

**Citizens Advisory Commission on Housing
Virtual Meeting Notes**

The Housing Commission convened its meeting at **7:00pm** on **December 8, 2022**.

PRESENT (IN-PERSON)	None- virtual meeting.
PRESENT (VIRTUALLY)	Chair Eric Berkey Vice Chair Kellen MacBeth Commissioner Laura Saul Edwards Commissioner Anika Montgomery Commissioner Holly Bray Commissioner Haley Norris Commissioner Margaret McGilvray Commissioner Michael Hemminger Commissioner Paul Browne Commissioner Karen Serfis Commissioner Eric Lee Disability Advisory Commission Liaison Doris Ray
ABSENT	Commissioner Sara Rubalcava
STAFF	Alex McMillen, Richard Tucker, Sarah Pizzo

[View the Meeting Recording Here](#)

Public Comment on Items Not on the Agenda

There were no public comments for items not on the agenda.

Approval of Notes – Action

Eric Berkey made a motion to accept the notes and Laura Saul Edwards seconded the motion. The motion passed unanimously 11-0.

- [View the November 2022 Housing Commission notes here](#)

The Haven Apartments/Ballston Macy’s – Action

The Applicant presented the item, sharing their proposal to construct a new 16-story residential building anchored by a ground floor grocery store at the Ballston Macy’s site. They explained that to earn the density at this site they would utilize Transfer of Development Rights (TDR), capping density at the sending site, which is the Haven Apartments. In addition, the Haven Apartments would be converted from market rate affordable housing (MARKs) to committed affordable housing (CAFs) at 60% area median income (AMI) for a term of 30-years as well as a preservation easement on the site. To facilitate this TDR the Haven Apartments the Neighborhoods Form Based Code (N-FBC) would also have to be amended to include the site as a Conservation Area.

Staff also presented a handout that gave background information on the sites, an explanation of what was being proposed and summarized the affordable housing contribution.

- [View the Haven Apartments/Ballston Macy’s handout here](#)

Bernard Berne was the only public comment on the item. He asked the Commission to oppose the project citing concerns on both the sending and receiving sites. Some of his issues with the Haven part of the proposal included not retaining residents that are over income and claiming the county would lose MARKs on Columbia Pike, among other issues. He also shared his issues at the Ballston Macy's site, including transportation concerns, the lack of affordable housing on-site, the architecture, and others.

Kellen MacBeth asked how many residents at the Haven are over the 60% AMI income threshold and what the turnover rate at the Haven was. Alex McMillen answered that there are about 35% of residents that were over income. He also said the annual turnover rate was 28%. Kellen MacBeth also asked what the plan was for residents who were over income. Alex McMillen answered there is language in the conditions that allows for some flexibility for the Applicant and the County to work together in the event not all the units are converted to CAFs in three years. Sarah Davidson added that at the end of the 3-year transition period they are committed to working with the county to find solutions that work best for all parties. Alex McMillen also said staff has pulled a number of properties in the same neighborhood and school districts to ensure that there are housing options at those incomes in the immediate area.

Margaret McGilvray asked how a 3-year period for conversion was decided upon. Alex McMillen answered that a 3-year period has been the precedent for previous projects with similar situations such as the Wellington/Trove project and that staff had not heard any concerns from that project.

Eric Berkey asked why the Applicant is pursuing a historic designation on the Haven site. Sarah Davidson answered that if the property is added as a conservation area to the N-FBC that comes with affordability and preservation requirements. Eric Berkey also asked if the Applicant could explain why the proposal doesn't come with a typical number of on-site affordable units at the Ballston Macy's as would be recognized in other site plans. Andrew Painter answered that the TDR is earning a significant amount of density at the Macy's site. In other projects this density that is being earned through the TDR would be earned at least partially through on-site CAFs usually at 60% AMI.

Haley Norris stated she supported the project and that it made sense from a planning and housing perspective. She also said it makes sense to transition these units to CAFs to potentially set it up for a tax credit deal in the future and it could utilize rehabilitation tax credits.

Kellen MacBeth asked the Applicant to consider adding additional units at 80% AMI to further the housing affordability package of the proposal.

Paul Browne stated he is opposed to the project due to locking in the Haven apartments as affordable forever as well as only getting a handful of units on-site at the Ballston Macy's site. He also noted the concentration of affordable housing on the western end of Columbia Pike. Paul Browne also asked if it is possible to have the units at the Haven converted to 80% AMI instead of 60% AMI. Alex McMillen answered the code specifically says 60% AMI and to change that would require an amendment to the N-FBC. Paul Browne also asked if possibly a non-profit should acquire and manage the Haven units. Sarah Davidson answered that although they don't own CAFs in the county they do manage affordable housing in other jurisdictions, and it is a mission of theirs to house a wide range of incomes.

Alex McMillen also added that the usage of TDR will not become a common tool for developers as very specific conditions have to exist for a TDR to be utilized. In this case both sites were owned by the same organization.

Kellen MacBeth made a motion to approve the project as proposed and ask the Applicant to consider adding more on-site units at the Ballston Macy's site. Laura Saul Edwards seconded the motion. The

motion passed 10-1 with Commissioners Berkey, Bray, Edwards, Hemminger, Lee, MacBeth, McGilvray, Montgomery, Norris, Rubalcava, and Serfis. Commissioner Browne voted against the motion citing lack of on-site CAFs at the Ballston Macy's site and further addition of CAFs on Columbia Pike.

Housing Commission 2023 Workplan – Information

This item is for the commission to discuss what they would like to work on in the coming year.

- Commissioner Berkey- the Commission should revisit staff recommendations and make sure they are following up with staff with consideration to existing aging affordable properties.
- Commissioner Bray- the Commission may want to revisit TDR as a policy tool.
- Commissioner Bray- how can the Commission support citizens to earn more money and move out of affordable housing units.
- Commissioner MacBeth- focus on fair housing and how best practices can be implemented.
- Commissioner MacBeth- residential conversion for current office buildings and the feasibility of that moving forward.
- Commissioner Bray- monitor tenant landlord issues and policy impacting that.
- Commissioner Bray- be creative in helping low-income residents easily access their credit scores.
- Commissioner McGilvray- explore if the family self-sufficiency program could be utilized.
- Commissioner Serfis- examine the effectiveness of our current housing programs.
- Commissioner Bray- explore the digital divide and incorporate free Wi-Fi into affordable housing projects.
- Commissioner MacBeth- developing an equity framework for the commission to better understand projects from that lens.
- Commissioner Berkey- reexamining quick strike allocations.
- Commissioner MacBeth- examine ways to reduce the red-tape of affordable housing projects.

Development Updates – Information

Staff shared with the commission that a project would be considered at the December County Board meeting for IDA bonds. Patrick Henry Apartments is a 110-unit property with 3 story previously owned by Silverwood. It is located at 6172 Wilson Blvd. Patrick Henry contains all family-sized units - including 100 two-bedroom units and 10 three-bedroom units. The County provided nearly \$1M in 2000 to assist Silverwood in acquiring and renovating the project. While the County compliance period had ended, it is still in the CAF inventory until 2030 due to LIHTC restrictions. The units are affordable up to 60% AMI. Earlier in the year, Silverwood had listed the apartments for sale, and they were recently acquired by Fairfield. Fairfield plans to resyndicate the low-income housing tax credits and perform some light rehab. This will restrict the affordability for 30 more years (from when they close on the financing – I don't think it's additive to that 2030 date). The project is planned to be financed with Low Income Housing Tax Credits (LIHTCs), tax exempt bonds, a developer loan, deferred developer fee, and income from operations. **No AHIF funding is being requested by the new owner of this project.** Fairfield is requesting up to \$25M in tax exempt revenue bonds from the IDA for purposes of utilizing 4% tax credit equity, which is anticipated to be considered at the December County Board meeting. If bought by a developer interested in market rate development, this could have resulted in the displacement of over a hundred families. Instead, Fairfield plans to maintain affordability for 30-years to come, without the use of County loan funds.

That was the only staff update. Additionally, the following handout was sent to the Commission.

- [View the December development updates handout here](#)

Subcommittee Reports – Information

Margaret McGilvray reported as the liaison for the Community Development Citizens Advisory Committee (CDCAC). She said there were about 45 community development applications that were submitted. The scoring and voting is complete and staff now has the top applications and will take that forward into the budget process.

Eric Berkey reported on the Missing Middle process. He said there will be a meeting with the planning commission next week. He said if the County Board requests to advertise (RTA) the Missing Middle recommendations in January that there would be a final round of engagement before a likely March vote by the County Board.

Karen Serfis reported there will be a Homeownership Subcommittee meeting on December 13th from 12:00-1:30pm.

Meeting adjourned at **8:59pm**.