



ALBEMARLE COUNTY PLANNING COMMISSION

ALBEMARLE COUNTY PLANNING COMMISSION RESOLUTION ON HOUSING AFFORDABILITY, NON-DISPLACEMENT, AND SEGREGATION CONCERNS July 30, 2019

WHEREAS, the Board of Supervisors passed a resolution of intent in 2017 to develop an action plan in partnership with Habitat to redevelop Southwood for both affordable residential uses and business uses;

WHEREAS, the Board of Supervisors in FY 20-22 continued the partnership with Habitat for Humanity using the Team Approach with a focus on quality community and non-displacement;

WHEREAS, the Planning Commission in review of the rezoning application for Southwood Phase I has identified and would like to communicate the following concerns regarding housing affordability, non-displacement, and segregation in the proposed redevelopment of Southwood.

THEREFORE, BE IT RESOLVED that the Planning Commission offers the following considerations for the Board of Supervisors in its review of the Southwood Application:

Housing Affordability Concerns

- Attachment E of the application shows that 80 percent of randomly sampled residents in 2019 have income that is less than 50% of the Area Median Income (AMI). Of that 80 percent, 51% have income less than 30% of the AMI. The applicant in the 7/23/19 hearing stated their development model offers ownership units to residents that make 30% or less of the AMI. Despite a request by the Planning Commission for a housing affordability plan during the study session, the applicant has still not provided a detailed plan that demonstrates the percentage of families who qualify for and desire ownership and the percentage that will be rehoused in rental housing. Additionally, the applicant has not provided a specific plan as to the type of rental units to be developed and the source(s) for the rental subsidies. A detailed rehousing plan for the entire 341 homes should be provided to the Board of Supervisors prior to the public hearing.
- 80 affordable apartments are proposed in Block 12 of the outparcel (listed in the Performance agreement) in what is now being called the Neighborhood Center Special Area [rose color]. This apartment building is proposed to be a four story, 20,000 SF, developer-constructed, 275-foot long building along Hickory Street. This is not proffered and is therefore unenforceable. The apartment building is not guaranteed because it relies on tax credits being offered by the federal government to a third party (not HFH). The applicant stated in the 7/23/19 public hearing, for the first time, that these units are not intended to be offered to current Southwood residents and that only 3 of the current 341 Southwood families would qualify based on their income. The applicant has not provided any data or detailed program description that would explain what type of units would be developed for the lowest income families of Southwood, providing no assurance that they will be able to afford to live in the redeveloped Southwood. HFH's own documentation states that they will

“facilitate” finding affordable dwellings for the other households – this is not the same as “provide” or “guarantee.” See attachment F page 1. While Southwood hopes to rehouse everyone, the income levels cited make the stated house sale prices cited in the application largely unattainable.

- During questioning during the public hearing, the applicant shared for the first time to the Planning Commission, that families that could not afford ownership would be offered accessory rental units located on single family lots in Phase I. While it is good to hear there may be some type of rental units available other than apartments, the applicant needs to provide a detailed program description for this strategy including how many families would qualify for these rentals, who would develop these units, who would own these units, and the potential source(s) of the rental subsidy if needed. This information should be provided to the Board of Supervisors prior to the public hearing.
- Attachment I includes a sampling of Habitat housing types to be built. Projected monthly payment costs are provided for condo, TH, SFA, and SFD owners, but no monthly rental and overall costs are identified for apartment dwellers, nor anyone living in an accessory dwelling unit. These rental projection costs by unit type should be provided prior to the Board of Supervisors public hearing.
- Concerns listed so far relate to initial affordability of homes, there are longer term costs associated with this redevelopment and those costs need to be better understood and evaluated to determine the ultimate affordability for current residents and new families choosing to live in Southwood. One significant consideration is the cost of the future HOA fees to residents. In the 7/23/19 hearing, the applicants shared that the HOA would be responsible for maintaining the proposed green space in the community. The Code of Development also allows for the streets in Phase I to be private. In other words, they do not need to be built to public standards that would allow for VDOT to assume maintenance in the future. Therefore, by creating private streets, the developer/Habitat could pass on a substantial cost to future property owners that will affect the affordability of the ownership and rental units since these costs will be passed onto residents. The applicant should provide the estimated HOA fees associated with maintenance of green space and private streets to future residents and a comparison of HOA fees with and without the development of private streets. This information should be provided to the Board of Supervisors prior to the public hearing.
- Finally, we think it is important to point out the issue of gentrification associated with this redevelopment. If the goal is housing affordability, one must understand that the overall redevelopment of this site with a majority of market rate housing and business use will cause housing affordability to decline as surrounding properties will also likely be assessed higher because of the change in assessments. This leads us to the next concern regarding non-displacement.

Non-Displacement

- Habitat still has not provided an adequate plan that demonstrates that existing residents will not be displaced due to the redevelopment of Southwood. The non-displacement binding agreement signed between HFH and the County refers only to those displaced during phase one and has no bearing on the majority of Southwood residents.

- Specific to Phase I, Habitat has not provided information regarding the potential relocation of 11 or more families due to infrastructure installment. In response to requests by the Planning Commission for more information to be provided at the hearing regarding these displacement and relocation concerns, a letter was sent by Mandy Burbage, Land Development Coordinator for Habitat, which included the following statement: “Phase I was intentionally sited on undeveloped land so that rehousing opportunities would be created before anyone in Southwood needs to relocate. This plan provides that no one will be displaced or even temporarily relocated during the development of Phase I.”
- This statement does not square with a communication from Stacy Pethia, County Housing Coordinator, to Commissioner Firehock dated 7/19/19 that stated the possibility of 11 families needing to be relocated due to Phase I infrastructure installment. The Board of Supervisors should receive a report from Habitat as to the likelihood of temporary relocation due to Phase I development and specific plans for rehousing within the Southwood community for these families and whether that housing will be permanent or temporary (as was alluded to during the public hearing held 07/23/2019).
- Habitat should also share with the Board of Supervisors whether possibly impacted families who would need to relocate for Phase 1 have received communication in writing or orally regarding the possibility of temporary or permanent relocation and what the cost would be to individual families and how they will be supported in the relocation.

The Redeveloped Southwood Could Result In Segregation

- Figure 4 of the Code of Development (COD) [page 5] shows the conceptual plan on how the future phases of the Southwood redevelopment might be envisioned. The Neighborhood Center Special Area [rose color] is shown extending across Bitternut Road and up to a stand of mature trees in a future phase of development. If the NSCA has a built environment of 4 story multi-family structures with possible commercial on the ground floor it would appear that the high density “Conceptual Location Urban Residential” [yellow] replacement affordable housing section of the redeveloped Southwood community could result in being constructively segregated from the market rate [salmon & pale yellow] section of Southwood.
- Bruce Wardell, lead architect for the project, during a robust discussion at the 7/23/19 public hearing, indicated that segregation was not intended, and the various outer-ring areas shaded pale yellow and labeled “Conceptual Location Neighborhood density low” would not be completely market rate housing. He further indicated that there was not a desire to segregate any of the communities as a result of the Southwood redevelopment. The concern is that it is easy to assume after reviewing Figure 4 on page 5, that a de facto segregation of the affordable replacement housing could occur if a corridor of 4 story multi-family buildings with possible ground floor commercial commencing at Old Lynchburg Road and extending past Bitternut is built. While these are still conceptual plans, the actual level of community integration that might be experienced in the redeveloped area appears segregated in Southwood given the built environment.

* * * *

I, Carolyn S. Shaffer, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Broadband Authority by a vote of 5 to 0 as recorded below, at a meeting held on July 30, 2019

Carolyn S. Shaffer
Clerk, Planning Commission and Boards

	<u>Aye</u>	<u>Nay</u>
Mr. Keller	<u>X</u>	<u> </u>
Mr. Bivins	<u>X</u>	<u> </u>
Mr. Dotson	<u>ABSENT</u>	<u> </u>
Ms. Riley	<u>X</u>	<u> </u>
Ms. Spain	<u>X</u>	<u> </u>
Ms. More	<u>ABSENT</u>	<u> </u>
Ms. Firehock	<u>X</u>	<u> </u>



ALBEMARLE COUNTY PLANNING COMMISSION

ALBEMARLE COUNTY PLANNING COMMISSION RESOLUTION ON TRANSPORTATION AND GREEN/OPEN SPACE/OTHER CONCERNS July 30, 2019

WHEREAS, the Board of Supervisors passed a resolution of intent in 2017 to develop an action plan in partnership with Habitat to redevelop Southwood for both affordable residential uses and business uses;

WHEREAS, the Board of Supervisors in FY 20-22 continued the partnership with Habitat for Humanity using the Team Approach with a focus on quality community and non-displacement;

WHEREAS, the Planning Commission in review of the rezoning application for Southwood Phase I has identified and would like to communicate the following concerns regarding transportation open space and other items in Southwood.

THEREFORE, BE IT RESOLVED that the Planning Commission offers the following considerations for the Board of Supervisors in its review of the Southwood Application:

Transportation

A transit center is neither proposed nor provided as a component of the proposed commercial area or elsewhere. Furthermore, if the commercial area develops in the location proposed and a transit center is added to the current design configuration, it would occur at some distance from the core where the core Southwood future owners are to be housed. A more central location (see 1 Housing...ROA) with associated attractive transit center would better serve the Southwood Community.

Neighborhood Center: Auto-Centric or Multimodal

Should the neighborhood center be located on the periphery along Old Lynchburg Road in an auto-centric manner or located more centrally in the Southwood Community? The Comprehensive Plan calls for a multimodal "neighborhood center" with a height of 1-3 stories and located ¼ mile from the edge to make it a more neighborhood-oriented walkable community with access to public transportation.

Private Streets

Are private streets destined to be a future cost to either residents through HOA fees or the County if the developers or residents petition for an exception to become public streets?

Parking

Is parking adequate? Parking of 1.5 spaces per residents appears inadequate in this dispersed suburban development.

Green/Open Space

The Code of Development notes that it is important to the resident community to preserve and honor the streams and other natural features that surround much of the site. And the design proposes to do that by designating Blocks 1 and 2 along the perimeter of the site as green space. Yet the Code of Development also notes that utilities will need to be located in stream buffers and built across steep slopes. Also, stormwater facilities are shown in both green space blocks in the concept stormwater plan. And the table of non-residential uses on page 11 of the COD shows various other uses allowed in Blocks 1 and 2 by-right, including electric and gas lines, wireless service facilities, and farmer's markets—which could be a fine use for green space in some cases, but which can also include large, new structures and land disturbances that can run counter to the idea of minimizing environmental impacts. Table 7 on page 15 of the COD is also confusing in this regard. It indicates that roughly 2 acres of Block 1 will be preserved, and that close to 6 acres of that same block will be conserved. Block 2 is similarly divided between preservation and conservation. Yet there is no indication of how those terms differ from each other, or what they even mean in the context of the Code of Development. The Code of Development leaves an open question about just what can and will be built in the green space, begging the question of whether the green space will embody the importance the residents place in preserving and honoring the site's sensitive ecological zones. The Code of Development needs to be clarified in this respect so that commitments and expectations are clear.

These clarifications will not require major changes and should not stall this positive project. But they are important to nailing down key environmental commitments—and showing that Albemarle County can build affordable housing in the Development Areas and at the same time protect sensitive environmental resources in these areas.

Stormwater Management

The plan states it will discharge volume to streams and buy “off site” credits as allowed by state law. However, this means that the quality of local streams will decline – only one section of stream has been protected and could still suffer from high volumes of runoff.

Active Recreation

Amenities are too vague, insufficient and non-committal. 4,900 square feet distributed across Blocks 5-8 is still too small. Tot lots, structured recreation and facilities are needed for a development of this scale. Blocks 1 and 2 are drawn as green space but allow for other uses to occur, which may disturb it.

Buffer and Built Form/Spatial Organization

The Comprehensive Plan recommends that a buffer be along the road. However, when a 4- or 5- story building is placed in the buffer, it actually destroys this buffer for blocks 8, 9, 10, 11, 12.

In addition, when a forest is removed and thinned down to the width proposed, trees tend to fall as they are not adapted to wind impacts. Trees shown in renderings, if planted, will take 70 years to provide the same function for screening, stormwater uptake, particulate matter removal and aesthetics. Finally, the surrounding neighborhoods have distinct rural characteristics and are set back from the road – this development design dramatically changes both the density and built form/spatial organization of the area irreparably.

By approving the application with the center located on Lynchburg Road and on the periphery of the community, and by removing the buffer, this development will alter the character of the area, and could establish a precedent for this scale of development all along Old Lynchburg Road.

Providing for Impacts on Transportation and Schools

While Habitat is the developer of record, other builders/developers will be involved in this project. Given a majority of the overall development will be market rate or above, should proffers be considered when the county – Board of Supervisors or EDA – are in partnership with an applicant? Given the impact of this development as a whole, could the cost of the impacts on transportation and schools be lessened through proffers, offers or agreements?

I, Carolyn S. Shaffer, do hereby certify that the foregoing writing is a true and correct copy of a Resolution duly adopted by the Albemarle County Broadband Authority by a vote of 5 to 0 as recorded below, at a meeting held on July 30, 2019



Clerk, Planning Commission and Boards

	<u>Aye</u>	<u>Nay</u>
Mr. Keller	<u>X</u>	___
Mr. Bivins	<u>X</u>	___
Mr. Dotson	<u>ABSENT</u>	___
Ms. Riley	<u>X</u>	___
Ms. Spain	<u>X</u>	___
Ms. More	<u>ABSENT</u>	___
Ms. Firehock	<u>X</u>	___