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Richmond City Council
The Voice of the People *Richmond, Virginia*

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**Land Use, Housing & Transportation
Standing Committee
Staff Report & Supplemental Information
January 16, 2018**



Richmond City Council
The Voice of the People Richmond, Virginia

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Richmond City Council

The Voice of the People

Richmond, Virginia

Office of the Council Chief of Staff

STAFF REPORT **January 16, 2018**

The last Committee meeting was held on November 21, 2017

Presentations, Reports and Discussion Items at the November 21st Meeting

- None

Expected Presentations, Reports or Discussion Items at the January 16th Meeting

- None

Board Recommendations/Actions

- Alexander Rawls, Boards and Commissions Administrator

Next Committee Meeting

The next Committee meeting is scheduled for February 20, 2017 at 1:00 P.M.

SUMMARY OF PAPERS

DEPARTMENT OF PUBLIC WORKS

1. **Ordinance No. 2017-252 (Patron: Mayor Stoney):** To authorize 2035 Broad, LLC, to encroach upon the public right-of-way with a proposed outdoor dining area encroachment on the south line of West Broad Street between Allison Street and North Meadow Street in front of 2035 West Broad Street, upon certain terms and conditions.
2. **Ordinance No. 2018-006 (Patron: Mayor Stoney):** To authorize 305 Brook Road, LLC, to encroach upon the public right-of-way with a proposed outdoor dining area encroachment on the east line of Brook Road between West Broad Street and North Adams Street in front of 305 Brook Road, upon certain terms and conditions.

Summary of Ordinance/Resolution and Background:

Ordinance No. 2017-252 and Ordinance No. 2018-06 authorize encroachment upon the public right-of-way for proposed outdoor dining areas.

Ord. No.	Description	Entity	Trading As	Application Fee	Annual Tax
2017-252	227 Square Feet along the south line of West Broad Street between Allison Street and North Meadow Street in front of 2035 West Broad Street.	2035 Broad, LLC	Pies and Pints	\$ 1,000	\$ 56.75
2018-006	436 Square Feet along the east line of Brook Road between West Broad Street and North Adams Street in front of 305 Brook Road.	305 Brook Road, LLC	Max's on Broad	\$ 1,000	\$ 109.00

Staff Analysis and Questions:

- All costs incident to the encroachment are to be borne by the applicant.
- The applicants shall each provide a \$5,000 removal bond. This reflects the fact that the outdoor dining area will be enclosed by a fence that will be bolted down and remain on the sidewalk when the business is closed.

Fiscal Impact:

- There is no expenditure required by the City of Richmond. General Fund Revenue includes one-time application fees of \$2,000 (\$1,000 x 2), and annual encroachment fees of \$165.75

(\$56.75+\$109.00).

- 3. Ordinance No. 2018-007 (Patron: President Hilbert): To designate the 900 block of North 1st Street in honor of Dr. Benjamin Joseph Lambert, III.**

Summary of Ordinance/Resolution and Background:

Ordinance No. 2018-007 designates the 900 block of North 1st Street shall be designated in honor of Dr. Benjamin Joseph Lambert, III. The designation is honorary and does not replace the existing name of the street.

Staff Analysis and Questions:

The provisions of sections 8-7 through 8-10 of the Code of the City of Richmond, which set out the policies for naming of City facilities, do not apply because this designation is honorary only.

Fiscal Impact:

There is no revenue or budget impact, sine the Department of Public works has existing funds for new signage.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

- 4. Ordinance No. 2017-249 (Patron: Mayor Stoney): To declare that a public necessity exists and to authorize the Chief Administrative Officer or the designee thereof, for and on behalf of the City of Richmond, to acquire, at a tax delinquent judicial sale, the property located at 1319 North 27th Street and to authorize the conveyance of such property for \$3,565.00 to the Better Housing Coalition for the purposes of eliminating blight and making such property available for redevelopment.**
- 5. Ordinance No. 2017-250 (Patron: Mayor Stoney): To declare that a public necessity exists and to authorize the Chief Administrative Officer or the designee thereof, for and on behalf of the City of Richmond, to acquire, at a tax delinquent judicial sale, the property located at 2301 Venable Street and to authorize the conveyance of such property for \$2,055.00 to The Maggie Walker Community Land Trust for the purposes of eliminating blight and making such property available for redevelopment.**
- 6. Ordinance No. 2017-251 (Patron: Mayor Stoney): To declare that a public necessity exists and to authorize the Chief Administrative Officer or the designee thereof, for and on behalf of the City of Richmond, to acquire, at a tax delinquent judicial sale, the property located at 418 North 23rd Street and to authorize the conveyance of such property for \$2,556.00 to The Maggie Walker Community Land Trust for the purposes of eliminating blight and making such property available for redevelopment.**

Summary of Ordinance/Resolution and Background:

Ordinance No. 2017-249, 2017-250, and 2017-251 authorize the City to acquire three tax delinquent properties at a tax delinquent judicial sale, and convey those properties to not for profit entities for the purposes of blight elimination and redevelopment.

Ord. No.	Address	Price	Not for Profit Entity
2017-249	1319 North 27th Street	\$3,565	Better Housing Coalition
2017-250	2301 Venable Street	\$2,055	Maggie Walker Community Land Trust
2017-251	418 North 23rd Street	\$2,556	Maggie Walker Community Land Trust
		\$8,176	Total

Staff Analysis and Questions:

- The property will be sold with a development agreement that requires a building permit application within six months and the completion of work within two years from the date of title transfer.
- After completion, these properties will be for sale to persons whose income is at or below the area median income. Richmond's 2017 area median income for a family of four was \$78,700.
- Council may want to know how the organizations authorized to receive the tax delinquent properties were selected.

Fiscal Impact:

The City will receive a total of \$8,176 from the sale of the three properties.

DEPARTMENT OF PUBLIC UTILITIES

7. Ordinance No. 2017-253 (Patron: Mayor Stoney): To provide for the granting by the City of Richmond to the person, firm or corporation to be ascertained in the manner prescribed by law, of the lease, franchise, right and privilege to use and maintain certain property located at 8850 West Huguenot Road for the construction, operation, and maintenance of a water pump station and ground storage tank in accordance with a certain Deed of Ground Lease.

Summary of Ordinance/Resolution and Background:

Ordinance No. 2017-253 authorizes the CAO to sign a 40 year lease with Chesterfield County of 1.16 acres in Larus Park so that Chesterfield County can construct, operate and maintain an additional water pumping station and water storage tank near the current one in the Park. This new tank will help the County purchase more water from the City's Water Utility.

Staff Analysis and Questions:

- This proposal replaces previous proposals to construct the additional water pumping station and tank in Larus Park. The previous proposal did not include plans to increase the size of Larus Park with proceeds from the sale of additional water to Chesterfield.

Fiscal Impact:

The Administration anticipates additional water sales of 5 million gallons a day by the City’s water utility. Proceeds from the sale will be used to fund the purchase of approximately 18 acres of additional park land for Larus Park. The City will receive a one-time payment of \$91,136 to fund additional trees.

Staff Note: The Administration’s O&R indicates the project will also help to improve water pressure in the area, increase fire flow capacity city residents in the area who do not currently have this benefit, reduce operating costs when the City tank located in the Park area needs to be taken out of service for maintenance.

8. Ordinance No. 2017-254 (Patron: Mayor Stoney): To grant to the County of Chesterfield, Virginia three temporary construction easements upon, over, under, and across portions of the City-owned real estate known as 8850 West Huguenot Road.

Summary of Ordinance/Resolution and Background:

Ordinance No. 2017-253 authorizes the grant of temporary construction easements onto City owned land at Larus Park to Chesterfield County. The easements will allow for access to this land so that a new pumping station and water storage tank can be constructed here. The new facility will allow for increased sales of City water to Chesterfield County.

Staff Analysis and Questions:

- None.

Fiscal Impact:

No direct fiscal impact is anticipated from granting temporary construction easements to the County to build the facility. Indirectly, the sale of additional water by the City’s Water Utility to Chesterfield County will increase revenues to the Water Utility.

MISCELLANEOUS

9. Resolution No. 2017-R086 (Patron: Robertson): To request that the Chief Administrative Officer establish and implement a policy and methodology to require that any residential development agreement to which the City is a party or involving City financial incentives mandate that a minimum percentage of the new residential development's total units be designated as affordable housing.

Summary of Ordinance/Resolution and Background:

The resolution requests that the CAO establish a policy allowing for 10% of any residential development, to which the City is a party, and to the extent possible by law, to be set aside for “affordable housing”. The resolution would like the policy to be applicable developments that the City contributes to with funds, in-kind contributions, or partial tax exemptions, and requests that the policy be developed within 60 days of Council’s approval of this resolution.

Staff Analysis and Questions:

- What type of study may be required, preliminarily, to develop such a policy?
- Is there Administration staff available to develop this policy within 60 days?
- Would such a policy, if adopted, hinder redevelopment of the City?
- The Committee may be interested in knowing how many economic development deals the City has entered into in the last three years that had a residential development component that had this type of policy existed previously would have applied. Of those, if any, how many affordable housing units would have been required based on the 10%?

Fiscal Impact:

There is no anticipated revenue or expenditure impact.

10. Resolution No. 2017-R097 (Patron: Larson): To direct the City Attorney to prepare the necessary documents to place Lewis G. Larus Park under the protection of a conservation easement as state law defines that term and to present such documents to the Council as soon as possible after receipt of the requisite grantee name, legal description, and drawings depicting the metes and bounds of Lewis G. Larus Park.

Summary of Ordinance/Resolution and Background:

Resolution No. 2017-R097 directs the City Attorney to prepare necessary documents to place Larus Park under a conservation easement when an appropriate grantee is designated

Lewis Larus Park is owned by the City government and is located in the City’s southwestern edge. It consists of approximately 106 acres of land. The park is largely wooded and contains some streams and walking trails. The park is bounded by Huguenot Road, Chippenham Parkway, and Stoney Point Fashion Park.

Staff Analysis and Questions:

- Note: It is the patron’s intention to include Larus Park as it currently constituted and the additional land that City anticipates adding to the Park with the purchase of adjacent land.

Fiscal Impact:

No fiscal impact is anticipated from directing the City Attorney to prepare documents for a conservation easement in the near future.

11. Resolution No. 2018-R002 (Patron: Robertson): To declare a public necessity to amend ch. 30 of the City Code and to initiate an amendment to the City's zoning ordinance to make such lawful changes as may be necessary to require electric utility distribution lines to be buried underground instead of suspended on overhead distribution tap lines by requesting that the Chief Administrative Officer cause to be conducted a study to determine whether and, if so, how the City's zoning ordinance lawfully may be amended to require, to the extent permitted by law, electric utility distribution lines to be buried underground instead of suspended on overhead distribution tap lines.

Summary of Ordinance/Resolution and Background:

Resolution No. 2018-002 initiates an amendment to the City's zoning ordinance to require electric utility distribution lines to be buried underground instead of suspended on overhead distribution tap lines.

Staff Analysis and Questions:

- Every year overhead utility lines in the City of Richmond are brought down numerous times by storms and other causes.
- A 2009 study published by the Ernest Orlando Lawrence Berkley National Laboratory found that the economic costs of a power outage varies by type of utility customer.
 - The cost of an eight hour outage ranged from \$8.50 for a residential customer on a winter weekday to a high of \$93,890 for a medium to large commercial or industrial customer on a summer weekday.
 - 2017 costs are likely higher due to inflation.
- In 2017, the Virginia General Assembly passed SB1473, which will allow Dominion Resources to proceed with its original proposal to bury up to 4,000 miles of utility lines.
 - The cost of the original proposal was estimated at \$2.0 billion, or approximately \$500,000 per mile.
 - The authorization covers “tap lines” that have a 10-year average of nine or more unplanned outages per mile.
 - Tap lines are smaller power lines that connect large distribution lines to the lines that lead to a house or business.

Fiscal Impact:

There is no revenue or expenditure impact.