REQUEST FOR COUNCIL ACTION

Date: Nov. 28, 2016

Item No.: 14.a

Department Approval

City Manager Approval

Para / Truggen

Item Description:

Hai & Callin

Review and Discuss Draft City of Roseville and Economic Development

Authority (EDA) Acquisition Framework

BACKGROUND

In 2016, the City Council/Economic Development Authority (EDA) articulated an active interest

- 3 in land purchases. The City Council/EDA considered four different properties for land
- acquisition in 2016. On June 21 the EDA agreed to repurpose dollars to develop both a public
- 5 financing policy and an acquisition framework. The City/EDA recently adopted a public
- 6 financing policy, and are now switching focus to property acquisition. On November 7 the City
- 7 Council received a presentation from Ehlers representatives, Jason Aarsvold and James Lehnhoff
- 8 outlining criteria consideration for an acquisition framework. Attachment A of this staff report
- 9 includes a draft acquisition framework that incorporated the feedback received from the City
- 10 Council. Formal adoption of the framework will need to be considered by both the City Council
- and Economic Development Authority.

12

- On November 7 the City Council asked for Ehlers and Staff to develop a mock acquisition
- 14 consideration that incorates the desired information outlined in the framework. A copy of this
- example will be available at the dais for review.

16 POLICY OBJECTIVE

- The policy objective would be to better develop a property acquisition framework to focus
- where, why, and when sites should be considered for acquisition. This objective came out of a
- priority setting discussion with the EDA in June of this year.

20 **BUDGET IMPLICATIONS**

No budget implications at this time.

22 STAFF RECOMMENDATION

23 Review draft acquisition framework and provide any feedback or suggestions.

24 REQUESTED COUNCIL ACTION

25 Review draft acquisition framework and provide any feedback or suggestions.

Prepared by: Kari Collins, Community Development Director

Attachments:

A: Draft Acquisition FrameworkB: November 7 Council Meeting Minutes

1 2 3 4 City of Roseville and 5 **Roseville Economic Development Authority** 6 **DRAFT - Acquisition Framework** 7 November 2016 8 9 10 11 **INTRODUCTION AND PURPOSE:** 12 The City of Roseville (the "City") and the Roseville Economic Development Authority 13 ("REDA") desire to promote effective and fiscally responsible development and redevelopment 14 15 within the community. Facilitating this development activity may from time to time require the City and REDA to consider participating in the acquisition of real property. In an effort to 16 17 ensure any involvement in a real estate transaction for development purposes is carefully considered, the City and REDA established this Acquisition Framework (the "Framework"). 18 19 The purpose of the Framework is to provide guidance and best practices as the City and REDA 20 consider the potential acquisition of property. There is no one formula that can decide on behalf of the community whether or not an acquisition should occur. Each decision will vary from 21 property to property depending on prior planning, community goals, location, and resources. 22 The Framework is a tool to ensure the City and REDA are considering some key questions 23 24 before acquiring property, such as: 25 26 Would a public acquisition align with community development and redevelopment 27 goals? Who should acquire property for development and redevelopment purposes? 28 29 What are the projected costs, benefits, and outcomes? 30 What are the potential risks and mitigation measures? 31 32 The intent is to ensure that policy-makers, staff and community members receive the information 33 they need to make informed and transparent decisions about the acquisition of property to 34 achieve Roseville's development goals.

Note: This Framework is not intended to replace Roseville's Lot/Sale Replacement Program

35

36 37 38

1 2 3 4 5 6 7 8	1.	
10 11		
12		
13		
14 15		
16		
17 18		
19 20 21 22 23	2.	
24 25 26 27 28 29 30 31 32 33		

1. PROPERTY ACQUISITION OBJECTIVES

- A. Participation by the City and EDA in the acquisition of property will occur only when there is a clear and demonstrable community benefit. Acquisition of property should further the following objectives:
 - 1. Advance an established goal or priority in the Comprehensive Plan or other adopted community plan.
 - 2. Provide site control beyond zoning to help achieve desired community outcomes.
 - 3. Assemble parcels for a larger redevelopment project.
 - 4. Expand and diversify the local economy and tax base.
 - 5. Encourage additional private development in the adjacent area, either directly or through secondary "spin-off" development.
 - 6. Remove blight to facilitate development and redevelopment.
 - 7. Facilitate the development process and promote investment in sites that could not be developed without assistance.
- B. Priority will be given to potential projects that accomplish multiple City and REDA's stated objectives.

2. ACQUIRING ENTITY

- A. The City and REDA will first strive to work with a private development partner to directly acquire property for identified development and redevelopment opportunities. The City and REDA's participation in this case may involve financial assistance consistent with the adopted Public Assistance Criteria and Business Subsidy Policy.
- B. When acquisition and development opportunities cannot be feasibly carried out by the private market, the City and REDA may acquire property directly. This direct acquisition must clearly meet identified objectives, provide significant community benefit, and adhere to provisions of the Framework.

3. <u>IDENTIFICATION OF COSTS AND RISKS</u>

- A. Information about the costs and potential risks shall be assembled prior to any decision to participate in the acquisition of property. This information shall include, but not be limited to:
 - 1. Estimated acquisition cost, including sale price as well as due diligence costs, consultant fees, and any other transaction costs.

42 43

34 35 36

37

38

39

40 41

- 2. An independent opinion of value, which shall in most cases include an appraisal. Depending on the size and scope of the project, other sources such as assessed value, broker price opinion, or comparable sales may be used.
- 3. Identification of other costs necessary for development or redevelopment of the property, such as: Relocation, demolition, environmental remediation, infrastructure needs, etc.
- 4. An estimate of holding costs that must be funded during ownership (e.g. maintenance, insurance).
- 5. Sources of funding to pay for acquisition, redevelopment, and holding expenses, including: Existing City or REDA funds, grants, etc.
- 6. An assessment of the site's marketability for development. This does not require a market study in all cases but may include outreach to the development community and brokers to understand the potential of the site and determine if reuse of the property in the near term is likely.
- 7. Identification of any other costs or risks specific to the particular property under consideration.

4. <u>IDENTIFICATION OF POTENTIAL BENEFITS AND COST RECOVERY:</u>

- A. City staff and consultants shall estimate the potential benefits, or cost recovery potential, associated with the acquisition of any property for development purposes. These are likely to include:
 - 1. The anticipated land resale price to the private market.
 - 2. Tax increment financing or tax abatement potential for a given proposed reuse of the site.
 - 3. Outside grant funding.
 - 4. Estimate of change in market value and tax collections.

5. GAP ANALYSIS AND ESTIMATE OF PERMANENT INVESTMENT:

- A. City staff and consultants shall prepare a "Gap" Analysis whenever the City or REDA purchase property directly. This analysis will compare all of the costs identified in Section 3 of the Framework against the potential opportunities for cost recovery identified in Section 4 of the Framework.
- B. If the anticipated costs exceed the estimated cost recovery, the project has a gap. If a gap exists, the project is not feasible without additional funding from other existing City or REDA sources.

1			Attachment A
1 2 3 4 5 6		C.	The City and REDA may choose to make a permanent investment and proceed with projects that have an estimated gap if they are of a high enough priority and will meet important community objectives. In these instances, the following must be identified:
7 8			1. The existing City or REDA source of funding that will provide the permanent (non-recoverable) investment the project needs.
9 10			2. A long-term plan to replenish the City or REDA funding used for this project. This may include a tax levy, fees, or some other source.
11 12 13 14	6.	COM	MUNITY ENGAGEMENT
14 15 16 17 18 19 20 21		A.	The City and REDA believe that proactive community engagement and public involvement are the cornerstone of successful development that meets community needs. The potential variety in scale and scope of each project makes a one-size-fits-all approach to community engagement difficult; however, the City and REDA commit to undertaking a community engagement process appropriate for each individual project.
22 23 24 25 26		В.	Prior to requesting Council Action for property acquisition, City staff will prepare a Community Engagement Plan for the proposed project. The Plan will be flexible and provide the ability to be responsive to projects of differing size and complexity. Each Plan will, at minimum, include:
27 28			1. The communications strategy to be employed related to the project (e.g. social media, website, direct mail, City newsletter, etc.)
29 30			2. Number and frequency of neighborhood meetings or open houses. Smaller projects may not necessitate such a meeting
31 32			3. Mechanisms for collection and dissemination of community member feedback.
33	7.	TIME	ELINE
34 35 36 37 38 39 40		A.	Facilitating development and returning properties to the tax rolls are primary drivers of City and EDA involvement in property acquisition. Consideration shall be given to the estimated timeframe in accomplishing this goal. Using the information gathered through the Framework process, staff should provide for Council and REDA consideration:
41			1. The potential closing date for the acquisition of property
42 43			2. The anticipated start date and completion date for any proposed development project related to the acquisition

44

1			
2 3			3. A contingency plan in the event the primary development strategy is not successful
4 5		В.	The City and REDA will not generally purchase property with the sole intent of land banking.
6 7 8	8.	<u>GEN</u>	ERAL PROPERTY INFORMATION
9 10 11 12 13		A.	City staff will assemble general information related to any properties considered for acquisition by the City or REDA. This information will provide basic background as the foundation for further investigation. This information will include:
14			1. Property location, size and current zoning
15			2. Current asking price, if known
16			3. Existing property use
17			i. Number of housing units or building square footage
18			ii. Businesses located on the premises
19			iii. Other improvements
20			4. Comprehensive plan designation and current land use
21			5. Surrounding land uses
22			6. Proximity to transit and other amenities
23			7. Proximity to existing public property
24			8. Proximity to transit and other amenities
25			9. Other information as appropriate
26			

b. Receive Presentation from Ehlers, Inc. and Discuss Criteria for Acquisition Framework

Mayor Roe welcomed Jason Aarsvold from Ehlers, Inc., who in turn introduced his colleague James Lehnhoff, who had just recently joined their firm and was also available at tonight's meeting.

Given the City Council's and Economic Development Authority's active interest in land purchases, including their consideration of four different properties for acquisition just this year, Mr. Aarsvold noted that they had agreed to repurpose dollars to develop both a public financing policy and an acquisition framework going forward. Mr. Aarsvold referenced Attachment A to the RCA of today's date to lead the discussion for criteria for such an acquisition framework, and to guide general feedback from the City Council for its development.

Mr. Aarsvold suggested the city consider four key questions as outlined in the preamble of the attachment. Subset questions for consideration in evaluation, even if varying from one property to another, were listed in Attachment A, with each category receiving feedback as outlined below.

Who should acquire property for development and redevelopment purposes?

Councilmember McGehee stated she favored both private developers and the city, seeing the city much more specifically involved if there was a community interest in the outcome; and whether there was specific direction from the community for financial participation or if there was insufficient control available through zoning to get the desired outcome for a city asset, or to assemble sites to move a development project forward.

Councilmember Willmus concurred with Councilmember McGehee on a combination of both depending on the desired outcome and community goals and risks involved.

Generally speaking, Mayor Roe stated he would default to the private developer; with concurrence by Councilmember Etten.

Mayor Roe stated he could agree to city or EDA involvement to meet city objectives or if involving a challenging site with benefits available if the city assembled the site if it wasn't organically developing, as long as those costs fell in line with the city's ability to acquire the property. However, Mayor Roe stated his preference by and large is that private developers do their own acquisition for a variety of reasons. Mayor Roe further stated his lack of interest in acquiring large sites and holding them for a long time, since those carrying costs could become a financial drain on the city unless that risk aversion-and its mitigation was identified ahead of time.

5

13

24

25

18

30

35 36

37 38 39

40

41

42

43 44 45

Mr. Aarsvold referenced the city's recent adoption of the Business Subsidy Policy that would serve to inform this additional feedback.

What is the purpose of acquiring the property? (e.g. Would a public acquisition align with community development and redevelopment goals)?

Similar to the Business Subsidy Policy, Councilmember Etten suggested a checkoff list. For example, while the city didn't like blighted properties, it couldn't acquire every blighted property in Roseville. But if it acquired a blighted property (e.g. SE Roseville), Councilmember Etten stated he would look for a policy without one single item as the magic bullet, but consisting of a few things checked off on a particular site before it became amenable to the city to acquire or assemble parcels, such as meeting redevelopment goals or by providing controls beyond existing zoning designation and uses.

Councilmember Laliberte agreed with Councilmember Etten, opining that was well stated.

Mayor Roe also agreed with Councilmember Etten's statement, referencing the criteria listed on Attachment A (Item 2) as a sensible first look at achieving the goal, with others available for potential assembly under that list of criteria. Specific to public uses, Mayor Roe opined that it was outside the purpose of this policy unless a public use is associated with a larger project goal and acquired as part of that. Mayor Roe further opined that park dedication was another way to acquire those properties (public uses as suggested in the "other" category).

Councilmember Etten suggested a bonus item on the bottom of the check-off list it could show criteria if a project met a public use as well as any other goals it achieved. However, Councilmember Etten stated he was not agreeable to purchasing parcels simply for that means alone.

Councilmember McGehee suggested moving "site control" above "blight" on the

From his perspective, Mayor Roe suggested "blight" could move far down on the

Councilmember McGehee suggested the goals need to be revisited by each sitting City Council.

Mayor Roe noted that the goal was to achieve one or more of these purposes, but suggested that while one priority may be less important than another priority, it could serve to inform future City Councils. Mayor Roe further suggested trying to achieve the City's goals, but not specifying what they those City goals are in this policy.

Identification of costs and risks (Best Practices)

Mr. Aarsvold highlighted "appraised value," "acquisition sources," and "marketability."

Councilmember Willmus opined that he didn't know if any one of these criteria should be set aside, and that he found them all to be quite important. For instance, Councilmember Willmus stated that he'd advocate for appraisals on the front end to provide a better indication of other related costs of a project. Councilmember Willmus stated he felt strongly about appraisals before acquisition, as well as determining what projected holding costs might be.

Councilmember Etten agreed with Councilmember Willmus for appraisals prior to acquisition, noting they had proven helpful in past decision-making. However, Councilmember Etten stated he would have a low willingness to purchase a parcel exceeding its appraised value. Specific to holding costs, and long-term maintenance, Councilmember Etten stated it depended on whether it was a vacant parcel or if existing buildings were on the site and what long-term maintenances costs would involve unless the city was confident of an immediate sale without added maintenance costs. Regarding demand for future use, Councilmember Etten opined it was important to look at the market prior to any acquisition.

Councilmember Laliberte stated her agreement with Councilmembers Willmus and Etten: that appraised value should be found upfront, as well as other potential costs, providing a representation of the entire city investment. Specific to demand for future use, Councilmember Laliberte stated the importance of how the city foresaw the future use versus what the public or developer saw for that particular acquisition.

Councilmember McGehee suggested the holding costs take into consideration the costs of holding the property off the tax rolls for the duration. While not being a big believer in market studies, Councilmember McGehee suggested instead using the considerable development acumen around the community, depending on the size of the project, but if small to rely on the city's and public's judgment versus the cost of an appraisal and/or market study.

Mayor Roe stated his agreement Councilmember McGehee's comments. However, on the market study side, Mayor Roe noted the city may have already commissioned a study (e.g. housing market study) on the broader demand, but not a project-specific study that could also help inform a project, and serve as a reliable source of information. On the other hand, Mayor Roe stated he'd seen other communities holding land for a long time because their goal was for a specific use, even though the market was not agreeing with that initial goal. Mayor Roe stated he wasn't willing to risk such a venture just for the desire of the community at a given time, while note being a realistic goal for the community. Mayor Roe stated he wasn't sure he was willing to acquire parcels without a good understand-

ing of turning it around quickly. However, Mayor Roe noted that made market studies even more informative and important in those types of situations.

Identification of potential benefits

In this category, Mr. Aarsvold highlighted "resale potential of land for development" and "change in market value and tax collection" criteria.

Councilmember McGehee stated she wasn't a strong proponent of changing a project, design or goal simply to achieve grant eligibility. Councilmember McGehee stated grants by their very nature are not guaranteed, and their requirements may not fit the goal, making structuring a project not worth if the idea and market are already in place.

Mayor Roe clarified unless the grant already aligns with a goal the city is seeking.

Councilmember McGehee agreed if it met other desired benefits or satisfied some need or goal in the community.

Councilmember Laliberte agreed with Councilmember McGehee in that the project itself should be the driver of what's marketable versus trying to make the project fit the grant.

Referencing the earlier County Assessor presentation tonight, Mayor Roe suggested criteria when looking at impacts (e.g. TIF) valuation changes outside the borders of the project itself and how that might impact the ability to collect taxes to pay for services during the TIF District timeframe. Mayor Roe stated the reason this came to mind even before tonight was based on the Chapter 429 assessment process and appraisal of the increased value was to justify the assessment. Mayor Roe suggested a similar concept in analyzing impacts toward the goal of redevelopment and value on a site as well as for adjacent sites, especially tradeoffs in considering the use of TIF and whether or not that tool can be used or would prove beneficial for the bigger picture from a neighborhood and/or regional impact.

Gap analysis and estimate of permanent investment

Councilmember Etten noted that the former HRA and new REDA had acquisition funds available, and suggested they be considered in future levies, but not in 2017 due to other levy increases in play. However, Councilmember Etten suggested money be available to allow the city the flexibility to take action if and when appropriate, as well as other funding sources or in addition to them, if the city intended to have a role in redevelopment sites.

Councilmember McGehee agreed with Councilmember Etten, but suggested other ways were needed to build that fund other than the levy, unless a highly specific need was identified and willingness to leave some funds available. Councilmem-

ber McGehee clarified that, from her perspective, this meant more than simply getting its initial investment back from an acquisition.

Specific to the last part of Councilmember McGehee's comment, Councilmember Etten suggested including as part of the check-off boxes when acquiring property whether or not the city was willing to take a loss to meet a specific goal depending on the community benefit or if making a profit was a goal.

Councilmember McGehee opined the city had already agreed on that in their commitment to keeping EDA funds solvent. However, Councilmember McGehee opined there were other ways to fund the EDA beyond levy support.

Mayor Roe noted one possibility may be revenue supported bonds depending on a particular project.

As a point of clarification, Mr. Aarsvold sought a response to a philosophical question he had heard for projects with a high degree of need, and spending down funds. However, Mr. Aarsvold asked if that included a strategy for the city to replenish those funds through increasing the EDA levy or by another means if/as identified.

The response from the body was "yes," The council concurred in that understanding.

Mayor Roe suggested if the gap couldn't be filled, a legitimate outcome of the project review would include whether or not other funds were available to proceed with the project at all.

Community engagement and planning

Mr. Aarsvold highlighted engaging the community as a City Council priority similar to that expressed in the Business Subsidy Policy discussion. However, Mr. Aarsvold asked their preferred timing for that engagement, whether prior to acquisition, once the development is proposed, or not required at all. Mr. Aarsvold noted this would address City Council expectations for the framework and provide direction to city staff.

Mayor Roe opined that, if acquisition was for a single-family property, he wouldn't anticipate as much community engagement. But beyond that, Mayor Roe stated that if acquiring parcels for a project, he'd want public input early on and often. Mayor Roe referenced the Dale Street Fire Station project as an example of early involvement made the project more successful for the neighborhood.

Councilmember Willmus agreed with Mayor Roe on "early on and often."

Councilmember Laliberte agreed with the criteria in general, but asked that the city be mindful that when previous planning efforts had happened prior to acquisition (e.g. Parks Master Plan), new community engagement should not supersede that prior work and priorities, but could serve to enhance it.

Mayor Roe agreed that recognition of vintage previous engagement was important.

Councilmember McGehee also agreed with comments thus far, while noting that things and neighborhoods changed; and while it was nice to have that old planning, it may not represent those now having a role to play. Councilmember McGehee agreed with Mayor Roe that community engagement was relevant to the size or type of project, whether single-family or a larger project. Councilmember McGehee opined this included other criteria such as tax implications city wide, not just for the immediate neighbors, and if a larger project would require more community engagement to the greatest extent possible, and beyond the 500' notice area for land use items, but to allow a broader slice of the public to be aware of it and provide feedback.

Mayor Roe suggested the City Council provide direction and use its discretion in determining the engagement process upfront, not in the middle of a project.

Councilmember Etten stated he would double down on that with it being a citywide issue, not only local, and to allow time to step back and gather that feedback on the bigger picture. Councilmember Etten questioned whether the Dale Street project and HRA acquiring land to assemble served the community well in engaging them in that part of the process. In that case, however, Councilmember Etten opined that once the development was proposed, the community was engaged and perhaps that was more appropriate rather than prior to acquisition. Councilmember Etten suggested that may be part of the City Council's decision-making and discretion as a development is put together with the goal to include the community upfront, while also being mindful of the guidance of the comprehensive plan, redevelopment goals and other city goal documents as adopted versus making those decisions at the community level.

In the case of the Dale Street project, Mayor Roe noted the significant ownership of a significant portion of that land by the city and not requiring all parcels to be acquired.

Specific to apartment construction and deciding on a location and amenities to entice a younger segment in the community, with a defined area close to transit, Councilmember McGehee suggested that could be a specific goal as well.

Mayor Roe suggested that the bigger the plan, the earlier community engagement.

Timeline

31 | Mr. Aarsvold highlighted "when future use would be implemented;" and "what was a realistic timeline."

Consensus was that this would be determined to the best of staff's ability; and reiterating that the larger the investment the shorter the timeframe.

General property information assembled for potential acquisition? (Best Practices)

Mayor Roe opined that the entire list made sense, and suggested adding under "other," the "adjacency to current or future transit and pedestrian amenities," eur rently not covered in the comprehensive plan guidance.

Councilmember Laliberte stated it was important from her perspective to realize what was currently on the property and any demolition or other costs related to or subsequent to the acquisition (also noted under Item #3).

Next Steps

Mr. Aarsvold thanked the City Council for this informative feedback, advising that it would be incorporated into the next draft iteration and to reflect any remaining questions for further review and consideration at a future meeting. Mr. Aarsvold noted this next discussion was scheduled for the November 28, 2016 City Council meeting to address any remaining questions and to finalize the document prior to adoption.

As part of that next presentation, Councilmember McGehee asked staff to put together a fake first pass or example of a fictitious or past project that the criteria could be applied to as part of the review process and to determine if anything was missing in the initial analysis of a property's acquisition.

Without objection, Community Development Director Collins duly noted that request for additional information.

Recess

Mayor Roe recessed the meeting at approximately 8:16 p.m., and reconvened at approximately 8:23 p.m.

12. Public Hearings and Action Consideration

a. Request for Approval of a Minor Subdivision of Commercial Property (PF16-030)

Senior Planner Bryan Lloyd briefly summarized the RCA of today's date and a sketch plan of existing and proposed easement perimeters identified in accordance with current subdivision code language. Mr. Lloyd advised that staff recommended approval subject to those conditions as listed in lines 68-79 of the RCA.