

## 2.21.24 Memo #2 from the Chair 2.19.24

I am looking for a route to move the Creamery rezoning project forward. I believe it is in the best interest of the town and the responsibility of the PC to do so.

I also believe that it is necessary for the PC and Buttermilk to recognize the following premises to which I am hoping everyone can agree.

A. The PC has as a stated goal to “remove regulatory barriers to housing” such that more housing can be created. We are looking for opportunities, and we find one here on Jolina Ct (JC).

B. The creamery project proposes to add 31 or more dwelling units (DUs) to a walkable village-center area served by municipal infrastructure. The “regulatory barrier” here is the commercial requirement. This barrier has been created by the collapse of the commercial real estate market. The project has been on the books for at least 8 years, and has received permits on several occasions from the DRB.

C. The difficulty/impossibility of financing the project with the current commercial requirement has been confirmed by a local lender.

D. The removal of the commercial requirement is not just “something the developer wants” but it is a rational proposal by the Planning Commission (PC) to keep our zoning document relevant to evolving conditions on the ground, here the collapse of the commercial real estate market and the recognition of the housing crisis.

E. The PC has agreed that it makes sense to remove the commercial requirement.

F. The project has always been one of mostly smaller, market rate housing, despite several attempts by the developer, the PC and our various planning staffs to squeeze in subsidized units over the past 8 years. This has not worked, and I do not believe it is legitimate for the Planning Commission to try to force this project to become a different project that has not been proposed.

G. The developer has stated, on 2/15/24, “the concept is not viable” in

reference to subsidized housing. I think we need to accept this statement, and not continue to promote this as "an option."

H. "Workforce" housing is just as necessary as subsidized housing for building a diverse housing stock. Small DUs are in demand, per Buttermilk's records.

I. Not allowing this project to proceed prevents at least 31 DUs from coming on line.

J. It is not the case that Richmond has not benefitted from the Creamery. We have 14 additional units of "workforce" housing plus some commercial space contributing to our downtown, bringing revenue to W&S and the general fund, and bringing customers to our businesses. We have a cleaned-up brownfield - a huge plus for the center of Richmond.

J. The creamery is making an effort to address the climate crisis, setting a net zero goal for its buildings. This is not insignificant and adds to our sense that Richmond can fulfill our town energy goals and lead on climate, another important crisis we are facing.

K. It is also not the case that advocating for positions that commissioners or others believe to be in the public's best interest in any way violates our code of ethics. The "public interest" is not an objective fact that can be proven or denied. It is a point to be arrived at through discussion and examination of the issues, and this water will likely always be muddy. It is not helpful to impugn the motives of public servants trying to carry out their responsibilities.

So, based on these points, I suggest that we proceed as soon as possible towards considering additional DUs (by way of additional density) to the JC district to fill in the first floor of building 2, from which we have removed the commercial requirement, and that we consider that the benefit we are receiving is the DUs we are enabling. This helps to fulfill our commitment to pursuing housing opportunities wherever it makes sense to do so. Any further increases in residential density on this parcel will be left up to future Planning Commissions to consider.

Virginia Clarke