

MINUTES

URBAN RENEWAL AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

5:30 P. M., JANUARY 23, 2020

A/V CONFERENCE ROOM

Tiffany Wesley-Plear, Vice Chair, called the meeting of the Charleston City Council Committee on Urban Renewal and Economic Development to order at 5:30 p.m., JANUARY 23, 2020, in the Audio/Visual Room in City Hall.

Committee Members Present:

Tiffany Wesley-Plear, Vice Chair
Ben Adams
Naomi Bays
Caitlin Cook
Jennifer Pharr

1. Approval of Previous Minutes – Councilmember Bays moved to approve the minutes of the previous meeting on 12-5-2019. Councilmember Adams seconded. There was no objection and the minutes were approved.

2. West Side Community Renewal Plan

Councilmember Wesley-Plear asked City Attorney, Kevin Baker, to speak. Baker explained that during the public hearing for the bill, Reverend Watts requested that the City procure a legal opinion on the sufficiency of the plan from the West Virginia University Land Use Clinic, specially from Mr. Jesse Richardson. The City entered into an agreement with him to prepare an analysis of the plan in light of state code. His analysis has been provided to the Committee. The first few pages discuss the various sections of law, and whether or not the plan is considered under state law an urban renewal plan or an urban redevelopment plan. The end of the letter contains several tables that show the differences between the two. He ultimately concluded that that it is an Urban Renewal Plan:

- (1) The draft West Side Community Renewal Plan should be considered an urban renewal plan, and should meet the requirements for urban renewal plans, not the requirements of an urban development plan,
- (2) A court would be slightly more likely than not to find that urban renewal plans must comply with W. Va. Code, §§ 16-18-6(b)-(j). Although application of these requirements to urban renewal plans would cause some redundancies, application makes more sense than not applying the provisions. The draft plan fails to comply with W. Va. Code, §§ 16-18-6(g)

Baker added Richardson stated that even if those sections regarding redevelopment plans do not apply to renewal plans, W. Va. Code, § 16-18-26(2) requires a renewal plan to “be *sufficiently complete* to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be reposed to be carries out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan’s relationship to *definite* local objectives representing appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.” (emphasis added by Richardson)

Baker explained the language would require more specificity than is currently contained in the draft plan. “Bolstering this conclusion is the requirement that the renewal plan conform to the City’s comprehensive plan.” Since the comprehensive plan is very general, in order to conform to it, Richardson believes that a redevelopment plan should be more specific. “...the fact that the plan must be attached to an urban renewal project implies a degree of specificity that is lacking in the present draft.” Baker summarized that Richardson’s conclusion is that the plan before the Committee does not sufficiently comply with what state law requires of those plans.

One of Richardson’s recommendations is that the City consider working with the West Virginia Municipal League to amend the statute to clarify the ambiguity contained in the state code. He additionally recommends that the City adopt the renewal plan as an amendment to the City’s comprehensive plan. The city can then adopt a more specific urban renewal plan in the future.

Baker stated that in light of the opinion obtained, a resolution has been prepared to present to the Committee.

Resolution No. 283-20 - Whereas, the Charleston Urban Renewal Authority worked with the community to draft the West Side Community Renewal Plan; and

Whereas, the draft West Side Community Renewal Plan contains a history of Charleston's west side and a vision for the future of the community; and

Whereas, the draft West Side Community Renewal Plan received substantial community input and has undergone numerous revisions to address concerns raised by community members throughout the development process; and

Whereas, the City of Charleston's Urban Renewal and Economic Development Committee received a summary of the draft plan and heard community feedback regarding the plan at multiple meetings; and

Whereas, the City of Charleston's City Council held a public hearing regarding the draft plan and received negative feedback regarding the plan; and

Whereas, a speaker at the public hearing specifically requested that the City of Charleston obtain a legal opinion from the West Virginia University Land Use Clinic as to the sufficiency of the draft plan with respect to the requirements of state code; and

Whereas, the City of Charleston retained the West Virginia University Land Use Clinic to review the draft plan in light of state code and provide a legal opinion regarding the plan; and

Whereas, the legal opinion of the West Virginia University Land Use Clinic, attached to this resolution as Exhibit A, generally held that the state authorizing statute is unclear and confusing; and

Whereas, the legal opinion of the West Virginia University Land Use Clinic concluded that the draft plan is an urban renewal plan and not an urban redevelopment plan, but that nevertheless "[a] court would be slightly more likely than not to find that urban renewal plans must comply with [requirements that are specifically applicable to urban redevelopment plans]" and that "the draft plan fails to comply with W. Va. Code § 16-18-6(g)," which requires that redevelopment plans contain "a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and the estimated proceeds or revenues from its disposal to redevelopers; a statement of the proposed method of financing the redevelopment project; and a statement of a feasible method proposed for the relocation of families to be displaced from the redevelopment project area."; and

Whereas, the West Side Community Renewal Plan that is currently in effect

complied with that provision of code; and

Whereas, the City recognizes that the state code related to urban renewal authorities lacks the necessary specificity to conclusively answer the questions posed by the City and the public speakers; and

Whereas, the City is cognizant of the potential for litigation and the need for adopted plans to conclusively meet state law;

Now, therefore, be it Resolved by the Council of the City of Charleston, West Virginia:

That the City Council of the City of Charleston hereby refers the draft West Side Community Renewal Plan back to the Charleston Urban Renewal Authority with the direction to review the legal opinion attached hereto and make any necessary amendments to the draft plan to satisfy the legal opinion provided.

In the alternative, the City Council of the City of Charleston asks the Charleston Urban Renewal Authority to adopt a motion requesting that the City of Charleston adopt the draft plan, with any necessary changes, as an amendment to the City's comprehensive plan, as suggested by the West Virginia University Land Use Clinic, in order to ensure that the significant work already completed to create the draft plan is not lost due to the lack of clarity in state law.

Councilmember Cook asked what the timeline would be if CURA chose either option. Baker responded that if CURA chose to update the plan to meet the code requirements, specific redevelopment projects and associated funding would need to be identified, which would most likely take some time given the current financial state of CURA. The Director of Planning, Dan Vriendt, added that the plan would need some editing to include it in the City's comprehensive plan. The fastest option would be for the consultants to make those changes as opposed to the Planning Department. He estimated a time frame of 90-120 days. Bays asked who would pay for the adjustments to the plan. Baker responded that it would be appropriate for the City to pay if it was adopting it into the comprehensive plan. The fee would most likely be under the \$25,000 threshold. Baker added that the resolution puts the decision to CURA to choose an option.

Councilmember Wesley-Plear asked if projects could currently be done based on the 2008 plan. Baker replied that he didn't see why not. Additionally if the proposed draft became a part of the City's comprehensive plan, the 2008 Urban Renewal Plan would remain in effect. Councilmember Pharr asked what would happen if CURA did not want to pursue either option. Baker replied that they could decide to shelve the proposed plan. Ideally, there will be a discussion between the City and CURA.

Councilmember Wesley-Plear invited Reverend Watts to address the Committee. He stated that he commended the Administration for seeking an outside legal opinion. He

did not feel that his and others' comments were taken into consideration by CURA. He suggested developing a specific plan around a smaller area that would become a template for others. He expressed support for the resolution.

Councilmember Adams moved to approve the Resolution. Councilmember Cook seconded. With a majority of members present recorded thereon as voting in the affirmative, Vice Chairperson Wesley-Plear declared Resolution No. 283-20 approved.

3. Administration Updates –

Councilmember Wesley-Plear stated that the City did not meet the qualifications for the HGTV Hometown Takeover grant. The City is too big, but she has asked if Wards/Districts could apply.

Vriendt added that the Planning Department staff had been meeting with Kevin Baker, the Director of the MOECD and Larry Malone every Tuesday for the past year, discussing housing issues on the West Side. Since the City has been efficient in demolishing dilapidated housing, there are numerous empty lots with nothing new being built on them. Vriendt showed the Committee a graph depicting housing permits over the last 20 years that showed the current average market rate for building a new house is \$155,000 and above. Anything at that price has been built without any sort of subsidy. Everything less than that amount, apart from a few exceptions, has used a subsidy like Habitat for Humanity, RCCR, low income housing tax projects, etc. A typical lot on the West Side is 25x120 or 40x120.

Their proposal to help mitigate the costs of building a house on these lots is to create a Neighborhood Reinvestment Overlay District (roughly Patrick Street to Glenwood Avenue to Washington Street West). They have identified this area to have the greatest need for infill housing. This is starting to be a trend in other cities with housing shortages. Oregon was the first state to pass a bill that prohibits exclusive single-family residential zoning districts in cities over 10,000 people. When the West Side was originally developed, it was done so as a mixed-use neighborhood.

They have been discussing rolling back some of the zoning regulations for the overlay district that would allow for a 3' side set back (the current code is 5'). The front setback will also be reduced to eliminate the requirement of onsite parking spaces. In addition to changing the single-family zoning regulations, they also propose allowing duplexes on the lots, with up to 4 units on corner lots. Vriendt showed the Committee an example of a fourplex that is sitting vacant because it cannot be renovated as a multi-family dwelling under the current code.

They have visited every dwelling in this area, handing out information and getting feedback. So far, the feedback has been very positive. This proposal will go the Municipal Planning Commission in February, Planning, Streets and Traffic Committee at the end of February and will go the Council for vote March 2, 2020. The City has recently received a grant for housing templates, which will allow outside firms to design pre-approved floorplan templates for the lots in the proposed area. Property owners

would be able to get permits immediately as well as save money on a floor plan.

Councilmember Wesley-Plear expressed concern that allowing duplexes and fourplexes would create overcrowding and other unintended consequences. Vriendt responded that it is not a suburban area, and cited the East End as a desirable area with a higher density. Vriendt added that while the code allows for an unlimited number of people related to each other to live in the same dwelling, the limit for non-relatives by blood or marriage is 5.

Councilmember Cook asked if there are examples of other cities adopting these regulations that are of similar size to Charleston. Vriendt responded that since this is a new trend (citing Oregon and Minneapolis as early adopters), it is too soon to know what the full ramifications will be. Councilmember Adams asked how the Land Reuse Agency will be involved. Vriendt replied that the CLRA would be able to clear the titles of the properties to make them available to the public to be developed. Councilmember Wesley-Plear confirmed with Vriendt that they would not be able to limit the number of duplexes allowed on a street. Vriendt added that they will only allow a door to serve no more than 2 units. Every house will be required to have a front porch.

Councilmember Bays asked about the status of street vendor applications discussed during a previous meeting. Sutton replied that there was a meeting about the applications that day, so they will be working with the City Collector's Office soon that will likely be either pro-rated or will span the calendar year.

Councilmember Bays motioned to adjourn the meeting. Councilmember Cook seconded.

Meeting adjourned.