AGENDA DATE: 11/4/2020

TITLE: Rio29 Form Based Code and Public Spaces

SUBJECT/PROPOSAL/REQUEST: Staff is seeking Board direction on long term maintenance and ownership of required civic spaces and street amenities within Rio29.

ITEM TYPE: Regular Information Item

STAFF CONTACT(S): Richardson, Walker, Filardo, Svoboda, Rapp, Falkenstein, Accardi, Brumfield

PRESENTER (S): Rachel Falkenstein, Principal Planner

LEGAL REVIEW: Not Required

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board adopted a resolution of intent directing staff to begin work on the Rio29 Form Based Code (FBC) on March 6, 2019. During 2019, staff developed a draft framework for the FBC based upon rigorous stakeholder and community engagement as well as staff research, which the Board endorsed on December 18, 2019. In 2020, staff has been working to develop the framework into a complete draft FBC that can be adopted into the County's Zoning Ordinance. This work has included collaboration with the Form Based Code Institute (FBCI) to conduct scenario modeling and a peer review of the draft ordinance language. Staff is continuing to refine the draft FBC document to prepare for Planning Commission review at an upcoming work session on November 17 and review by the Board at a December work session. The Community Development Work Program anticipates adoption of the Rio29 FBC in the first quarter of 2021.

STRATEGIC PLAN: Thriving Development Areas: Attract quality employment, commercial, and high density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

DISCUSSION: The importance of public spaces is emphasized throughout the Rio29 Small Area Plan. The Plan envisions a network of pedestrian-friendly streets complemented by urban parks and plazas. The Plan calls for these amenities to be vibrant, active, and sustainable public places (Attachment A). Consistent with the vision in the Rio29 Plan, staff has included requirements within the draft FBC to require civic spaces, streets, and street amenities such as landscaping, sidewalks, and street furniture with future development in Rio29. The importance of these public spaces and the corresponding regulations in the draft FBC have been validated through recent peer review feedback from the FBCI. FBCI reviewers emphasized the importance of public ownership of these urban amenities, to both help incentivize development and to provide quality control. Staff has also found that public ownership of these spaces is common practice amongst localities with contexts similar to the mixed-use future envisioned in the Rio29 Plan.

At this work session, staff is seeking Board direction on the long-term maintenance and ownership of the required civic spaces and street amenities within Rio29. Staff recommends that these spaces within Rio29 be publicly owned and maintained. Streets should continue to be publicly owned and maintained by VDOT, consistent with current practice, but street amenities that are outside of VDOT jurisdiction, which may include certain sidewalks, street lighting, landscaping, and street furniture, should be owned and maintained by the County. Similarly, staff is recommending that future civic spaces required to be built through the FBC, such as urban parks and plazas, be owned and maintained by the County. This model

will require a collaboration across County departments, including Community Development (CDD), Facilities and Environmental Services (FES), and Parks and Recreation to ensure proper maintenance, funding, and programming of these spaces.

It is expected that funding impacts will be incremental as development occurs over time and evaluated on a case-by-case basis. For the initial development proposals under the Rio29 FBC, staff recommends funding be set aside as development proposals are submitted for site plan review. CDD, FES and Parks & Rec staff will evaluate the costs of future maintenance for eligible public spaces shown on site development plans and request capital funds be set aside for future maintenance at that time. The time required for development review and construction will allow the Board time to allocate funding before the County takes over ownership and incurs any maintenance costs for the public facilities. As proposed, the public spaces will be designed in accordance with the requirements of the FBC and constructed by the private developer.

Long term, as a critical mass of development and public spaces are constructed, the County can evaluate other tools to ensure a sustainable revenue source. The establishment of service districts is an example of a financial tool that the County could consider, when the need or demand for such tools arises. More information on service districts is provided for the Board's information in Attachment B, but no decision on use of these programs is expected at this time.

Staff is seeking Board direction on maintenance and ownership of public spaces to draft regulations for the Rio29 FBC and is recommending that the specific resource needs for the ownership and maintenance of these public spaces be evaluated over time. Form-based codes are only one regulatory tool that can be used to achieve the vision of the Rio29 Small Area Plan. Staff and our internal partners, including the Economic Development Office, will continue to explore opportunities for implementation and anticipate an ongoing dialogue with the Board about how the County can be a partner in the reimagining of the Rio29 area.

BUDGET IMPACT: Resource needs are not expected in the current or upcoming budget cycles. Future costs associated with routine maintenance, cleaning, repairs, and replacement of facilities would be expected on an on-going basis, after the County commences ownership and maintenance of eligible public spaces.

RECOMMENDATION: Staff is seeking Board direction on staff's recommendation for the County to assume future ownership and maintenance of required civic spaces and street amenities within Rio29 after eligible spaces are constructed.

ATTACHMENTS:
A – Excerpts from Rio29 Small Area Plan
B – County Attorney Memo on Service Districts, 2/11/2019