes (JH)
 - Kathleen Glenn-Matthews (KGM) in place of John Sales (JS)

City Staff Attendees:

- Antoine Williams (AW)
- Alex Ikufuna (AI)
- Michael Payne (MP)
- Emily Dryfus (ED)

Absent:

- Dan Rosensweig (DR)
- Sunshine Mathon (SM)
- Cory Demchak (CD)

JJ: Quorum established. Three minutes from prior meetings that need to be approved. August 16h HAC meeting, September 6th, and September 13th.

d'O: Move to accept minutes of August 16th with substituting the word "Differed" with "differed".

JJ: Motion to approve

JH: Second

JJ: Minutes for August 16th have been approved. Moving on to minutes from September 6th.

d'O: move to approve minutes from September 6th

JH: Second

JJ: Minutes from September 6th have been approved. Now for minutes from September 13th

d'O amendment to remove councilor Payne from city staff to membership

JH: Second

JJ: Minutes were approved. The next order of business was for policy subcommittee

AW: Piece of discussion was based around fee waiver

d'O: We discussed that, I can give a summary of policy subcommittee activities. Policy subcommittee is meeting October 4th to take a second round at the ADU manual and other comments on the zoning. I have been in regular communications with the City Attorney on three or four things. His bandwidth is pretty well zeroed in on Zoning legality. By-laws are coming to him. HAC recommendations were presented to planning commission, and were included in my suggested changes. At the work session yesterday there was unanimous support to bifurcate the 99 year rental and home ownership model. Affordability model should be tracked on who is subsidizing and for how much. I did speak on the public hearing night on Thursday on my suggestion on limiting abilities to sell property to two years. Reception was not favorable. There are legality questions surrounding this. Land bank has been punted til we are past the zoning. Will return to it once zoning ordinance is passed.

JJ: What are next steps

AW: Doesn't sound like we have anything that staff has to take to the City Attorney

d'O: I will copy you on the by-laws that I send to City Attorney.

AW: We have a process and form that the attorney's office likes for us to follow. We have an assigned attorney to our team and want to make sure we follow process.

d'O: Will follow up with proper procedures

AW: Let me get clarification and I will share with the HAC what internal process is

d'O: I know Jay is the guy on zoning so he may suggest go ahead and send it

JJ: Other thing on the agenda was governance

d'O: we covered that just now

JJ: Have you sent the changes to by-laws?

d'O: I want to make one change on last paragraph to provide clarity. Will send that for approval.

JJ: You will send it to the committee?

d'O: It is wording changes only, not policy or procedure

JJ: The only other thing we have left on the agenda is to set the agenda for the October meeting.

d'O: By-laws will be done before then

JJ: Anti-displacement policy to be discussed

d'O: That will be a big one, as one thing that was discussed at length around anti-displacement – there is a need for a quick or interim fix while we get specific policies in place. What has become clear is that none of the proposed solutions are zoning matters, they are policy matters. PC doesn't see a tool in zoning that will work. Came up with an idea of short term solution into ordinance, but attorney stated

you cannot sunset items into the ordinance. There will be a policy discussion on October 4th. All of the suggestions made were not zoning matters.

ED: Disagrees with the notion that it is policy not zoning

d'O: I agree with some aspects of that as well

AW: ADU manual being incorporated into the zoning ordinance?

d'O: We need more intensive conversation with lawyers on this

AW: Is that a 1:1 conversation with you all to lawyers or is that special meeting where we have to invite them here

d'O: Policy subcommittee thing. Will see if we can get Jay here on the 4th

JJ: ADU Manual, anti-displacement policy, and the by-laws

d'O: I think we are basically going to take the policy subcommittees agenda, all of that will be on agenda for regular meeting as well. We will discuss ADU manual and get lawyer in here

AW: Following Oct.4 subcommittee meeting this agenda will attached to that

d'O: Let's not shoot ourselves in the foot on zoning

JJ: Oct 4th meeting will be when and where?

AW: It will be at noon. Location TBD.

d'O: Every time we have opened our mouth we have had some lawyer rain on our parade, so we should get one in here so we can figure out a way to get these things done

AW: October 4th 700 East Jefferson Street

JJ: Any other business? Move to next on agenda, public comment.

AW: Two participants online if you wish to make a comment.

ED: Here on behalf of the legal aid justice center and CLIC. I was concerned about planning commission discussion about small area plans because they take years. For that to be the primary solution for displacement is not going to work. Zoning overlay will have more impact. The idea came from Cambridge, MA and it was an effective tool there. The areas we are discussing as anti-displacement will have values go up significantly and displacement will happen even faster due to the amenities that they are close to.

No further public comment. No further agenda items.

JJ: Motion to adjourn?

d'O: Moved

JH: Second

Exhibit B

October 13, 2023

Dear Ms. Johnson, Mr. Freas and Chair Mitchell,

At a public hearing on October 4th, the Housing Advisory Committee Policy Subcommittee met to review and make recommendations regarding items in the draft of the Comprehensive Zoning Update which were delegated to it by the full HAC.

Below, we have grouped our recommendations as follows:

- I. Recommendations from October 4th
 - a. Modifications to the Equivalency of Units Sections
 - b. Modification to determination of affordable rent for renters using a voucher
 - c. Creation of an Overlay classification for Anti-Displacement Zones
- II. Ongoing HAC Priorities
- III. Secondary HAC Priorities

I. Recommendations from October 4th

a. Modifications to sections related to Equivalency of Units

General: The draft of the Zoning Code Section 4.2.2 is too restrictive and could prohibit mixed-income development.

Specific Recommendations:

1. Add a new section 4.2.2 B 1 c:

The following projects are exempt from Equivalency of Units requirements:

- i. *Any project where 20% or more of the total number of units meets the definition of affordable.*

2. If above section is not added, then amend Section 4.2.2 C 1 c as follows:

Replace:

c. *Equivalency of Units*

- i. *Affordable dwelling units must reflect the overall project units in number of bedrooms, exterior appearance, and overall quality of construction to market-rate units.*
- ii. *Affordable dwelling units must include the same interior features as the other units in the same building, but appliances need not be the same make, model, or style, so long as they are new and of good quality.*
- iii. *Affordable dwelling units must be evenly distributed throughout the project and not concentrated on particular floors, building sides, or locations.*
- iv. *Affordable dwelling units must be comparable in size to the other units with the same number of bedrooms. The average floor area of the affordable dwelling units must not*

Exhibit B

be less than 80% of the average floor area of the other units with the same number of bedrooms.

- v. *All affordable dwelling units must have the same access to property amenities and building access points provided the other units.*

With:

c. *Equivalency of Units*

- i. *Affordable dwelling units must reflect the overall project units in exterior appearance, and overall quality of construction to market-rate units.*
- ii. *Affordable dwelling units should include similar interior features as the other units in the same building, but appliances and features need not be the same make, model, or style, so long as they are new and of good quality.*
- iii. *Affordable dwelling units should be evenly distributed throughout the project and not concentrated on particular floors, building sides, or locations. Exceptions to this guideline shall be granted if funding sources or unique site conditions require it.*
- iv. *If practicable, affordable dwelling units should be comparable in size to the other units with the same number of bedrooms. The average floor area of the affordable dwelling units should not be less than 50% of the average floor area of the other units with the same number of bedrooms.*
- v. *All affordable dwelling units must have the same access to property amenities and building access points provided the other units.*
- vi. *The Zoning Administrator may waive any or all of these requirements if funding sources or other unique conditions require it.*

- b. **Modifications to determination of affordable rent for renters using a voucher (waiting on suggested language by HAC member John Sales)**

General:

Specific Recommendation:

- c. **Creation of an Overlay classification for Anti-displacement Zones**

General: Given the disproportionate ‘rates of change’ forecast by RKG in what the Comprehensive Plan described as “Sensitive Area Residential” zones, the HAC recommends a thoughtful anti-displacement framework to be put in place. After discussion with City staff, we recommend the following.

Specific Recommendation:

Exhibit B

1. Refer to these areas as “Core Neighborhoods,” and align descriptive language with proposed “Core Neighborhood Corridor Overlay District”. As currently drafted, Core Neighborhoods would be described as:

“Core Neighborhoods have special significance to the City having provided homes for the City’s workforce in close proximity to job centers at the University and downtown. These racially diverse and affordable neighborhoods historically met their day-to-day needs on the adjacent Preston and Cherry Avenue corridors. This designation is intended to support these neighborhoods and implement the Comprehensive Plan goals of encouraging the construction and continued existence of moderately priced housing, creating and preserving affordable housing, respecting the cultural heritage of the neighborhoods, supporting public health, encouraging economic development activities that provide desirable employment, and the overall promotion of a convenient and harmonious community.”

2. Create a new Zoning District for Core Neighborhoods, or if that approach is infeasible, create an Overlay that achieves the same intent. Within Core Neighborhoods, the updated allowances would be as follows:

- Base: One unit per lot by right (no affordability or preservation requirement).
- Bonus (Preservation): One bonus unit if the original house is preserved.
- Bonus (Affordable Dwelling Units): Up to six units total (no preservation required so long as at least one affordable unit and no more than two market rate homes – i.e. units not meeting the City definition of affordable -- are provided)
- Include a “no net density loss” provision.
- Include a 1 unit Building Coverage limitation (and possible setback modifications compared to R-A) that strengthen protections for existing building footprints and disincentivize tear downs and building of 1 unit “McMansions”.

II. Ongoing HAC Priorities:

1. Height bonuses for Affordable Housing

General: The HAC believes that the inability to achieve bonus height in R-A, R-B and R-C zones will create the conditions by which affordable housing density bonuses will not be practical.

Specific Recommendation: The HAC strongly recommends that, in all R-A, R-B and R-C zoning districts, a height allowance of 4 stories (roughly 45-48’) should be allowed when at least one unit of affordable housing is provided.

2. Terms of Affordability:

General: The HAC’s consensus is that affordability terms must be distinct for homeownership and rentals. The 99-year minimum term of affordability is too restrictive for homeownership. It provides no mechanism for market builders to provide affordable homeownership opportunities, excludes a

Exhibit B

variety of homeownership programs geared toward creating wealth among local low wealth families and is better included as incentives in the Charlottesville Affordable Housing Fund.

Specific Recommendation:

Replace:

Section 4.2.2 C.1 General

All affordable dwelling units must meet the following requirements and standards of the Affordable Dwelling Unit Monitoring and Procedures Manual:

- a. Term of Affordability
 - i. Affordable dwelling units must be income-restricted for a minimum of 99 years. Deed restrictions for affordable dwelling units must be recorded in the Charlottesville Land Records.
 - ii. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may accept modifications to these requirements consistent with the guidance of the Affordable Dwelling Unit Monitoring and Procedures Manual.

With:

Section 4.2.2, C.1 General

All affordable dwelling units must meet the following requirements and standards of the Affordable Dwelling Unit Monitoring and Procedures Manual:

- a. Term of Affordability
 - i. For-Rent Affordable dwelling units must be income-restricted for a minimum of 99 years. Deed restrictions for affordable dwelling units must be recorded in the Charlottesville Land Records.
 - ii. When a project demonstrates the affordability goals of the Comprehensive Plan and Affordable Housing Plan and the intent of this Section are met, the Administrator may accept modifications to these requirements consistent with the guidance of the Affordable Dwelling Unit Monitoring and Procedures Manual.
 - iii. For-Sale Affordable dwelling units must be sold to a qualifying purchaser who earns 80% of the area median income or below. The dwelling unit must include a deed restriction granting the City of Charlottesville or a qualifying non-profit organization a right of first refusal to repurchase the home upon its first resale. The repurchase price may be established by a bonafide offer received from a third-party purchaser or by an appraisal. This deed restriction must be recorded in the Charlottesville Land Records.
 - iv. Units created as For-Rent Affordable Dwelling Units under sections ii and iii above may be converted to affordable home ownership during the affordability period provided they are offered for sale to qualifying tenants. In the case of

Exhibit B

such a conversion, the regulations under section iii above shall replace previous term-of-affordability requirements.

III. Secondary HAC Priorities

1. Bonus Height in DX

General: Unlike other higher density and intensity districts, the regulations cap height in DX without the provision of an affordable housing bonus. The only provision for height increases is by BAR exception. As the BAR's primary purview is not land use, we do not believe that this structure is appropriate, nor is it consistent with one of the primary goals of the ordinance rewrite -- to make land use accommodations for projects with affordable housing by right in each zoning district.

Specific Recommendation: In Section 2.5.6. (DX Downtown Mixed Use) restore the bonus height provision of 12 stories or 170' consistent with the past draft of the document and with the provisions of the NX-10 Node Mixed Use 10 District.

2. Stormwater Management and Drainage Facilities

General: In Section 4.6.5a, the current draft of the code includes provisions that require minimizing disturbance of critical slopes when designing SWM facilities. This provision is not waivable by City Council and therefore usurps the process for evaluating the public benefit of a proposal in other sections of the code.

Recommendation. Delete Section 4.6.5a. By doing so, projects proposing locating utilities in critical slopes will be governed by the provisions in section 4.10.1 with a waiver process and criteria defined in Section 5.2.15, Critical Slopes Special Exception.

Exhibit C

BYLAWS

OF

CITY OF CHARLOTTESVILLE
HOUSING ADVISORY COMMITTEE

Article I – Name

Section 1. Name. The name of this organization shall be the “City of Charlottesville Housing Advisory Committee”.

Article II – Purpose

Section 1. Purpose. The principal purpose of the Committee is to serve in an advisory capacity to the City Council of the City of Charlottesville on matters concerning the creation and retention of affordable housing in the City.

Article III – Officers and Their Duties

Section 1. Officers. The Committee shall have three Officers: Chair, Vice Chair and Secretary Each Officer is responsible for the performance of their duties at each meeting, and is authorized and obligated to assign their duties to another in the event he or she shall be absent from the meeting. Each officer shall be responsible for carrying out the following:

A. Chair. The Chair shall preside at the meetings and be responsible for supervising the affairs of the Committee, with the support of City staff. The Chair shall set the agenda for each meeting and ensure that the annual work plan for the Committee is maintained. The Chair shall welcome any guests or speakers.

B. Vice Chair. The Vice Chair shall perform the duties of the Chair in his or her absence, and work on special projects for the Committee.

C. Secretary. The Secretary will be responsible for the taking of attendance and production of minutes.

Section 2. Term of Office and Elections. The term of office shall be no more than two (2) years, co-terminus with the member’s appointment period. Officers may serve no more than two (2) consecutive terms. Officer elections shall be held during the first quarterly meeting of the calendar year as necessary, unless there is a vacancy, in which case an election shall be held at the regular quarterly meeting.

Article IV – Meetings

Section 1. Schedule. This Committee shall meet Monthly. The meeting place and time shall be determined by the Officers.

Section 2. Quorum. For the purpose of these Bylaws, a quorum at any duly called meeting shall be one-half (1/2) of the appointed membership of the Committee. Any duly established subcommittee shall have a quorum of 3.

Exhibit C

Article V – Membership

Section 1. Number of Members. The number of Members shall be limited to no more than () eleven (11), as has been established by City Council. Council may change this number as desired.

Section 3. Appointment. Members shall be appointed by City Council after any vacancy in membership on the Committee has been publicly announced and applications for membership received.

Section 4. Terms. Initial terms shall be staggered at 1 and 2 years. Members shall be appointed for two (2) year terms and shall be eligible for re-appointment to a total of four (4) terms. City Council shall promptly announce and appoint to fill any vacancies for the unexpired portion of the term of a member who resigns or otherwise can no longer serve their term. Persons initially appointed for less than a 1 2 year term may thereafter serve four (4) complete terms.

Article VI – Delinquent Members

Section 1. Missed Meetings. Membership is contingent pursuant to established City Council directives regarding attendance of board members. Pending that establishment, any member who misses three (3) consecutive meetings, or who misses more than four (4) meetings within a calendar year will be declared by the Chair, or in their absence, the Vice Chair, to be delinquent. City Council shall be informed of the status of delinquent members along with a recommendation as to action to be taken with regard to delinquent members.

Section 2. Records. It shall be the duty of the Staff to maintain the records of the committee. The Chair will adjudicate any dispute as to what constitutes a record.

Article VII – General

Section 1. Action by the Committee. The Committee shall act upon a vote of a majority of the Committee membership at a duly called meeting at which there is a quorum present, or outside of a meeting by the unanimous consent of members constituting a quorum, voting on any matter that had been put before the committee during a duly called meeting when the Committee approves by vote during said meeting to such procedure, or by vote in any duly established sub-committee meets and a quorum of the entire Committee is present.

Section 2. Amendments. The Bylaws may be amended by a two-thirds (2/3) vote of the Committee membership at a duly called meeting.



City of Charlottesville Anti-Displacement Toolkit Policy [DRAFT] Framework Council Work Session October 3, 2023

Presented by the Office of Community Solutions

Staff: Antoine M. Williams, Housing Program Manager

What is Anti-Displacement?

Placement is defined as the action of putting someone or something in a particular place or the fact of being placed or the action of finding a home, job, or school for someone.

Anti-displacement generally refers to strategies and policies to prevent the involuntary displacement of long-standing, often lower-income residents from their neighborhoods due to gentrification or other development pressures. An anti-displacement strategy framework aims to create inclusive, stable communities where residents can afford to live and thrive.

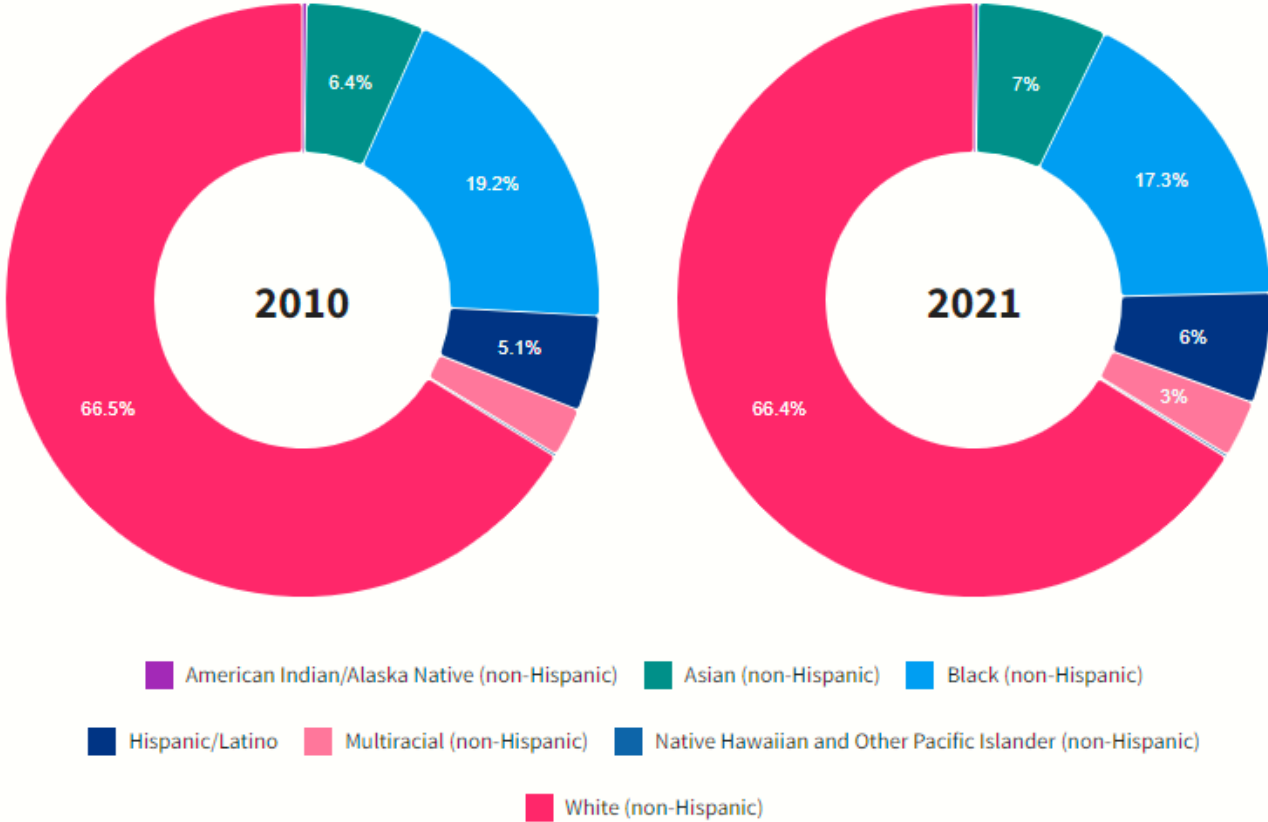
Exhibit D

How has the racial and ethnic makeup of Charlottesville city changed?

In **2021**, Charlottesville city was more diverse than it was in 2010. In **2021**, the **white (non-Hispanic)** group made up **66.4%** of the population compared with **66.5%** in **2010**.

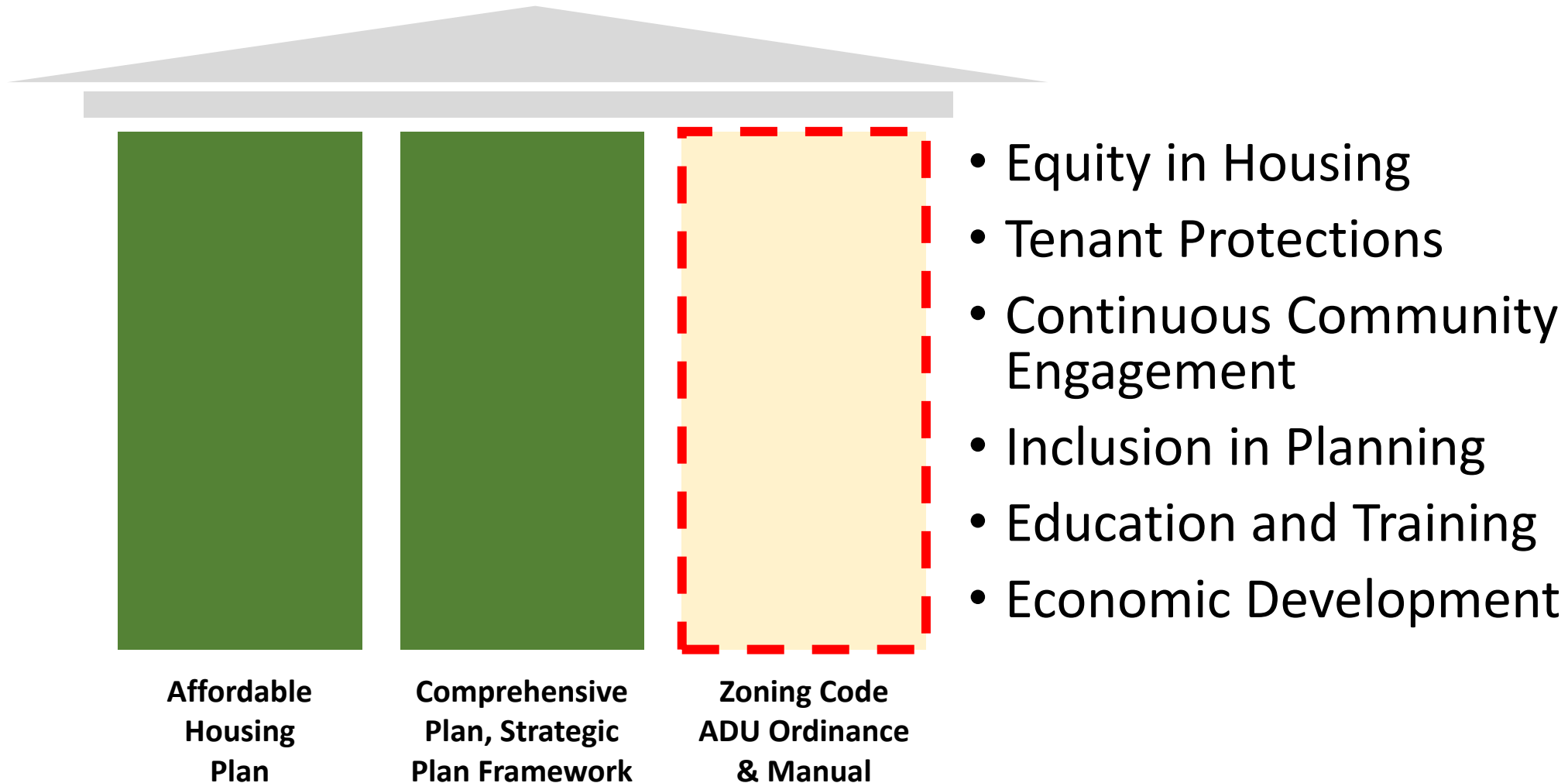
Between **2010** and **2021**, the share of the population that is **Hispanic/Latino** grew the most, increasing **0.8** percentage points to **6%**. The **Black (non-Hispanic)** population had the largest decrease dropping **1.9** percentage points to **17.3%**.

Racial makeup of Charlottesville city

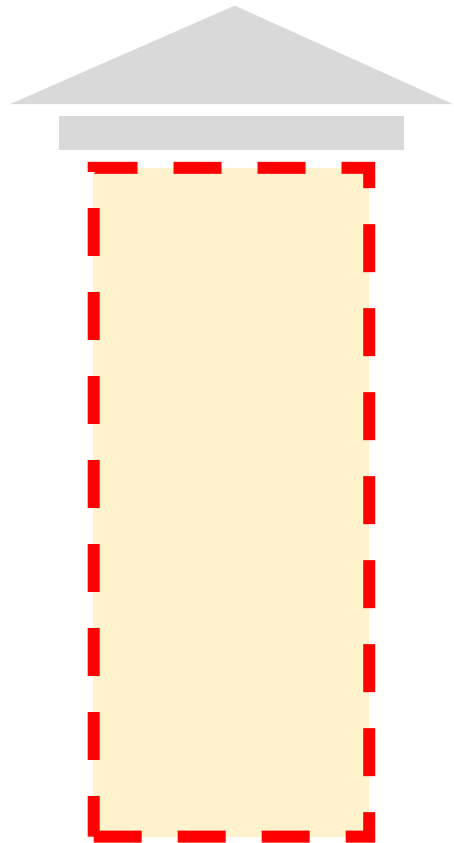


Source: [Census Bureau](#), as cited [USA Facts.org](#) (accessed Oct 2023)

3 of 4 components for the City of Charlottesville Anti-displacement Framework:



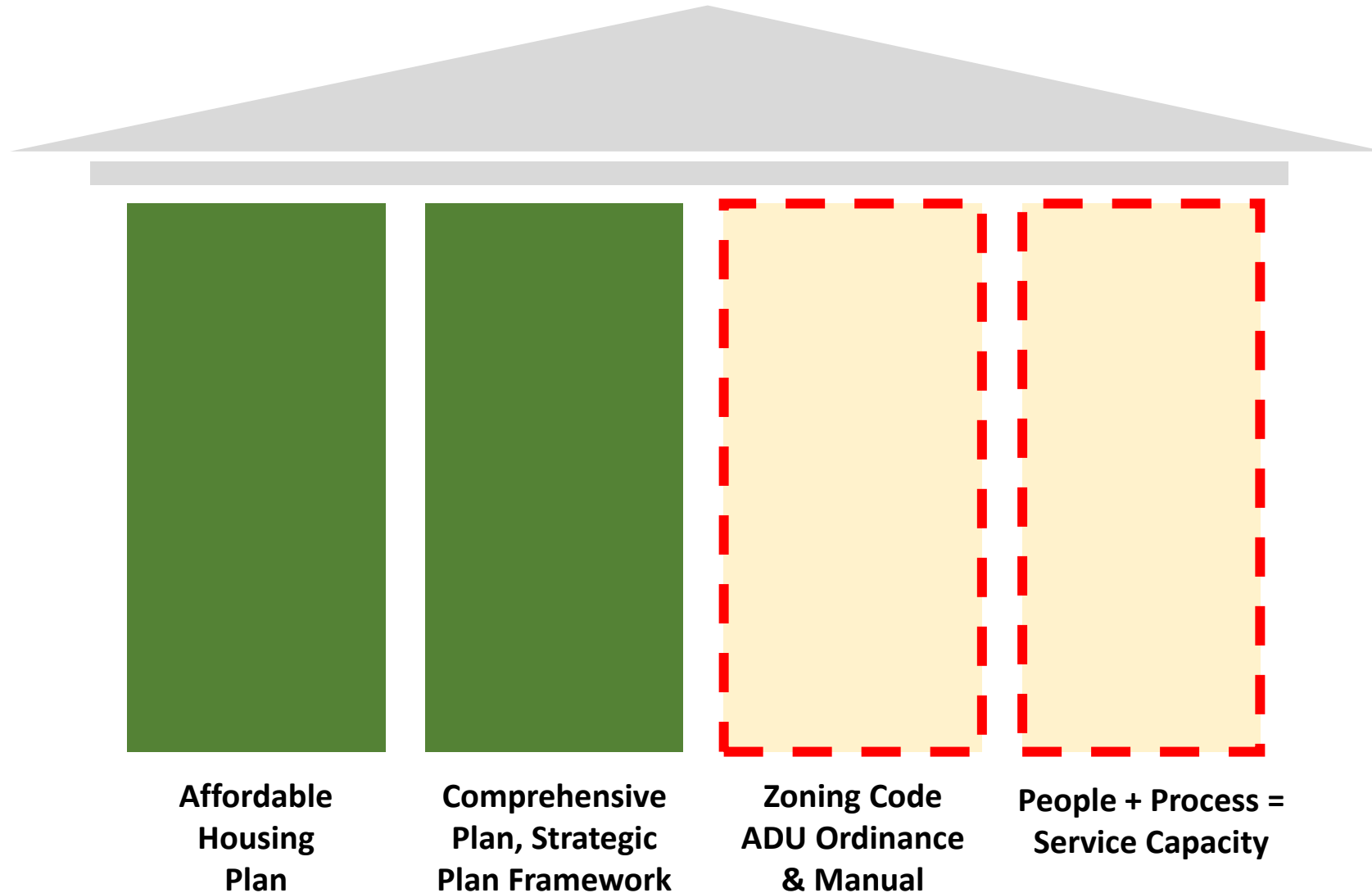
4th and key pillar for the City of Charlottesville Anti-displacement Framework:



**People + Process =
Service Capacity**

- Community Members
- Councilpersons
- City Manager
- Neighborhood Development Services
- Office of Community Solutions
- Human Services Department
- Human Rights Department
- Homelessness Intervention Taskforce
- Community Partnerships

Four Pillars of Anti-Displacement Strategy Framework



What Zoning Ordinances *Can Do* to Tackle Anti-Displacement

- Inclusionary Zoning
- Density Bonuses
- Mixed-Use Zoning
- Historic Preservation
- Housing Equity Districts
- Community/Housing Resilience Zones
- Zoning Provisions, e.g., Zero-net Loss Policies or ADU Ordinances

What Zoning Ordinances *Can't Do* to Tackle Anti-Displacement

- Address Economic Inequality
- Control Property Values
- Address All Displacement Causes

What tools should the city use to prevent displacement in its housing strategy?

- ✓ Inclusionary Zoning
- ✓ Community Land Trusts
- ✓ Tenant Protections
- ✓ Preservation of Existing Affordable Housing
- ✓ Rent Subsidies and Vouchers
- ✓ Small Business, MBE/DBE Support
- ✓ Housing Advisory Council
- ✓ Legal Aid and Tenant Support Services
- ✓ Property Tax Relief Programs

✓ = Actively Supported By CAHF

- ✓ Tenant Opportunity to Purchase Programs or Downpayment Assistance Programs

➤ Land Banks

➤ Affordable Housing / Fee Waivers

- Equitable Development and Small Area Plans
- Affordable Housing Trust Funds
- Talent Retention Campaigns
- Regular Community Forums
- Housing Cooperatives
- To be determined...*

➤ = Actively Beings Discussed by Staff and HAC

Question & Answer

Contact Info:

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