

**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	May 6, 2019
Action Required:	Resolution
Staff Contacts:	Alex Ikefuna, NDS Director Lisa Robertson, Chief Deputy City Attorney John Blair, City Attorney
Presenter:	Alex Ikefuna, NDS Director
Title:	Street Closing Policy Resolution

Background:

On July 16, 2018, City Council directed staff to evaluate the existing alley policy and develop a new policy on the public right-of-way as it pertains to alleys, local and “paper” streets. The Office of the City Attorney defines a “paper” street or alley as “one that has been created by a dedication indicated on a recorded subdivision plat, but which has never been actually established and accepted by the City.” The Belmont Neighborhood was selected for the project as directed by the City Council due to the large number of alleys in the area (29). Between 1985 and 2018, there were 152 alley closings; approximately 4.6 per year. There are 5 City-accepted alleys citywide; four are in Belmont. The following alleys are specifically accepted and maintained by the City: 1. The alley connecting Avon Street to 6th Street NE, between Belmont Avenue and Monticello Avenue (Tax Map 58, Block 10). 2. The alley connecting Avon Street to 6th Street NE, between Monticello Avenue and Bolling Avenue (Tax Map 58, Block 16). 3. The alley connecting 4th Street, NW to 5th Street NE, between East Market Street and the Downtown Mall (Tax Map 53). 4. The alley connecting Elliott Avenue to Altavista Avenue between Avon Street and Rialto Street (Tax Map 59, Block 40). 5. The alley connecting Page Street to West Street between 10th and 10 ½ Street NW (Tax Map 4).

A working group of representatives from City departments (NDS, Public Works, Utilities, Fire, Parks and Recreation), the Place Design Taskforce, and the Bicycle-Pedestrian Advisory Committee was set up to guide the study of re-evaluating the City’s alley policy.

The group created a map showing alleys within Belmont, utility intersections, roadways, and other pertinent information. Alley benefits were compiled and used in the development of criteria for evaluating alleys for approval or denial of a closure request. A rating system was developed to assist in determining whether an alley should be closed or accepted upon request. The scoring system was designed to remove subjectivity in evaluating alleys. Ten alleys were selected for field survey using the developed criteria. Two different groups conducted two field surveys; the information was analyzed and the results used in developing the final criteria for informed decision making process. The benefits identified for alleys include: a) Vehicular, bicycle and pedestrian circulation; b) Utility route; c) Access to rear property parking; d) Reduction or

elimination of driveways from primary streets; e) Reduction of on-street parking; f) Improved access to greenways; g) Accessory Dwelling Unit (ADU) development opportunities; h) Café and retail opportunities in commercial areas; and i) Potential to improve stormwater absorption. Most of the alleys surveyed were used by the property owners for rear access to their properties and for parking. With the exception of two alleys; one with a dead-end and the other with a tree in the middle of the alley, the rest are bicycle and pedestrian accessible. Seven of the alleys surveyed provided increased access to potential ADUs.

Discussion:

The Council received a report about the proposed Alley and Paper Street Scoring Rubric at its April 15, 2019 meeting. The Council expressed support for the Scoring Rubric and the Neighborhood Development Services Department's proposal that alleys that score 1.5 or greater on the Scoring Rubric should not be closed.

The Council asked that staff present it with a Resolution adopting the Scoring Rubric at its May 6, 2019 meeting. Staff has prepared a Resolution and an updated Street and Alley Closing Policy for the Council's consideration.

Budgetary Impact:

There is no anticipated budgetary impact.

Alternatives:

Council could decline to adopt the Resolution and the Street and Alley Closing Policy.

Attachments:

Alley and Paper Street Closing Rubric
Proposed Resolution
Proposed Street and Alley Closing Policy

CITY COUNCIL PROCEDURES FOR CONSIDERATION OF APPLICATIONS FOR STREET OR ALLEY CLOSINGS

(Adopted _____, 2019)

Part One: Application

- (1) Application may be made to the Department of Neighborhood Development Services (“NDS”). The application shall be accompanied by the following:
 - (a) Application Fee, in such amount as may be specified within the most recent fee schedule approved by City Council, payable to the City of Charlottesville;
 - (b) Copy of the Subdivision Plat or other recorded instrument by which the street or alley was originally created, including Deed Book/Page Reference and date of recordation, and copies of any related deed(s) and plat(s) referring to the street or alley;
 - (c) A narrative description of why the street or alley closing is being proposed, and of what benefit(s) the Applicant is seeking to obtain as a result of the closure;
 - (d) List of all lots adjoining the street or alley proposed to be closed, and for each lot, the applicant shall provide: street address, City parcel identification number; name and mailing address of current landowner;
 - (e) Endorsements of the landowners of lots abutting the street or alley proposed to be closed. The Applicant must demonstrate that each of the abutting landowners was contacted at least ten (10) days prior to the Application date with a request for endorsement; if the Applicant fails to demonstrate this, the Application will be rejected. *(If some abutting landowners do not endorse the Application, or do not respond to the landowner’s contact(s), the Application may move forward for review and consideration so long as the Applicant provides evidence that each of the landowners whose signature does not appear on the endorsement Form was previously contacted by the Applicant regarding the proposed closing).*
- (2) NDS will reject any application that does not contain all of the required information and materials.

Part Two: Staff Review

- (1) When the Application is complete, NDS will arrange an appropriate City staff person to have responsibility for guiding the Application through the Staff Review and City Council process. This assigned staff member will be the single point of contact for the Applicant as well as all other City departments regarding the Application.

(2) NDS will circulate the application to all of the following, each of whom shall provide written comments to be included within the Council Agenda Memo Form, and will provide the calculation required by the Scoring Rubric, for his or her area of expertise:

- a. City Housing Coordinator
- b. City Traffic Engineer
- c. City Bicycle Pedestrian Coordinator
- d. City Planner
- e. Director of Parks and Recreation
- f. Director of Utilities

(3) After staff has completed its review of the Application:

- a. **If the Application receives a score of 1.5 or higher on the Scoring Rubric:** then the assigned Staff member will notify the Applicant, on behalf of City Council, that the Application is denied.
- b. **If the Application receives a score of less than 1.5 on the Scoring Rubric:** then the completed Council Agenda Form and Scoring Rubric may be referred to the Clerk of Council for scheduling of a public hearing date and to the City Attorney's Office for completion of final Council Agenda packet materials.

Part Three: City Council Consideration of an Ordinance

(1) Once an Application has been scheduled for a public hearing by the Clerk of Council, the City Attorney's Office will prepare a proposed Ordinance.

- a. Public notice of the scheduled public hearing shall be given in accordance with Virginia Code §15.2-2204. Staff will provide the Applicant with signs giving notice of the public hearing date for the Application. The Applicant shall post the signs and provide verification to Staff that the posting was done at least seven (7) days prior to the public hearing date.
- b. Any person may appear at the public hearing to speak in support of, or to object to, the proposed Ordinance.
- c. In its consideration of an Ordinance during its first reading (following the public hearing) City Council will give consideration to the following [in addition to any other matters Council may deem relevant]:
 - i. Will vacating the street or alley impede any person's access to his property, or otherwise cause irreparable damage to the owner of any lot shown on the original subdivision plat?

- ii. Are there any public utilities currently located in the area proposed to be vacated? If so, is the applicant offering to allow the City to reserve a public utility easement?
- iii. Will vacation of the street or alley result in an adverse impact on traffic on nearby public streets, or result in undesirable circulation conditions for vehicular movements in and through the subdivision?
- iv. Is a street proposed to be closed part of an established street that is owned by the City, or is a street depicted within the City's Comprehensive Plan as part of a public street network? If the answer to either question is "yes", then following Council's first reading of the Ordinance, the Application shall be referred to the Planning Commission for consideration at its next regular meeting following the date of Council's public hearing, as to whether the proposed street closing will be substantially in accord with the Comprehensive Plan). The Commission will act on the referral within 60 days of Council's first reading of the ordinance. (The Planning Commission is not required to conduct a public hearing).
- v. If the street or alley is currently owned by the City, and if the purpose of the proposed closing/ vacation is to accommodate expansion or development of an existing or proposed business, does City Council wish to condition the vacation upon commencement of the expansion or development within a specified period of time?
- vi. If the street or alley is currently owned by the City, does City Council desire staff to negotiate a purchase price with the Applicant and other abutting property owners?

(2) **An Ordinance approving the closing of a street or alley will require only one reading by Council, EXCEPT: any Ordinance for either of the following shall require two readings:**

- a. **An Ordinance proposing the vacation of a street or alley that is currently owned by the City will require two readings by City Council. The following steps shall be completed following Council's first reading of the Ordinance:**
 - i. The Ordinance and accompanying Staff Report will be referred to the Planning Commission for a Comprehensive Plan review in accordance with Virginia Code §15.2-2232. The Commission will act on the referral within 60 days of Council's first reading of the ordinance. (The Planning Commission is not required to conduct a public hearing);
 - ii. If Council has indicated a desire for the area to be purchased by abutting landowner(s), then the City Attorney's office shall contact the Applicant to negotiate a sales price prior to any second reading of the Ordinance;

- iii. If Council has indicated a desire to condition the vacation upon commencement of a development within a specified period of time, then prior to any second reading of the Ordinance Staff shall confer with the Applicant as to what amount of time is anticipated prior to commencement of the development activity;
 - iv. Prior to scheduling an Ordinance for a second reading and final action by City Council, the Clerk of Council shall verify with the City Attorney's Office that all matters contemplated to be set forth within a final Ordinance have been incorporated into a final draft Ordinance for Council's consideration.
- b. **An ordinance proposing the vacation of a street or alley that is depicted or referred to within the City's Comprehensive Plan as part of the City's public street network shall require two readings by City Council, regardless of whether or not the City currently owns or maintains the street or alley.**
- i. The Ordinance and accompanying Staff Report will be referred to the Planning Commission for a Comprehensive Plan review in accordance with Virginia Code §15.2-2232.
 - ii. The Commission will act on the referral within 60 days of Council's first reading of the ordinance. (The Planning Commission is not required to conduct a public hearing). Council's second reading may be scheduled anytime following the Commission's report of its findings on the Comprehensive Plan review.

Appeals

Va. Code §15.2-2272: when an Application presents matters within the scope of Virginia Code §15.2-2272, then an appeal may be taken to the Charlottesville Circuit Court from a City Council decision to **adopt** an Ordinance vacating a street or alley. Any such appeal must be filed within 30 days after City Council's final decision on the Application.

Va. Code §15.2-2272: when an Application presents matters within the scope of Virginia Code §15.2-2006, then an appeal may be filed within the Charlottesville Circuit Court within 60 days of the adoption of an Ordinance.

Attachments:

Scoring Rubric

Council Agenda Memo Format for Street/ Alley Closings

Adjacent Landowner Endorsement Form

**City of Charlottesville
Alley and Paper Street Scoring Rubric**

Alley:

Criteria	3	2	1	Raw Score	Weight	Weighted Score
Increase rear access for potential ADU	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] greater than 66%	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] Greater than 33% but less than 66%	[(Number of ADU* Possible or Existing) / (Number of Parcels) x 100] less than 33%		x 0.25 =	
Reduction of driveways from primary street	Parallel street that alley will act as an alternate route to has sidewalks and 30+% of properties have driveways	Has driveways and sidewalks on parallel street that alley will act as an alternative route	No sidewalks or driveways on parallel street that alley will act as an alternative route		x 0.2 =	
Bicycle and Pedestrian Circulation	Provides alternative route to existing route on street with AADT** > 1000	Alley acts as parallel route to existing route on street	Walkable		x 0.15 =	
Vehicular access to rear of lot	Through type alley	Dead end but drivable	Not drivable		x 0.1 =	
Reduction of on-street parking demand	Reduce 2 or more cars per block	Reduce 1 car per block	No reduction		x 0.1 =	
Greenway Connectivity	Alley connects to pedestrian route within 350' of recreation areas, parks, and trails	Alley connects to pedestrian route within 700' of recreation areas, parks, and trails	Alley does not connect with or route is greater than 700' of recreation areas, parks, and trails		x 0.1 =	
Utility route	Existing utilities	Through type alley without existing utilities or has overhead utilities crossing alley	Dead end alley without existing utilities		x 0.1 =	
Final Score (Sum of all weighted scores)						

ADU* Accessory Dwelling Unit
AADT** Average Annual Daily Traffic