Comprehensive Plans, Zoning, & Form Based Codes

What are they?
How do they relate to Charlottesville?
How do they relate to Affordable Housing?

Kathleen M. Galvin, Architect AIA
Charlottesville City Councilor
Comprehensive Plans, Zoning, & Form Based Codes

- **Comprehensive Plan**
  - Definition & Enabling Legislation
  - Clarifying Facts & Implications (the Strategic Investment Area, Statistics and Illustrations)

- **Conventional Zoning**
  - Definition, Enabling Legislation & Process
  - Clarifying Facts & Implications (Urban Renewal, Affordable Housing, Statistics and Illustrations)

- **Form Based Codes**
  - Definition, Enabling Legislation & Process
  - Clarifying Facts & Implications (Urban Renewal, Affordable Housing, Statistics and Illustrations)

- **Comparative Review in the SIA**
  - Existing Downtown Extended (DE) Zoning
  - PHAR’s Vision for Redevelopment
  - SIA Plan’s Urban Design & FBC Recommendations

- **Next Steps**
  - Engagement Plan for the SIA (in concert with PHA and CRHA’s plans)
  - RCLCO & HAC Recommendations on Affordable Housing
  - Creating Affordable Housing-CDC, CRHA, PHA, Habitat, Land Trust
Comprehensive Plans, Zoning, & Form Based Codes

Vision
(Comprehensive Plan)

People & Places
(Community Engagement & Place-making)

Implementation
(Zoning & Codes)
Comprehensive Plan: Definition

Definition & Enabling Legislation (State and Local)

§ 15.2-2223 of the Virginia Code. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will...best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants.

Sec. 34-26 of the Charlottesville City Code. The planning commission shall prepare and recommend, and the city council shall adopt, a comprehensive plan for the physical development of the city. The plan may include any other policy areas deemed...important to the long-term development of the city.
Comprehensive Plan: Charlottesville

Charlottesville:

Land Use

**Goal 1.1.** “Create a plan for prioritizing and implementing proposed investments and strategies in Small Area Plans.”

**Goal 5.5.** “Revise the Future Land Use Map so that it represents the desired vision for the City’s future. Pay special attention to increasing the supply of affordable housing, increasing employment opportunities for all citizens, and encourage the development of mixed income neighborhoods throughout the City.”

Housing

**Goal 8.1.** “Encourage mixed-use and mixed income housing developments.”*

**Goal 8.5.** “Promote redevelopment & infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity.”
Comprehensive Plan: Clarifying Facts

**Statement:** The SIA plan is not yet a law.

**Fact:** The SIA Plan was *adopted by ordinance* of city council in 2013, as one of the “other policy areas” of the City’s Comprehensive Plan. It affirms the betterment and one-for-one replacement of all existing CRHA and PHA dwelling units (in accordance with the *Residents Bill of Rights for Redevelopment, included in the SIA Plan*). The Comprehensive Plan, by state law, guides local zoning and land use decisions.

**Fact:** The SIA Plan was developed via a structured process that included representatives of PHAR, CRHA; JABA; PHA; NHT; and HAC. Goals and Policies incorporated *Residents’ Bill of Rights*. 
Comprehensive Plan: Clarifying Facts

Statement: ....and any zoning changes (including form-based code) must be designed to expand affordable housing and **prevent displacement.**”

Fact: Gentrification could displace lower income, long-time residents in this increasingly desirable part of the City **if not for the SIA Plan.** That’s because the SIA Plan includes a “**Residents Bill of Rights for Redevelopment**” **as well as a commitment to resident economic mobility,** that ensures the one-for-one replacement of all existing 340 units of supported housing within the SIA during redevelopment.

Fact: Such a strong, institutionalized demonstration of our local commitment to **supported housing units within the SIA** is especially important now, given the uncertain future of today’s Federal housing programs. On 3/9/17 the Washington Post reported Housing & Urban Development (HUD) Secretary Carson’s proposal to cut $6 BILLION:

- $1.3 billion cut from the capital fund;
- $600 million from operational funds;
- $1.3 billion from repairs (affecting 1.2 million public housing units);
- $4 billion from CDBG (the entire program);
- $300 million from Section 8; and
- $42 million from Section 202 (elderly); and
- $29 million from Section 811 (disabled.)
Comprehensive Plan: Clarifying Facts

**Statement:** "...and any zoning changes (including form-based code) must be designed to expand affordable housing and prevent displacement."

**Fact:** We must expand affordable housing city-wide, but not all in one place. To do so would perpetuate “Jim Crow’s” legacy of geographic racial and economic segregation. (City-wide median income is $63,937, but 246 families in the heart of the SIA make less than $35,000/year compared to 79 families in the neighborhood north of downtown.) That’s why HUD under the Affirmatively Furthering Fair Housing (AFFH) Rule conditioned its grants to policies and efforts that *deconcentrate poverty and lessen racial segregation*. The SIA Plan is our “inclusive community development policy” and “affirmative effort to promote integration” as required by HUD’s AFFH Rule. That’s because it **preserves all 340 units of supported affordable housing** while adding workforce and market rate housing, jobs and training for residents, a childhood development center, parks and opportunities for healthy food stores and resident businesses, in accord with our **Comprehensive Plan**.

The latest Comprehensive Plan Update (done in 2012 and adopted in 2013) identified geographic areas of the city where planning and design issues and investment opportunities warranted additional study through the development of specific small area plans (SAP).

- The SIA is the City’s first, based on a Choice Neighborhood Grant application that wasn’t’ funded.
- Emmet Street @ Hydraulic & Hillsdale will be the second, due to the availability of VDOT funds.
- Cherry Avenue will be the third upon request by the Fifeville Neighborhood Association, with the Planning Commission’s approval.
Comprehensive Plan: Why the SIA?

In 2010 the City, CRHA, PHA tried but failed to secure a Choice Neighborhood Grant.

- The area is a Qualified Census Tract (QCT) which means it has less than 20% of the city’s population, but a **25% poverty rate and 50% or more of its households have income less than 60% of the median income.**

- It benefits from being an Historically Underutilized Business (HUB) zone which allows Federal contracting assistance to go to small businesses in the area so as to grow jobs.

- This area would later become the core of the Strategic Investment Area (SIA) where **25% of the current housing stock is supported affordable housing (compared to 10% City-wide.)**
Comprehensive Plan: Why the SIA?

I approve the submission of the Choice Neighborhoods application of which this document is a part and make the above certifications to and agreements with the Department of Housing and Urban Development (HUD) in connection with the application and implementation thereof:

Name of Lead Applicant’s Executive Officer: Maurice Jones
Title: City Manager
Signature: [Signature]
Date: 12-02-10

Name of Co-Applicant’s (If any) Executive Officer: J. Randy Bickers
Title: Executive Director
Signature: [Signature]
Date: 12-02-10

The following signature is applicable if the Lead Applicant or Co-Applicant is a Public Housing Authority, acting on behalf of the Board of Commissioners of the Housing Authority listed below, as its Chair, I approve the submission of the Choice Neighborhoods application of which this document is a part and make the above certifications to and agreements with the Department of Housing and Urban Development (HUD) in connection with the application and implementation thereof:

Certified by: Board Chairman’s Name: Robert Stevens
Board Chairman’s Signature: [Signature]
Date: 12-02-10

Warning: HUD will prosecute false claims and statements. Conviction may result in the imposition of criminal and civil penalties. (18 U.S.C. 1001, 1010, 1012, 32 U.S.C. 3729, 3802)
HEALTH: Statistics

• Since 2008, Charlottesville has had designated *medically underserved areas*. In 2009, its infant mortality rate was 25% above the state average.

• In 2010 local officials attempted to secure a federally sanctioned community health center in “North Ridge St.” (now the SIA), but failed. Another application was successful in 2014, but since there was no space available for the clinic in the SIA, it located on Preston Avenue. The long-term goal however, is to be in the SIA.
• 55% of the City School division was on the free and reduced lunch program (FRLP), whereas in 2010, 80% and 71% were in Clark and Jackson Via respectively. Virginia DOE Data,(12/1/10.)

• Since 2010, poverty has grown. As of 10/31/16, 89.7% (10 % increase in 6 years) and 89.5% (20% increase in 6 years) of students at Clark and Jackson Via respectively, were on the FRLP. Charlottesville City Schools, (3/8/2017.)

### Comprehensive Plan: Why the SIA?

### EDUCATION: Statistics

<table>
<thead>
<tr>
<th>School</th>
<th>% FRLP</th>
<th>Total # Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burnley Moran:</td>
<td>41.1%</td>
<td>299</td>
</tr>
<tr>
<td>Clark:</td>
<td>80%</td>
<td>200</td>
</tr>
<tr>
<td>Greenbrier:</td>
<td>41.3%</td>
<td>269</td>
</tr>
<tr>
<td>Jackson Via:</td>
<td>71.2%</td>
<td>285</td>
</tr>
<tr>
<td>Johnson:</td>
<td>76.7%</td>
<td>223</td>
</tr>
<tr>
<td>Venable:</td>
<td>34%</td>
<td>300</td>
</tr>
<tr>
<td>Walker:</td>
<td>53.08%</td>
<td>535</td>
</tr>
<tr>
<td>Buford:</td>
<td>51.59%</td>
<td>535</td>
</tr>
<tr>
<td>CHS:</td>
<td>45.34%</td>
<td>1180</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3826</td>
</tr>
</tbody>
</table>

Virginia DOE Data,(12/1/10.)
Comprehensive Plan: Why the SIA?

INCOME: Statistics

• 20% of Charlottesville families need public assistance to survive. 29.1% do not make enough to pay for essentials and childcare and transportation.

• In order for a family to live independently, a single parent with two children would need to earn $35,000. (Orange Dot Study)

• In 2010 Black Median Family Income was $37,702 or 52% of White Median Family Income at $71,835. In 2012 Black Median Family Income $45,654 or 55% of White Median Family Income at $83,811. (U.S. Census)
Comprehensive Plan: Why the SIA?

NEIGHBORHOOD: Poverty

• 66% of black children born from 1985 -2000 were raised in neighborhoods with at least a 20% poverty rate, compared to 6% of white children. ("Neighborhoods Key to Future Income, Study Finds" Alec MacGillis, Washington Post 7/27/09) NOTE: most of the SIA is a QCT, meaning it has a min. 25% poverty rate.

• "We find a strong negative correlation between racial and income segregation and upward mobility. Segregation is strongly correlated with mobility." (The Geography of Intergenerational Mobility in the U.S., January 2014)

• Black children in neighborhoods in which poverty fell by 10% had higher incomes as adults than those who grew up in areas where the poverty rate stayed the same....simply improving the overall economy and quality of a given neighborhood can have beneficial effects. (John E. Morton and Patrick Sharkey, "Neighborhoods Key to Future Income, Study Finds" Alec MacGillis, Washington Post 7/27/09.)
Comprehensive Plan: Why the SIA?

NEIGHBORHOOD: Education

“In the mid-20th century, policies stripped neighborhoods of economic diversity and shunted people into enclaves of concentrated poverty. In light of these past trends, American cities can continue to address the symptoms of poverty and focus solely on teaching at increasingly high public expense. A better alternative would be to incorporate school improvement within a more holistic approach to closing the “opportunity gaps” prevalent in today’s urban neighborhoods.” (“The Neglected Educational Reform: The Holistic Revitalization of American Urban Neighborhoods,” CNU 19, June 2, 2011 by Kathleen M. Galvin and Walter Heineke.)

“What poor areas need, is something they have never had: a consistent investment policy that touches multiple generations.” (Patrick Sharkey, New York University sociologist and William Julius Wilson, Harvard sociologist and author of, The Truly Disadvantaged, 1987.)
Comprehensive Plan: the SIA

Guiding Principles of the SIA Steering Committee
(affirmed 6/28/13)

1. Improve and maintain a high quality of life for the people who live there and those who may in the future by addressing issues surrounding housing decay, crime, health, jobs, adult education, child care, and transportation.

2. Create a healthy neighborhood and a “sense of place” with public parks, libraries, other amenities and excellent food sources with safe and interconnected streets that promote walking, bicycling and efficient public transit and green infrastructure techniques that improve water quality.

3. Promote mixed income residential development without displacing current residents.

4. Focus and coordinate private and public investment in infrastructure, education and community assets so as to increase economic, recreation and housing opportunities.

5. Honor the CRHA Residents Bill of Rights and rebuild and preserve existing public and assisted housing as part of an overall plan to revitalize the area. (The SIA will work in concert with the CRHA redevelopment plan and not supersede or replace it).

6. Develop shared understandings of the issues, challenges, opportunities and desired outcome for the SIA.
Comprehensive Plan: Vision for the SIA

These are important plan components:

- Economic Development
- Variety of Housing
- Central Place
- Community Services
- Infrastructure
- Urban Agriculture
- Water Infrastructure
- Connectivity
Comprehensive Plan: Vision for the SIA

Housing Improvements:
Phased Introduction of New Mixed-Income Housing and Variety of Housing Types
Townhouse, Small Multi-Family, Mid-Rise Multi-Family Affordable, Mixed Income, Market Rate
Mixed Income Housing Precedent: Multi-Family with Park
James Bland Homes – Alexandria, Virginia

35-40 units/acre
NDS staff is now applying for State “Smartscale” funding to implement these pedestrian infrastructure improvements at the intersection of Monticello and Ridge Streets.
Comprehensive Plan: Vision for the SIA

Infrastructure & Public Amenity Improvements:

2nd St. Streetscape

SECTION

Existing 2nd Street
Between Garrett St and Monticello Ave
Looking North

SECTION

Proposed 2nd Street
Between Garrett St and Monticello Ave
Looking North
Comprehensive Plan: Vision for the SIA

Pollocks Park:

A New Opportunity

Strategies for Public Spaces and Water Management

1. Food Gardens (food production + water reuse)
2. Lawn (play and bioinfiltration)
3. Meadow (biofiltration)
4. Gardens (biofiltration + detention)
5. Plaza (gathering + detention)
6. Basins (detention)
7. Stream Corridor (riparian system restoration)
Comprehensive Plan: Vision for the SIA

Park Components:  Food Garden

Urban Agriculture: Building upon the Food-to-Table movement.
Comprehensive Plan: Vision for the SIA

Park Components:  *Lawn*
Comprehensive Plan: Vision for the SIA

Park Components: Plaza

Opportunities for water play.
Comprehensive Plan: Vision for the SIA

Non-Profits & Social Service Providers

Recommendations:

- **Clustering**: City should encourage clustering of non-profits by providing incentives for developers to rent spaces to them for an extended period.

- **Peer Network**: CRhA, PHA, and JABA should work together to develop a “peer network” program in order to help direct and guide residents who are in need of services.

- **Start-Up Businesses**: City should encourage developers to rent space to start-up businesses with incentives.

- **Workforce Center**: City should provide a location for a branch of the Workforce Center within the SIA
Comprehensive Plan: Vision for the SIA

Strategic Investment Area-Job Creation Potential

• If 1.0+ million SF of new mixed-use development is added over the course of the next 10 to 15 years, means about 110 to 175 construction jobs/year over the next 10 to 15 years. Under HUD’s Section 3 Program, that’s **33 to 53 new jobs/year for residents.**

• A 20,000 to 40,000 SF flex building in the SIA could encourage light industrial / manufacturing uses (similar to the Charlottesville Economic Development Authority- CEDA’s land purchase that paved the way for the National Optronics flex building.) This could generate 50 to 100 new jobs. Green job creation through stormwater facility construction along Pollock’s Park and the building of “green streets” throughout the SIA is possible.

• **The Friendship Court Steering Committee is now developing an early childhood development center, a park and Workforce Development Plan to take advantage of these opportunities.**
Comprehensive Plan: SIA Impacts to Date

- NDS staff applied for and got State VDOT funds through a competitive selection process known as “Smartscale” to improve the intersection of Avon & Lexington Streets. Staff is now applying for “Smartscale” funding to improve the pedestrian infrastructure at the intersection of Monticello and Ridge Streets. Both intersections were identified as public safety hazards by the SIA Plan (and later the Streets that Work (STW) Plan.)

- Infrastructure improvements throughout the SIA could be funded via redevelopment, via a tax increment financing (TIF) district as recommended by the SIA Plan.

- City staff along with the Bridge Ltd., secured a NEA grant for creative community engagement in 2014, largely due to the demonstrated local commitment and detailed information provided by the SIA Plan. After securing a Health Resources and Services Administration (HRSA) grant last summer, again, in part due to the demonstrated local commitment provided by the SIA Plan, the Neighborhood Family Health Center (NFHC) opened on Preston Avenue in late 2015 to provide quality health care for low income residents. The NFHC ultimately would like to be located within the SIA.

- The SIA Plan receives an annual allotment of capital funds, some of which were assigned to the planning, design and restoration of the Daughters of Zion Cemetery.
Zoning

Definition & Enabling Legislation (State)

§ 15.2-2283 of the Virginia Code.
Zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public.

a short video on the history of zoning
https://vimeo.com/123128997
Zoning: Clarifying Facts

Statement: One goal of a form-based code is to encourage “mixed-use” development, which tends to replace houses and apartments with stores and restaurants, which are more profitable for building owners.

Fact: Zoning is an ordinance, classifying land within the city into areas and districts referred to as “zoning districts” and identifying permissible land uses, and prescribing the size, height, area, bulk, and location of buildings and structures, and the areas of land that may be occupied, or left as open space.

Since 2003, the majority of the City’s zoning district classifications today under existing zoning are not the conventional “residential”, “commercial” and “industrial” zones. Mixed use development is the focus of numerous “mixed-use corridor” zoning districts right now. “Mixed-use” means residential and non-residential uses are either in a single building, or development site.
Zoning: Clarifying Facts

Statement: Zoning is a tool used by local governments to control both the use and appearance of land.

Fact: **Zoning is a primary tool to implement the Comprehensive Plan.** Keeping the comprehensive plan up to date and eliminating inconsistencies between the plan and its primary tools of implementation (i.e. zoning and the capital budget) must therefore, be a higher priority if plans are to be accountable. **Zoning regulations, in both theory and practice, should be consistent with the local comprehensive plan.** (Managing Growth and Development in Virginia: A Review of the Tools Available to Localities 2009 –2009 Virginia Chapter of The American Planning Association, [http://apavirginia.org/documents/legislation/Growth%20Tools%20Revised%202010-09_final.pdf](http://apavirginia.org/documents/legislation/Growth%20Tools%20Revised%202010-09_final.pdf).

Fact: By the time City Council updates the City’s Comprehensive Plan in 2018, there would have been **three (3) Comprehensive Plan updates** since the City last comprehensively revised its zoning ordinance in 2003. Charlottesville’s tools of implementation (zoning) are inconsistent with our expressed vision for the future.
Conventional Zoning: Implications

Separates uses and suppresses density, but that leads to: sprawling single family homes in large lot subdivisions that aren’t economically diverse, are auto dependent and can’t sustain bus service due to dispersed, low ridership counts.

Emphasizes motor vehicle mobility, but that leads to: wide, high speed streets in residential areas with no sidewalks at the expense of pedestrian safety and the human scale of the surrounding neighborhoods.

Emphasizes land use types over building form, but that leads to: specialized buildings that can’t evolve and adapt to residents’ needs.

Has Many Words with Few Graphics, but that leads to: cumbersome, unpredictable, non-transparent review and approval process with no public input.

Uses Special Use Permits (SUPs) for affordable housing but that can lead to:

• small revenue streams for the Housing Fund (with no housing actually built);

• extended periods of discretionary review which delay construction schedules, raises project development costs and ultimately reduces affordability;

• increased uncertainty about expected rates of return on investments leads to land value inflation which again raises overall development costs and ultimately housing prices; and
Special Use Permits (SUPs) that provide funds for affordable housing in exchange for more height and density, can also lead to: oversized buildings that are out of scale with the context and tower over adjacent residential areas, many of them historic African American neighborhoods, because the city lacks transition zones between high and low intensity development areas.

The Flats at West Main Street, adjacent to Fifeville (in spite of Design Guidelines & a BAR)
This SUP for a micro-unit apartment opposite Friendship Court was denied for failing to meet the SIA’s design standards for height, or lining its 3-story parking garage with active spaces along Garret street.
Conventional Zoning: By Right vs SUP

Added discretionary review leads to the same built outcomes as “by right” development!

11th St. @ Little High (“by right” with no added review. No supported affordable housing built.)

Flats @ West Main (SUP with added Planning Commission, Council, BAR review. No supported affordable housing built.)
HEALTH & SAFETY: Local, State & National Statistics

People who live in walkable places are 7 pounds less. Obesity is linked to diabetes.

- In Charlottesville, 31% of African American 5th graders are obese.
- In Charlottesville, 6.5% of White 5th graders are obese.
- In VA, the diabetes mortality rate for African Americans is 2x that of Whites.
  (MAPP2Health Report, Thomas Jefferson Health Department, 12/2016)

Low income areas have some of the worst pedestrian infrastructure. They also have more internally-oriented, subsidized housing on large super-blocks, making natural surveillance against crime difficult. Resulting disparities are significant.

- Nationwide, non-whites are 35% of the population but 46 % of pedestrian deaths.
- Nationwide, 65 year olds+ are 50 % more likely to be killed by a car when walking.
- In Charlottesville, “shots fired” calls were 10-13 X higher in lower income areas.
  (Dangerous by Design, 2016 by the AARP, ASLA and Nelson Nygaard and Charlottesville Police Report, 2015)
Conventional Zoning: Implications

ECONOMIC: Statistics

Density Zoning and Class Segregation in U.S. Metropolitan Areas

• Class segregation increased and both poverty and affluence became more concentrated spatially, especially during the period from 1970 to 2000.
• By limiting the ability of developers to produce affordable, multi-family housing projects, restrictive density zoning promotes income segregation by channeling low-income households to different locations in the region than high-income households.

Does urban sprawl hold down upward mobility?
Reid Ewing, Shima Hamidid, James Grace, Yehua Wei (Landscape and Urban Planning Volume 148, April 2016)

• The spatial mismatch of low-income (often minority) residents in inner cities, and low-skill jobs in the suburbs, means low-income residents with limited transportation options have lower economic mobility.
• As cities spread out, they become increasingly segregated by income.
• Upward mobility is higher in compact vs sprawling metropolitan areas.
• Improving access to jobs and discouraging residential segregation by race or income (poverty and racial segregation variables) enhance economic mobility.
Conventional Zoning: Implications

Houston, Texas (some of the least restrictive zoning, but with persistent gentrification issues)

Suburbia anywhere USA
Conventional Zoning: Implications-Urban Renewal

Vinegar Hill Before Urban Renewal (9 blocks)

Vinegar Hill After Urban Renewal (2 blocks)

Source: http://www2.iath.virginia.edu/schwartz/vhill/vhill.html
Conventional Zoning: Implications-Urban Renewal

Vinegar Hill was a Vibrant Walkable “Place” with Blocks, Streets and Filled with Life

Source: http://www2.iath.virginia.edu/schwartz/vhill/vhill.html
Public Housing developments, built in the 1960’s and 70’s replaced Vinegar Hill’s vibrant walkable streets & mixed use, mixed income blocks with:

- Barracks-style, apartment buildings;
- Internally oriented and at times “gated” complexes;
- Isolated and disconnected parking lots and super-blocks;
- Single use, single type buildings of one income class;
- Few employment choices within walking distance.
- Poor natural surveillance with “Many blind areas and poor supervision from the street.” (WRT, “Working Paper,” June 5, 2009.)
Vinegar Hill’s “urban renewal” ostensibly removed “blight,” but also made room for non-descript fast food and big box retail in super-blocks, surrounded by parking lots and wide streets. That made cars faster and car storage easier, but walking more treacherous.

According to the City’s “Streets that Work” (STW) Plan, some of the highest priorities (where infrastructure improvements would have a significant positive impact on all users) are around Vinegar Hill, namely along Ridge McIntire and the West Main intersection.
Conventional Zoning: Implications-Urban Renewal

Jane Jacobs spearheaded efforts in the 1960’s to oppose neighborhood clearing and highway building as championed by New York City Parks Commissioner Robert Moses.

Jacobs’ harsh criticism of “slum-clearing” and high-rise housing projects was also instrumental in discrediting these once universally supported planning practices.

“Whole communities are torn apart and sown to the winds, with a reaping of cynicism, resentment and despair that must be heard and seen to be believed.”  (The Death and Life of Great American Cities, by Jane Jacobs, 1961)
Conventional Zoning: Status Quo is Challenged

According to Jacobs, the key to a thriving City is diversity:

- Of land uses—More than two to create places to go to;
- Of blocks—Short w/frequent corners and sidewalks to get people walking;
- Of buildings—Various ages, sizes and conditions to provide a range of affordability;
- Of people—lots of them and different, to create vibrant and diverse markets.

Cities once subjected to “Urban Renewal” now need repair, economically, socially and physically. Reversing the physical harm of “Urban Renewal” involves getting the blocks, lots, streets and building form right. Social and economic repair however, involves other strategies, happening at the same time. That’s the SIA.
Form Based Codes: Definition

A type of zoning that emphasizes:

• Relationship of buildings to the street (rather than land use or density)
• Diversity of uses, building types, destinations, income levels and people
• Rules that are simple and straightforward
• “By-right” uses rather than legislative approvals
• Human-scale urban environments that balance the needs of motor vehicles and pedestrians
**Statement:** Under a form-based code, SUPs will not be needed as much, so developers within the SIA will **not** have to build affordable housing as part of their projects, unless the City Council improves the affordable housing ordinance.

**Fact:** Virginia localities are prohibited from using inclusionary zoning to mandate the building of affordable housing, unless prescribed by the General Assembly within a statute. “Incentive zoning”, like SUPs and bonuses are permitted and the SIA Plan recommends using them to secure affordable housing. SUPs for building height and density however, introduce a degree of ambiguity & unpredictability into the process, which runs counter to the whole point of FBCs which is clarity.

**Fact:** California and New Jersey have inclusionary zoning. One of RCLCO study’s long term recommendations was to implement an inclusionary zoning policy that would require developers to provide a certain % of supported housing. This will require approval from the General Assembly in Richmond, VA.
Form Based Codes: Clarifying Facts

**Statement:** A form-based code would likely affect the design and appearance of these homes. For example, the SIA Plan says more roads are needed, so the current plan for Friendship Court has two roads cutting through the neighborhood, but 2 out of every 3 residents surveyed want sidewalks, not roads.

**Fact:** The size and location of streets, sidewalks, and parks, and overall massing, height and scale of buildings must align with the Comprehensive Plan’s goals to promote healthy, active living, public safety and access to jobs and shopping. The SIA Plan, does that. **Residents will have many opportunities to influence all of the above, throughout the drafting and implementation of the Form Based Code (FBC.)** This process has already begun at Friendship Court and will continue throughout the architectural design phase with their architect, Grimm & Parker.

**Fact:** Small 2-3 acre blocks (like the Downtown Mall), provide businesses (like resident start-ups) more street frontage and people with more, low-speed, narrow streets on which to bike, cycle and walk. Breaking up 12 acre superbblocks (like Friendship Court) optimizes connectivity, access, visibility and visitability.
Form Based Codes: Clarifying Facts

**Statement:** Form-based codes cause rents and property taxes to go up, leading to gentrification. Some form-based codes require developers to build affordable housing.

**Fact:** No one type of zoning, in and of itself, causes gentrification. Cities with almost no zoning have persistent problems (e.g., Houston, TX) and others with substantial zoning regulations (e.g., San Francisco, CA) have persistent affordable housing problems and gentrification. Arlington County however, is well known for having one of most active affordable dwelling unit programs in Virginia (enabled by state legislation applicable to county managers), but it also has a nationally acclaimed Form Based Code program.

**Fact:** Form Based Codes (FBCs) promote smaller block perimeters with a wider range of lot sizes and building types. That provides more housing types to choose within a single block within a wider range of prices. FBCs can incorporate incentives such as: height bonuses, waiving development fees; expediting reviews; offsetting structured parking costs; decreasing on-site parking requirements and facilitating shared parking agreements.

**Fact:** Other policies and programs must work with FBCs such as: using CRHA, CEDA and land trusts to buy and bank land for building projects; creating Community Development Corporations to do the same; and supporting public-private partnerships that create a multi-income-tiered housing supply so that residents can achieve economic mobility.
**Form Based Codes: Clarifying Facts**

**Statement:** Form-based codes often make developers more interested in building, leading to increased land values. This causes rents and property taxes to go up, often leading to gentrification, forcing lower-income residents to move.

**Fact:** Cities are in high demand so policies and practices to counter gentrification and displacement must be implemented, simultaneously *regardless of the type of zoning* used. Affordability and anti-displacement requirements must apply to all new development city-wide, *regardless of the type of zoning used*.

**Fact:** Building more units deflates housing costs that are high due to a “constrained supply.”
(Median city home value is $275,500, up 5.6% over last year. Zillow predicts they will rise 3.3% next year.)

**Fact:** Charlottesville shouldn’t be a “supply-constrained” market but *two key factors* are creating supply challenges within the City limits which will continue to *drive up* home prices and rents. They are:

- The *limited supply of land available* for new development within the City, driven by the City’s small land area, built-out character and extra costs associated with redevelopment; and
- A *large affluent population that desires city living* and can afford to pay higher prices for housing which will continue to drive up land prices, home values and sales prices;

*(Comprehensive Housing Analysis, City of Charlottesville by RCLCO January 15, 2016)*
Form Based Codes: Clarifying Facts

Statement: *Form-based codes make it easier to build without first seeking public comment. Low-income participants in the SIA planning process say their input was largely ignored.*

Fact: FBCs must be created with community input. Existing zoning however, requires no public engagement, and the baseline in the SIA’s core is a 101’ tall building with no requirements to activate the street. The public can weigh in during a SUP request, but if the underlying zoning is wrong, few substantial changes can be made if it complies with the text of the Comprehensive Plan. The detailed SIA Plan stopped the micro-unit project on Garrett.

Fact: FBCs facilitate by-right development by allowing for the possibility of more administrative approvals, because developers must prepare more complete submittals. Real estate professionals like RCLCO say that when demand is high (and supply constrained), facilitating development review so that more units can be built, deflates housing prices. We’ve got to get “by-right” right so it is the default.

Fact: The SIA Plan was developed via a structured process that included 30 to 40 small and large group meetings with representatives of PHAR, CRHA; JABA; PHA; NHT; and HAC and the community at large. Goals and Policies also incorporated Residents’ Bill of Rights and a stakeholder steering committee that included public housing and other SIA residents, neighborhood association leaders, business and property owners, met regularly with staff and consultant to create the SIA Plan’s guiding principles and provide ongoing feedback.
Form Based Codes: Precedents

**Virginia:**

*Arlington Co.* (also has inclusionary housing requirements)
Leesburg
Crozet, Albemarle Co. (more of a hybrid)
Marshall, Fauquier Co. (draft)
Virginia Beach
Portsmouth
Hampton
Dinwiddie Co. (for UDAs—which Charlottesville has)
Mecklenburg Co. (for UDAs—which Charlottesville has)
### Form Based Codes: Precedents

*Other localities with FBCs include:*

<table>
<thead>
<tr>
<th>Miami (citywide)</th>
<th>Sarasota</th>
<th>Bellevue KY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cincinnati (citywide)</td>
<td>Nashville</td>
<td>Peoria IL</td>
</tr>
<tr>
<td>Denver</td>
<td>Memphis</td>
<td>Davidson NC</td>
</tr>
<tr>
<td>Portland</td>
<td>Baltimore</td>
<td>Asheville NC</td>
</tr>
<tr>
<td>Cincinnati</td>
<td>Ft. Worth</td>
<td>Birmingham AL</td>
</tr>
<tr>
<td>Philadelphia</td>
<td>Austin</td>
<td>Greenville SC</td>
</tr>
<tr>
<td>Los Angeles</td>
<td>Chattanooga</td>
<td>Spartanburg SC</td>
</tr>
<tr>
<td>Atlanta</td>
<td>Jacksonville</td>
<td>Woodstock GA</td>
</tr>
<tr>
<td>San Diego</td>
<td>Tulsa</td>
<td></td>
</tr>
<tr>
<td>Dallas</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**As of January 2015, 344 adopted FBCs; more in progress.**

86% adopted since 2003.

*(source: Hazel Borys and Emily Talen)*
Form Based Codes: Places for People

Getting the blocks, lots, streets, building form and placement relative to the street right!

Downtown Charlottesville, VA

West Main Street Charlottesville, VA
Form Based Codes: Places for People

Getting the blocks, lots, streets, building form and placement relative to the street wrong!

With Conventional Zoning:

- Parking surfaces dominate but are less than a third used; and
- Buildings and signage are sized for cars traveling 55 mph or more. (pedestrians walk 3 mph)
Form Based Codes: Walkable Blocks

- Use walkable block dimensions - lengths no greater than 600’, ideally 200’-400’.

- Limit curb cuts by using alleys instead of individual driveways to avoid conflict points with cars.

Fashion Square Mall, Albemarle County

Downtown Mall, Charlottesville City
Form Based Codes: Walkable Blocks & Diverse Lots

Insular Superblocks to Connected Walkable Streets- Westlawn Gardens, Milwaukee, WI (100% one-for-one replacement)
Park Morton is a public housing redevelopment project in Washington DC that blended strings of townhouses, stacked flats, and a five-story multi-family building with below grade parking and a park to create a mixed income community.
Form Based Codes: Diversified Lots

- Vary lot (parcel) sizes/ block to diversify uses, *price points* & neighborhoods.
  - Townhouse lots=18’-24’
  - Single-family Detached=30’-80’
  - Mixed Use Attached=30’ min.

- Transition between mixed use and residential areas with alleys.
Form Based Codes: Diversified Lots

West Main Street, Charlottesville, VA
Form Based Codes: Walkable Streets

- The Right of Way (ROW) is public space and it’s measured from outside to outside edge of sidewalk.
- Provide wide sidewalks that fit the context (7’ minimum for two people)
- Plant street trees.
- Provide good pedestrian-scaled street lighting and signage
- Allow on-street parking.
- Minimize curb cuts with alleys.
- Minimize crossing distances.
- Minimize vehicular lane width.
- Refer to Charlottesville’s “Streets that Work” Plan,
Form Based Codes: Make Walkable Streets

Charlottesville, VA
Form Based Codes: Promote Human Scale

- Place buildings close to the ROW to create a sense of enclosure (1:4 maximum ratio).
- Relegate parking to the rear.
- Prescribe wall %’s dedicated to clear glass and have frequent entries oriented to the public ROW (i.e. “eyes on the street”).
- Vary frontage treatments with storefronts, awnings, stoops, porches, and arcades to activate the street.

https://www.dropbox.com/s/3mqca9z2w3im2pk/Form-o-stat-v2-1-May2013-huston-sm.pdf?dl=0
Form Based Codes: Promote Human Scale

Anonymous Barracks to Individualized Address & “Eyes on the Street” - Westlawn Gardens, Milwaukee, WI (100% one-for-one replacement)
Form Based Codes: Promote Human Scale

Mix of Housing Types, Shallow Setbacks and Narrow Streets with Sidewalks (which slows down traffic) and Pocket Parks

One House Type, Large Setbacks, Wide Streets with Limited to No Sidewalks (which accelerates traffic) and No Parks
Form Based Codes vs Conventional Zoning

Parking on the street and in back

Parking in Front
Form Based Codes: Promote Human Scale

Conventional Zoning
CityWalk Apartments on Water Street

Design Guidelines
The Flats on West Main Street

Form Based Code Approach
Downtown Mall at East Main Street
Community Engagement is fundamental to the creation of every FBC component:

- Regulating Plan;
- Building Form Standards;
- Public Space & Streetscape Standards;
- Definitions;
- Administration; and
- Architectural Standards (Optional.)

Community Engagement is ongoing.
Form Based Codes: Strategic Investment Area

1. Calls for a Zoning Code developed with the community input that promotes movement, connection and human scale (a.k.a. a Form Based Code)

2. Uses the “transect” to transition between lower and higher intensity development to respect adjacent neighborhoods.

3. Makes development approvals more transparent, predictable and therefore efficient which lowers overall housing costs.
Form Based Codes: the Transect

SIA residents made it clear three years ago that they wanted better, more transparent and predictable built outcomes, and gradual transition zones between areas of high and low intensity development. Current zoning however, allows buildings to be 101' tall (8-9 stories) regardless of what's next to them. The “transect” is a way to make transition zones an integral part of the code.
Form Based Codes: the Transect
Form Based Codes: the Transect

FBCs regulate the built environment, by using physical form rather than a separation of uses as the organizing principal, to create predictable, built results and a high-quality public realm. 

*Daniel Parolek, Opticos*
Form Based Codes: Walkable Blocks in the SIA

Outline of Proposed SIA Urban Overlay District
Form Based Codes: the Transect
### Form Based Codes: the Transect

#### Table 1. Building Envelopes and Placement Standards by Transect Zone

<table>
<thead>
<tr>
<th>Transect</th>
<th>Housing Typologies</th>
<th>Building Heights</th>
<th>Street Types</th>
<th>Building Orientation &amp; % Frontage</th>
<th>Private Frontages</th>
<th>Ground Floor Retail, Office Frontages</th>
</tr>
</thead>
<tbody>
<tr>
<td>T6</td>
<td>High Rise Mid Rise</td>
<td>6+ stories</td>
<td>Primary (1st), (Limited number of core area Secondary Streets)</td>
<td>To street, 80% min.</td>
<td>Storefronts (75% min. glass - merchants, 50% - restaurants) Stoops</td>
<td>Primary Retail</td>
</tr>
<tr>
<td>T5</td>
<td>Mid Rise Low Rise</td>
<td>4-5.5 stories</td>
<td>Primary, Secondary (1st, 2nd)</td>
<td>To street, 80% min. (80% may vary with single family lot size)</td>
<td>Storefronts (75% min. glass - merchants, 50% - restaurants) Stoops, Porches</td>
<td>Primary Retail, Secondary Office/ Service Retail, Civic</td>
</tr>
<tr>
<td>T4</td>
<td>Low Rise Townhouses Multiplexes</td>
<td>2-3.5 stories</td>
<td>Secondary, Tertiary (2nd, 3rd)</td>
<td>To street, 80% min.</td>
<td>Storefronts (50% min. glass - all retail types) Stoops, Porches</td>
<td>Secondary Office/ Service Retail (where applicable)</td>
</tr>
<tr>
<td>T3</td>
<td>Multiplexes SFD</td>
<td>1-2.5 stories</td>
<td>Secondary, Tertiary (2nd, 3rd)</td>
<td>To street, 80% w/ alley, &lt;80% w/ out alley to allow for side drives</td>
<td>Stoops &amp; Porches</td>
<td>NA</td>
</tr>
</tbody>
</table>
Form Based Codes: Phase I

Strategic Investment Area

PROPOSED FORM BASED CODE PHASES
## Comparative Review: SIA & FBC Recommendations

<table>
<thead>
<tr>
<th>Component</th>
<th>Existing Downtown Extended</th>
<th>PHAR’s Vision</th>
<th>SIA Plan &amp; FBC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Height</strong></td>
<td>Maximum height, mixed-use building: One hundred one (101) feet or 8-9 stories, subject to street wall regulations. Any property owner at any time could build an 8 or 9 story building on 6th street for instance, without any public review, or community input or any obligation to provide affordable housing. Maximum height, other buildings: Fifty (50) feet or 4-5 stories.</td>
<td>Multi-family apartment buildings should be limited and not higher than 3 stories; Elderly should not be in high rises;</td>
<td>Maximum height in Character Zone: T4 is 4 stories; T5 is 6 stories; and T6 is 6 stories. FBC would establish and regulate clear transition zones between high and low intensity development.</td>
</tr>
<tr>
<td><strong>Building Placement</strong></td>
<td>No minimum front setback is required; fifteen (15) feet, maximum.</td>
<td>Maximize yard and porch space</td>
<td>No minimum front setback is required; fifteen (15) feet, maximum.</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>For mixed use buildings and developments having twenty-five (25) percent to seventy-five (75) percent of the gross floor area designed and occupied for residential use, residential density shall not exceed (43) DUA; however, up to (240) DUA may be allowed by SUP. Residential density shall not exceed forty-three (43) DUA. The minimum density for a multifamily development shall be twenty-one (21) DUA.</td>
<td>20-25% increase in density on some sites is acceptable but must maximize yard and porch space and the increase provide more affordable units (under 40% AMI); NOTE: PHAR’s “Positive Vision for Redevopment” came out strongly for more affordable housing but against buildings taller than three stories, but this has to be informed by solid data about development costs.</td>
<td>Allowable density is “as can fit” within the allowable building envelope. NOTE: FBCs can incorporate height bonuses as well, but this has to be a community decision informed by solid data about development costs.</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>For uses requiring more than twenty (20) off-street parking spaces, no more than fifty (50) percent of the required spaces shall consist of surface parking open to the sky. (NOTE: Existing zoning does not have a provision about uses at street level at garages.)</td>
<td>Parking strategies that preserve open spaces, like underground parking, should be considered</td>
<td>Below grade and on-street parking is encouraged. Above grade parking structures shall be concealed from the street by programmed linear elements of retail, residential, or commercial spaces. (NOTE: Existing zoning does not have this provision.)</td>
</tr>
<tr>
<td><strong>Land Use</strong></td>
<td>Mixed Use, Residential and Multifamily</td>
<td></td>
<td>Retail and office spaces are allowed along all primary and secondary street frontages. Secondary street frontages can include daycare centers, employment centers, other public services, meeting rooms, art galleries, (resident entrepreneurial opportunities.)</td>
</tr>
<tr>
<td><strong>Building Types</strong></td>
<td>Not Indicated</td>
<td>Need a variety of townhomes and row houses;</td>
<td>Need a variety of townhomes, row houses, small apartment buildings, etc.</td>
</tr>
<tr>
<td><strong>Building Form</strong></td>
<td>Not Indicated</td>
<td>Subsidized housing should look no different from other housing;</td>
<td>Subsidized housing should look no different from other housing;</td>
</tr>
<tr>
<td><strong>Private Frontages</strong></td>
<td>Not Indicated</td>
<td>Maximize yard and porch space</td>
<td>No minimum front setback is required; fifteen (15) feet, maximum.</td>
</tr>
<tr>
<td><strong>Parks &amp; Open Space</strong></td>
<td>Not Indicated</td>
<td>Centers and playgrounds</td>
<td>Pollock’s Greenway in the SIA Plan</td>
</tr>
</tbody>
</table>
Our Redevelopment Manager, Brenda Kelley and our Director of Neighborhood Development Services, Alex Ikefuna have been developing a series of community engagement sessions concerning the Strategic Investment Area (SIA) and Form Based Code. The first meeting is scheduled for March 21, 2017. A community stakeholder advisory committee appointed by the City Manager, as well as several public meetings once a FBC consultant comes on board.

Once the consultant finishes its work in twelve months, another public input process will begin as part of considering the zoning changes.

The City Manager has been tasked with researching the creation of a Community Development Corporation to create more supported affordable housing.

The Housing Advisory Committee (HAC) will be presenting their recommendations based on the RCLCO study this spring, which will feed into the regulatory review.

In preparation of the 2018 Comprehensive Plan Update, the Planning Commission is developing a city-wide, resident-centric, community engagement strategy.
Community Engagement

Learn More About the Strategic Investment Area (SIA)
At
SIA Community Talks

Tuesday, March 21, 2017, 6pm
Location: IX ArtPark Special Events Space, 522 2nd Street SE
Topic: The SIA Plan and updates and What is a Form-Based Code

What are SIA Community Talks?
A series of educational community meetings designed to provide important information regarding the SIA (Strategic Investment Area) and to hear what you think.

Why Attend SIA Community Talks?
We want you to be engaged in the future of your neighborhood.

Tuesday, April 18, 2017, 6pm
Location: tbd
Topic: Affordable Housing

Tuesday, May 16, 2017, 6pm
Location: Friendship Court Community Center, 418 Garrett Street
Topic: Workforce Training Opportunities

SIA Community Talks sponsored by the City of Charlottesville
For more information contact Brenda Kelley, Redevelopment Manager, Office of the City Manager at (434) 970-3040 or kelleybr@charlottesville.org