

CITY COUNCIL AGENDA
Tuesday, February 19, 2019



6:30 p.m.

Regular Meeting - CALL TO ORDER
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

1. CONSENT AGENDA* (Items removed from consent agenda will be considered at the end of the regular agenda)

- a. Minutes – February 4, 2019 Regular Meeting; February 6, 2019 Work Session; February 6, 2019 Closed Meeting
- b. APPROPRIATION: Dockless Mobility Funds for Bicycle and Pedestrian Improvements - \$50,575 (1st of 2 readings)
- c. APPROPRIATION: Capital Fund Transfer for Completion of the Standards and Design Manual Rewrite - \$66,680 (1st of 2 readings)
- d. RESOLUTION: Acquisition of 142 acres on Reservoir Road from Hedgerow Holdings (1st of 1 reading)
- e. ORDINANCE: Lease for Albemarle-Charlottesville Historical Society at 200 2nd Street, NE (2nd of 2 readings)
- f. ORDINANCE: Increase in Limit for Small Purchase Procurement (2nd of 2 readings)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS Public comment is provided for up to 16 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 8 spaces, and pre-registered speakers are announced by noon the day of the meeting. The number of speakers is unlimited at the end of the meeting.

- 2. PUBLIC HEARING RESOLUTION*:** Approval of 2018-2022 Analysis of Impediments to Fair Housing Choice Report (1st of 1 reading)
- 3. PUBLIC HEARING ORDINANCE*:** Rezone 918 Nassau Street (Hogwaller Farm) to Mixed Use Highway Corridor (1st of 2 readings)
- 4. PUBLIC HEARING RESOLUTION*:** Special use permit for 918 Nassau Street (Hogwaller Farm) for increased density (1st of 1 reading)
- 5. PUBLIC HEARING ORDINANCE*:** Encroachment and Aerial Easement from City for CODE Building on West Main (Mall) (1st of 2 readings)
- 6. RESOLUTION*:** Business Equity Fund - \$100,000 Allocation (1st of 1 reading)
- 7. REPORT:** Update on Cherry Avenue Small Area Plan
- 8. REPORT:** Next steps in ABRT Process / Priority Setting Commission – *Written Report Only*

OTHER BUSINESS MATTERS BY THE PUBLIC

*ACTION NEEDED

GUIDELINES FOR PUBLIC COMMENT

**We welcome public comment;
it is an important part of our meeting.**

**Time is reserved near the beginning and at the end of each
regular City Council meeting for public comment.**

Please follow these guidelines for public comment:

- Each speaker has **3 minutes** to speak. Please give your name and place of residence before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them. **Speaking from the audience is not permitted** without first being recognized by the Chair.
- Please **refrain from using obscenities**.
- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- If you cannot follow these guidelines, you will be asked to leave City Council Chambers and will not be permitted to re-enter.

NOTICE OF REGULAR MEETING

THE REGULAR MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Monday, February 4, 2019, at 6:30 p.m. in the Council Chambers, 2nd Floor, City Hall, 605 E. Main Street, Charlottesville, Virginia.

BY ORDER OF THE MAYOR

BY Kyna Thomas

COUNCIL CHAMBER - February 4, 2019

ROLL CALL

Council met in regular session on this date with the following members present: Dr. Wes Bellamy, Vice Mayor Heather Hill, Mayor Nikuyah Walker, and Ms. Kathy Galvin; Mr. Mike Signer joined meeting at 6:34 p.m.

Ms. Walker welcomed Kyna Thomas as the new City of Charlottesville Chief of Staff/Clerk of Council.

ANNOUNCEMENTS / PROCLAMATIONS

Ms. Hill announced that the Theatre CHS presents “Mama Mia” on February 15, 16, and 17 with showtime on Friday and Saturday at 7:30 p.m. and Sunday at 3:00 p.m. All performances take place at the MLK Performing Arts Center.

Dr. Bellamy announced on behalf of Council the kickoff of African-American History Month with a Proclamation, which was presented to the young men and women of Dream Diamonds and Dream Clothing for their work in the community. They were commended for their back to school bash in the park on August 12, 2017, where they provided over 250 bookbags with school supplies to those in need, followed up by an annual toy drive in December 2017. Accepting the proclamation was Mr. Robert Gray of Dream Diamonds, who gave remarks. Ms. Walker added that during the chaos of August 12, 2017, coordinators of the back to school bash decided to continue with the event and took measures to make sure those attending in the park felt and were kept safe to enjoy the event.

Ms. Walker made announcements regarding the NAACP schedule of events:

- February 11, 7:00 p.m. - Branch meeting. Professor John Mason from UVa will be there. Topic: local African-American history, including the relationship between the community and UVa.
- February 17, 4:00 p.m. - Founders’ Day celebration at Zion Union Baptist Church, 1015 Preston Avenue.
- February 23 - Jazz Jamboree at the Center, 491 Hillsdale Drive.

CONSENT AGENDA

Ms. Thomas read the following Consent Agenda items into the record:

a. Minutes – January 22, 2019 Regular Meeting; January 23, January 30, and January 31, 2019 Work Sessions

[Minutes - January 22, 2019 Regular Meeting](#)

[Minutes - January 23, 2019 Work Session](#)

[Minutes - January 30, 2019 Joint Meeting with Albemarle Supervisors](#)

[Minutes - January 31, 2019 Work Session](#)

b. APPROPRIATION: Grant for bicycle and pedestrian improvements at Monticello Ave/Ridge Street and Monticello/2nd Street - \$547,730 (2nd reading)

[Grant for bicycle and pedestrian improvements at Monticello Ave/Ridge Street and Monticello/2nd Street](#)

WHEREAS, the Bicycle and Pedestrian Safety Program (BPSP), provides Federal funding for intersection improvements that target the reduction in the number and severity, or the risk of and exposure to crashes, and has awarded the City of Charlottesville \$547,730 for such improvements; and

WHEREAS, the BPSP program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify; and

WHEREAS, the City desires to fund design with local CIP to accelerate project implementation to align with scheduled roadway maintenance;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$209,500	Fund: 426	WBS: P-01006	G/L Account: 430120
\$338,230	Fund: 426	WBS: P-01007	G/L Account: 430120

Expenses

\$209,500	Fund: 426	WBS: P-01006	G/L Account: 519999
\$338,230	Fund: 426	WBS: P-01007	G/L Account: 519999

c. APPROPRIATION: Housing Opportunities for People with AIDS/H.I.V. - \$213,012 (2nd reading)

[Housing Opportunities for People with AIDS/H.I.V.](#)

WHEREAS, The City of Charlottesville, through the Department of Human Services,

has received the H.O.P.W.A. Grant from the Virginia Department of Housing and Community Development in the amount of \$213,012;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$213,012 is hereby appropriated in the following manner:

Revenues

\$213,012 Fund: 209 IO: 1900322 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$213,012 Fund: 209 IO: 1900322 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$213,012 in funds from the Virginia Department of Housing and Community Development.

- d. **APPROPRIATION: Employment for Temporary Aid to Needy Families (TANF) Grant - \$66,623.53 (2nd reading)**

[Employment for Temporary Aid to Needy Families \(TANF\) Grant](#)

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Social Services in the amount of \$56,630 requiring a \$9,993.53 in local in-kind match provided by the Office of Economic Development through the Workforce Investment Fund; and

WHEREAS, the funds will be used to support workforce development training programs provided by the Office of Economic Development; and

WHEREAS, the grant award covers the period from January 1, 2019 and June 30, 2020;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$66,623.53 is hereby appropriated in the following manner:

Revenue – \$56,630

\$56,630 Fund: 209 IO: 1900284 G/L: 430120 State/Fed pass thru

\$56,630 Fund: 209 IO: 1900284 G/L: 498010 Transfers from Other Funds

Expenditures - \$66,623.53

\$66,623.53 Fund: 209 IO: 1900284 G/L: 599999 Lump Sum

Transfer From - \$9,993.53

\$9,993.53 Fund: 425 WBS: P-00385 G/L: 561209 Transfer to State Grants

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$56,630 from the Virginia Department of Social Services and the matching in-kind funds from the Office of Economic Development through the Workforce Investment Fund.

- e. **APPROPRIATION: Home to Hope Peer Navigators Funding - \$405,000 (2nd reading)**

[Home to Hope Peer Navigators Funding](#)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$30,000 is hereby transferred for to the GO Peer Support Training Program from currently appropriated funds in the Council Priority Initiatives Fund in the General Fund as follows:

Transfer From:

\$30,000 Fund: 105 Cost Center: 1011001000 G/L Account: 599999

Transfer To:

\$30,000 Fund: 213 Cost Center: 3411001000 G/L Account: 599999

\$30,000 Fund: 213 Cost Center: 3411001000 G/L Account: 498010

BE IT FURTHER RESOLVED that the sum of \$375,000 is hereby transferred for to the Home to Hope Peer Navigator Unit (\$275,000) and the Flexible Funds for Practical Needs (\$100,000) programs from currently appropriated funds in the Equity Fund in the General Fund as follows:

Transfer From:

\$375,000 Fund: 105 Cost Center: 1011001000 G/L Account: 599999

Transfer To:

\$375,000 Fund: 213 Cost Center: 3411001000 G/L Account: 599999

\$375,000 Fund: 213 Cost Center: 3411001000 G/L Account: 498010

- f. **RESOLUTION: Funding for Summer Clerk for Commonwealth's Attorney Office - \$12,000**

[Funding for Summer Clerk for Commonwealth's Attorney Office](#)

Commonwealth's Attorney Summer Law Clerk – Transfer of Funds \$12,000

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that funding from the City Council Strategic Initiatives account is transferred to the Commonwealth Attorney's budget for the summer law clerk internship position in the following manner:

Transfer From;

\$12,000 Fund: 105 Cost Center: 1011001000 G/L Account: 599999

Transfer To

\$12,000 Fund: 105 Cost Center: 1401001000 G/L Account: 519999

g. RESOLUTION: Designate Friendship Court Site as a Revitalization Area

[Designate Friendship Court Site as a Revitalization Area](#)

**Revitalization Area Certification for Friendship Court
Parcel Number: 280112000**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that Friendship Court is located within a Revitalization Area, defined by the Virginia Housing Development Authority as any area that 1) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

h. RESOLUTION: Designate Crescent Halls Site as a Revitalization Area

[Designate Crescent Halls Site as a Revitalization Area](#)

**Revitalization Area Certification for Crescent Halls
Parcel ID: 280218000**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that Crescent Halls is located within a Revitalization Area, defined by the Virginia Housing Development Authority as any area that 1) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

i. RESOLUTION: Designate South First Street Site as a Revitalization Area

[Designate South First Street Site as a Revitalization Area](#)

**Revitalization Area Certification for South 1st Street
Parcel ID: 260115000**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the South 1st Street site is located within a Revitalization Area, defined by the Virginia Housing Development Authority as any area that 1) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

- j. ORDINANCE: Approve Amendments to CACVB Operating Agreement (2nd reading)**

[Approve Amendments to CACVB Operating Agreement](#)

AN ORDINANCE TO AMEND THE AGREEMENT TO OPERATE A JOINT CONVENTION AND VISITORS' BUREAU

- k. ORDINANCE: Increase in Limit for Small Purchase Procurement (Carried)**

[Increase in Limit for Small Purchase Procurement](#)

Mayor Walker opened up the floor for comment on the Consent Agenda.

Ms. Anna Mendez, Executive Director for Partner for Mental Health, spoke to request that Council locate the Home to Hope program with a community agency that is already providing peer navigation in Charlottesville. She advised that peer support is a Medicaid billable service and the Home to Hope program could be structured to have Medicaid cover the cost of service, rather than using City funds.

Mr. Eddie Harris, resident, spoke in support of keeping the Home to Hope program in the City. He advised that the program should be given the chance to fail or succeed on its own merits, not connected to another agency.

Dr. Bellamy echoed Mr. Harris's statements and gave more context around the items "g", "h", and "i", as steps toward affordable housing. He also thanked PHAR (Public Housing Association of Residents), the Housing Authority, and the Redevelopment Committee.

Ms. Walker spoke about revitalization areas, and asked for caution with phrasing and terminology when speaking about the makeup of neighborhoods. She voiced support for CACVB (Charlottesville Albemarle Convention and Visitors Bureau), but questioned the diversity of the CACVB.

Dr. Bellamy recognized Ms. Jennifer Stieffenhofer from the City's Procurement Department and the Minority Business Task Force, who helped with item "k", which he says will have a direct positive impact on minority business within the City of Charlottesville.

Ms. Hill spoke to the Home to Hope item, and recommended leveraging local partnerships.

On motion by Ms. Galvin, seconded by Dr. Bellamy, the CONSENT AGENDA was APPROVED 5-0. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

Mr. Murphy followed up on the pilot rerouting of the trolley Downtown. Signage will be needed because it will be necessary to reverse the flow of traffic on 1st and 2nd Streets, and eliminate parking. Mr. Murphy stated that the pilot is for demonstration purposes to verify the turning radius as well as whether it is possible to execute as planned.

COMMUNITY MATTERS

Ms. Donna Shaunesey, 1003 Birdwood Rd, of the Piedmont Group of the Sierra Club spoke about climate change.

Mr. Charles Kendig, City resident, shared information about Milton Hershey School.

Ms. Kate Fraleigh, City resident, spoke on behalf of the People's Coalition about criminal justice, specifically about the disproportionate minority contact in every area of the justice system. She noted City Council's creation of the Civilian Review Board and Chief Brackney's frequent attendance at City Council meetings as positive steps to bringing about change.

Mr. Michael Payne, City resident, spoke regarding funding challenges and the need to prioritize full funding for redevelopment of public housing, redevelopment of Friendship Court and a comprehensive affordable housing strategy. He encouraged Council to consider a 1-2 cent tax increase. He also spoke about climate change and the need to divest from fossil fuels as well as focus on an environmental movement that incorporates class and race.

Ms. Katrina Turner spoke about a police incident that occurred on this past Friday, involving her son. She also advised that she has not received a letter promised from the Chief of Police. She expressed concern that she has not received follow-up on her complaint against the Chief of Police from a month ago.

Ms. Mary Carey, City resident, discussed a conversation that she had with Interim City Manager Mike Murphy, regarding transportation and the trolley. She has been awaiting a call from the Transportation Department.

Ms. Tanesha Hudson spoke about: 1) police complaint follow-up and asked Mr. Murphy to look into complaints not responded to since the events of August 12, 2017; 2) the lack of benches and seats on the downtown mall, thus impacting the diversity of mall visitors served; and 3) hypocrisy in some people who did not in the past think that Dr. Bellamy should resign from City Council, now saying that Governor Northam should resign.

Ms. Joanie Freeman and the Green Grannies of Charlottesville sang a song encouraging climate change proactivity.

Mr. David Redding with Eco Village Charlottesville talked about the effects that climate change will have on low income people. He encouraged offering more apartments to keep housing affordable and reduce carbon output.

Mr. John Edward Hall, Fry's Spring neighborhood, suggested that Council consider continuing Charlottesville Area Transit Bus 5 to the Forest Lakes Shopping Center and that Albemarle County should help fund. He spoke about portraits of Heather Heyer and Susan Bro that he believes should be placed in City Hall.

Mr. Brandon Collins, City resident, spoke about Vinegar Hill and Crescent Halls, and public housing connectivity. He encouraged a new approach to redevelopment of these areas and encouraged personal investment of resources, support and time in redevelopment.

Ms. Star Peterson, Fifeville resident, demanded that the police officers who interacted with Tim Porter on Friday be held accountable and that Katrina Turner's complaint against Chief Brackney be addressed immediately. She asked for full funding of public housing, and for full backing of the community summer unity events now and every summer. She also asked to rid all street names related to Thomas Jefferson.

Ms. Shawn Harris, City resident, spoke in opposition to the proposed resolution to rename Preston Avenue, offering historical context to express the importance of telling the truth of history, and she acknowledged the contributions of Ms. Asalie Minor Preston and other notable community pillars.

Mr. Roy Van Dorn, of City Select, member of the Downtown Business Association and Virginia Restaurant Travel and Lodging Association, asked about benches for the downtown mall. He also asked Council to preserve the Transient Occupancy Tax for the Charlottesville and Albemarle Convention and Visitors Bureau (CACVB), advising that the CACVB is underfunded compared to peer cities.

Ms. Nancy Carpenter, City resident, spoke in support of benches for the downtown mall. She also discussed the housing issues that affect people's ability to pay for housing and gave information about an eviction diversion pilot program in Richmond.

Dr. Bellamy asked for Mr. Murphy to follow up with the Board of Architectural Review

(BAR) regarding downtown mall benches. Mr. Murphy gave his recollection of the history of the decision to remove/not install benches downtown. He advised that he will follow up with staff.

Ms. Galvin recollected that funding had been allocated last year for a cultural landscape plan for the downtown mall, which would include items like benches. With staffing changes now may be a good time to revisit and get an update on the plan.

Mr. Paul Long, 100 Ridge Street, spoke of recent press coverage of Governor Northam's pictures from his medical school yearbook, and asked Council to pass a resolution asking the Governor to resign.

Ms. Galvin shared that the Democratic Party Committee of Charlottesville voted on a resolution demanding that Governor Northam resign.

Ms. Walker gave comments on the Governor Northam coverage. She encouraged a deeper look into everyday policies to address oppression, and said that people should not be surprised by the photos.

Ms. Walker called a fifteen minute recess.

The meeting reconvened at 8:13 p.m.

PUBLIC HEARING / RESOLUTION*: SPECIAL USE PERMIT FOR 901 RIVER ROAD

[Special Use Permit for 901 River Road](#)

Mr. Matt Alfele, City Planner, came forward to introduce the item. The request is to allow for an increased residential density with a self-storage company. This item was discussed at the Planning Commission meeting of January 8, 2019, and Planning Commission voted 6-0 to recommend approval with conditions.

Mr. Justin Shimp, engineer for the project, gave an overview presentation.

Ms. Galvin asked what would be the guarantee that the final product will look like the renderings. Mr. Alfele advised that City Council could include project materials in the resolution. City Attorney John Blair directed Council's attention to wording in Condition #1 – "will be consistent with the representations and details presented by the landowner within the Application, including, without limitation: the SUP Conceptual plan for 901 River Road dated October 23, 2018." Ms. Galvin asked what the residents would see as the rear elevation, and was satisfied with the rendering shown by Mr. Shimp. In response to a question from Ms. Galvin, Mr. Shimp estimated approximately six jobs would be created.

Mayor Walker asked about the affordable housing component and Mr. Shimp advised that there are no conditions for this project regarding affordable housing, so the project will be all market-based housing.

Ms. Galvin expressed concern that there is not affordable housing component with this project.

Mayor Walker opened the public hearing. With no one present who wished to speak, the public hearing was closed.

On motion by Dr. Bellamy, seconded by Ms. Hill, with friendly amendment by Ms. Galvin accepted, the Special Use Permit for 901 River Road was APPROVED 4-1. (Ayes: Dr. Bellamy, Ms. Hill, Mr. Signer, Ms. Galvin; Noes: Ms. Walker)

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
FOR A MIXED USE DEVELOPMENT AT
901 RIVER ROAD**

WHEREAS, landowner Go Store It River, LLC has applied for a special use permit (“Application”) for property having an address of 901 River Road, further identified on City Tax Map 49 as Parcel 98, having an area of approximately 95,963 square feet in area (2.203 acres) (hereinafter, the "Subject Property"); and

WHEREAS, the Subject Property is zoned "IC" (Industrial Corridor Mixed Use District); and

WHEREAS, pursuant to City Code §34-458 and §34-480, the purpose of the requested special use permit is to allow construction of a specific mixed use development within the Subject Property consisting of two buildings and related parking and amenities (the “Project”), more specifically: **(i)** a 4-story building having 62,000 square feet of gross floor area containing more than 50 residential dwelling units together with retail and/or restaurant uses and an accessory office space, with at least 1,500 square feet of ground floor space fronting on River Road being devoted to retail uses and up to 140 additional square feet which may either be used as an accessory office or for additional retail and/or restaurant use; and **(ii)** a 4-story self-storage building containing approximately 61,000 square feet of gross floor area. Said Project is more particularly described within the materials accompanying City application number SP-18-00010; and

WHEREAS, a public hearing on the this Application was held before the Planning Commission on January 8, 2019, following notice to the public and to adjacent property owners as required by law; on that date the Planning Commission reviewed the Application materials and staff’s analysis thereof (including the provisions of City Code §34-157), considered public comments received, and voted to recommend to City Council that the proposed Project could be approved under certain suitable regulations and safeguards; and

WHEREAS, this City Council has conducted an additional public hearing on this Application, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, based on the representations, information, and materials included within the Application, and upon consideration of the information and analysis set forth within the Staff Report, consideration of the factors set forth in City Code §34-157, consideration of the recommendations of the Planning Commission, and consideration of the comments received at each of the public hearings, this Council finds that the Project is appropriate in the location requested and may be approved subject to suitable regulations and safeguards;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, **THAT** a Special Use Permit is hereby granted to authorize the construction of the Project on the Subject Property, subject to the following conditions:

1. Any proposed final site plan for the Project, and all construction plans for the buildings within the Project, will be consistent with the representations and details presented by the landowner within the Application, including, without limitation: the SUP Conceptual plan for 901 River Road dated October 23, 2018 and the landowner's presentation to the Charlottesville City Council at its February 4, 2019 meeting.
2. The residential density within the Subject Property shall not exceed twenty-five (25) dwelling units per acre, calculated with respect to the entire area (95,963 square feet) of the Subject Property.
3. Use of the Subject Property shall be limited to the specific uses referenced within the Application for this Special Use Permit; no other use(s) shall be established unless the landowner first obtains an amendment of this Special Use Permit authorizing the inclusion or substitution of other use(s). The buildings authorized for this Mixed Use Project are **(i)** one 4-story mixed-use building containing approximately 62,000 square feet of gross floor area containing more than 50 residential dwelling units and at least 1,500 square feet of ground floor space fronting on River Road devoted to retail and/or restaurant uses ("mixed-use building") and up to 140 square feet of additional space for an accessory office or additional retail/ restaurant space; and **(ii)** one 4-story self-storage building containing approximately 61,000 square feet of gross floor area ("self-storage building").
4. Amendment of this special use permit shall be required, prior to: **(i)** decrease of the gross floor area (GFA) devoted to retail and/or restaurant uses below 1,500 square feet; **(ii)** increase in the GFA of the accessory office within the mixed use building by more than three percent (3%), **or (iii)** change in the total GFA of the mixed-use building or the self-storage building by more than three percent (3%) of the GFA referenced in condition 3, above.
5. The Project shall be constructed as a single phase development. The self-storage building shall not be used or occupied prior to completion of the mixed-use building.

6. As part of the development of the Project, the landowner will construct sidewalk improvements along River Road and Belleview Avenue, to include connections to existing sidewalk networks on the following adjacent properties: Tax Map 49 Parcel 99 and Tax Map 49 Parcel 95. The landowner shall present plans for the sidewalk improvements to the City's Bicycle and Pedestrian Coordinator, ADA Coordinator, and City Engineer for their review and approval, prior to official submission of any final site plan for the Project, and the approved plans for the sidewalk improvements will be included as part of any proposed final site plan(s) for the Project. The sidewalk improvements along Belleview Avenue will be designed in accordance with the City's Streets That Work design guidelines, and will be constructed as a standard five-foot wide sidewalk which connects smoothly to existing sidewalks; further, the sidewalk improvements shall be designed and constructed to allow for on-street parking on the south side of Belleview Avenue while maintaining two-way travel lanes.
7. As part of the development of the Project, the landowner will construct curb ramps on the north side of Belleview Avenue to facilitate access. The landowner shall present plans for the curb ramps to the City's Bicycle and Pedestrian Coordinator and ADA Coordinator for review and approval, prior to official submission of any final site plan for the Project, and the approved plans for the curb ramps will be included as part of any proposed final site plan(s) for the Project.
8. The stormwater management plan for the Project will incorporate all construction and land disturbing activity within the area of the Subject Property, and it will provide on-site water quality treatment for the entire Project, using any best management practice(s) ("BMP") approved by the Virginia Department of Environmental Quality (whether proprietary or non-proprietary), but not using any credit(s) for off-site treatment. The location and type of each BMP shall be depicted on any proposed final site plan(s) for the Project, in addition to being depicted and described within the approved final stormwater management plan for the Project.

PUBLIC HEARING / RESOLUTION*: EMMET STREET STREETScape CONCEPT

[Emmet Street Streetscape Concept](#)

Mr. John Stuart of ClarkNexsen, made a presentation, giving an update to information that was presented to the Planning Commission and advising that the project would be constructed in May of 2021. The City is moving forward with Smartscale funding awarded by the Virginia Department of Transportation (VDOT). The project is at the concept design stage, with a goal of getting to the final design stage this year. Next steps include:

- Citizens information meeting – May 2019
- Project scoping – June 2019
- Public hearing – November 2019

Mayor Walker opened the public hearing.

Mr. Peter Krebs from Piedmont Environmental Committee, and City resident, spoke in support of the project.

The public hearing was closed.

On motion by Ms. Galvin, seconded by Ms. Hill, the Emmet Street Streetscape Concept RESOLUTION was APPROVED 5-0. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None)

Ms. Galvin and Mr. Signer acknowledged this project as a good example of the City and The University of Virginia working together effectively toward environmental and biking safety solutions.

RESOLUTION APPROVING THE EMMET STREETSCAPE PROJECT PREFERRED CONCEPTUAL DESIGN

WHEREAS, on January 8, 2019, the Planning Commission held a public hearing on the proposed Emmet Streetscape Project, after notice given as required by law and, pursuant to Va. Code Sec. 15.2-2232, the Planning Commission determined that the features set forth within the Preferred Conceptual Design are substantially in accordance with the City's adopted Comprehensive Plan, and recommended approval thereof; and

WHEREAS, on January 8, 2019, the Planning Commission adopted a resolution recommending approval by City Council of the Emmet Streetscape Project, and certified a copy of the Resolution to Council for its consideration; and

WHEREAS, on February 4, 2019 City Council, after notice given as required by law and in accordance with Va. Code Sec. 15.2-2232, considered the Planning Commission's recommendation as well as matters presented by public comment; now, therefore,

BE IT RESOLVED that this City Council concurs with the Planning Commission that the general character, location and extent of the Emmet Streetscape Project concept are substantially in accord with the City's adopted Comprehensive Plan or part thereof, and this Council approves the matters set forth therein.

PUBLIC HEARING / RESOLUTION*: 5TH STREET/RIDGE/MCINTIRE MULTIMODAL CORRIDOR CONCEPT

[5th Street/Ridge/McIntire Multimodal Corridor Concept](#)

Mr. Brennen Duncan, City Traffic Engineer, came forward to share the City corridor planning study supported by consulting firm EPR, to share staff recommendations to improve the corridor for all users, and to provide the City with project prioritization and readiness for funding

opportunities. In response to a question from Ms. Galvin, Mr. Duncan advised that this project does intersect with the Elliot Streetscape project.

Mr. Signer asked about any cooperation with the County in the planning. Mr. Brennan advised that the County's Planning staff has seen the documents.

Ms. Galvin asked staff to look at crosswalks at Perry.

Mayor Walker opened the public hearing.

Mr. Peter Krebs from Piedmont Environmental Council spoke in favor of the project moving forward.

Ms. Dee Dee Smith spoke with concern that there is no mention of Barrett Early Learning Center (the oldest childcare center in Virginia), being along the corridor. She also expressed concern about pedestrian traffic in the area.

Ms. Joan Albeston, resident of Willoughby, spoke in favor of approving the plan, and asked that one of the first priorities be to increase safety between Harris and 5th Streets in light of a major traffic accident which happened since the last Planning Commission meeting.

Mr. Brad Slocum, City resident, mentioned that he did not hear information about stormwater management in the plan. He asked that the planning process factor in flooding consideration for rainfall now and in the future.

The public hearing was closed.

On motion by Ms. Hill, seconded by Ms. Galvin, the 5th Street/Ridge/McIntire Multimodal Corridor Concept RESOLUTION was APPROVED 5-0. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None)

RESOLUTION OF THE CHARLOTTESVILLE CITY COUNCIL CONFIRMING THAT THE 5TH / RIDGE/McINTIRE MULTIMODAL STUDY IS IN CONFORMANCE WITH THE CITY'S COMPREHENSIVE PLAN

WHEREAS, on January 8, 2019 the Planning Commission held a public hearing on the proposed 5th/Ridge/McIntire Multimodal Study, after notice given as required by law and, pursuant to Va. Code Sec. 15.2-2232, the Planning Commission determined that the features set forth within the study are substantially in accordance with the City's adopted Comprehensive Plan, and recommended approval thereof; now, therefore,

BE IT RESOLVED that this City Council concurs with the Planning Commission that the general character, location and extent of the features and improvements set forth within the study are substantially in accord with the City's adopted Comprehensive Plan or part thereof, and this Council approves the matters set forth therein.

PUBLIC HEARING / ORDINANCE*: LEASE TERMS FOR ALBEMARLE-CHARLOTTESVILLE HISTORICAL SOCIETY AT 200 2ND STREET, NE (Carried)

[Lease Terms for Albemarle-Charlottesville Historical Society at 200 2nd Street, NE](#)

City Attorney John Blair presented the item, summarizing the direction given from Council at the January 22, 2019 meeting regarding lease terms for Albemarle-Charlottesville Historical Society (ACHS) at 200 2nd Street, NE. The lease before Council was for consideration of a term of three years with the possibility of two separate one year renewals pursuant to the written agreement of the City and ACHS. The lease also removes the requirement that the City appoints one third of the ACHS Board of Directors.

Dr. Bellamy advised that attention needs to be paid to efforts against Council. One example he mentioned was a donation box that was placed at the Historical Society to fund efforts to keep statues in place.

Mr. Coy Barefoot, Executive Director of the ACHS, advised that was unaware of these issues. He recommended that Council review the December report from the Historical Society, and added for the record that the Historical Society as a non-profit organization holds no political opinion.

Ms. Walker re-emphasized her concerns about tying the next City Manager's hands with a multi-year lease, and the need for Council to effect term limits and appoint board members.

Mayor Walker opened public hearing

Ms. Molly Conger, City resident, expressed that the lease is a \$105,000 per year gift. She asked questions such as: Who is being served? How well are they being served? What value is being added to the community? What programs and events are being held that are easily accessible to all members of the community? She expressed concern that events for the next five months are not being held in the building. She concluded that Council could consider cutting funding to ACHS in budget discussions.

Mr. John Conover spoke in favor of a three year lease. He advised that fundraising and a lease are required in order to have events in the building, but the building is not suited for large crowds. He asked Mr. Bellamy to send collection box pictures to him in order to track down what happened.

Mr. Michael Payne, City resident, spoke toward the potential of the Historical Society to utilize the space as more of a public space for public benefit like the public library.

Mayor Walker advised that the new City Manager will be tasked with looking at the way things have been done through a fresh lense.

Mr. Signer asked Mr. Murphy in how many other situations is the City the landlord? Mr. Murphy named several arrangements.

Council reached consensus to carry this item forward to the February 19, 2019 consent agenda.

RESOLUTION*: CRHA DRAWDOWN REQUEST OF PREVIOUSLY APPROPRIATED FUNDS

[CRHA Drawdown Request of Previously Appropriated Funds](#)

Ms. Brenda Kelley, Redevelopment Manager, came forward to ask Council for approval to reallocate funds and accept identified activities to allow previous funding allocation to be more clearly spelled out for Charlottesville Redevelopment and Housing Authority (CRHA) current needs. She explained that this would allow designated and straightforward access to drawdown by CRHA. The Housing Authority is planning redevelopment to Crescent Halls on the South 1st Street site and the planning will continue with phased redevelopment of other CRHA properties.

Ms. Walker made a statement that asking the CRHA at this moment to pay funds back for previous expenses should be discussed to determine whether past expenses can be waived and funds returned to the CRHA as an investment for redevelopment of public housing.

Dr. Bellamy addressed Mr. Murphy to put on the record that this is a chance to have a formalized public discussion of how to treat past due expenses from CRHA – whether they be waived, forgiven or collected. Mr. Murphy advised that the City has allocated approximately \$1.45 million in funds over time for the use of the Housing Authority. This is an opportunity for Council to free up those funds for relevant uses of Housing Authority purposes today. Dr. Bellamy advised that these funds are an immediate resource need of the Housing Authority and he asked whether the non-collection of the \$191,134 from CRHA, which spans multiple fiscal years would significantly impact City operation negatively. Dr. Bellamy recommended that Council consider a plan from Mr. Duffield, Executive Director of CRHA, and Ms. Kelley, of how the funds will be used, so that the \$191,134 would be absorbed by the City and the remaining funds could be released for immediate use.

Ms. Galvin mentioned that ultimately the CRHA should be self-sustaining and that she would like to see a plan for how the CRHA will become self-sufficient. Mr. Murphy replied that there have been many avenues for the CRHA to become self-sufficient. Dr. Bellamy advised that the CRHA cannot become self-sustaining without redevelopment. Mr. Signer asked Dr. Bellamy for further explanation of how redevelopment intends to create financial self-sufficiency.

Ms. Walker advised that the current climate and social conditions need to be considered when talking about mixed-income developments and the City needs to be realistic about what its investment into public housing will be and how to make that sustainable. She advised that she does not want to force the CRHA into making plans that do not serve the families.

Ms. Hill advised that she would like to see the funds go toward a plan to show Council what fiscal feasibility and site development look like. Ms. Galvin agreed that the funds should be freed up to allow CRHA to create a master plan.

Dr. Bellamy made a motion to allocate the funds available for the 4 items presented in the staff report, totaling \$908,249, and release the funds to CRHA:

- FY2011 allocation for “implementation and predevelopment funds for the renovation of the Crescent Halls site”
- FY2015 allocation for Modernization Coordinator position (CAHF)
- 2016 Marriott proffer for the redevelopment of Westhaven and other CRHA housing sites
- FY2018 Public Housing Redevelopment (CIP funding)

Mr. Murphy advised that funds will be released once the stated uses have occurred and documentation is submitted to Ms. Kelley.

Ms. Galvin asked whether the \$558,967 requested for FY2018 Public Housing Redevelopment would include a master plan for the South 1st Street redevelopment. Mr. Duffield advised that they have not received a cost estimate yet for such a project, but using assumptions based on City Council’s experience with similar projects, the CRHA should be able to develop a similar master plan for the equivalent of \$350,000 in today’s dollars. He would feel comfortable that if Council released the funds including the \$191,134, that the CRHA could provide the master plan as well as a fiscal sustainability model, with funding coming from other philanthropic sources.

Mr. Signer suggested that there be a broader arrangement between the City and CRHA rather than improvising on requests as they arise.

Mayor Walker advised that she and Dr. Bellamy are now attending the Redevelopment Committee meetings and she would like to give time to see if that has an impact.

Mr. Signer brought up the idea that impact investing includes financial and social returns such as the lives impacted and impact to the community, and the return on investment can be reported in an annual report.

Mr. Blair, offered that the resolution presented be amended to remove the “BE IT FURTHER RESOLVED” clause regarding the \$191,134, and the memo be amended for the City Manager’s signature because of changes in Clause 1. A future resolution would need to be made for the \$191,134.

On motion by Dr. Bellamy, seconded by Mr. Signer, the amended CRHA Drawdown Request of Previously Appropriated Funds RESOLUTION was APPROVED 5-0. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None)

RESOLUTION

Charlottesville Redevelopment and Housing Authority – Drawdown Request of Previously Appropriated Funds - \$908,249

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that previously appropriated funding to the Charlottesville Redevelopment and Housing Authority is authorized to be allocated to assist in funding various public housing redevelopment activities.

\$240,416	Fund: 426	Project: CP-084	G/L: 540010
\$300,000	Fund: 426	Project: P-00904	G/L: 540010
\$367,833	Fund: 426	Project: P-00937	G/L: 540010

Mayor Walker called for a ten minute recess.

The meeting reconvened at 10:59 p.m.

RESOLUTION*: RESOURCES REQUIRED FOR COMPREHENSIVE PLAN COMPLETION AND LONG RANGE PLANNING

[Resources Required for Comprehensive Plan Completion and Long Range Planning](#)

Interim City Manager Mike Murphy referenced the December 17, 2018 City Council meeting, during which Council directed him to evaluate the possibility of hiring outside consultants and/or staff to assist with the completion of the comprehensive plan, the Housing Strategy and rewrite of the Zoning Ordinance, including cost estimates for undertaking these projects. Staff recommends the following actions:

- The funds that were appropriated for a third Assistant City Manager should be used to hire a Manager of Long-Range Planning. This individual will take a leadership role in the proposed RFP to complete the Housing Strategy, Comprehensive Plan, and Zoning Ordinance rewrite.
- The \$200,019.40 allocated to complete the Affordable Housing Strategy should be combined with the \$85,164.25 balance from the comprehensive plan update and \$90,000 in salary savings from the unfilled Assistant City Manager position and used to hire a consultant to complete both tasks (\$375,183.65).
- A new appropriation of \$600,000 to complete the Zoning Ordinance rewrite should be made by transferring funds from the CIP Contingency.

- Issue a consolidated Request for Proposal for the completion of the comprehensive plan, Affordable Housing Strategy and zoning rewrite.

Dr. Bellamy asked for clarification on whether the position would have staff. Mr. Murphy advised that the planner would make systems more effective and perhaps relieve some burden on staff, operating cross-departmentally.

Ms. Walker spoke of hesitation with supporting approval of this position, and questioned what the timeline would be for hiring, whether it would be before the new City Manager is hired. She advised that in other localities this position reports to a department director, and she questioned why this appears to be a stand-alone position.

Ms. Galvin stressed the importance of the position, and Council agreed that the City Manager would have authority to restructure if necessary.

Ms. Walker asked if the job description had been written and Mr. Murphy advised that the description can be ready in about a week and an equity component can be added.

On motion by Ms. Hill, seconded by Ms. Galvin, the Resources Required for Comprehensive Plan Completion and Long Range Planning RESOLUTION was APPROVED 5-0. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None)

RESOLUTION
Funding Transfer for Comprehensive Plan Completion and Long Range Planning
\$890,019.40

Whereas, the City Council of the City of Charlottesville, Virginia will use the sum of \$600,000 in previously appropriated funds in the CIP Contingency Account for the completion of the Zoning Ordinance rewrite;

Whereas, the \$200,019.40 allocated to complete the Affordable Housing Strategy should be combined with the \$85,164.25 balance from the comprehensive plan update and \$90,000 in CIP Contingency funding and used to hire a consultant to complete both tasks (**\$375,183.65**).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$890,019.40 be allocated from previously appropriated funds in the CIP and is hereby transferred in the following manner:

Transfer From:

\$690,000.00	Fund: 426	WBS: CP-080	G/L Account: 599999
\$200,019.40	Fund: 426	WBS: CP-084	G/L Account: 599999

Transfer To

\$890,019.40	Fund: 426	WBS: P-00935	G/L Account: 599999
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RESOLUTION*: RE-NAMING PRESTON AVENUE**Re-Naming Preston Avenue**

City Attorney Blair reviewed the resolution proposed by Dr. Bellamy. He advised that there has been confusion about the signs. The proposed signs would be brown signs as honorary designation, rather than changing the green street signs. He turned the item over to Dr. Bellamy, for further discussion.

Dr. Bellamy shared historic context for the current Preston Avenue designation named after Thomas L. Preston, and the proposed Preston Avenue historic designation in honor of Asalie Minor Preston. This recommendation came from Mr. John Conover, Ms. Teresa Walker-Price and several other community members, and should come at a minimal cost to the City. Mr. Bellamy referenced an idea from Councilor Signer to look at other unnamed items or landmarks that could be named to acknowledge contributions of other major community pillars.

Mr. Signer suggested that there could be a dozen places in the community that have not been designated, and there could be a dozen or so people who deserve to be honored. The community could be polled.

Ms. Walker advised that this resolution may be simpler than future ones since the last names are the same.

On motion by Dr. Bellamy, seconded by Ms. Galvin, the RESOLUTION for the Re-Naming Preston Avenue was APPROVED 5-0. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None)

RESOLUTION
Honorary Street Name Designation for Preston Avenue

WHEREAS, Preston Avenue in the City of Charlottesville was named after Thomas L. Preston; and

WHEREAS, Thomas L. Preston was the Rector of the University of Virginia, a member of the Confederate States Army, and owner of twenty-nine enslaved human beings in Charlottesville; and

WHEREAS, the citizens of Charlottesville believe that the ownership of another human being is an injustice against humanity; and

WHEREAS, Thomas L. Preston earned income and maintained his lifestyle by oppressing and exploiting other human beings; and

WHEREAS, the citizens of Charlottesville, through their various faiths and actions over the recent months, uphold the principle that all of humankind is created equal; and

WHEREAS, Ms. Asalie M. Preston was, like her father, committed from a very young age to teaching, and passionate about the power of education to forge and improve lives; and

WHEREAS, Ms. Preston taught in the segregated schools of Albemarle County between 1922 and 1933, pausing only to attend St. Paul's College in Lawrenceville, Virginia, and

WHEREAS, after graduating from St. Paul's College in 1936, she resumed teaching in Albemarle County Public Schools until her retirement in 1969; and

WHEREAS, during her lengthy teaching career she taught in many area schools, including Greenwood, Scottsville, North Garden, and Providence, the Rosehill School, and the Albemarle County Training School; and

WHEREAS, the Rives C. Minor and Asalie M. Preston Educational Fund (hereinafter "Minor Preston Educational Fund") was founded over thirty-five years ago to honor the exemplary lives and legacies of two African American educators, father and daughter, whose combined teaching careers spanned more than eight decades in Albemarle County public schools, with most of those years in segregated schools; and

WHEREAS, the Minor Preston Educational Fund has awarded over three million dollars in college scholarships to nearly one thousand local students; and

WHEREAS, many of the one thousand local students receiving Minor Preston Educational Fund scholarships have settled in the Charlottesville area and are employed in the area's public and private sectors, with a heavy concentration of recipients employed in the local public schools and at the University of Virginia; and

WHEREAS, the Minor Preston Educational Fund provided funding for innovative local educational programs including the Imani Project, founded at Venable Elementary School, and the Learning Lab at Walker Upper Elementary School; and

WHEREAS, the Minor Preston Educational Fund also supported the JustChildren program at the Legal Aid Justice Center to ensure access to public education; and

WHEREAS, for many years Ms. Preston lived in the Rock House, located at 1010 Preston Avenue. The Rock House is, itself, prominent in local African American history. Today it is a Virginia Landmark and National Historic Place, and home to the Legal Aid Justice Center offices; and

WHEREAS, the Charlottesville City Council adopted an Honorary Street Name Policy in 2011 that requires citizens submit an application to the Charlottesville Clerk of Council in order to determine if there is sufficient Council support for the request to be considered by the Council; and

WHEREAS, Councilor Bellamy initiated this Honorary Street Name Resolution, therefore the Honorary Street Name Designation application to determine Council's support for this request is

unnecessary and hereby waived; and

WHEREAS, Charlottesville City Code Section 28-4 authorizes the Charlottesville City Council to change the City of Charlottesville's street names.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that it hereby sets forth the historical basis for the honorary "renaming" of Preston Avenue in honor of Ms. Asalie Preston, a woman whose contributions are well documented and celebrated by and throughout City of Charlottesville, and who embodies the attributes for which the citizens of Charlottesville can be proud, and claim as their own.

AND BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville that Preston Avenue shall be honorarily named Ms. Asalie Preston Avenue.

Adopted this 4th day of February, 2019.

RESOLUTION*: DESIGNATION OF NEW COMMUNITY EVENT TO BE HELD ANNUALLY IN AUGUST

[Designation of New Community Event to be Held Annually in August](#)

Interim City Manager Mike Murphy described the resolution to add to community events that are articulated in the City Code, and to say that the second weekend of August each year as well as August 12 would be considered community events and the City will designate use of the downtown parks, 4th Street and the downtown mall as locations for events planned. He advised that the next few months will be used to engage the community in the planning of events, and that it is of significance to designate those dates in perpetuity until reconsidered by Council.

Mr. Brian Wheeler, Director of Communications, gave context surrounding the transition from the first anniversary focus of public safety to this year's community-driven annual event that educates, inspires and honors people to create movement towards healing and unity on a path for racial justice; although the planning does include public safety components. He acknowledged planning team members and focus group participants. He described the proposal from the focus group discussions. The recurring community event would be called Unity Days, which would be City-sponsored, but community-driven.

Ms. Charlene Green, Manager of the Office of Human Rights, advised that planning for the 2019 Summer of Unity events will begin in May. Each month from May through August will focus on a different theme:

- May: Examination of History
- June: Breaking Down Institutions of Oppression
- July: Honoring Community Members and Neighborhood Leaders
- Aug: Honoring and Remembering the Lives Lost in August 2017 and ending with a call to action.

The community group, working under the umbrella of Unity Days will set the expectations for the monthly planning groups.

Ms. Hill expressed thanks to community members and staff for bringing this item forward so quickly and with such great community engagement. Ms. Galvin agreed.

Mr. Signer expressed that he is glad that the Office of Human Rights has taken this on and the work of the Office of Communication is also valued.

Ms. Galvin agreed and acknowledged the effort that staff has put into engaging the community.

On motion by Ms. Hill, seconded by Mr. Signer, the RESOLUTION for the Designation of New Community Event to be Held Annually in August was APPROVED 5-0. (Ayes: Dr. Bellamy, Ms. Hill, Ms. Walker, Mr. Signer, Ms. Galvin; Noes: None)

RESOLUTION

Designation of Unity Days as a community event to mark the anniversary of August 2017

WHEREAS, the Council of the City of Charlottesville, Virginia desires to designate “Unity Days” as a "Community Event"; and

WHEREAS, the second weekend of August (Friday, August 9 to Monday August 12) in 2019, the City of Charlottesville shall observe “Unity Days” as the anniversary of the events of August 11-12, 2017; and

WHEREAS, activities shall be scheduled by the City of Charlottesville in locations to include the Downtown Mall, McGuffey Park, Market Street Park, Court Square Park, and on Fourth Street; and

WHEREAS, on the second weekend of August in future years (and on August 12 when it falls on a weekday) the City of Charlottesville shall observe “Unity Days” as the anniversary of the events of August 11-12, 2017; and

WHEREAS, this Council is supportive of the goal of having a community-driven programming committee facilitated by City staff to hold “Unity Days” programs that educate, inspire, and honor people in our community to create movement towards healing and unity on a path for economic and racial justice;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Charlottesville, that "Unity Days" is the second weekend of August and on August 12 when August 12 falls on a weekday;

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville that “Unity Days” is hereby designated as a “Community Event” pursuant to Section 28-29(C) of the Code of the City of Charlottesville; and

BE IT FURTHER RESOLVED, by the Council of the City of Charlottesville that May 11, 2019, May 12, 2019, July 6, 2019, and July 7, 2019 are hereby designated as “Community Events” pursuant to Section 28-29(C) of the Code of the City of Charlottesville.

OTHER BUSINESS

Mr. Signer asked on behalf of City Council to include on an upcoming meeting, time to consider staff proposals for a process for identifying new naming opportunities in the City to recognize heroes of racial and social justice. Specifically, Council would like to identify such naming opportunities and the number of individuals to be recognized, with the suggestion of beginning with twelve individuals, borrowing from the process that was successfully employed to engage the public on the renaming of Emancipation and Justice Parks to Market Square and Court Square Parks. Staff is requested to come to Council with ways to gather and rank suggestions from the public about naming opportunities and individuals who should be recognized. As with the Park process, staff working with Council should begin with identifying a number of good opportunities for new names such as the Belmont Bridge, Tonsler Park Fieldhouse and City Hall, but also include space for the public to contribute and gather around new opportunities. The suggestion is for staff to further work with Council prior to providing a draft list of possible candidates to be recognized and provide that list to the public while including additional space for new names. Council would like to decide upon the process within one month, and for the community engagement piece to be completed within three months after that in order to begin recognizing new individuals by the Summer of 2019. By consensus Councilors agreed to bring the item back at the second meeting in March.

MATTERS BY THE PUBLIC

Mr. Brad Slocum expressed concerns that events surrounding Unity Days may leave accountability by the wayside. There are still community expectations surrounding questions that are still unanswered from the events of August 12, 2017, and some degree of action to be taken even though some leaders are no longer with the City. He expressed that there is still a lot of distrust with the police and as time goes by, it seems less likely that questions will be answered.

Mayor Walker expressed that she would also like to see accountability.

Ms. Shawn Harris made comments regarding community sentiments of being stuck between white guilt and black rage. Who falls heir to the promises of America? She encouraged community members to make their voices heard.

Mayor Walker adjourned the meeting at 12:14 a.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Wednesday, February 6, 2019, AT 2:00 p.m. IN THE City Hall Basement Conference Room.

THE PROPOSED AGENDA IS AS FOLLOWS:

Budget work session to discuss tax rates.

BY ORDER OF THE CITY COUNCIL

BY Kyna Thomas

City Hall Basement Conference Room – February 6, 2019

Council met on this date with the following members present: Ms. Walker, Ms. Hill, Ms. Galvin, and Mr. Signer. Dr. Bellamy joined the meeting at 2:44 p.m.

Mayor Walker called the meeting to order at 2:06 p.m.

City Manager Mike Murphy gave the order of business. The purpose of the meeting was to discuss:

1. Decisions needed regarding the Real Estate Tax rate, Meals Tax rate, and Lodging Tax rate.
2. Impacts of Tax Increases.
3. Potential CIP Adjustments.

Mr. Murphy presented information to demonstrate the impact of a real estate tax increase, a meals tax increase, or a lodging tax increase.

[Council Worksession Presentation – February 6, 2019](#)

[Council Worksession Materials - February 6, 2019](#)

Councilors commenced discussion.

Mr. Murphy and staff clarified that the meals tax consideration is for prepared meals.

Mr. Signer asked about consideration for a cigarette tax.

Mr. Murphy reviewed potential Capital Improvement Projects (CIP) adjustments impacting the School reconfiguration CIP request:

- Planning and Design Funding (FY 20) - \$3.0M
- Construction Funding (FY21-22) - \$55M
- Elliott Avenue Streetscape Project - \$1.2M and \$3M for Schools

The overall impact to the CIP includes:

- Concerns about adding the school project:
 - Operational impacts still unknown

- Total cost unknown – range of \$55M to \$80M
 - “Does not address School Growth Potential/Projections” per January 30th presentation by the schools
 - Addition of \$55M to the CIP is outside of debt policies
- All additions to current CIP impact the ability to add any future projects.
 - Future CIP additions and debt policy compliance is not possible with any scenario in which the school construction project is added.

Ms. Galvin indicated that there needs to be a long-term strategy.

Dr. Bellamy joined the meeting at 2:44 p.m.

Ms. Walker recommended advertising a two cents real estate tax increase.

Mr. Signer advised that he was only interested in discussing cigarette and lodging taxes.

Ms. Galvin stated that she wanted to discuss lodging and real estate taxes.

Ms. Walker said that she wanted to talk about lodging, real estate, and meals taxes.

Ms. Galvin asked about debt service.

Ms. Walker asked Councilors to explain why they are opposed to a real estate tax increase.

Ms. Galvin mentioned that meals tax increases disproportionately impact low income households negatively.

Ms. Walker advised that all options should be on the table.

Mr. Signer indicates that he wanted to avoid the impression among residents and visitors that Charlottesville is an expensive place. He mentioned that lodging touches only visitors.

Ms. Galvin mentioned new federal legislation that benefits wealthy taxpayers, and has put the burden on localities to find funding.

Ms. Walker pointed out that more data is needed to see who is impacted by a meals tax increase rather than making assumptions about who buys.

Mr. Signer made a pitch for a cigarette tax as a public health issue. Ms. Walker mentioned that cigarette purchasers will go a short distance to the County to purchase cigarettes, and imposing the cigarette tax would have minimal impact to the Charlottesville budget.

Council agreed to advertise a two cents real estate tax increase. Staff will move forward with balancing the budget using this information. Staff advised that Council can advertise this increase and ultimately go lower, but could not advertise a lower increase and ultimately finalize a higher rate.

Public Comment was allowed from John Edward Hall, who spoke about solving budget problems with innovation.

Mayor Walker adjourned the meeting at 3:07 p.m.

NOTICE OF SPECIAL MEETING

A SPECIAL MEETING OF THE CHARLOTTESVILLE CITY COUNCIL WILL BE HELD ON Wednesday, February 6, 2019, AT 3:00 p.m. IN THE Second Floor Conference Room, City Hall, 605 East Main Street, Charlottesville, VA 22902.

THE PROPOSED AGENDA IS AS FOLLOWS:

Closed session as provided by Section 2.2-3712 of the Virginia Code (Personnel).

BY ORDER OF THE MAYOR

BY Kyna Thomas

SECOND FLOOR CONFERENCE ROOM – February 6, 2019

Council met in closed session on this date with the following members present: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin and Mr. Signer.

Ms. Walker called the meeting to order at 3:12 p.m.

On motion by Ms. Hill, seconded by Ms. Galvin, Council voted (Ayes: Ms. Walker, Ms. Hill, Dr. Bellamy, Ms. Galvin and Mr. Signer. Noes: None) to meet in closed session as authorized by Va. Code sec. 2.2-3712, specifically:

Virginia Code Section 2.2-3711(A)(1) for the discussion of and consideration of prospective candidates for employment as City Manager of Charlottesville, Virginia; and

Pursuant to Virginia Code Section 2.2-3711(A)(8) consultation with legal counsel from the City Attorney's Office providing legal counsel pertaining to specific human resources legal matters.

Pursuant to Virginia Code Section 2.2-3115, Mayor Walker provided the following disclosure:

"I am an employee of the City of Charlottesville, within the City's Parks and Recreation Department. I hereby declare that, during the City Council's discussions of the proposed Budget, relative to issues relating to City employees (such as cost of living increases, living wages, health insurance benefits, and similar fiscal matters relating to City employees – individually and collectively referred to in this Written Disclosure as the "Transaction") I may have a "personal interest in a transaction", as that term is defined in Virginia Code §2.2-3101, by reason of the salary or other compensation, or employee benefits, that I receive as a City employee, in excess of \$5,000 annually. I have previously consulted with the Office of the City Attorney on this matter, and received an opinion that, pursuant to Virginia Code §2.2-3112(B)(1), even with this

personal interest I may lawfully participate in City Council's discussion of the Transaction, because I am a member of a group of three or more persons (i.e., City employees) the members of which are affected by the Transaction. I hereby affirm that I am able to participate in the Transaction fairly, objectively, and in the public interest."

On motion by Ms. Hill, seconded by Ms. Galvin, Council certified by the following vote (Ayes: Ms. Walker, Ms. Hill and Ms. Galvin. Noes: None. Absent: Dr. Bellamy and Mr. Signer) that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

Ms. Walker adjourned the meeting at 5:35 p.m.

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



Agenda Date:	February 19, 2019
Action Required:	Appropriation of Dockless Mobility Funds
Presenter:	Amanda Poncy, Neighborhood Development Services
Staff Contacts:	Amanda Poncy, Neighborhood Development Services
Title:	Dockless Mobility Funds for bicycle and pedestrian improvements - \$50,575

Background:

On November 5, 2018, City Council approved a Dockless Mobility Pilot Program to evaluate dockless mobility devices such as bikeshare bikes (both pedal and electric pedal-assist) and electric foot scooters as a pilot program. Charlottesville would use this pilot period to learn if and how the technologies and services help to advance the City's transportation goals, making the community better, safer, and more sustainable.

Discussion:

The city has received and approved permit applications from two operators - Lime and Bird. Lime requested to deploy 100 scooters and 40 electric bikes and began operation on December 8, 2018. While Bird requested to deploy 100 scooters and began operation on January 10, 2019. Under the conditions of the City program, each operator is required to submit a fee equivalent to \$1/day/device for the duration of their operations, in addition to a \$500 application fee. As a result, the city has collected \$50,575 to date (Lime - \$29,875 and Bird \$20,700).

The conditions of the permit provide an opportunity for operators to increase their fleet size by 25% based on performance standards. Electric-assist bicycles shall be exempt from this maximum. We anticipate that the operators will be interested in taking advantage of this opportunity as the weather changes, which will trigger payment of additional fees for more devices.

One benefit of this program is that all capital equipment costs are covered by private funds, with no public funds required. In addition, the program provides a revenue stream via vendor permit fees to support costs associated with administering the demonstration program, such as but not limited to, monitoring of compliance with Permit and MOA requirements, manipulation and evaluation of data submitted, communications with Operator and the public, public property repair or maintenance related to the devices, and installation of infrastructure, signs or markings to address operations and compatibility with other mode users.

Alignment with City Council's Vision and Strategic Plan:

The program supports City Council's Vision to be "A leader in innovation, environmental sustainability, and social and economic justice, and healthy race relations" through the following vision statements "Economic Sustainability," "Green City," "America's Healthiest City" and "Connected Community." It contributes to Goal 3 of the Strategic Plan, to be a beautiful and sustainable natural and built environment, and objective 3.3 to provide a variety of transportation and mobility options. This also aligns with the goals of the Bicycle and Pedestrian Master Plan (to explore bike share) as well as on-going discussions with the 2018 Comprehensive Plan to evaluate emerging technologies in transportation.

Community Engagement:

Staff has met with representatives from fifteen city departments, city schools, as well as with representatives from UVA to coordinate an approach that would effectively manage this new technology. In addition, staff has sought input from the Bicycle and Pedestrian Advisory Committee in the development of this proposal.

Staff has been working with the City's Communications Department to undertake a community outreach plan that would inform the community of these new transportation options, as well as establish lines of communication that would allow the public to easily communicate directly with the vendors and provide feedback to the City for the purposes of documenting performance of the pilot project. This includes press releases, city website, frequently asked questions, social media outreach, phone numbers, email addresses, etc.

In addition to the City's commitment to a strong public outreach process, the pilot program requires vendors to commit to specific communication actions and standards to ensure their members are receiving necessary information about safety and good etiquette for sharing our streets.

Budgetary Impact:

There is no budgetary impact to the City. All funds received will be appropriated in the Bicycle and Pedestrian Infrastructure project in the Capital Improvement Program Fund.

Recommendation:

Staff recommends appropriation of collected revenues from the general fund to a specific CIP account that will fund the costs associated with administering the demonstration program.

Alternatives:

Collected revenues could remain in the general fund.

Attachments:

Appropriation

APPROPRIATION
Dockless Mobility Funds for Bicycle and Pedestrian
Improvements
\$50,575

WHEREAS, the Dockless Mobility Pilot Program establishes a \$500 application fee and \$1/day/device fee to operate in the city;

WHEREAS, the fees may be used by the City for any costs associated with administering the pilot program, such as but not limited to, monitoring of compliance with Permit and program requirements, manipulation and evaluation of data submitted, communications with Operator and the public, public property repair or maintenance related to the services, and installation of infrastructure, signs or markings to address operations of devices and compatibility with other mode users;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner:

Revenues

\$50,575	Fund: 426	WBS: CP-083	G/L Account: 422150
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Expenses

\$50,575	Fund: 426	WBS: CP-083	G/L Account: 599999
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of the funds from permit and application fees for the Dockless Mobility Program; and that any future fees collected for the above purposes shall automatically appropriate to the Bicycle and Pedestrian Infrastructure project upon receipt of funds.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 19, 2019
Action Required:	Appropriation
Presenter:	Alex Ikefuna, NDS Director Tony Edwards, NDS Manager
Staff Contacts:	Alex Ikefuna, NDS Director Tony Edwards, NDS Manager
Title:	Capital Fund Transfer for Completion of the Standards and Design Manual Rewrite - \$66,680

Background:

The City's Standards and Design Manual (SADM) is an existing document that was adopted by City Council in 2008. The manual establishes design and construction standards for City projects and Development projects throughout the City.

Since the adoption of the current SADM in 2008, there have not been any significant revisions, so the manual is out of date and does not meet the needs of the City or the community. In December of 2016, City Council approved funding which allowed staff to proceed with the overhaul of the current Standards and Design Manual. Through the procurement process and a Request for Proposal, Toole Design Group and RK&K collaborated to provide these services and were selected to assist the City in this effort. That contract was executed in August 2017. Over a 14 month period, the team researched manuals from similar localities, conducting workshops, reviewing feedback and drafted text for the updated manual.

The City of Charlottesville has evolved since the Standards and Design Manual was last published.

The City recognizes that updated guidance is necessary to incorporate recent changes to local, state, and federal regulations; and to incorporate new technologies, sustainable site features, new street typologies, and Complete Streets principles into the City's urban fabric. This manual revision consolidates the minimum standards and design criteria into a single user-friendly resource; provides links to supporting codes, references, and design standards; and provides a flexible menu of options that can be used to meet required design criteria.

Discussion:

On October 15, 2018, staff and consultant presented the draft Standards And Design Manual to the City Council. During the public comments, it was noted that additional public comments had been received after the final submittal was provided to the City on October 5, 2018, and staff had completed staff report and Council packet published. In an effort to properly address these public comments, Council indicated the need for additional public engagement with the Council / Planning Commission and CADRE and stakeholders. Staff was

directed by the City Council to estimate the cost for additional community engagement and come back to Council for funding approval. The cost of fulfilling the additional community engagement process is \$66,680.

Alignment with City Council's Vision and Strategic Plan:

It contributes to the Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment,

- Goal 3.1 – Engage in robust and context sensitive urban planning and implementation. The SADM implements urban planning by formalizing requirements of the Streets That Work Plan.
- Goal 3.2 – Provide reliable and high quality infrastructure. A primary function of the SADM is to ensure that reliable and high quality infrastructure are provided and maintained.
- Goal 3.3 – Provide a variety of transportation options. The SADM carries forward a strong focus on bike and pedestrian infrastructure including specific sections on ADA requirements and formally adopts PROWAG.
- Goal 3.4 – Be responsible stewards of natural resources. Three out of thirteen chapters are focused directly on protecting the environment and natural resources.
- Goal 3.5 – Protect historic and cultural resources. There is a chapter dedicated to design control districts to provide guidance for those working in those areas

Strategic Plan Goal 5: Responsive Organization

- Goal 5.3 – Provide responsive customer service. Having a current and detailed manual will provide the ability for staff to provide clear and consistent customer service for all aspects of development and community projects.

Community Engagement:

Staff has provided multiple opportunities for the public to provide input into the process. Prior to even selecting a consultant to assist in the effort, staff met with the Charlottesville Albemarle Developer's Roundtable, on January 13, 2017, to discuss opportunities with the upcoming changes and how feedback was to be received. The PLACE Design Task Force was also invited to review the Request For Proposal to help shape the scope of the project. In addition to the CADRE group and PLACE Design Task Force, stakeholders that were invited to participate in the process included the Tree Commission, City Council, the Code Audit/Streets That Work Advisory Committee, ADA Advisory Committee, Board of Architectural Review, and the Bicycle and Pedestrian Advisory Committee. Two in-person workshops were conducted to provide opportunities for the public and stakeholders to provide feedback on, April 19, 2018, May 14, 2018.

Additionally, feedback was received via an email address dedicated solely to the content of the SADM (feedbackSADM@charlottesville.org). On occasion, clarity was requested from those that provided feedback in order to properly inform changes to the draft manual. This email address is also intended to remain active for the life of the manual and it will be monitored periodically.

To date, over 400 comments of substantive nature were received, most of which contributed to positive changes in the draft document. It should be noted that not all feedback was incorporated because it was either too general to result in an informed change, it violated a larger code requirement (state or federal), or was more geared towards a code, policy or operational change.

A draft manual was posted to the city website. Public comments on Charlottesville SADM Draft were requested for the period between April 30, 2018 through August 5, 2018. Those comments and the city's

responses to them were posted on the city web site at feedbackSADM@charlottesville.org for public viewing during the development process.

Budgetary Impact:

There will be no budgetary impact to the City. All funds will be transferred from funding previously appropriated to the project in the Capital Improvement Program Fund.

Recommendation:

Staff recommends approval of additional funding (\$66,680) to be transferred for the additional services to the Standards and Design Manual account as indicated in the appropriation below.

Alternatives:

The alternative will be not to approve the request, a measure that will impact the completion of the project.

Attachments:

The draft Standards and Design Manual is located at www.charlottesville.org/SADM.

Attached hereto is a appropriation to continue with additional funding towards final adoption of the revised manual.

APPROPRIATION

**Capital Fund Transfer for Completion of the Standards and Design Manual
Rewrite \$66,680**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the additional funding for the completion of the Standards and Design Manual rewrite is hereby transferred in the following manner:

Transfer From:

\$66,680	Fund: 428	WBS: P-00341	G/L: 599999
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Transfer To:

\$66,680	Fund: 105	Cost Center: 3901001000	G/L: 530560
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**CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA**



Agenda Date:	February 19, 2019
Action Required:	Resolution
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation Brian Daly, Parks and Recreation Sebastian Waisman, Asst. City Attorney
Title:	Acquisition of Land Adjacent to Ragged Mountain Reservoir

Background:

The City of Charlottesville has been awarded a grant (\$600,000) from the U.S. Department of Agriculture (USDA) through the Community Forest Program to assist with the acquisition of approximately 142 acres of forested land adjacent to the Ragged Mountain Reservoir property. The match for this project comes in the form of a donation of the rest of the property value by the landowner. City Council approved the appropriation of this grant from the USDA on December 3, 2018. At this time, the City is prepared to move forward with a purchase agreement, survey and title work to finalize the acquisition of these six (6) parcels of land near Ragged Mountain Reservoir.

Discussion:

The City of Charlottesville became aware of property for sale adjacent to the Ragged Mountain Reservoir several years ago. With assistance from the Piedmont Environmental Council (PEC), the landowner agreed to sell the property if the City was awarded the USDA grant. The owner will receive the \$600,000 as pass-through funds, and will donate the remaining value of the property as a tax benefit. The USDA grant program is intended to preserve forest properties to be used for recreation and education. Once the property is acquired, a forest management plan is required to be developed to detail how the property will be used, which will primarily include trail system layout and plans for how to provide access and interpretation for environmental education. Acquisition of the property would also expand the riparian zone at Ragged Mountain Reservoir.

Community Engagement:

The master plan for Ragged Mountain has a primary element related to preservation of forest and water resources. This acquisition opportunity will further the preservation goal and expand recreation opportunities. This will also provide for environmental education opportunities for City and County elementary, secondary, and college students due to the property's proximity to so many schools.

Alignment with City Council’s Vision and Strategic Plan:

Preservation of the property will further the council vision statement of being a Green City with an extensive natural trail system, along with healthy rivers and streams, and further Strategic Plan objective 3.4 “Be responsible stewards of natural resources”.

Budgetary Impact:

There is no impact to the General Fund. Funds will be received and expensed in the Capital Improvement Fund, and the required local match will come from a donation of land value. The Park Land Acquisition capital fund will cover the costs of survey, appraisal and title work. Staff will work with volunteers in developing the forest management plan and constructing the trail system. Management of the land after purchase will be accomplished by Parks and Recreation staff and will be minimal as the land will remain in its current forested state with only the potential development of future trails.

Recommendation:

Staff recommends approval of the resolution.

Alternatives:

If the resolution is not approved, the property will not be acquired.

Attachments:

Resolution Approving Land Acquisition

Proposed Purchase Agreement

Property owner letter

Map of property

Grant Appropriation (adopted December 3, 2018)

**RESOLUTION
APPROVING THE ACQUISITION OF LAND NEAR
RAGGED MOUNTAIN RESERVOIR
FOR EXPANSION OF THE CITY PARKS AND TRAIL SYSTEM**

WHEREAS, Hedgerow Holdings I, LLC and Hedgerow Holdings VI, LLC (“Hedgerow”), the owner of a tract of land identified on Albemarle County Tax Map 75 as Parcels 47B, 58, 62, 62A, 63B and 63C, hereinafter the “Property”, has indicated a willingness to convey the Property to the City of Charlottesville for parkland and greenbelt trail purposes; and

WHEREAS, the City has been awarded a grant of \$600,000 from the U.S. Department of Agriculture for the purchase of the Property; and

WHEREAS, the Property is comprised of six (6) separate parcels of land, collectively assessed at approximately \$2.4 million; and

WHEREAS, acquisition of the Property will preserve forestland, extend the City’s greenbelt trail system, and expand the riparian zone at Ragged Mountain Reservoir; and

WHEREAS, the City’s Parks and Recreation Department seeks the endorsement of City Council to proceed with the purchase of the above-described land at a purchase price of \$600,000.00, which is well below the Albemarle County Assessor’s valuation of the land, with the remaining value of the Property being donated to the City by Hedgerow; and

WHEREAS, a Real Estate Purchase and Sale Agreement for the conveyance of said land has been reviewed and approved by the City Attorney’s Office; now, therefore,

BE IT RESOLVED that this Council hereby authorizes the purchase of a tract of land (approximately 142 acres) located near Ragged Mountain Reservoir in the County of Albemarle for expansion of the City’s parkland and greenbelt trail system. The City Manager is hereby authorized to execute a purchase agreement, in form approved by the City Attorney or his designee, and the City Attorney’s Office shall take whatever actions are necessary to effect the acquisition of the above-described Property, pursuant to the terms and conditions, including receipt of the grant funds, set forth in the aforementioned purchase agreement.

Prepared January 29, 2019
Last Revised January 30, 2019

BARGAIN SALE AGREEMENT
Sale and Donation of Land on Reservoir Road to the City of Charlottesville
(Albemarle County Tax Map 75, Parcels 47B, 58, 62, 62A, 63B, 63C)

THIS AGREEMENT is made this ____ day of February, 2019 by and between **HEDGEROW HOLDINGS I, LLC**, a Virginia limited liability company, and **HEDGEROW HOLDINGS VI, LLC**, a Virginia limited liability company, whose addresses are 730 Oak Hill Road, Hudson, New York 12534, hereinafter collectively referred to as **SELLER**, and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as **PURCHASER**, or “**CITY**,” whose address is P.O. Box 911, Charlottesville, Virginia, 22902.

WITNESSETH:

WHEREAS, **SELLER** is the owner of certain real property, comprised of six (6) parcels of land, totaling approximately 142.72 acres in area, situated in the County of Albemarle, Virginia, and designated as Parcels 47B, 58, 62, 62A, 63B and 63C on Albemarle County Real Estate Tax Map 75 (the “**Property**”); and

WHEREAS, the County of Albemarle assessed the value of the **Property** in 2018 for **Two Million Four Hundred Twenty Three Thousand Seven Hundred Dollars (\$2,423,700.00)**;

WHEREAS, **SELLER** has agreed to sell to the **CITY** for the purchase price of **Six Hundred Thousand and 00/100 Dollars (\$600,000.00)** the **Property** and all improvements thereon and appurtenances thereto belonging, and donate as a charitable donation the remainder of the fair market value as determined by an IRS Qualified Appraisal procured at the expense of the Seller, and **PURCHASER** has agreed to purchase said **Property** from **SELLER**, and accept the above-described charitable donation, subject to the conditions outlined in Section II below;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, **SELLER** and **PURCHASER** do hereby set forth their agreement as follows:

I. AGREEMENT TO CONVEY

SELLER agrees to convey by General Warranty Deed to **CITY**, and **CITY** agrees to purchase from **SELLER**, the real property referred to herein as the “**Property**,” which is more particularly described as follows, to-wit:

All those six (6) parcels of land designated as Albemarle County Tax Map 75, Parcels 47B, 58, 62, 62A, 63B and 63C, totaling approximately 142.65 acres in area, situated in the County of Albemarle, Virginia; being in all respects the same lands acquired by Hedgerow Holdings I, LLC (Parcel 58), by deed dated December 19, 2006, of record in the Albemarle County Circuit Court Clerk’s

Office in Deed Book 3344, pages 144-159, and acquired by Hedgerow Holdings VI, LLC (Parcels 47B, 62, 62A, 63B, 63C) by deed dated December 19, 2006, of record in the Albemarle County Circuit Court Clerk's Office in Deed Book 3344, pages 160-164.

II. TERMS AND CONDITIONS

The CITY's obligations under this Agreement are expressly contingent upon all of the following conditions being met:

- (a) CITY's receipt of the results, satisfactory to it in its sole discretion, of a title examination to be performed by CITY at its own expense.
- (b) CITY's receipt of the results of an environmental review by CITY staff, and if deemed necessary by the CITY, a Phase I Environmental Assessment and Report (Phase I Report) conducted and prepared by an environmental engineering and inspection company selected by CITY at CITY's expense and such other testing and reports as may be reasonably required by CITY or recommended in the Phase I Report. Such Phase I report may include the results of testing for any underground or aboveground storage tanks located on the Property.
- (c) CITY's actual receipt of grant funds from the U.S. Forest Service's Community Forest and Open Space Conservation Program in the amount of \$600,000.
- (d) SELLER shall deliver (by facsimile mail, electronic mail or first-class mail) to the CITY a proposed General Warranty Deed for review at least ten (10) days prior to Closing.
- (e) SELLER's Deed shall be structured so as to preserve the SELLER's right to claim Virginia State income tax credits on the appraised value of the "Bargain" portion of the transaction pursuant to Section 58.1-512 of the Code of Virginia (1950), as amended.
- (f) SELLER's agreement to sell the Property shall be submitted to the Charlottesville City Council for approval by resolution. If City Council rejects the terms of the sale/purchase of this land, for whatever reason, this agreement shall be null and void and each party shall be relieved of all obligations under this agreement.

Each of the foregoing conditions is, and is intended by each of the parties to be, a condition precedent to the obligation of either party to proceed to Closing. CITY or SELLER may elect not to proceed to Closing, without liability or penalty, if one or more of the above-referenced contingencies and/or conditions are not fulfilled to their satisfaction, which approval will not be unreasonably withheld, by delivering written notice to the other party.

III. CLOSING

- (a) Closing will take place in the Office of the City Attorney in City Hall (605 East Main Street, City Hall, Charlottesville, Virginia) within sixty (60) days of City Council

approval, or as soon thereafter as all conditions of Section II of this agreement have been met to the satisfaction of both parties.

- (b) Upon satisfaction of all of the terms and conditions of this Agreement, the SELLER at Closing shall deliver and convey to CITY, by General Warranty Deed in a form acceptable to CITY, marketable fee simple title to the Property free and clear of any and all liens and encumbrances, subject only to standard permitted exceptions and existing easements. SELLER shall deliver possession of the Property to the CITY as of the date of Closing.
- (c) At the Closing, SELLER shall also deliver to CITY all documents reasonably requested by CITY, including, without limitation, FIRPTA Affidavit, an Owner's Affidavit to Mechanic's Liens and Possession reasonably acceptable to CITY's title company, and any other documentation required by PURCHASER'S title company. SELLER shall submit a completed W-9 form (provided by CITY) to the CITY at least five (5) days prior to Closing in order to allow timely wire transfer of purchase price money, less deductions.
- (d) SELLER's costs: (1) Preparation of General Warranty Deed; (2) Fee for preparation of other SELLER's documents required hereunder, and (3) Grantor's tax related to recordation of General Warranty Deed.
- (e) CITY's costs: (1) Recordation cost of General Warranty Deed; (2) title insurance examination and premium; and (3) cost of any appraisal required by City and/or environmental assessment study.

IV. OTHER TERMS

This agreement is further contingent upon the following:

- (a) SELLER shall pay any and all real estate taxes accrued and/or due on the property up to and through the date of Closing. Prior to Closing, SELLER shall pay all deferred taxes, penalties and interest, if any, existing, owed or outstanding with respect to the Property.
- (b) From the date of this Agreement through Closing, risk of loss or damage to the property by fire, windstorm, casualty or other caused is assumed by the SELLER. From the date of this Agreement SELLER shall not commit, or suffer any other person or entity to commit, any waste or damage to the Property or any appurtenances thereto, from the date of this Agreement, SELLER shall not permit the manufacture, use, storage or disposal of hazardous wastes and/or toxic substances on or in the Property or in or near any adjoining waterways or drainage ditches.
- (c) SELLER's IRS qualified appraisal shall be made and the results furnished to SELLER within sixty (60) days prior to closing. If the appraisal of the charitable donation is unsatisfactory to SELLER, SELLER shall have the exclusive option to terminate this Agreement.

- (d) No transfer or assignment of any rights or obligations hereunder shall be made by anyone having an interest herein, without the advance written consent of all other persons or entities having an interest herein.
- (e) This agreement shall be governed and interpreted by the laws of the Commonwealth of Virginia.
- (f) This agreement is binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns.
- (g) This Agreement contains the final agreement between the parties hereto, and they shall not be bound by any terms, conditions oral statements, warranties or representations not contained herein.

WITNESS the following signatures:

**HEDGEROW HOLDINGS VI, LLC and
HEDGEROW HOLDINGS I, LLC
(SELLER)**

By: _____
Louisa Heyward, Sole Member/Manager

Date signed: _____

**CITY OF CHARLOTTESVILLE, VIRGINIA
(PURCHASER)**

By: _____
Michael Murphy, Interim City Manager

Date signed: _____

Approved as to Form:

Funds are Available:

Sebastian Waisman
Assistant City Attorney

Director of Finance

June 20, 2018

Brian Daly
Director
Charlottesville Parks and Recreation Department
501 East Main Street
Charlottesville, VA 22902

Dear Mr. Daly:

This letter shall serve to notify you regarding my intention to work with the City of Charlottesville on the sale of my 142.717 acre property on Reservoir Road in Albemarle County, Virginia adjacent to the City's property at Ragged Mountain Natural Area (RMNA). I believe my land would make a great addition to RMNA as a forested recreation and education area for the community at large.

I realize you are seeking federal grant funds to cover this acquisition and that the maximum award from the grant source is \$600,000. As such, I am willing to consider making a "bargain sale" of my property to the City of Charlottesville for \$600,000 in cash. The property is worth considerably more than this amount (as is shown in the table below) and the balance of the property value would be a charitable donation from me to the City of Charlottesville.

The specific property is made up of a number of parcels and is identified as follows:

Parcel	Owner	2018 Assessed Value	Acres
Map 75, Parcel 47B	Hedgerow Holdings VI, LLC	\$232,800	24.426
Map 75, Parcel 58	Hedgerow Holdings I, LLC	\$1,005,400	54.64
Map 75, Parcel 62	Hedgerow Holdings VI, LLC	\$864,400	46.978
Map 75, Parcel 62A	Hedgerow Holdings VI, LLC	\$220,500	5.993
Map 75, Parcel 63B	Hedgerow Holdings VI, LLC	\$52,000	6.46
Map 75, Parcel 63C	Hedgerow Holdings VI, LLC	\$48,600	4.22
Total		\$2,423,700	142.717

I realize that no grant funds have been awarded to the City of Charlottesville for this acquisition and that in the event of an award there would be additional due diligence required by both the City and myself. As such, this letter should serve as a non-binding letter of intent and neither party is obligated to move forward with the anticipated transaction at this time.

Sincerely,


Louisa Heyward

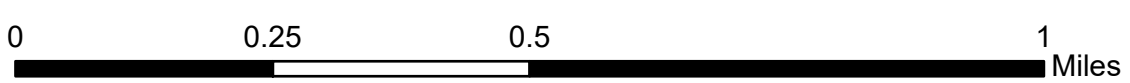
Hedgerow Holdings VI, LLC & Hedgerow Holdings I, LLC

Hedgerow Properties Adjacent to Ragged Mtn Charlottesville, VA



Legend

- Roads
- Trails
- County Park
- park_parcel
- RMNA Boundary
- Hedgerow Prop
- Property Lines



APPROPRIATION

**USDA Community Forestry Grant – Ragged Mountain Land Acquisition
\$600,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$600,000 from the US Department of Agriculture to acquire 144 acres of undeveloped forested land adjacent to the Ragged Mountain Reservoir Property; and

WHEREAS, the match for this grant will come from the property owner donating the remaining value of the land; and

WHEREAS, the City will only incur the costs of closing on the property; and

WHEREAS, the grant funding will be passed through the parkland acquisition account and paid to the property owner;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$600,000 is hereby appropriated in the following manner:

Revenue

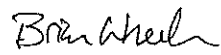
\$600,000 Fund: 426 WBS: P-00534 G/L Account: 431110

Expenditures

\$600,000 Fund: 426 WBS: P-00534 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$600,000 from the US Department of Agriculture.

Approved by Council
December 3, 2018



Brian Wheeler
Interim Clerk of Council

2018-147

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CITY OF CHARLOTTESVILLE, VIRGINIA



CITY COUNCIL AGENDA

Agenda Date: February 4, 2019

Action: Approval of Historical Society Lease Agreement

Presenter: Paul Oberdorfer, Director of Public Works

Staff Contacts: Paul Oberdorfer, Director of Public Works
John C. Blair, II, City Attorney

**Title: Albemarle-Charlottesville Historical Society
Lease of McIntire Building Public Hearing**

Background:

The McIntire Building, built for use as a City library by Paul Goodloe McIntire, is one of the more stately properties in Charlottesville. It was first leased to the Albemarle-Charlottesville Historical Society (ACHS) in 1993 after an extensive renovation organized by the Society, using a combination of donated funds and a loan from the City. The Society became a center of culture, drawing professional and amateur historians to the downtown area.

Discussion:

On September 18, 2017, City Council extended the current 2013 Lease Agreement with ACHS to March 1, 2018. It was understood at the March 5, 2018, City Council meeting that ACHS intended to meet with their board regarding the goals on or before the expiration of the lease. ACHS did not meet the March 1, 2018 goals, and Council reiterated with the Society that the goals were a condition of granting a lease extension. The Society agreed to meet with their board and returned to Council on April 2, 2018, at which time Council approved a one-year extension of the lease that terminates at midnight on April 30, 2019.

The Council discussed two possible revisions to a proposed lease at its January 22, 2019 meeting. The proposed lease incorporates both of those revisions. The lease before the Council for consideration is for a term of three years with the possibility of two separate one year renewals pursuant to the written agreement of the City and ACHS. The lease also removes the requirement that the City appoints one third of the ACHS Board of Directors.

As this is a lease of City property, Virginia Code Section 15.2-1800 requires the Council to conduct a public hearing before agreeing to the lease.

Community Engagement:

City Council discussed the proposed lease at its January 22, 2019 meeting and received a number of comments from ACHS representatives. The Council will conduct a public hearing to receive feedback at this evening's meeting.

Alignment with City Council's Vision and Strategic Plan:

1. A Center for Lifelong Learning:

The Historical Society and its presence in Charlottesville are intended to allow all citizens in our community to learn about its rich, diverse and sometimes tumultuous past.

2. Charlottesville Arts and Culture:

The Historical Society and its location in downtown Charlottesville attract both historians and those simply interested in the area's history to visit not only ACHS but also the many surrounding areas and venues reflected in the exhibits and materials on display at the Historical Society.

Budgetary Impact:

Fair Market Value of the property is estimated at the \$15/square foot or \$114,090/year. The proposed Lease Agreement of \$750.00/month (\$9,000/year) for the first year with ACHS will have a budgetary impact of \$105,090/year in lost lease revenue, compared to the property being leased at market value.

Recommendation:

Staff recommends approval of the draft lease as presented with the Council's proposed revisions.

Alternatives:

Council can propose amended terms to the draft lease or Council may deny its approval of the lease.

Attachments:

Ordinance
Draft Proposed Lease Agreement

ORDINANCE
APPROVING THE LEASE OF CITY-OWNED PROPERTY
AT 200 SECOND STREET, N.E. TO THE
ALBEMARLE CHARLOTTESVILLE HISTORICAL SOCIETY

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, attached hereto, in form approved by the City Attorney or his designee.

Lease Agreement between the Albemarle County Historical Society d/b/a Albemarle Charlottesville Historical Society (Lessee) and the City of Charlottesville (Lessor) for the lease of property at 200 Second Street, N.E.

THIS LEASE AGREEMENT, made as of this ____ day of _____, 2019, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, hereinafter the "Landlord", and the **ALBEMARLE COUNTY HISTORICAL SOCIETY**, a Virginia non-profit, non-stock corporation d/b/a the **ALBEMARLE CHARLOTTESVILLE HISTORICAL SOCIETY**, hereinafter the "Tenant";

WITNESSETH:

That Landlord hereby leases unto the Tenant and the Tenant hereby agrees to lease from the Landlord that lot located at 200 Second Street, N.E., Charlottesville, Virginia, and containing the McIntire Library Building and grounds, being more particularly described in a deed conveying the lot to the City of Charlottesville recorded among the records of the Charlottesville Circuit Court Clerk's Office in Deed Book 33 at Page 92, hereinafter referred to as the "Premises."

1. **TERM.** The Term of this Lease shall be for a period beginning at 12:01 AM, **May 1, 2019** ("Commencement Date") and terminating at midnight on **April 30, 2022** ("Expiration Date"). This Lease may be renewed in a writing signed by both parties for a maximum of two (2) periods for a term of one (1) year for each separate period. This Lease may be terminated by the Landlord, provided the Landlord provides written notice of such termination to the Lessee at least sixty (60) days prior to the effective date of termination. The parties mutually agree that this Lease shall supersede and replace the existing lease agreement between the City and the Tenant for the Premises dated April 17, 2018.
2. **RENT.** The Landlord agrees that the Premises shall be leased to the Tenant for seven hundred fifty dollars (\$750.00) per month. The monthly rent shall increase by five percent (5%) on an annual basis starting May 1, 2020. The rent increase shall become effective on May 1 of each calendar year.
3. **TENANT ALTERATIONS.** Any alterations, additions and improvements to the Premises must be approved by Landlord prior to the commencement of construction. Except as otherwise provided hereafter, all such alterations, additions, and improvements to the Premises shall ensure to the benefit of and shall be the property of the Landlord.
4. **LANDLORD'S COVENANTS.**
 - A. Landlord covenants and agrees to:
 1. Comply with the requirements of applicable building and housing codes materially affecting health and safety;
 2. Make, coordinate and pay for all routine repairs and maintenance of the exterior premises, including but not limited to, exterior painting and roof repairs;
 3. Maintain in good and safe working order and condition all of the electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other utility or mechanical systems located within the Premises;
 4. Provide property insurance for the replacement value of the Premises, covering damages caused by structural, mechanical, or systems issues related to the building and grounds.

- B. Landlord further covenants that the Tenant, on performing the covenants and conditions contained in this Lease, may peaceably and quietly have, hold and enjoy the leased Premises, subject to the other terms of this Lease.

5. TENANT'S COVENANTS.

Tenant covenants and agrees to:

- A. Keep and maintain the Premises in good, clean and safe condition, including:
1. Tenant shall comply with obligations imposed upon tenants by applicable building and housing codes materially affecting health and safety;
 2. Tenant shall use all appliances, and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other systems, in a reasonable and safe manner;
 3. Tenant is responsible for paying all utilities to serve the Premises, including fire monitoring, electricity, water, sewer and natural gas;
 4. Tenant agrees to pay all costs resulting from the intentional or negligent destruction, damage or removal of any part of the Premises by the Tenant or by any sub lessee of the Tenant.
 5. Tenant shall maintain the grounds of the Premises, to include mowing, leaf removal, litter removal, landscaping and tree maintenance according to the City property maintenance codes;
 6. Tenant shall remove snow and ice from all walks and steps following City property maintenance codes;
 7. Tenant shall make an annual report to City Council about the progress of Tenant's various programs related to Council goals, to be provided in January of each year of the lease Term.
- B. Tenant shall immediately notify the Landlord of any condition on the Premises that constitutes a fire hazard or other serious threat to the life, health or safety of the occupants of the Premises. Additionally, the Tenant shall provide prompt written notice to the Landlord of any defects or malfunctions in the Premises or in any of the equipment, appliances or parts thereof, as soon as the Tenant becomes aware of them.
- C. Tenant covenants and agrees that upon the expiration or termination of this Lease: (i) the Tenant will deliver the Premises in the same condition in which they were received, ordinary wear and tear excepted; and (ii) the Premises shall be thoroughly cleaned. In the event any of the above conditions have not been met by Tenant prior to its vacation of the Premises, the Tenant agrees to pay all costs and expenses incurred by the Landlord to do so.
- D. Tenant agrees to release, indemnify, protect, and hold the City, its officers, agents and employees harmless from any loss, liability or obligation of any nature whatsoever, which may occur by reason of the Tenant's use of the Premises. This indemnification shall continue in full force and effect notwithstanding the termination of this Agreement. The Tenant shall maintain in force comprehensive public liability insurance coverage in a

minimum amount of \$1,000,000, with an insurer authorized to do business in Virginia. Such policy shall name the City as an additional insured and shall provide that such coverage shall not be cancelled without thirty (30) days written notice to the City. The Tenant shall submit evidence of such insurance coverage to the City Attorney for approval prior to the commencement date of this lease.

- E. The Tenant shall not deliberately or negligently destroy, deface, damage, impair or remove any part of the Premises or permit any other person to do so. Tenant shall be liable for all costs and expenses necessary to repair or replace the Premises, or any portion thereof, as a result of such deliberate or negligent acts.
- F. Tenant shall not commit or permit any waste or nuisance on or about the Premises, nor do anything that might create a hazard of fire on or within the Premises.
- G. Tenant shall not sublet any portion of the property without written consent of the Landlord.

6. DAMAGE TO PREMISES.

- A. In the event the Premises are destroyed or substantially damaged by fire or other casualty, and thereby rendered unfit for occupancy, the Term of this lease shall, at the option of either party upon reasonable notice to the other, terminate as of the date of such damage. Under those circumstances, accrued rent shall be paid up to the time of such damage. If neither party desires to terminate the Lease, the Landlord shall enter and repair the Premises with reasonable speed and rent shall be waived during any period in which the Premises remain unfit for occupancy. Once the Premises have been restored to a condition which is suitable for occupancy, the Tenant's rental obligation shall re-commence, but may be reduced by a reasonable amount for any period during which repairs continue, until such repairs have been completed.
- B. The Landlord shall maintain fire and extended coverage insurance on the Premises in an amount deemed adequate by the Director of Finance for the City of Charlottesville.
- C. The Tenant shall, at its own cost and expense, obtain adequate coverage for insuring the contents of the building against fire, theft or other peril, and the City expressly disclaims any liability for damages or loss of any nature whatsoever which may occur to the property of the Tenant, its members, or others while such property is located on the Premises.

7. **INDEMNIFICATION.** The Tenant agrees to indemnify the City, its officers, agents and employees and hold them harmless from any loss of any nature whatsoever, which may occur by reason of the Tenant's use of the Premises. The Tenant shall maintain in force comprehensive public liability insurance coverage in a minimum amount of One Million Dollars (\$1,000,000.00), and Workers' Compensation coverage statutory to the Commonwealth of Virginia, with an insurer authorized to do business in Virginia. The comprehensive liability policy shall name the City as an additional insured and shall provide that such coverage shall not be cancelled without thirty (30) days written notice to the City. Liability and Workers' Compensation coverage shall waive subrogation against the City. The Tenant shall submit evidence of such insurance coverage to the City Attorney, via a certificate of insurance issued on the Acord Form 25 or such other form as acceptable to the City Attorney, for approval prior to the commencement date of this lease and within 10 days of the renewal of said coverage.

8. **SUBLET OR ASSIGNMENT.** The Tenant shall have no right to assign or sublet the Premises to any other party without the prior written consent of the Landlord, which consent shall be entirely within the discretion of the Landlord. The Landlord acknowledges that a portion of the building basement has been sublet by the Jefferson Madison Regional Library (JMRL). The Tenant shall be required to provide the Landlord evidence of comprehensive public liability and

workers' compensation insurance coverage for JMRL or any other sub-tenant occupying the Premises. Coverage shall provide a minimum limit of One Million Dollars (\$1,000,000.00) per occurrence, with an insurer authorized to do business in Virginia. Liability policy shall name the City as an additional insured. Liability and Workers' Compensation coverage shall waive subrogation against the City and shall provide that such coverage shall not be cancelled without thirty (30) days written notice to the City. The Tenant shall submit evidence of such insurance coverage to the City Attorney, via a certificate of insurance issued on the Acord Form 25 or such other form as acceptable to the City Attorney, for approval prior to the commencement date of this lease and within 10 days of the renewal of said coverage. The Tenant shall provide the Landlord with a copy of the current sublease with the JMRL upon the Landlord's request.

9. **ACCESS.** The Landlord shall have the right to enter the Premises during normal business hours in order to inspect the Premises, make necessary agreed repairs or exhibit the Premises to either prospective or actual purchasers, tenants, workers or contractors. The Landlord may so enter without the consent of the Tenant at any time in case of emergency. Except in the case of emergency, or if it is impractical to do so, the Landlord shall give the Tenant reasonable notice of its intention to enter.
10. **HOURS OF OPERATION.** Tenant shall establish regular hours during which the Premises will be open to the public. As a minimum, the Premises shall be open to the public 5 full days per week, forty eight (48) weeks per year. For this purpose, a full day shall be deemed to be six (6) hours.

11. **DEFAULT; TERMINATION.**

- A. The following shall constitute events of Default by Tenant: (i) any material breach of this Lease by Tenant, including, without limitation, any breach that substantially affects the health or safety of any person; (ii) Tenant's abandonment of the Premises; (iii) Tenant's failure to make any payment of rent under this lease for a period of fifteen (15) days after written notice; (iv) use of the Premises by Tenant or others for any illegal purposes; (v) Tenant's denial of any right reserved in this Lease to the Landlord; (vi) filing by the Tenant or against the Tenant in any court pursuant to any statute of a petition of bankruptcy or insolvency or for reorganization or for the appointment of a receiver or trustee of all or a portion of Tenant's property or an assignment by the tenant for the benefit of creditors, provided that such proceedings are not dismissed within 90 days after the commencement of same; (vii) failure by the Tenant to maintain its status as a non-profit, non-stock organization, and (viii) the institution of legal proceedings by or against Tenant to levy upon or dispose of Tenant's leasehold interest in the Premises.
 - i. If Tenant is in default for non-payment of rent, and such default continues for thirty (30) days following written notice from the Landlord demanding possession of the Premises or the payment of rent, then the Tenant shall thereby forfeit its right to possession of the Premises. In such case, Tenant's possession may, at the Landlord's option, be deemed unlawful and the Landlord may proceed to recover possession through all lawful means and proceedings.
 - ii. In the event of a default for reasons other than failure to pay rent, the Landlord shall serve Tenant with a written notice stating the acts or omissions constituting the default and stating that the Lease will terminate, as set forth within the notice, upon a date not less than 30 days after Tenant receives the notice, unless the default is remedied within 21 days. If the breach is remediable by repairs or the payment of damages, and Tenant adequately remedies the breach within 21 days or such longer period of time as Landlord may specify in writing, the Lease shall not

terminate. However, if a particular default is not remediable, Landlord's written notice to Tenant may state the acts and omissions constituting the default and state that the Lease will terminate upon a specific date, which date shall not be less than 30 days after Tenant receives the notice.

- iii. In the event the Landlord pursues any remedies referenced above, the Tenant shall be liable as follows: (a) for all installments of rent and other charges that are past due, and those that are due and owing for the remainder of the Term of this Lease which shall immediately become due and payable; (b) for all expenses that may be incurred by the Landlord for re-letting the Premises, including, without limitation: brokerage, advertising, cleaning, repairing, redecorating and refurbishing expenses; (c) for any court costs incurred by the Landlord for possession of the Premises and for collection of unpaid rent or other charges under this Lease agreement; and (d) for reasonable attorney's fees incurred by the Landlord to obtain possession of the Premises or to collect rent, damages, or other charges under this Lease agreement.
- B. The following shall constitute events of Default by Landlord: (i) any material breach of this Lease by Landlord, including, without limitation, any breach that substantially affects the health or safety of any person; and (ii) Landlord's failure to comply with any laws pertaining to this Lease agreement.
- i. In the event of a Default by Landlord the Tenant shall serve a written notice to the Landlord specifying the acts or omissions constituting the Default and stating that this Lease agreement will terminate on a specific date not less than 30 days after receipt of the notice if such breach is not remedied within 21 days. If the breach can be remedied by repairs, and the Landlord adequately remedies the breach prior to the date specified in the notice, this Lease agreement shall not terminate.
 - ii. The Tenant may not terminate this agreement for a condition caused by the deliberate or negligent act of the Tenant, sublessees or invitees.
 - iii. The Tenant may recover damages and reasonable attorney's fees and may obtain any other action or remedy permitted by law for Landlord's failure to abide by the provisions of this Lease agreement. The Tenant's recourse to any particular remedy shall not deprive him of any other action or remedy.
- C. Prior to Expiration, if the Tenant deserts the Premises, the Landlord may deem the Lease in default and the Premises to be abandoned. The Landlord shall post in a conspicuous area on the Premises a notice declaring the Premises abandoned. Thereafter, the Landlord may enter and secure Premises and, after compliance with any applicable provisions of state law, the Landlord shall be entitled to possession.
- D. Upon termination or expiration of this lease, Landlord shall have the right to reenter and repossess the Premises and may dispossess the Tenant and remove the Tenant and all other persons and property from the Premises. Tenant shall leave the Premises in good and clean condition, ordinary wear and tear excepted.
12. **NOTICES.** All notices required by this Lease, and all correspondence concerning this Lease, shall be sent by United States mail (postage prepaid), to the following individuals:
- A. To Landlord: to the attention of the City Manager for the City of Charlottesville, addressed as follows: P. O. Box 911, Charlottesville, Virginia 22902.
 - B. To Tenant, to the address for the Premises, or such other address as the Tenant may designate in writing from time to time.

13. **HEADINGS.** The headings of the sections of this Lease are inserted for convenience only and do not alter or amend the provisions that follow such headings.
14. **GOVERNING LAW.** This Lease shall be construed, interpreted and applied in accordance with the laws of the Commonwealth of Virginia.
15. **SEVERABILITY.** Any provision of this Lease which is prohibited by, or declared by a court of competent jurisdiction to be unlawful or unenforceable under Virginia law shall be ineffective only to the extent of such prohibition or declaration; the remaining provisions of this Lease shall remain in full force and effect.
16. **NO WAIVERS.** Failure of the Landlord to insist, in any one or more instances, upon a strict performance of the covenants of this lease, or to exercise any option herein contained, shall not be construed as a waiver or a relinquishment of such right, but the same shall continue and remain in full force and effect. No waiver by the landlord of any provision hereof shall be deemed to have been made unless expressed in writing and signed by the Landlord.
17. **AMENDMENTS.** This lease may not be amended or modified except by written agreement signed by both parties.
18. **BENEFITS.** This agreement is binding upon and shall inure to the benefit of all the respective parties hereto, their respective successors, legal representatives and assigns.
19. **ENTIRE AGREEMENT.** This lease shall constitute the full and complete agreement between the parties, and no other prior or contemporaneous writings or statements shall be of any consequence or have any legal effect.

WITNESS the following signatures and seals.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____

Title: _____

ALBEMARLE COUNTY HISTORICAL SOCIETY

By: _____

Title: _____

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



Agenda Date:	February 4, 2019
Action Required:	Approve Change to City of Charlottesville Code of Ordinances
Presenter:	Jennifer Stieffenhofer, Procurement and Risk Manager
Staff Contacts:	Jennifer Stieffenhofer, Finance Department, Procurement & Risk Management Division
Title:	City Code Changes – Chapter 22 - Procurement

Background:

The Procurement section of the City of Charlottesville *Code of Ordinances* was changed in 2015 to increase the City’s small purchase threshold from \$30,000 to \$50,000, which aligned with Albemarle County and many other cities and counties in Virginia. Many Virginia public entities have now increased their small purchase threshold for goods, services, and non-transportation related construction to \$100,000. A public body may also establish small purchase procedures for professional services contracts not expected to exceed \$80,000 and transportation-related construction when the total project sum, including all phases, is not expected to exceed \$25,000 (Code of Virginia § 2.2-4303.G.)

Small purchase procedures foster a competitive environment while also reducing the complexity of the procurement process. There are benefits to the City and benefits to the vendor community. The City has the flexibility to reduce administrative lead time, and to contract quickly at a fair and reasonable price, while vendors benefit from a less onerous process with fewer terms and conditions.

The City of Charlottesville’s small purchase threshold is currently \$50,000. The following chart compares Charlottesville to other public agencies in and around Charlottesville:

Agency	Small Purchase Threshold
Albemarle County	\$100,000
Albemarle County Schools	\$100,000
Charlottesville City Schools	\$100,000
Orange County	\$100,000
Rivanna Water and Sewer Authority	\$100,000
Commonwealth of Virginia agencies in Charlottesville	\$100,000

Discussion – Increasing the City’s Small Purchase Threshold:

This request seeks City Council’s approval to increase the City of Charlottesville’s small purchase

threshold from \$50,000 to \$100,000 for goods, services and non-transportation related construction with implementation effective 3/1/2019, with the following exceptions: The small purchase threshold for professional services will be \$80,000, and the threshold for transportation-related construction will be \$25,000.

If the City's small purchase threshold is increased from \$50,000 to \$100,000, this will enable the City to implement an efficient competitive procurement process that is less cumbersome and more expedient for purchases that fall within this dollar range. The City currently has small purchase procedures in place for purchases \$50,000 and below. The increase to \$100,000 will:

- Provide a competitive environment for small purchases, but reduce procurement lead time because:
 - Small purchases do not require a minimum posting period which means the procurement process for these purchases will have a faster turnaround time.
 - Vendor responses to small purchase requests can be received more efficiently by email, fax, etc. vs. sealed and delivered in person or by mail which is required for larger purchases.
- Provide a less complex process for vendors.
 - Vendor responses to small purchase requests are generally less complex, contain fewer terms and conditions, and are easier for a potential bidder to respond to.
- Provides an increased threshold for the City's small purchase procedures which will be applied to the City's Minority Business Program which facilitates participation of minority-owned businesses, women-owned businesses, small and micro businesses, service disabled veterans, and employment services organizations in the City's procurement transactions.

Alignment with City Council's Vision and Priority Areas:

The changes to Chapter 22 of the City of Charlottesville Code of Ordinances align with Council's vision for Charlottesville to be a Smart, Citizen-Focused Government. It contributes to Goal 4 of the Strategic Plan, Be a well-managed and successful organization, and objective 4.2, maintain strong fiscal policies.

Budgetary Impact:

There is no anticipated impact on the General Fund. Departments will continue to be obligated to ensure any contracts are within their budget.

Recommendation: Staff recommends approval of these ordinance changes.

Alternatives:

If the ordinance change is not approved, the City cannot implement the efficiency improvements planned for small purchases within the \$50,000 - \$100,000 range.

Attachments: Proposed Ordinance changes.

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 22-4 OF CHAPTER 22
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
TO INCREASE THE SMALL PURCHASE THRESHOLD LIMIT
TO ONE HUNDRED THOUSAND DOLLARS (\$100,000)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

1. Section 22-4 of Article I of Chapter 22 (City Procurement of Goods and Services from Non-Governmental Sources) is hereby amended and reordained, as follows:

CHAPTER 22. CITY PROCUREMENT OF GOODS AND SERVICES FROM NON-GOVERNMENTAL SOURCES

ARTICLE I. IN GENERAL

Sec. 22-4. Methods of procurement authorized.

- (a) . . .
- (b) . . .
- (c) . . .
- (d) . . .
- (e) . . .

(f) The purchasing manager may establish written procedures ("small purchase procedures"), approved by the city manager, for single- or term-contracts for:

- (1) Goods and services (other than professional services) and non-transportation related construction, if the aggregate or the sum of all amounts to be paid to the contractor is not expected to exceed one hundred thousand dollars (\$100,000); and
- (2) Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed twenty-five thousand dollars (\$25,000); and
- (3) Professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed eighty thousand dollars (\$80,000).

~~single or term contracts for goods, services and professional services, if the aggregate or the sum of all amounts to be paid to the contractor during performance is not expected to exceed fifty thousand dollars (\$50,000.00) ("small purchase procedures").~~

Such small purchase procedures shall provide for competition wherever practicable.

- (g) . . .
- (h) . . .
- (i) . . .
- (j) . . .
- (k) . . .

2. This ordinance shall take effect on March 1, 2019.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 19, 2019
Action Required:	Approve Resolution
Presenter:	Alex Ikefuna, Director of Neighborhood Development Services
Staff Contacts:	Tierra Howard, Grants Coordinator
Title:	Approval of 2018 Analysis of Impediments to Fair Housing Choice Report

Background:

The purpose of the Analysis of Impediments to Fair Housing Choice (AI) is to identify and make recommendations to eliminate any impediments that currently exist in the Thomas Jefferson region (City of Charlottesville, Albemarle County, Fluvanna County, Louisa County, Greene County, and Nelson County) to the fair housing choices made by all residents. The analysis is an important part of the HOME Consortium's and the City of Charlottesville's commitment to affirmatively further fair housing, and it will serve to guide activities relating to fair housing for fiscal years 2018-2022. The AI will serve as a companion document to the Consolidated Plan and AI actions will be reported on with each corresponding Consolidated Annual Performance Evaluation Report (CAPER).

Discussion:

The U.S. Department of Housing and Urban Development requires grantees of federal assistance to complete the AI. The City of Charlottesville is a recipient of Community Development Block Grant and HOME funding. The previous AI was completed in program year 2011 and ended in program year 2017-2018. The AI contains four major components that are used to inform the final selection of impediments: data on demographics, the economy, and housing; input sessions to hear concerns from the community; analysis of public and private sector influence on fair housing; and a review of fair housing activities between 2013 and 2017. Page 97 of the AI draft summarizes the impediments identified in the report and provides proposed actions.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to have **Quality Housing Opportunities for All.**

Community Engagement:

The methodology section of the AI details all community engagement efforts which were coordinated with the Consolidated Plan update. To date, the following community engagement efforts have taken place:

- Announced AI report update in Fall 2017
- Conducted public meetings between January 2018 and April 2018. A summary of stakeholder meeting discussions are located at www.charlottesville.org/HUDplans
- Conducted an online survey between January 29, 2018 and March 13, 2018 to identify fair housing concerns. A summary of survey results are located at www.charlottesville.org/HUDplans
- Conducted twelve community stakeholder discussions
- Provided an opportunity for the Housing Director's Council (Thomas Jefferson HOME Consortium members) to make comments on the AI at their July 17, 2018 and January 15, 2019 meetings.
- Advertised the draft AI report and held a thirty-day comment period (January 17th – February 15th, 2019). Comments received to date have been incorporated into the AI draft. Any additional comments and data will be incorporated into the final plan to be available on the City's website.

A wide range of over eighty organizations were informed about the AI update process and kept informed of public meetings and draft reviews by email, public notice mailings, and during stakeholder meetings throughout the course of the update. These organizations include business groups, social service providers, neighborhood associations, the public housing community, real estate and housing organizations, anti-poverty organizations, and health and mental health organizations, and organizations that represent the Latino and African American community. Many representatives from these groups attended meetings held for the update and staff sent out data requests to these groups, however, not all representatives opted to participate. Staff also coordinated with CRHA to include notices in billing inserts.

Budgetary Impact:

There will be no budgetary impact.

Recommendation:

Staff recommends approval of the 2018 Analysis of Impediments to Fair Housing Choice report.

Alternatives:

There are no alternatives.

Attachments:

Resolution

Draft 2018 Analysis of Impediments to Fair Housing Choice
<http://www.charlottesville.org/home/showdocument?id=64099>

RESOLUTION

Adoption of 2018 Analysis of Impediments to Fair Housing Choice Report

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the report entitled “Analysis of Impediments to Fair Housing Choice”, as presented to City Council on February 19, 2019, is hereby approved as a companion document to the Consolidated Plan.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 19, 2019
Action Requested:	Consideration of a Rezoning Application
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
Title:	ZM-18-00001 918 Nassau Street

Background:

Justin Shimp (Shimp Engineering) on behalf of Charles Hurt and Shirley Fisher (landowners) have submitted a rezoning petition for Tax Map 61 Parcels 79.17, 79.18, & 79.19, 918 Nassau Street, and a portion of Tax Map 61 Parcel 79 (Subject Properties). The rezoning petition proposes a change in zoning from the existing R-2 Two-family Residential to HW Highway Corridor with proffered development conditions. The proffered conditions include:

(i) Maximum height of buildings: Any structures(s) located on the property shall not exceed thirty-five (35) feet in height, where height is the vertical distance measured perpendicularly from grade from the highest point on such building or structure;

(ii) Future land uses:

(a) The gross floor area of any singular commercial use shall not exceed 4,000 square feet. This shall not prohibit the gross floor area of multiple commercial uses from exceeding 4,000 square feet;

(b) The land uses permitted on the Subject Properties are found in the HW Corridor Sec. 34-796 use matrix, but prohibits the following; Adult assisted living greater than 8 residents. Bed-and-breakfasts homestays, B&Bs, Inns, convent/monastery, nursing homes, residential treatment facility over 8 residents, shelter care facilities, amusement centers, animal boarding/grooming/kennels without outside runs or pens, art galleries, auditoriums, amphitheaters, automotive services, banks/financial institutions, bowling alleys, car washes, catering business, health clinics, veterinary clinics, private clubs, data centers, dry cleaning establishments, elementary schools, high schools, artistic instruction up to 4,000 SF, electronic gaming cafes, hotels/motels, laundromats, libraries, small breweries, movie theaters, municipal buildings, museums, music halls, offices, outdoor storage, public recreational facilities, fast food restaurants, full service restaurants, taxi stands, transit facilities,

consumer service businesses over 4,001 SF, home improvement centers, pharmacies, shopping centers, shopping malls, retail stores over 4,001 SF, laboratories, and printing/ publishing facilities;

(iii) Affordable housing; contingent upon approval of residential density on site, the owners shall reserve ten percent (10%) of the units built on the Property for on-site for-rent affordable dwelling units (as defined herein). The units will remain affordable for a period of twelve (12) years from issuance of certificate of occupancy. For-rent affordable dwelling units shall rent at a rate making the units affordable to households with incomes at not more than 50% of the area median income (“AMI”) for the Charlottesville Metropolitan Area published annually by the United States Department of Housing and Urban Development (“HUD”).

In addition to the rezoning application, Justin Shimp has submitted a special use application (SUP) for 918 Nassau Street, a portion of tax map 61, parcel 79, and tax map 61 parcels 79.16, 79.17, 79.18, 79.19, & 79.201 for residential density. The SUP application is being requested to accommodate the development of (18) one-bedroom and (12) two-bedroom units split between (2) three-story apartment buildings for a total of (30) dwelling units. The development is being proposed as an urban farm and will accommodate a 1,280 square foot greenhouse and an approximately 600 square foot retail farm store. Additional parking, farm sheds, and agricultural fields supporting the development are proposed on an adjacent 7.52 acre county parcel.

After the Planning Commission meeting on December 11, 2018 the applicant updated the SUP materials to alter the one and two-bedroom configuration. The new configuration removes a set unit types and calls for a mix of one and two-bedroom for a total of thirty (30) units.

Discussion:

The Planning Commission discussed this matter at their April 10, 2018, October 9, 2018, October 30, 2018, and December 11, 2018 meetings. During these meetings the Commission had concerns with rezoning the subject property to HW without any assurances any future development would have a residential component. Public access to Moores Creek, stormwater management, and impacts to the floodplain were also discussed by the Planning Commission. During the October 30th work session, the Planning Commission outlined additional areas of concern the applicant needed to address.

- The name of the development.
 - The Human Rights Commission held a meeting on November 15, 2018 and discussed the name of the development and any derogatory connotation it might have. Below are their recommendations:
 - Planning Commission members should engage the residents of the Hogwaller neighborhood to see what they think about the development name.
 - If the Planning Commission feels strongly about using the name, that it be called Waller Farms and not Hogwaller.

- The development could be called something else but a historic plaque be added in the area to acknowledge the neighborhood name.
- Concern with the size of any future by-right commercial or retail development.
 - The applicant updated their proffer statement to reflect a 4,000sqft gross floor maximum for any singular commercial use on site.
- Concern with “Convenience Store” use and what that could be.
 - Staff recommended to the applicant to request a Zoning Determination from the Zoning Administrator on what a “Convenience Store” is. No action was taken on this recommendation.
- Concern over Special Uses that remained in the proffered use matrix.
 - Staff consulted with the City Attorney’s Office and it was determined that SUPs could be removed from a proffered use matrix. The applicant updated their proffer statement to remove all SUPs, with the exception of Utility Facilities, Farmer’s Markets, and Outdoor Parks.
- Concern not enough affordable units would be provided within the development.
 - The applicant updated their proffer statement related to affordable housing.
- Concern with how stormwater will be handled for the development.
 - Staff updated their analysis and can be viewed on page 11 of the Rezoning Staff Report.

During the Public Hearing on December 11th, the Planning Commission questioned the location of the floodplain limits and the impact this development could have on it and the local watershed. Although the development proffers 10% affordable units (based on the number of units planned for development this would equal 3 affordable units at 50% AMI for 12 years), this number was not considered sufficient to some members of the Commission.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to ***Goal 4: A Strong, Creative and Diversified Economy, 4.2 Attract and cultivate a variety of businesses***, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On September 11, 2017 the applicant held a community meeting at Clark Elementary. The applicant gave an overview of the project as it related to the need for a rezoning and a SUP. The community voiced the following concerns with the proposed development:

- View from Linden Avenue could be blocked.
- The development could have an adverse impact on Moores Creek.
- What type of development could happen in the floodplain?

Other comments included:

- Appreciation for proposing an initiative “urban farm”.
- Providing affordable units.

On April 10, 2018 the Planning Commission held a joint Public Hearing with City Council.

Two (2) members of the public spoke and expressed the following:

- The development should provide a trail to Moores Creek.
- Any development should not include bringing in fill to the floodplain.
- Concerned the applicant is only looking for density and will not provide any amenities or farm.

On October 9, 2018 the Planning Commission held a joint Public Hearing with City Council. Four (4) members of the public spoke and expressed the following:

- Concerns with any development in the Floodplain.
- Concern with traffic and a large building near single family homes.

Other comments included:

- The concept of a small urban scale farm with hosing is interesting, but more information is need on how it could impact the environment.

On October 30, 2018 the Planning Commission held a Work Session and seven (7) members of the public spoke. They expressed the following:

- Concerns that the development will not have enough public amenities like trees and benches.
- How will stormwater be managed on site?
- Development should not happen in the floodplain.
- The soil needs to be tested prior to development.

Other comments included:

- The City needs more affordable housing and this development will provide that.
- Regulations and codes currently in place will result in this being a good development that will have no impact on the environment.
- A lot of the younger population that lives near the proposed development are excited about it and believe it will be good for the City.

On December 11, 2018 the Planning Commission held a Public Hearing and six (6) members of the public spoke. All six speakers expressed concerns with building in a floodplain. The speakers believed this area should be left undeveloped and act as a buffer to wetlands and Moores Creek.

Staff received a number of emails regarding this project and they have been forwarded to Planning Commission and City Council. The main concern noted is related to opposition to development in or near floodplains and wetlands. The building massing along Nassau was also an apprehension.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mrs. Dowell moved to recommend denial of this application to rezone the subject properties from R-2 to HW, on the basis that the proposal would not service the interests of the general public and good zoning practice.

Mr. Solla-Yates seconded the motion

Mrs. Green, Yes
Mrs. Dowell, Yes
Mr. Lahendro, Yes
Mr. Solla-Yates, No
Mr. Stolzenberg, No

The motion passed 3 – 2 to recommend denial of the rezoning application to City Council.

Additional Information

After the Planning Commission’s Public Hearing on December 11, 2018 the applicant made adjustments to the SUP materials. These changes were based on information the applicant heard from staff, Planning Commission and the community. These changes have been reviewed by staff and do not materially alter the application. The changes include:

- Changing the name of the development to 918 Nassau St.
- Changing the allotment of units to a mix of one and two-bedroom units.
- Additional information on the articulation of the building along Nassau St., transect, and massing.
- Additional information on the grading plan and floodplain location per LOMR-16-03-1207P.

After reviewing this information staff has made adjustments to the proposed conditions on the SUP. The updated information is only related to the SUP and no changes were made to the Rezoning application. The updated SUP materials are attached to the SUP City Action Memo.

Alternatives:

City Council has several alternatives following a public hearing:

- (1) by motion, deny the requested Rezoning as recommended by the Planning Commission;
 - (2) by motion, take action to approve the attached ordinance granting the Rezoning;
 - (3) by motion, request changes to the attached ordinance, and then approve the Rezoning;
- or
- (4) by motion, defer action on the Rezoning.

Attachments:

- A. Ordinance
- B. Link to the Staff Report and background information from the December 11, 2018 Planning Commission meeting:

<http://www.charlottesville.org/home/showdocument?id=63739>

(Staff Report begins on page 9)

C. Petition and letter of Support

D. Frequently Asked Questions

**AN ORDINANCE
APPROVING A REQUEST TO REZONE PROPERTY
IDENTIFIED ON CITY TAX MAP 61 AS PARCELS 79.17, 79.18, 79.19, and 79.201 (918 Nassau
Street), AND LAND IDENTIFIED ON CITY TAX MAP 61 AS PARCEL 79
FROM R-2 (RESIDENTIAL TWO FAMILY) TO HW (HIGHWAY CORRIDOR MIXED USE)
SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS, Justin M. Shimp, Trustee of the Franklin Street Land Trust III (“Landowner”), is the owner of land identified on City Tax Map 61 as Parcels 79.17, 79.18, 79.19, and 79.201 (Parcel 79.201 having an address of 918 Nassau Street), and also of land identified on City Tax Map 61 as Parcel 79 (collectively, the “Subject Property”) have made application to the Charlottesville City Council seeking to change the zoning district classification of the Subject Property from R-2 (Residential Two-Family) to HW (Highway Corridor Mixed Use), subject to certain development conditions voluntarily proffered by the Landowner, as set forth within a final written proffer statement submitted pursuant to City Code §34-64(c) (hereinafter, the “Proposed Rezoning”); and

WHEREAS, the Landowner seeks the Proposed Rezoning in order to develop the Subject Property for a specific project referred to as “918 Nassau Street” containing an apartment complex with approximately 30 dwellings (a mixture of one- and two-bedroom dwelling units); approximately 7.5 acres of land behind the apartment complex preserved as green space and an urban farm serving the surrounding neighborhood; affordable, for-rent dwelling units, in the amount of 10% of the total number of apartment dwelling units; a riparian buffer along Moore’s Creek; and

WHEREAS, a public hearing on the Proposed Rezoning was conducted jointly by the Planning Commission and City Council on October 9, 2018, following notice to the public and to adjacent property owners as required by law, and thereafter, the Planning Commission considered the matter further at their October 30, 2018 worksession and an additional public hearing December 11, 2018; and

WHEREAS, on December 11, 2018, the Planning Commission voted to recommend that City Council should deny the Proposed Rezoning; and

WHEREAS, on February 19, 2018, this City Council considered the Proposed Rezoning, including written materials and representations made by the Landowner, the Staff Report; comments received from the public; and the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the Proposed Rezoning; that both the existing zoning classification (R-2 Residential Two-Family) and the proposed zoning classification (HW Highway Corridor Mixed Use Zoning District, subject to proffered development conditions) are reasonable; that the Proposed Rezoning is consistent with the Comprehensive Plan; and that the proffered development conditions are reasonable, consistent with the Comprehensive Plan, and in accordance with Virginia Code §15.2-2303; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning from R-2 (Residential Two-Family) to HW (Highway Corridor Mixed Use) subject to proffered development conditions, all of the property identified on City Tax Map 61 as Parcels 79.17,

79.18, 79.19, and 79.201 (having an address of 918 Nassau Street), and a portion of the property identified on City Tax Map 61 as Parcel 79, collectively consisting of approximately 0.8 acre (approximately 34,848 square feet), and

BE IT FURTHER ORDAINED by the Council of the City of Charlottesville that the use and development of the Subject Property for the Project shall, effective as of the date of approval of this Ordinance, be subject to the following proffered development conditions, in addition to the requirements of other applicable City ordinances:

1. **HEIGHT OF BUILDINGS AND STRUCTURES:** any buildings and structures located on the Subject Property shall not exceed thirty-five (35) feet in height. (Height is to be measured in accordance with City Code §34-1100 in effect as of the date this ordinance takes effect, which specifies that height, when applied to a building or structure, shall refer to the vertical distance measured perpendicularly from grade to the highest point on such building or structure).
2. **AFFORDABLE HOUSING:** if a special use permit is approved by City Council authorizing development of the Subject Property at a residential density of up to thirty-two (32) dwelling units per acre, then the Landowner shall reserve ten percent (10%) of the dwelling units built on the Subject Property for on-site, for-rent, affordable dwelling units (as defined below). These on-site ADUs will remain affordable for a period of twelve (12) years from the date of issuance of a certificate of occupancy for the third on-site ADU. Administration of the on-site ADUs (“Administration”) shall be conducted according to the terms described below.
 - a. **On-site, for-rent affordable dwelling units (“on-site ADU’s”):** each of the on-site ADUs shall be rented at a rate that makes the unit affordable to a household having an income of not more than fifty percent (50%) of the area median income (AMI) for the Charlottesville Metropolitan Area, as such AMI is published annually by the United States Department of Housing and Urban Development (HUD).
 - b. **Administration of on-site ADU’s:** the Landowner shall be responsible for assuring that administration of the on-site ADUs shall be conducted in a manner such that books and records will be kept to document the following:
 - i. Section 8 voucher holders will have first priority to rent any available on-site ADU’s;
 - ii. The owner of each of the on-site ADU’s shall verify that the household income of the person(s) to whom the on-site ADU is rented is not more than fifty percent (50%) of the area median income (AMI) for the Charlottesville Metropolitan Area; and
 - iii. Upon request, the owner of any on-site ADU shall provide a written report to the zoning administrator, accompanied by evidence of the owner’s efforts and results in complying with the requirements of subparagraphs (i) and (ii), above.

3. **LAND USES—**

- a. **Gross Floor Area:** the gross floor area (GFA) of any single commercial use shall not exceed four thousand (4,000) square feet. This restriction shall not be interpreted to prohibit the GFA of multiple commercial uses, in the aggregate, from exceeding 4,000 square feet.
- b. **Permitted Uses:** the Subject Property may be used only for the following; any uses other than those listed below shall be prohibited:
 - i. **Residential and related uses.**
 1. **By right:** accessory buildings, structures and uses (residential); multifamily dwellings; residential occupancy (maximum 4 unrelated persons); residential treatment facility (1-8 residents);
 2. **With a provisional use permit:** home occupations;
 - ii. **Commercial uses (each limited to a maximum GFA of 4,000 SF, in accordance with 3.a., above, except as otherwise noted):**
 1. **By right:** accessory buildings, structures and uses (non-residential); art studio; art workshop; wholesale bakery; attached communications facilities using utility poles as the attachment structure; attached communications facilities not visible from any adjacent street or property; daycare facility; micro-producers; surface parking lot (19 or fewer spaces); photography studio; indoor health/sports clubs, tennis clubs swimming clubs, yoga studios, dance studios, skating rinks, recreation centers, etc.; technology-based businesses; consumer service businesses; greenhouses/ nurseries; convenience store; grocery store; retail stores; property management office, ancillary to multifamily dwelling use; parking garage, ancillary; surface parking lot (20 or more spaces), ancillary;
 2. **By special use permit:** farmer's market; parking garage (non-ancillary); outdoor parks, playgrounds, ball fields, ball courts, swimming pools, picnic shelters, etc. (private);
 3. **With a provisional use permit:** mobile food units;
 4. **With a temporary use permit:** temporary outdoor sales (flea markets, craft fairs, promotional sales, etc.); temporary outdoor assemblies (outdoor church services, etc.);
 - iii. **Other uses:**
 1. **By right:** house of worship; utility lines;
 2. **By special use permit:** utility facilities.

Attachment C

RE: Nassau Street Apartments and Urban Farm

To Whom It May Concern:

The Thomas Jefferson Community Land Trust (TJCLT) would like to express its support for the Nassau Street Apartments and Urban Farm project located at 918 Nassau Street, along the eastern edge of the Belmont-Carlton neighborhood. TJCLT is currently constructing 4 new affordable housing units adjacent to the project and is excited by the possibility of having an urban farm as a neighbor.

We recognize the value of the accessibility of healthy, fresh foods for our residents and the greater neighborhood. Currently, the neighborhood's fresh food choices are very limited, especially if individuals are constrained to food sources located within walking distance. We support the project's intent to provide affordable healthy foods and to serve as a hands-on educational platform for sustainable food production.

We encourage others to extend support for this project, recognizing the project's potential to create a community asset that will continually give back to the neighborhood.

Sincerely,

DocuSigned by:
Greg Slater 2/11/2019
5304E9EBDAE146E...
Thomas Jefferson Community Land Trust
(TJCLT)

change.org

Shimp Engineering

Recipient: Charlottesville City Council

Letter: Greetings,

Please support the Nassau Street Apartments and Urban Farm.

Signatures

Name	Location	Date
Nicole Scro	US	2019-01-14
David Mitchell	District Heights, VA	2019-01-14
Jennifer Scro	Bethesda, MD	2019-01-14
eric stumpf	Charlottesville, VA	2019-01-14
Lisa Scro	Northport, NY	2019-01-14
JON INWOOD	Brooklyn, NY	2019-01-14
Stephanie Scro	Charlottesville, VA	2019-01-14
Kelsey Schlein	Charlottesville, VA	2019-01-14
Brian Shafran	Charlottesville, VA	2019-01-14
Alex Shafran	Charlottesville, VA	2019-01-14
kathleen adams	Charlottesville, VA	2019-01-14
Missy Velez	Charlottesville, MD	2019-01-14
Charles Kelly	Charlottesville, VA	2019-01-15
Malcolm MacLachlan	Charlottesville, VA	2019-01-15
Bailey Reed	Charlottesville, VA	2019-01-15
Sam Thomas	Charlottesville, VA	2019-01-16
Kendra Patrick	Charlottesville, VA	2019-01-16
Ross Schiller	Charlottesville, VA	2019-01-16
Courtney Newman	Charlottesville, VA	2019-01-16
brooke osborn	Danville, US	2019-01-16

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Name	Location	Date
Austin Zaino	Myrtle Beach, US	2019-01-16
Jasmine Harris	US	2019-01-16
José Rivera López	Atlanta, US	2019-01-17
Garrett Devine	Charlottesville, VA	2019-01-17
Bryan Lewis	Charlottesville, VA	2019-01-17
TAMMY HARRIS	ATHENS, US	2019-01-17
Ingrid Ortiz	San Juan, US	2019-01-17
Brian Moon	Charlottesville, VA	2019-01-17
Jordan Riddick	Aspen, CO	2019-01-17
Sydney Lindburg	Stromsburg, US	2019-01-17
Matthew Gillikin	Hyattsville, MD	2019-01-17
Lex Gibson	Charlottesville, VA	2019-01-17
Elise Cruz	Dyke, VA	2019-01-17
Jennifer Seidel	Charlottesville, VA	2019-01-17
Jessica Ford	Charlottesville, VA	2019-01-17
MONIQUE WILSON	Charlottesville, VA	2019-01-18
tessa luecke	Crozet, VA	2019-01-18
Greta Conlon	Montclair, NJ	2019-01-18
Laura Berkley	Harrisonburg, VA	2019-01-18
Megan Knutson	Afton, VA	2019-01-18
Mikaela Conlon	San Francisco, CA	2019-01-18
Jamie Hawke	San Francisco, CA	2019-01-18

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Name	Location	Date
Rebecca Hinch	Charlottesville, VA	2019-01-18
Lara Berti	Crozet, VA	2019-01-18
Caroline Hozza	Charlottesville, VA	2019-01-18
Patrice Calise	Charlottesville, VA	2019-01-19
Maygan Gezzi	Jackson, WY	2019-01-19
Nyeela Hueholt	West Newfield, ME	2019-01-20
Taylor Pond	Charlottesville, VA	2019-01-20
Brittney Morgan	Charlottesville, VA	2019-01-20
Jeremy Kenney	Charlottesville, VA	2019-01-20
Julie O'Brien	Charlottesville, VA	2019-01-20
Hannah Patrick	Charlottesville, VA	2019-01-21
Jayleane Drucker	Charlottesville, VA	2019-01-22
Greg Vogler	Charlottesville, VA	2019-01-22
Candace Schoner	Charlottesville, US	2019-01-22
Joseph Usher	Charlottesville, VA	2019-01-22
Taylor Cope	Charlottesville, VA	2019-01-22
Kelly Berrang	Charlottesville, VA	2019-01-22
Jane Barnes	Charlottesville, VA	2019-01-22
Manoj Devkota	Chicago, IL	2019-01-23
Jon Stumpf	Dover, DE	2019-01-23
Susan Usher	Richardson, TX	2019-01-23
Patti Watson	Charlottesville, VA	2019-01-23

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Name	Location	Date
Holly lord	Charlottesville, VA	2019-01-23
Emmie Wright	Halethorpe, MD	2019-01-23
Lee Humphrey	Charlottesville, VA	2019-01-23
Missy Wernstrom	Charlottesville, VA	2019-01-23
Pete Yadlowsky	Charlottesville, VA	2019-01-23
Jessica Butler	Charlottesville, VA	2019-01-23
Roger Voisinet	Charlottesville, VA	2019-01-23
Dana Hatcher	Charlottesville, VA	2019-01-23
Martha Dix	Charlottesville, VA	2019-01-23
Karyl Reynolds	Charlottesville, VA	2019-01-23
Kyung Lee	Charlottesville, VA	2019-01-23
Leigh Glassmire	Charlottesville, VA	2019-01-23
Lucy Millinder	Charlottesville, VA	2019-01-23
Donna DeGroat	Charlottesville, VA	2019-01-23
Lynn Pontillo	Charlottesville, VA	2019-01-23
Bev Wann	Charlottesville, VA	2019-01-23
Jenna Massie	Roanoke, VA	2019-01-24
Sara Shick	Birchrunville, PA	2019-01-24
Suzy Piccola	Earlysville, VA	2019-01-24
David Harrison Harrison	West Jordan, VA	2019-01-24
Caroline Little	Roanoke, VA	2019-01-25
Judith Cayo Cotter	University park, MD	2019-01-25

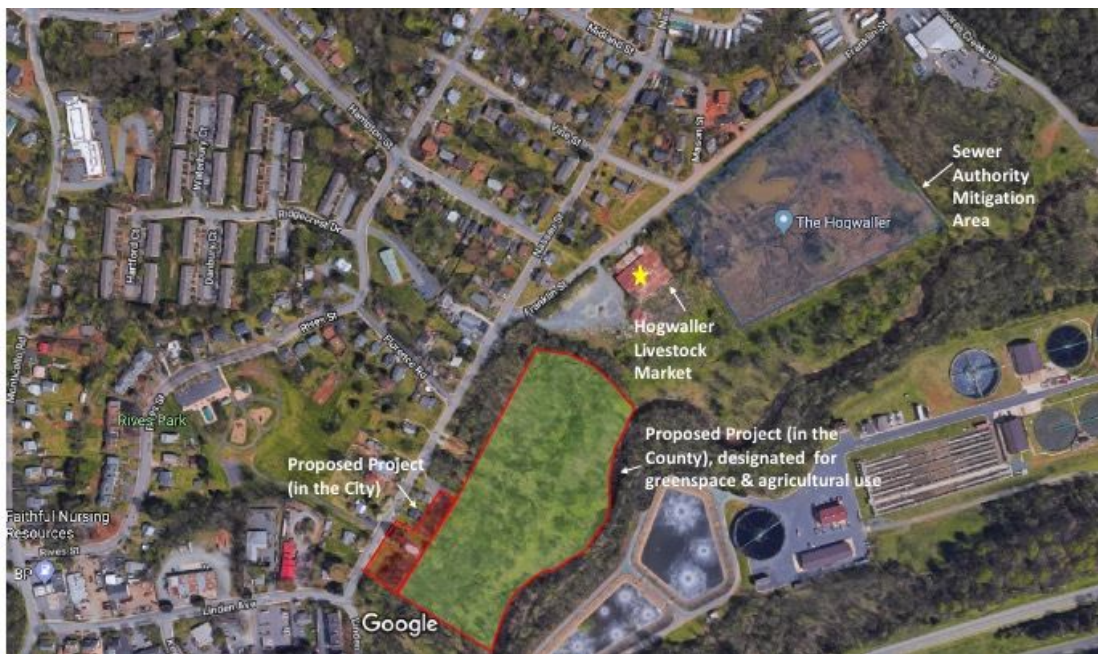
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Name	Location	Date
Alexis Troia	Labelle, US	2019-01-27
Nathaniel Bilhartz	Lawrenceville, GA	2019-01-30
Valerie Deleon	Moore Haven, US	2019-02-03

Frequently Asked Question #1:

Question: Where is the proposed project located? Is the project located on the existing Hogwaller livestock market?

Answer: Below is a google image of the surrounding area, with the proposed project highlighted in **red**. The red highlighted area that is also **shaded red** is where the proposed apartment complex would be located. The red highlighted area that is **shaded green** is 7.52 acres designated for green space or agricultural use. The intention is for this area to be used as an urban farm and green space to serve the surrounding neighborhood. The existing Hogwaller livestock market is highlighted with a **yellow star**. There is an area located immediately adjacent to the livestock market that was purchased by the Rivanna Water and Sewer Authority to mitigate Moore's Creek. This area is highlighted in **blue**.



Frequently Asked Question #2:

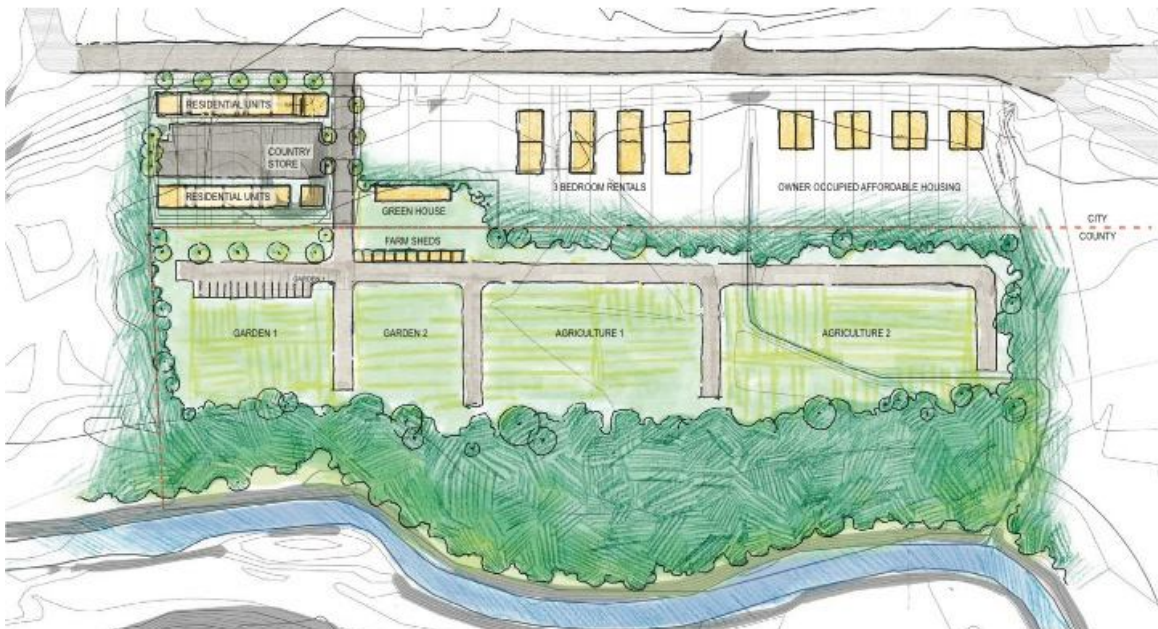
Question: What are the basic facts?

Answer: The basic facts are as follows:

Attachment D

- 30 small multifamily units, consisting of a mixture of one- and two-bedrooms
- 7.52 acres behind the apartment complex preserved for green space and an urban farm to serve the surrounding neighborhood
- The urban farm will be run by a nonprofit and offer several leasable sheds and small plots of land to store and grow produce. There will also be a small country store to sell some of the produce grown on site as well as a small greenhouse. The nonprofit will also offer agricultural and gardening related educational activities at the urban farm.
- 10% of the apartment units will be designated as affordable to those making 50% or less than the Area Median Income (AMI) for a period of 12 years
- Buildings will not exceed 35 feet from grade -- the maximum allowable height in residential zoning districts

Below is an image of the basic concept plan. The concept plan does not show all of the details being proposed, such as: (1) a potential trail system that may be able to connect to the Rivanna Trail on the opposite side of Moore's Creek, (2) a riparian buffer consisting of specific types of vegetation that are able to soak up stormwater runoff before it reaches the creek, mitigating potential overflow, and (3) how the site may help rehabilitate some of the soil damaged by the existing poorly designed stormwater runoff system onsite. The concept plan also shows 8 structures that are being constructed by-right, meaning they do not require approval from City Council. The 4 larger structures will be 3-bedroom duplexes and the 4 smaller structures were sold to Habitat for Humanity and the Thomas Jefferson Land Trust for affordable housing -- these structures are currently under construction.



Frequently Asked Question #3: Attachment D

Question: Is the proposed apartment complex located in the floodplain?

Answer: No. But it can be very confusing! There are two facts that are important to understanding the answer to this question.

1. The floodplain map on the City's GIS database, accessible online [here](#), does **not** show the most recently **updated information related to the floodplain map**. The City's GIS database is taken from the Federal Emergency Management Agency (FEMA) website, found [here](#). However, FEMA does not regularly update its website's maps. Instead, to note that there has been a change, it will cite a "Letter of Map Revision." One type of Letter of Map Revision (LOMR) is when FEMA revises its elevation levels relative to an applicable water source that are susceptible to the risk of flooding. The FEMA map for this area cites Letter of Map Revision (LOMR) # 16-03-1207P, effective 2/16/2017. To find the revised data from this LOMR, you can click on the "Revisions" folder on the FEMA website showing this area or click [here](#). From there, towards the end of the document (pages 27-28), you will see revised elevations for the area of the proposed project -- located between cross-section lines C and D in Zone AE. The updated elevation lines are between 324 and 326.2 feet. The image will look the same as the original FEMA map except for a black box around the revised area that says "Revised Area" and lines at certain intervals labeled A-Z with revised elevation levels stated for each cross-section. As shown in the image below, the first building of the apartment complex is located at an elevation level of 330 feet, 4-6 feet out of the floodplain. A portion of the second building appears to be located at elevation levels between 322-320 feet. However, see note (2) below.

2. The floodplain is determined by elevation -- in other words, the floodplain is indicative of how high water will rise if there were an exceptionally bad storm. Therefore, if compacted soil is used to lift the elevation of the property, construction will then be considered out of the floodplain. As noted above, since a portion of one of the buildings of the apartment complex appears to be located at elevation levels between 322-320 feet, approximately 6 feet of fill (compacted soil) will be needed in this area to lift the proposed apartments out of the floodplain. We would place fill up to 8 feet to be conservative. **We hope to have a more detailed grading exhibit posted soon.**

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GIS Map per City Website
Map is based on outdated GIS data and outdated elevation data.



Accurate Floodplain Map (approved 2.6.2017)
Floodplain per field survey and current floodplain study.

Frequently Asked Question #4:

Question: But I have seen pictures of the property that clearly show there is standing water on it, suggesting it may be susceptible to flooding?

Answer: Because there is an existing stormwater culvert located on the property, there are often pools of sitting water. The pools of sitting water are there because of water from surrounding areas of the City flowing out of the stormwater culvert. The stormwater culvert was poorly designed and does not help to rehabilitate the stormwater or the surrounding vegetation. We have proposed redirecting the water from this culvert to a location where it can be absorbed by specific species of vegetation and rehabilitated. The image below shows the approximate location of the sitting water (black circle) and the approximate location of the stormwater culvert.



Frequently Asked Question #5:

Question: What about global warming and the increased intensity of storms?

Answer: Flooding is a result of (1) Rainfall and (2) Land Cover. Land Cover is how rainfall is distributed once it hits the ground. The proposed development includes a riparian buffer adjacent to Moore's Creek, which will reduce the impact of higher rainfall by protecting the project from erosion and higher velocity water often seen in flooding. So, by preserving the property's natural Land Cover, we can safeguard the area from some of the consequences commonly associated with global warming. Similarly, Albemarle County has increased stream buffers and related regulations such that the Land Cover of Albemarle County mitigates the impact of flooding in Charlottesville.

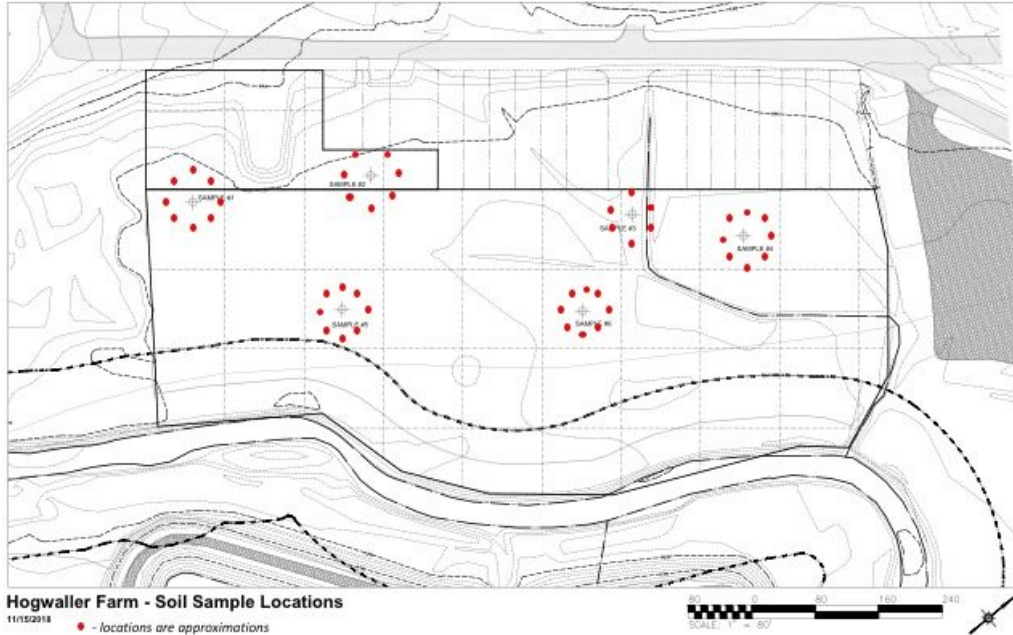
Frequently Asked Question #6:

Question: Is the soil contaminated?

Answer: After meeting with several neighbors concerned about the quality of the soil, the developer sent soil samples to two independent labs: (1) the Virginia Cooperative Extension at Virginia Tech and (2) Air, Water and Soils Lab in Richmond. We found the soil to be suitable for farming. As expected, there was one location that may need more rehabilitation than others because stormwater runoff collects in this location from a nearby culvert. To rehabilitate the soil at this location, we will be redirecting the water to a different location where it can be absorbed by specific species of vegetation.

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Below is an image of where the soil samples were taken on the property. Such locations were chosen because they represent the variety of conditions of the site.



Frequently Asked Question #7:

Question: How will the farming portion of the project impact Moore’s Creek?

Answer: As noted previously, a riparian buffer will be located adjacent to Moore’s Creek. The riparian buffer includes certain species of vegetation and soils that act as a sponge for nearby water runoff, including runoff from the farm. The proposed riparian buffer is larger than most agricultural buffers, especially compared to the small size of the farming operation. In addition, the nonprofit operating the farmland intends to grow organically as much as possible. We also would like to include a small organic hydroponic farm in a portion of the greenhouse.

Frequently Asked Question #8:

Question: I heard the developer already has a permit to build on the property. Is this true?

Answer: Yes, we have already obtained the appropriate approvals to place compacted soil (fill) on the property. Therefore, we can build 6 single family homes or 12 two-family homes (duplexes) without City Council approval, or a 30-unit apartment complex with City Council approval. To obtain a permit to allow fill on the property, you must obtain a Conditional Letter of Map Revision - Fill (CLOMR-F) from FEMA. A CLOMR-F is FEMA's comment on a

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proposed project that would, upon construction, result in the modification of the existing floodplain map. Click [here](#) to be directed to FEMA's regulations on CLOMR-F permits.

Once a project has been completed, the applicant must request a revision to the floodplain map via a Letter of Map Revision - Fill (LOMR-F). "As-built" certification and other data must be submitted to support the revision request. For a LOMR-F to be issued by FEMA, it is required that the lowest adjacent grade of the applicable structures be at or above the floodplain elevation levels. The applicable locality must also determine that the land and any existing or proposed structures to be removed from the floodplain are "reasonably safe from flooding." Click [here](#) for FEMA's instructions on obtaining LOMR-F permits.

Frequently Asked Question #9:

Question: Will the project offer affordable housing?

Answer: 10% of the proposed units will be designated as affordable to those individuals making 50% or less compared to the Area Median Income (AMI) for a period of 12 years.

Frequently Asked Question #10:

Question: Is the Hogwaller name racist or offensive in any other way?

Answer: An informative article on the Hogwaller name can be found in The Hook's archives, [here](#).

We will be meeting with members of the community and the City's Human Rights Office Director, Charlene Green. We are hopeful we can honor the area's history and continue the community's culture of farming and inclusiveness.

Frequently Asked Question #11:

Question: I heard the project is proposing to rezone the property to Highway Corridor. What kind of uses will be allowed?

Answer: The purpose of asking to rezone a portion of the property to Highway Corridor is so that a greenhouse can be allowed on the property to serve the proposed urban farm. Because many other commercial uses are also allowed in Highway Corridor, we have proposed prohibiting many of these uses. In addition, we have proposed restricting any single commercial use to 4,000 gross square feet.

The only uses that would still be allowed on the property are as follows:

Attachment D

- Multifamily dwellings
- Art studio or art workshop (must be less than 4,000 gross square feet)
- House of worship (must be less than 4,000 gross square feet)
- Wholesale bakery (must be less than 4,000 gross square feet)
- Photography studio (must be less than 4,000 gross square feet)
- Indoor health/sports club, tennis club, yoga or dance studio, skating rink, or recreation center (must be less than 4,000 gross square feet)
- Outdoor park, playground, ball field, ball court, swimming pool, picnic shelters, etc. (by special use permit)
- Technology-based business (must be less than 4,000 square feet)
- Consumer service businesses (up to 4,000 gross square feet)
- Greenhouses/nurseries (must be less than 4,000 gross square feet)
- Convenience store (must be less than 4,000 square feet)
- Other retail stores (non-specified, up to 4,000 gross square feet)
- Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc., by temporary use permit)

Frequently Asked Question #12:

Question: Who is the developer?

Answer: The developer is Justin Shimp. Justin has four young children and currently resides in Nelson County, Virginia. He runs an engineering consulting business, Shimp Engineering, which has 7 employees, with an office at 912 East High Street. Most of Shimp Engineering's clients are in the Charlottesville-Albemarle area. Justin grew up in Amherst, Virginia, and had working class parents who raised him in an environment where goats and pigs would often roam freely. Justin identifies with the farming tradition of the Hogwaller community and is very excited to bring farming back to the area.

Justin's wife, Oliwia Shimp, manages a 14-unit apartment complex in Nelson County that the Shimps own together. All 14 units are affordable as defined by the City of Charlottesville's regulations. Oliwia would manage the currently proposed apartments.

Want to voice your opinion of the project or have further questions?

Attachment D

We would love to answer any other questions you may have! You can message this page or contact the following individuals:

- Kelsey Schlein at kelsey@shimp-engineering.com, or
- Nicole Scro at nscro@gallifreyenterprises.com

The project is scheduled to go before City Council sometime in February of 2019. You can sign up to speak about the project at the beginning of the meeting (usually 6:30 pm). You will be limited to 3 minutes. If you miss the ability to sign up at the beginning of the meeting, Councilors will call for anyone who has not signed up to speak to come forward.

You may also contact Councilors directly at the below e-mail addresses, or you can reach all of them at council@charlottesville.org:

- Nikuyah Walker, Mayor, nwalker@charlottesville.org
- Heather Hill, Vice-Mayer, hhill@charlottesville.org
- Wes Bellamy, wbellamy@charlottesville.org
- Kathy Galvin, kgalvin@charlottesville.org
- Mike Signer, msigner@charlottesville.org

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



Agenda Date:	February 19, 2019
Action Requested:	Consideration of a Special Use Permit Application
Presenter:	Matt Alfele, City Planner
Staff Contacts:	Matt Alfele, City Planner
Title:	SP-18-00004 918 Nassau Street

Background:

Justin Shimp has submitted an application seeking approval of a Special Use permit (SUP) for a portion of Tax Map 61 Parcel 79, Tax Map 61 Parcels 79.16, 79.17, 79.18, & 79.19, 918 Nassau Street (Subject Properties). The SUP application proposes a density of 32 Dwelling Units Acres (DUA) per City Code Sec. 34-740. The applicant is requesting a SUP for a proposed development that contains a mix of one and two bedrooms dwelling units, not to exceed thirty (30) units, split between two (2) three-story buildings. The development is being proposed as an urban farm and will accommodate a 1,280 square foot greenhouse and a 600 square foot retail farm store. Additional parking, farm sheds (not to exceed 600 square feet), and agricultural fields supporting the development are proposed on an adjacent 7.52 acre county parcel.

In addition to the Special Use Permit Application, has submitted a rezoning petition for Tax Map 61 Parcels 79.17, 79.18, & 79.19, 918 Nassau Street, and a portion of Tax Map 61 Parcel 79 (Subject Properties). The rezoning petition proposes a change in zoning from the existing R-2 Two-family Residential to HW Highway Corridor with proffered development conditions. For additional information on the Rezoning request, see ZM-18-00001.

Discussion:

The Planning Commission discussed this matter at their April 10, 2018, October 9, 2018, October 30, 2018, and December 11, 2018 meetings. During these meetings the Commission had concerns with rezoning the subject property to HW without any assurances any future development would have a residential component. Public access to Moores Creek, stormwater management, and impacts to the floodplain were also discussed by the Planning

Commission. During the October 30th work session, the Planning Commission outlined addition areas of concern the applicant needed to address.

- The name of the development.
 - The Human Rights Commission held a meeting on November 15, 2018 and discussed the name of the development and any derogatory connotation it might have. Below are their recommendations:
 - Planning Commission members should engage the residents of the Hogwaller neighborhood to see what they think about the development name.
 - If the Planning Commission feels strongly about using the name, that it be called Waller Farms and not Hogwaller.
 - The development could be called something else but a historic plaque be added in the area to acknowledge the neighborhood name.
- Concern with the size of any future by-right commercial or retail development.
 - The applicant updated their proffer statement to reflect a 4,000sqft gross floor maximum for any singular commercial use on site.
- Concern with “Convenience Store” use and what that could be.
 - Staff recommended to the applicant to request a Zoning Determination from the Zoning Administrator on what a “Convenience Store” is. No action was taken on this recommendation.
- Concern over Special Uses that remained in the proffered use matrix.
 - Staff consulted with the City Attorney’s Office and it was determined that SUPs could be removed from a proffered use matrix. The applicant updated their proffer statement to remove all SUPs, with the exception of Utility Facilities, Farmer’s Markets, and Outdoor Parks.
- Concern not enough affordable units would be provided within the development.
 - The applicant updated their proffer statement related to affordable housing.
- Concern with how stormwater will be handled for the development.
 - Staff updated their analysis and can be viewed on page 11 of the SUP Staff Report.

During the Public Hearing on December 11th, the Planning Commission questioned the location of the floodplain limits and the impact this development could have on it and the local watershed. Although the development proffers 10% affordable units (based on the number of units planned for development this would equal 3 affordable units at 50% AMI for 12 years), this number was not considered sufficient to some members of the Commission.

Alignment with City Council’s Vision and Strategic Plan:

If City Council approves the rezoning request, the project could contribute to ***Goal 4: A Strong, Creative and Diversified Economy, 4.2 Attract and cultivate a variety of businesses***, and the City Council Vision of *Quality Housing Opportunities for All*.

Community Engagement:

On September 11, 2017 the applicant held a community meeting at Clark Elementary. The applicant gave an overview of the project as it related to the need for a rezoning and a SUP. The community voiced the following concerns with the proposed development:

- View from Linden Avenue could be blocked.
- The development could have an adverse impact on Moores Creek.
- What type of development could happen in the floodplain?

Other comments included:

- Appreciation for proposing an initiative “urban farm”.
- Providing affordable units.

On April 10, 2018 the Planning Commission held a joint Public Hearing with City Council. Two (2) members of the public spoke and expressed the following:

- The development should provide a trail to Moores Creek.
- Any development should not include bringing in fill to the floodplain.
- Concerned the applicant is only looking for density and will not provide any amenities or farm.

On October 9, 2018 the Planning Commission held a joint Public Hearing with City Council. Four (4) members of the public spoke and expressed the following:

- Concerns with any development in the Floodplain.
- Concern with traffic and a large building near single family homes.

Other comments included:

- The concept of a small urban scale farm with hosing is interesting, but more information is need on how it could impact the environment.

On October 30, 2018 the Planning Commission held a Work Session and seven (7) members of the public spoke. They expressed the following:

- Concerns that the development will not have enough public amenities like trees and benches.
- How will stormwater be managed on site?
- Development should not happen in the floodplain.
- The soil needs to be tested prior to development.

Other comments included:

- The City needs more affordable housing and this development will provide that.
- Regulations and codes currently in place will result in this being a good development that will have no impact on the environment.
- A lot of the younger population that lives near the proposed development are excited about it and believe it will be good for the City.

On December 11, 2018 the Planning Commission held a Public Hearing and six (6) members of the public spoke. All six speakers expressed concerns with building in a floodplain. The speakers believed this area should be left undeveloped and act as a buffer to wetlands and Moores Creek.

Staff received a number of emails regarding this project and they have been forwarded to Planning Commission and City Council. The main concern noted is related to opposition to development in or near floodplains and wetlands. The building massing along Nassau was also an apprehension.

Budgetary Impact:

This has no impact on the General Fund.

Recommendations:

The Planning Commission took the following action:

Mrs. Dowell moved to recommend denial of this application for a Special Use Permit for the subject properties in the R-2 zone.

Mr. Solla-Yates seconded the motion

Mrs. Green, Yes
Mrs. Dowell, Yes
Mr. Lahendro, Yes
Mr. Solla-Yates, No
Mr. Stolzenberg, No

The motion passed 3 – 2 to recommend denial of the SUP application to City Council.

The Planning Commission also recommend that should City Council approved the SUP, consideration should be given to staff's conditions with legal clarifications made.

Additional Information

After the Planning Commission's Public Hearing on December 11, 2018 the applicant made adjustments to the SUP materials. These changes were based on information the applicant heard from staff, Planning Commission and the community. These changes have been reviewed by staff and do not materially alter the application. The changes include:

- Changing the name of the development to 918 Nassau St.
- Changing the allotment of units to a mix of one and two-bedroom units.
- Additional information on the articulation of the building along Nassau St., transect, and massing.
- Additional information on the grading plan and floodplain location per LOMR-16-03-1207P.

After reviewing this information staff has made adjustments to the proposed conditions on the SUP. The updated information is only related to the SUP and no changes were made to the Rezoning application.

Alternatives:

City Council has several alternatives following a public hearing:

- (1) by motion, deny the requested SUP as recommended by the Planning Commission;
- (2) by motion, take action to approve the attached resolution granting the SUP;
- (3) by motion, request changes to the attached resolution, and then approve the SUP; or
- (4) by motion, defer action on the SUP.

Attachments:

A. Resolution

B. Link to the Staff Report and background information from the December 11, 2018 Planning Commission meeting:

<http://www.charlottesville.org/home/showdocument?id=63739>

(Staff Report begins on page 69)

C. UPDATED. Letter from the applicant outlining changes to the SUP materials.

D. UPDATED. Site Plan dated January 28, 2019.

E. UPDATED. Nassau St. Residence Building Height Diagram.

F. UPDATED. Nassau St. Residence Plan Diagram.

G. UPDATED. Nassau St. Residences Streetscape.

Petition, letter of Support, and FAQ are attachment C and D in the rezoning application

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
FOR A MIXED USE DEVELOPMENT
KNOWN AS “918 NASSAU STREET”**

WHEREAS, Justin M. Shimp, Trustee of the Franklin Street Land Trust III (“Landowner”) has applied for a special use permit (“Application”) for property identified on City Tax Map 61 as Parcels 79.16, 79.17, 79.18, 79.19, and 79.201 (Parcel 79.201 having an address of 918 Nassau Street) and also property identified on City Tax Map 61 as Parcel 79 (collectively, the various parcels are referred to herein as the “Subject Property”); and

WHEREAS, the zoning classification of the Subject Property is Highway Corridor Mixed Use, subject to proffered development conditions; and

WHEREAS, the purpose of the Application for this special use permit is to allow construction of a specific mixed use development within the Subject Property consisting of the following, as depicted within the Application: two (2) three-story multifamily dwellings containing, between them, up to 30 individual dwelling units consisting of a mix of one- and two-bedroom units); a greenhouse (GFA up to 1,280 SF) and a retail farm stand (GFA up to 600 SF) (collectively, the “Project”). The Project is more particularly described within the materials accompanying the Application, as revised through January 28, 2019 (including a site development plan for the Project revised through January 23, 2019), and the Project is one component of a larger urban farm development, a portion of which is located within Albemarle County; and

WHEREAS, a public hearing on the Application was conducted jointly by the Planning Commission and City Council on October 9, 2018, following notice to the public and to adjacent property owners as required by law, and thereafter, the Planning Commission considered the matter further at their October 30, 2018 work session and an additional public hearing December 11, 2018; thereafter, on December 11, 2018, the Planning Commission recommended that the Application should be denied; and

WHEREAS, based on the representations, information, and materials included within the Application, and upon consideration of the information and analysis set forth within the Staff Report(s), consideration of the factors set forth in City Code §34-157, consideration of the recommendation of the Planning Commission, and consideration of the comments received at each of the public hearings, this Council finds that the Project is appropriate in the location requested and may be approved subject to suitable regulations and safeguards. The approval of the Project described in the materials does not prohibit the uses allowed by-right in the Highway Corridor Mixed Use District, subject to applicable development conditions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, **THAT** a Special Use Permit is hereby granted to authorize the construction of the Project on the Subject Property, subject to the following conditions:

1. The residential density within the Subject Property shall not exceed thirty-two (32) dwelling units per acre, calculated with respect to the entire area (approximately 40,946 square feet) of the Subject Property.
2. The design, height, setbacks and other characteristics of the development shall remain essentially the same, in all material aspects, as described within the application materials dated January 28, 2019. These documents include the site plan, streetscape document, and plan diagram (the "Application Materials"). Except as the design details of the development may subsequently be modified to comply with staff comments, or by any other provision(s) of these SUP Conditions, any change of the key elements of the development that is inconsistent with the application shall require an amendment of this SUP. Key elements of this design specifically include the following:
 - a. Two (2) multi-family residential buildings containing a mix of one- and two-bedroom units.
 - b. Modification of front yard setback to accommodate the layout of buildings as presented in the Application Materials, which shows a required minimum front yard setback of eight (8) feet and no maximum front yard requirement. This modification is approved by City Council pursuant to City Code sec. 34-162. In addition, the Application Materials depict sufficient space along Nassau Street to provide for a five-foot wide public sidewalk and a six-foot wide planting strip for street trees; these areas and improvements shall be depicted on the final site plan for the Project.
 - c. Articulation of the building fronting on Nassau Street as represented in the Application Materials, which shows that there shall be a 1 and ½ foot break in the plane of the building at least every 64 feet.
 - d. Parking located behind the building and not visible from the City's right-of-way.
3. The greenhouse shall be screened from adjacent parcels zoned R-2, through installation of an S-2 Screening in accordance with City Code sec. 34-871.
4. All outdoor lighting and fixtures shall be full cut-off luminaires and shielded in a manner to direct all light downward.
5. Landowner shall provide bicycle storage facilities for the multifamily dwellings, in such number as is required by City Code sec. 34-881(2) or the most-current bicycle storage requirements within the City Code as of the date of final site plan approval.
6. A trash facility shall be provided within the Subject Property, screened in accordance with standards in City code sec. 34-872(b)(2).
7. The Project shall provide a separate ingress and egress for farm equipment, trucks and deliveries to the portion of the development located within Albemarle County. If ingress and

egress cannot be accommodated separately from access to the Project that is the subject of this special use permit, then the Landowner shall provide, as part of its final site plan, a comprehensive Traffic Plan that will safely accommodate both residential and agricultural traffic (farm equipment, trucks, deliveries) in accordance with sound engineering standards.

8. The Landowner will work with in good faith to facilitate access to Moore's Creek by residents of the multifamily dwellings as well as other members of the public, as is depicted on the City's Bicycle and Pedestrian Plan (as updated through September 8, 2015). Nothing herein shall be construed to imply that the Landowner shall construct such improvements.
9. The Landowner will identify and delineate wetlands located on the Subject Property, in accordance with Army Corps of Engineers standards. The delineated wetlands shall be depicted on the final site plan for the Project, and within any erosion and sediment control and stormwater management plans for the Project, and documentation of the delineation shall be included with all such plans.



Mr. Matt Alfele, Planner
Neighborhood Development Services
City of Charlottesville
610 E Market St.
Charlottesville, VA 22902

January 28, 2019

RE: 918 Nassau St.

Dear Mr. Alfele,

Please consider the following minor revisions to the 918 Nassau St. application, formerly known as “Hogwaller Farms.” It is our understanding the revisions to the plan are minor and do not materially alter the application. The revisions include updated information on the application plan to ensure all information on the cover sheet is accurate when the project goes to a City Council public hearing.

Please find the following revisions shown on the application plan. Below each revision is a justification for the revision.

- The Owner/Developer information on the cover sheet (Sheet C1) has been updated to reflect the current owner.
 - Justification: Property ownership has changed since the project was first submitted. The current property owner was the contract purchaser earlier in the application process.
- The plan name has been revised from “Hogwaller” to 918 Nassau St.
 - Justification: After several conversations with neighbors and a meeting with the Charlottesville Human Rights Office, it was decided the name should be changed.
- The proposed use on the cover sheet has been revised to say, “A mixture of one and two bedroom apartments; Gross Residential Density: 30 Units/.94 Acres = 32 Units per Acre; Retail: Farm Stand; Greenhouse on Site.” Specificity about unit type has been removed.
 - Justification: The former note provided for eighteen (18) one bedroom units and twelve (12) two bedroom units. The developer may wish to provide a different mixture of one and two bedroom units, for example, to provide fifteen (15) one bedroom and fifteen (15) two bedroom units. Additionally, the specificity of the unit type has been removed to ensure the design can comply with all applicable ADA regulations.

Attachment C

- The building footprint of the apartment building adjacent to Nassau Street has been revised to show a 1.5' offset along the front and rear façade.
 - Justification: Along the front façade a horizontal plane break is shown every sixty (60) linear feet. This design detail enables the front building façade to interact with the street in a manner that does not compromise the pedestrian experience. This is because the building is no longer a single unbroken wall and is now shown as offset every 60'. Additionally, the staircases shown in plan view on the buildings are intended to be designed as breezeways, further breaking up the front facing façade of the building.
- The date on the site plan has been updated to reflect the date of the minor revisions.
- The grading plan has been updated to show more detail including the location of the floodplain per LOMR 16-03-1207P and the location of the floodplain after site work is complete.
- A section view of Nassau Street has been provided to show the proposed building's relationship to the street with an 8' setback.
 - Justification: This exhibit shows the 35' building and proposed frontage improvements adjacent to Nassau Street. With an 8' setback there is sufficient space to accommodate streetscape improvements including a 5' sidewalk and a 6' planting area for street trees.
- A transect of Nassau Street has been provided.
 - This exhibit provides additional context for the height of the proposed building fronting on Nassau in relation to existing and proposed residences on Nassau. The exhibit includes the heights of the proposed Land Trust and Habitat for Humanity residences.

Thank you for your review of this letter. Please contact us with any questions you may have.

Regards,

Justin Shimp

Contact: Justin@shimp-engineering.com

Cc: Kelsey@shimp-engineering.com

(434) 227-5140

SITE DEVELOPMENT PLAN FOR 918 Nassau St.

TAX MAP 61, PARCELS 79,79.16,79.17,79.18,79.19, 79.201
CITY OF CHARLOTTESVILLE, VIRGINIA

LEGEND		
EXIST	NEW	DESCRIPTION
16" TC	x 12" TC	TOP OF CURB ELEVATION
16"	x 12"	SPOT ELEVATION
16" TW	x 12" TW	TOP OF WALL ELEVATION
16" BW	x 12" BW	BOTTOM OF WALL ELEVATION
		BENCHMARK
		STORM SEWER
		ROOF DRAIN
		SEWER LINE
		WATER LINE
		GAS LINE
		OVERHEAD ELECTRIC WIRE
		UNDERGROUND ELECTRIC
		OVERHEAD TELEPHONE LINE
		UNDERGROUND TELEPHONE LINE
		DRAIN INLET (DI)
		STORM/SANITARY MANHOLE
		PLUG
		WATER VALVE & BOX
		FIRE HYDRANT
		WATER METER
		LIGHT POLE
		UTILITY POLE
		PROPERTY LINE
		ADJACENT PROPERTY LINE
		VACATED PROPERTY LINE
		BUILDING SETBACK
		PARKING SETBACK
		SANITARY EASEMENT
		GRADING EASEMENT
		DRAINAGE EASEMENT
		UTILITY EASEMENT
		WATER EASEMENT
		ACCESS EASEMENT
		STORM DRAINAGE EASEMENT
		TREE LINE
		FENCE
		STREAM
		INTERVAL CONTOUR
		INDEX CONTOUR
		STANDARD 6" CURB
		COMBINATION 6" CURB & GUTTER
		CONCRETE PAVEMENT / SIDEWALK
		RIPRAP
		ASPHALT
		GRASS
		EC-2 MATTING
		EC-3 MATTING
		WETLAND
		COMPACT PARKING
		CROSSWALK
		HANDICAP ACCESSIBLE AISLE
		CG-12
		HANDICAP PARKING

NOTE:
1. THE SIZE OF THE SYMBOLS MAY VARY FROM WHAT IS SHOWN.

VICINITY MAP SCALE: 1"=1000'

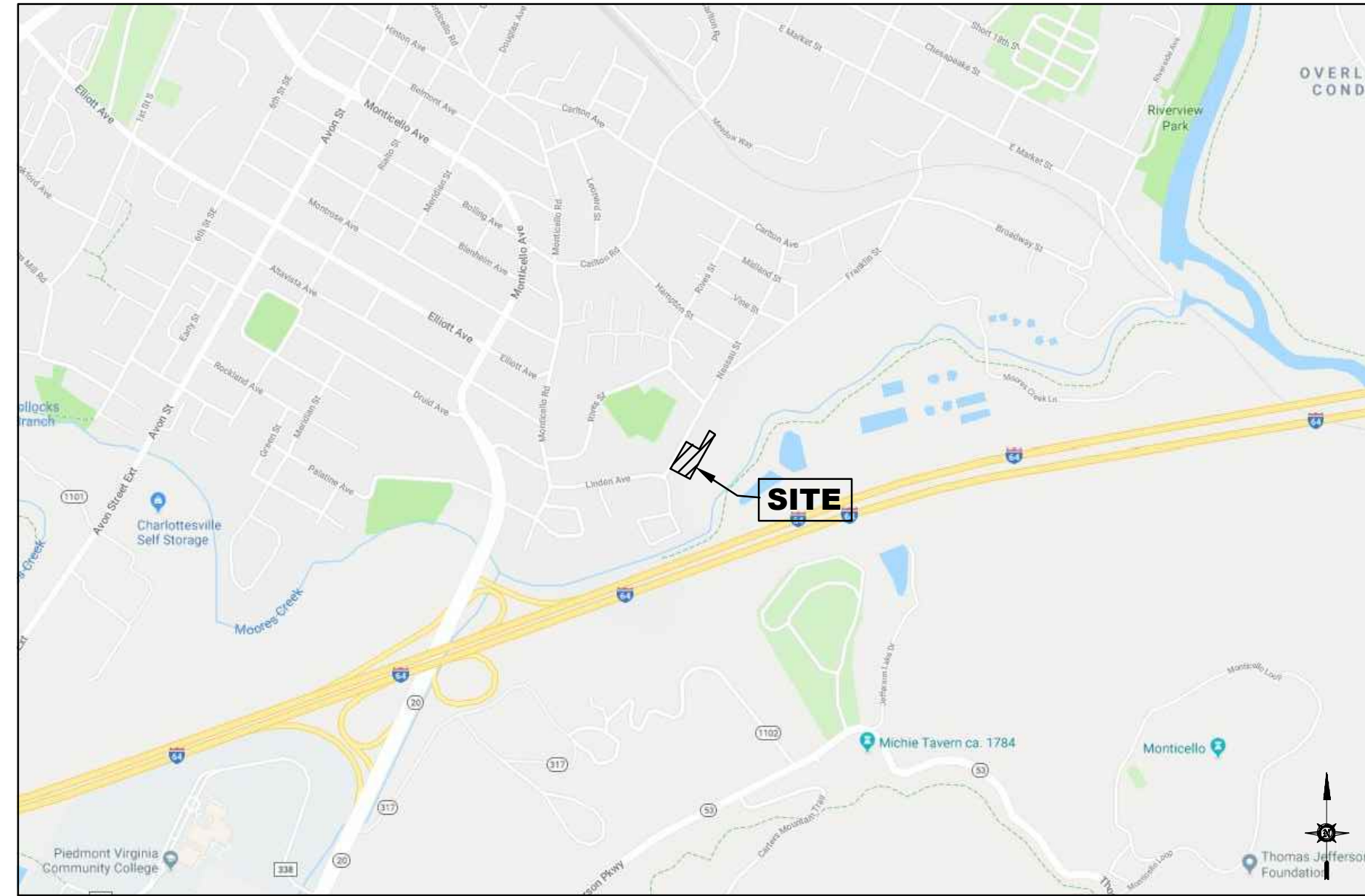


IMAGE PROVIDED BY GOOGLE MAPS

SHEET INDEX

SHEET C1 - COVER SHEET
SHEET C2 - CONTEXT PLAN
SHEET C3 - EXISTING CONDITIONS
SHEET C4 - SITE PLAN

NOTES

- All excavation for underground pipe installation must comply with OSHA Standards for the Construction Industry (29 CFR Part 1926).
- The location of existing utilities across or along the line of the proposed work are not necessarily shown on the plans and where shown based on "MISS UTILITY" markings and are only approximately correct. The contractor shall locate all underground lines and structures as necessary.
- The contractor shall verify the locations of all boundaries, buildings, existing elevations, vegetation and other pertinent site elements. Contractor shall immediately report any discrepancies to the engineer of record.
- The contractor shall be responsible for notifying "MISS UTILITY" - 1-800-552-7001.
- Any damage to existing utilities caused by the contractor or its subcontractors shall be the contractor's sole responsibility to repair. This expense is the contractor's responsibility.
- All paving, drainage related materials and construction methods shall conform to current specifications and standards of the City of Charlottesville unless otherwise noted.
- An erosion and sediment control plan is required with this site plan.
- All slopes and disturbed areas are to be fertilized, seeded and mulched. The maximum allowable slope is 2:1. Where it is reasonably obtainable, lesser slopes of 3:1 or better are to be achieved.
- Paved, rip-rap or stabilization mat lined ditch may be required when in the opinion of the Engineer it is deemed necessary in order to stabilize a drainage channel.
- All traffic control signs shall conform to the 2011 Virginia Supplement to the 2009 Manual on Uniform Control Devices.
- Unless otherwise noted all concrete pipe shall be reinforced concrete pipe - Class III.
- All material inside concrete forms shall be clean and free of all rocks and other loose debris. Sub-base material shall be compacted by mechanical means. Remove all standing water from area inside forms.
- Concrete and asphalt shall not be placed unless the air temperature is at least 40 degrees in the shade and rising. Material shall not be placed on frozen subgrade.
- All existing curbs, curb and gutters and sidewalks to be removed shall be taken out to the nearest joint.
- Existing asphalt pavement shall be saw cut and removed as per VDOT Road and Bridge Specifications 2007. Removal shall be done in such a manner as to not tear, bulge or displace adjacent pavement. Edges shall be clean and vertical. All cuts shall be parallel or perpendicular to the direction of traffic.
- The contractor shall exercise care to provide positive drainage to the storm inlets or other acceptable drainage paths in all locations.
- Contact information for any necessary inspections with City, E&S Inspector, NDS- 970-3182 (for the E&S inspections) Project Inspectors, NDS-970-3182 (for other construction items like sidewalk, pavement patches, road, storm sewer etc) Water and Sanitary Sewer-Public Works 970-3800 Street cut, Public Works 970-3800 Other public ROW issues-City Engineer 970-3182.
- Any sidewalk and/or curb damage identified in the site vicinity due to project construction activities as determined by City inspector shall be repaired at the contractor's expense.
- A temporary street closure permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer.

OWNER/DEVELOPER

JUSTIN SHIMP, TRUSTEE FRANKLIN SREET LAND TRUST III
912 E HIGH ST.
CHARLOTTESVILLE, VA 22902

ZONING

HW: 61-79.16
R-2: 61-79.16, 61-79.17, 61-79.18, 61-79.19, 61-79.201

LEGAL REFERENCE

TMP 61-79.16, 61-79.17, 61-79.18, 61-79.19, D.B. 2015.4754
TMP 61-79.201; D.B. 713.190
TMP 61-79; D.B. 1188.252

SOURCE OF BOUNDARY & TOPO

Boundary information obtained from plat of record
Topography information obtained from City of Charlottesville GIS

BUILDING HEIGHT

Maximum Building Height Allowed in HW: 80'
Proffered Maximum Building Height: 35'
Maximum Proposed Building Height: 35'

BUILDING SETBACKS

Front Primary Street: 5' Min.
Side Adjacent to HW: None Required
Side Adjacent to R-2 Low Density Residential: 20' Min.

EXISTING USE

Low Density Residential

PROPOSED USE

A mixture of one and two bedroom apartments
Gross Residential Density:
30 Units/94 Acres = 32 Units Per Acre
Retail: Farm Stand
Greenhouse on Site

LAND USE SCHEDULE

EXISTING	Area	%
Impervious area	2,268 SF	4%
Open space	52,567 SF	96%
Total=	54,825 SF (1.26 ac.)	

PROPOSED	Area	%
Buildings	9,580 SF	17.4%
Pavement	12,815 SF	23.3%
Sidewalk	1,207 SF	2.3%
Impervious area	23,582 SF	43.0%
Open Space	31,243 SF	57.0%
Total=	54,825 SF (1.26 ac.)	

LAND DISTURBANCE

0.80 acres of total land disturbance is proposed with this plan.

CITY PERMITS

- The contractor shall be responsible for obtaining a street cut permit from the City.
- A Temporary Street Closure Permit is required for closure of sidewalks, parking spaces and roadways and is subject to approval by the City Traffic Engineer. The contractor contact information will be provided with the final plans.

SIGNS

All signs and pavement markings shall conform with the latest edition of the MUTCD Guidelines.

FIRE MARSHAL'S NOTES

SITE PLAN:

- VSFPC 505.1- The building street number to be plainly visible from the street for emergency responders.
- VSFPC 506.1 - An approved key box shall be mounted to the side of the front or main entrance.
- VSFPC 506.1.2 - An elevator key box will be required if the building has an elevator.
- VSFPC 507.5.4 - Fire hydrants, fire pump test header, fire department connections or fire suppression system control valves shall remain clear and unobstructed by landscaping, parking or other objects.
- VSFPC 503.2.1 - Overhead wiring or other obstructions shall be higher than 13 feet 6 inches.
- VSFPC 3312.1 - An approved water supply for fire protection shall be made available as soon as combustible material arrives on the site. Fire hydrants shall be installed and usable prior to the start of any building construction.
- All pavement shall be capable of supporting fire apparatus weighing 85,000 lbs.
- Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
- Buildings four or more stories in height shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 40 feet in height above the lowest level of fire department access. Such standpipe shall be provided with fire department hose connections at accessible locations adjacent to usable stairs. Such standpipes shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

CONSTRUCTION & DEMOLITION:

- VSFPC 310.3: 310.5 - Smoking to be allowed in only designated spaces with proper receptacles.
- VSFPC 3304.2 - Waste disposal of combustible debris shall be removed from the building at the end of each workday.
- IFC 1410.1-Access to the building during demolition and construction shall be maintained.
- VSFPC 3304.6 - Operations involving the use of cutting and welding shall be done in accordance with Chapter 35, of the Virginia Statewide Fire Prevention Code, addressing welding and hotwork operations.
- VSFPC 3315.1 - Fire extinguishers shall be provided with not less than one approved portable fire extinguisher at each stairway on all floor levels where combustible materials have accumulated.
- VSFPC 3310.1 - Required vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections, if any. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

FLOOD ZONE

Limits of 100-year flood are shown herein in accordance with FEMA Flood Insurance Rate Maps 510033 0288D and 510033 0289D. Effective date of these maps is February 4, 2005.

ELECTRIC / TELEPHONE / CABLE TV

If feasible, all new service lines for electricity, telephone and cable TV are to be installed underground. Care is to be taken to assure their location does not conflict with any other aspects of the proposed site plan.

PARKING SCHEDULE

Required Parking:
1 space per 1-2 bedroom residential unit. = 30 Units X 1 = 30 Spaces Req.
Accessible Parking: 1 Spaces Per 25 Total Req. = 30/25 = 2 Spaces
Total Required: 30 Spaces

Provided Parking:
38 Spaces Total Provided
Accessible spaces to be provided with later submittal.

Bike Parking:
1 space per 2 residential units = 30 Units X 0.5 = 15 Spaces Req.
Bike parking spaces to be provided with later submittal.

ITE TRIP GENERATION

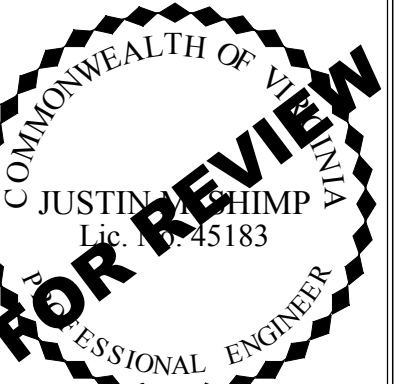
Use Description	ITE	Qty	AM			PM		
			in	out	Total	in	out	Total
Multifamily Housing	220	30	5	13	18	12	9	21
Nursery (Garden Cent)	817	1000 sf	4	4	8	4	4	8
Agricultural			8	2	10	0	0	0
Total			17	19	36	16	13	29

APPROVALS:

DIRECTOR OF NEIGHBORHOOD DEVELOPMENT SERVICES

DATE

SHIMP ENGINEERING, P.C.
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
PHONE: (434) 227-5140
JUSTIN@SHIMP-ENGINEERING.COM



COVER SHEET

Rev #	Date	Description
1	01/28/19	City and Public Hearing Comments

SPECIAL USE PERMIT APPLICATION

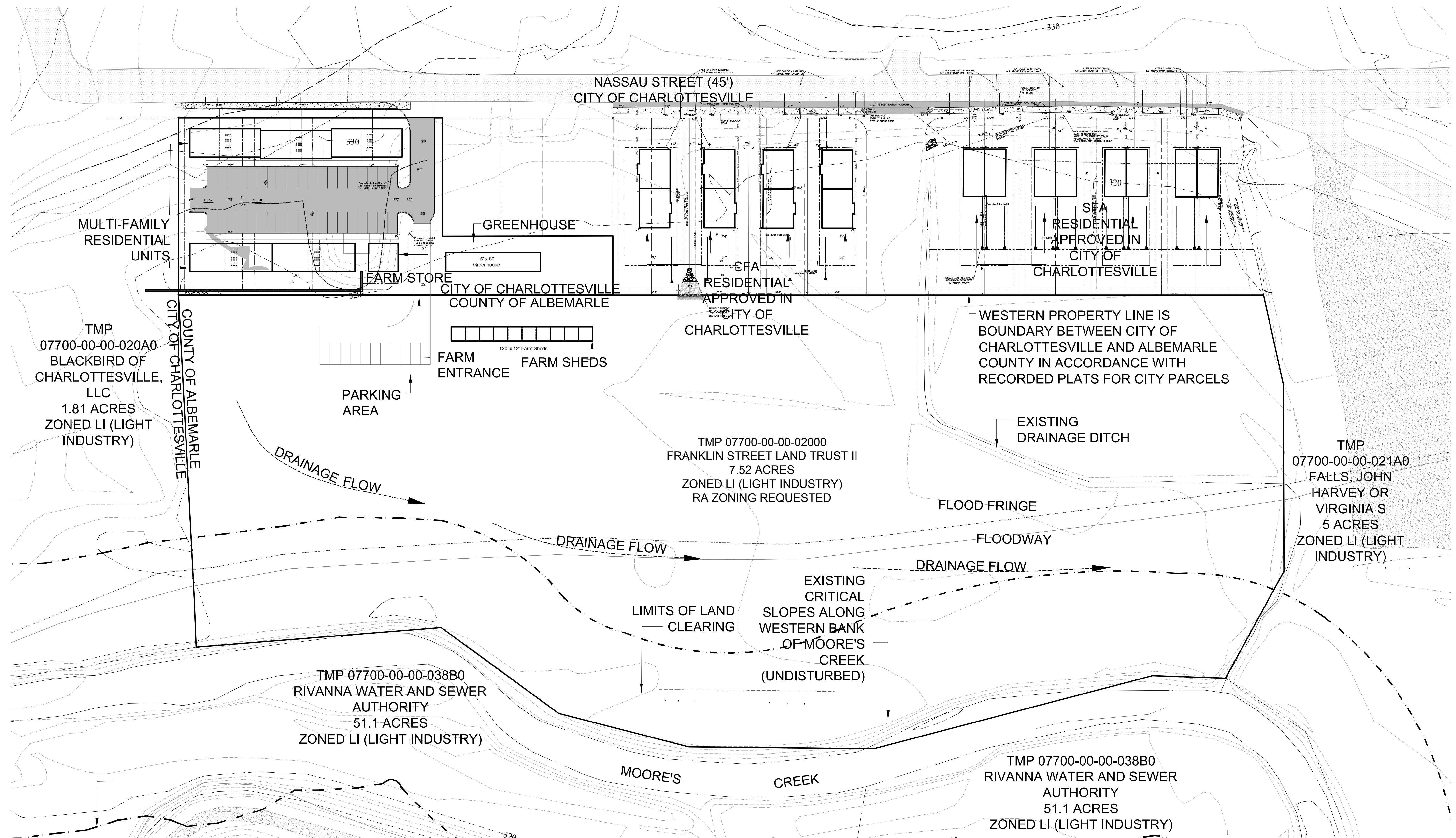
918 Nassau St.
CITY OF CHARLOTTESVILLE, VIRGINIA

Date
1/23/2018

Scale
N/A

Sheet No.
C1 OF 4

File No.
17.023



NASSAU STREET (45')
CITY OF CHARLOTTESVILLE

MULTI-FAMILY
RESIDENTIAL
UNITS

GREENHOUSE

SFA
RESIDENTIAL
APPROVED IN
CITY OF
CHARLOTTESVILLE

SFA
RESIDENTIAL
APPROVED IN
CITY OF
CHARLOTTESVILLE

FARM STORE

FARM ENTRANCE

120' x 12' Farm Sheds

PARKING
AREA

DRAINAGE FLOW

DRAINAGE FLOW

DRAINAGE FLOW

WESTERN PROPERTY LINE IS
BOUNDARY BETWEEN CITY OF
CHARLOTTESVILLE AND ALBEMARLE
COUNTY IN ACCORDANCE WITH
RECORDED PLATS FOR CITY PARCELS

EXISTING
DRAINAGE DITCH

FLOOD FRINGE

FLOODWAY

LIMITS OF LAND
CLEARING

EXISTING
CRITICAL
SLOPES ALONG
WESTERN BANK
OF MOORE'S
CREEK
(UNDISTURBED)

MOORE'S
CREEK

TMP
07700-00-00-020A0
BLACKBIRD OF
CHARLOTTESVILLE,
LLC
1.81 ACRES
ZONED LI (LIGHT
INDUSTRY)

TMP 07700-00-00-02000
FRANKLIN STREET LAND TRUST II
7.52 ACRES
ZONED LI (LIGHT INDUSTRY)
RA ZONING REQUESTED

TMP
07700-00-00-021A0
FALLS, JOHN
HARVEY OR
VIRGINIA S
5 ACRES
ZONED LI (LIGHT
INDUSTRY)

TMP 07700-00-00-038B0
RIVANNA WATER AND SEWER
AUTHORITY
51.1 ACRES
ZONED LI (LIGHT INDUSTRY)

TMP 07700-00-00-038B0
RIVANNA WATER AND SEWER
AUTHORITY
51.1 ACRES
ZONED LI (LIGHT INDUSTRY)

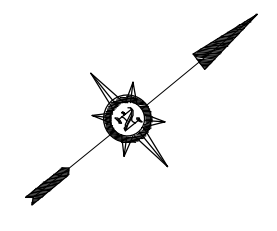
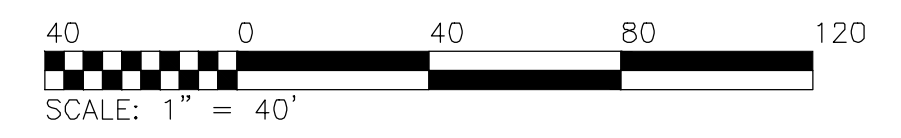
CONTEXT PLAN

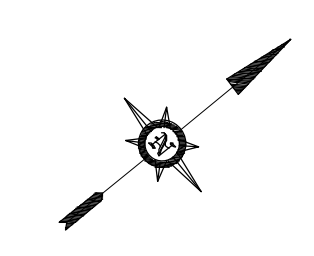
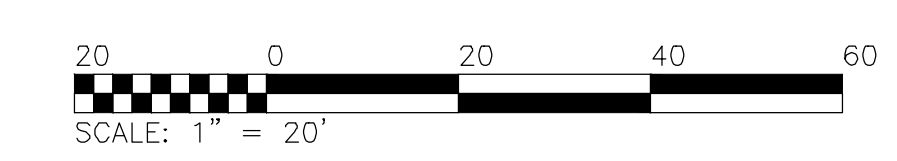
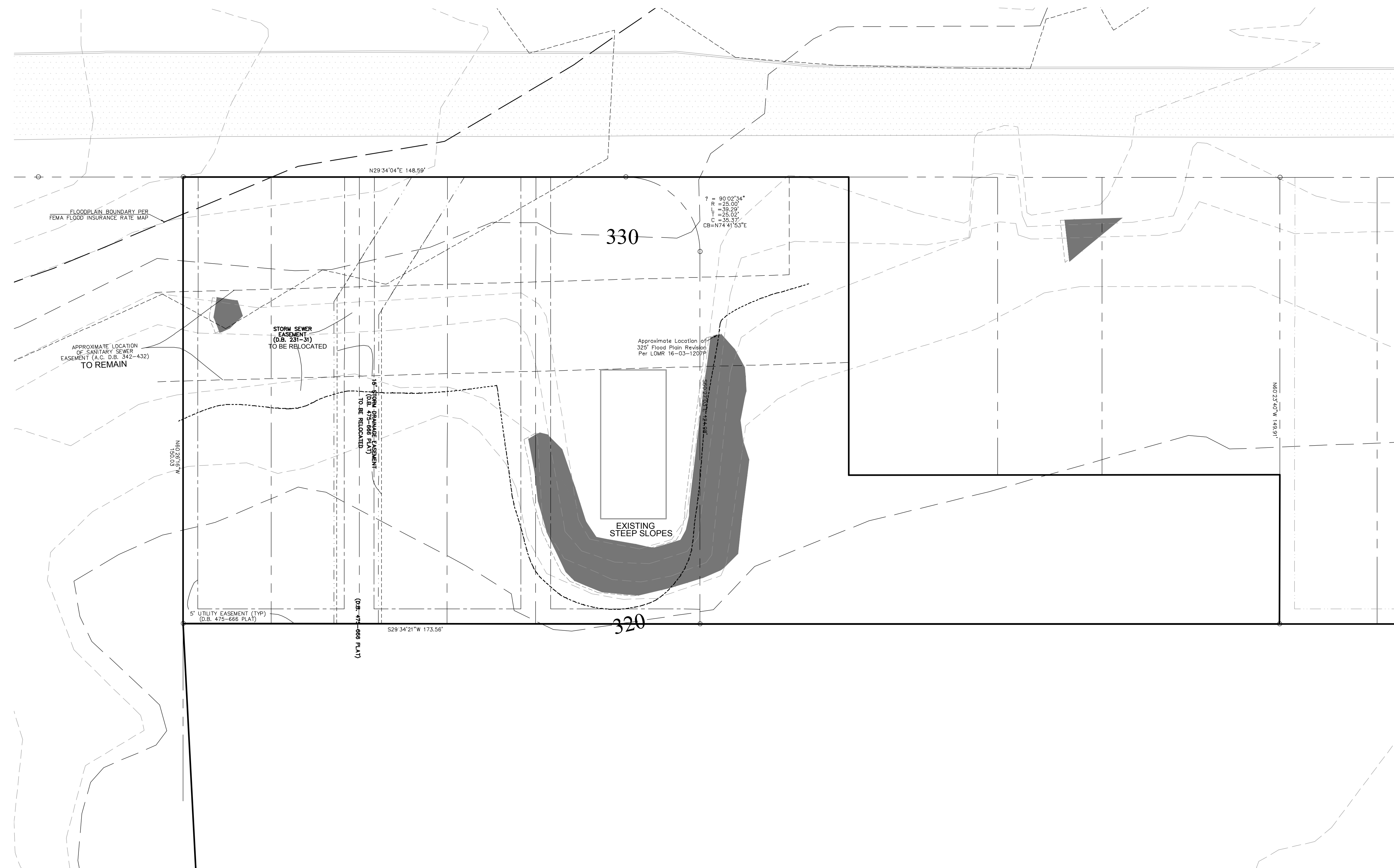
Rev #	Date	Description
1	01/23/19	City and Public Hearing Comments

SPECIAL USE PERMIT APPLICATION

918 Nassau St.
CITY OF CHARLOTTESVILLE, VIRGINIA

Date	1/23/2018
Scale	1" = 40'
Sheet No.	C2 OF 4
File No.	17.023





SPECIAL USE PERMIT APPLICATION

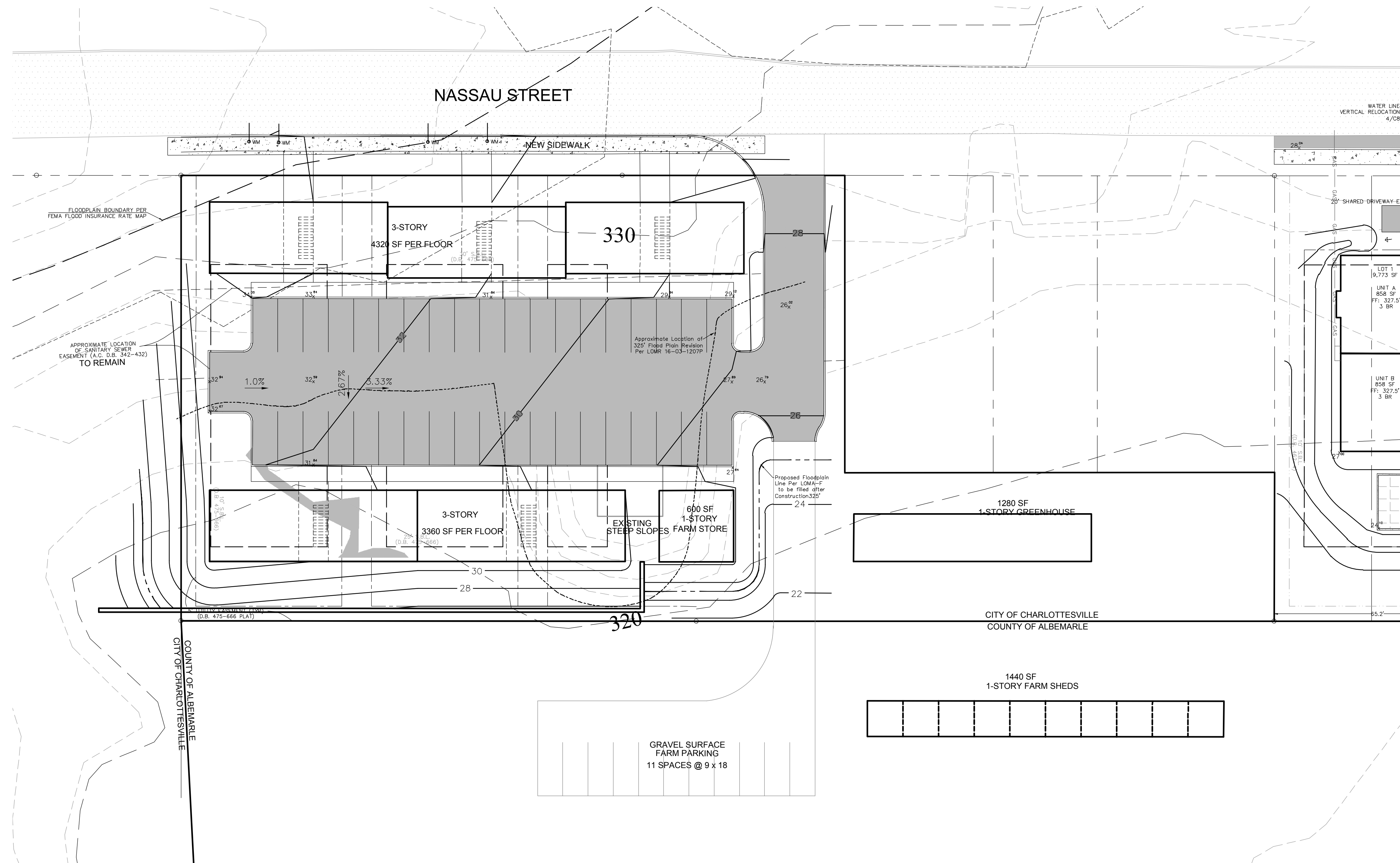
918 Nassau St.
CITY OF CHARLOTTEVILLE, VIRGINIA

Date	1/23/2018
Scale	1" = 20'
Sheet No.	C3 OF 4
File No.	17.023

EXISTING CONDITIONS

Rev #	Date	Description
1	01/23/19	City and Public Hearing Comments

SHIMP ENGINEERING, P.C.
ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
912 EAST HIGH STREET
CHARLOTTEVILLE, VA. 22902
PHONE: (434) 227-5140
JUSTIN@SHIMP-ENGINEERING.COM

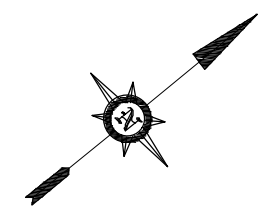
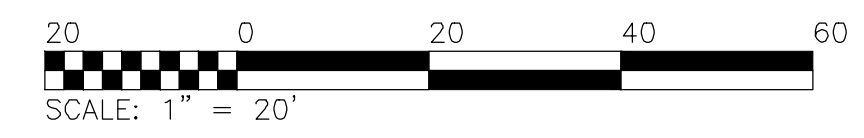


SITE PLAN

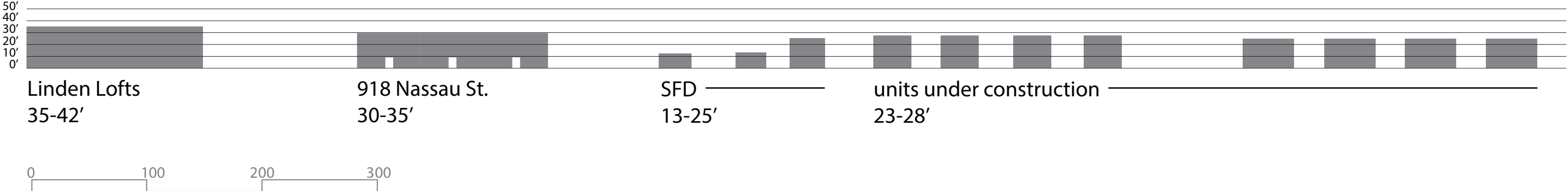
Rev #	Date	Description
1	07/26/19	City and Public Hearing Comments

SPECIAL USE PERMIT APPLICATION
918 Nassau St.
 CITY OF CHARLOTTEVILLE, VIRGINIA

Date	1/23/2018
Scale	1" = 20'
Sheet No.	C4 OF 4
File No.	17.023

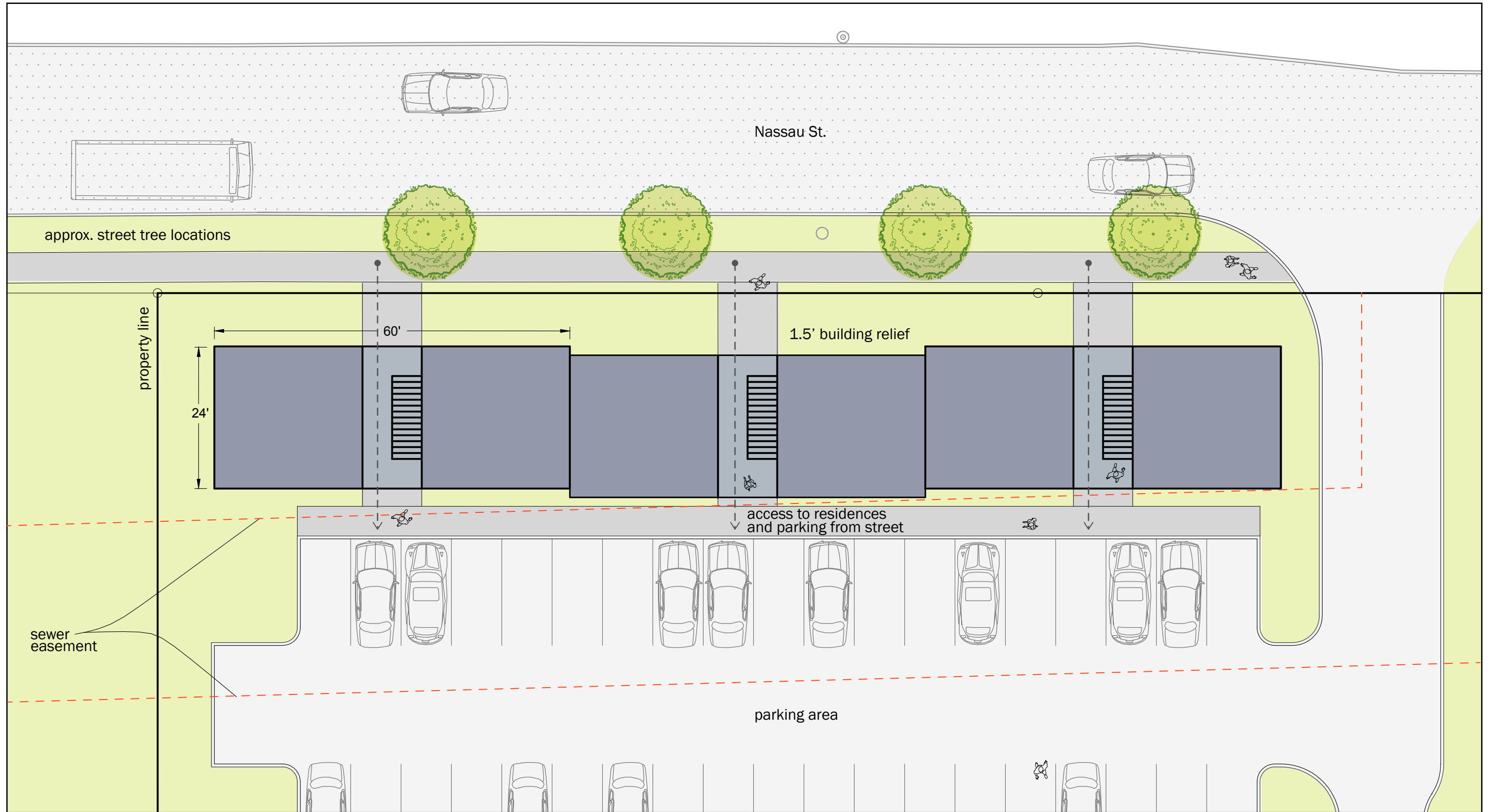


NASSAU ST. RESIDENCE BUILDING HEIGHT DIAGRAM



NASSAU ST. RESIDENCES PLAN DIAGRAM

Attachment F



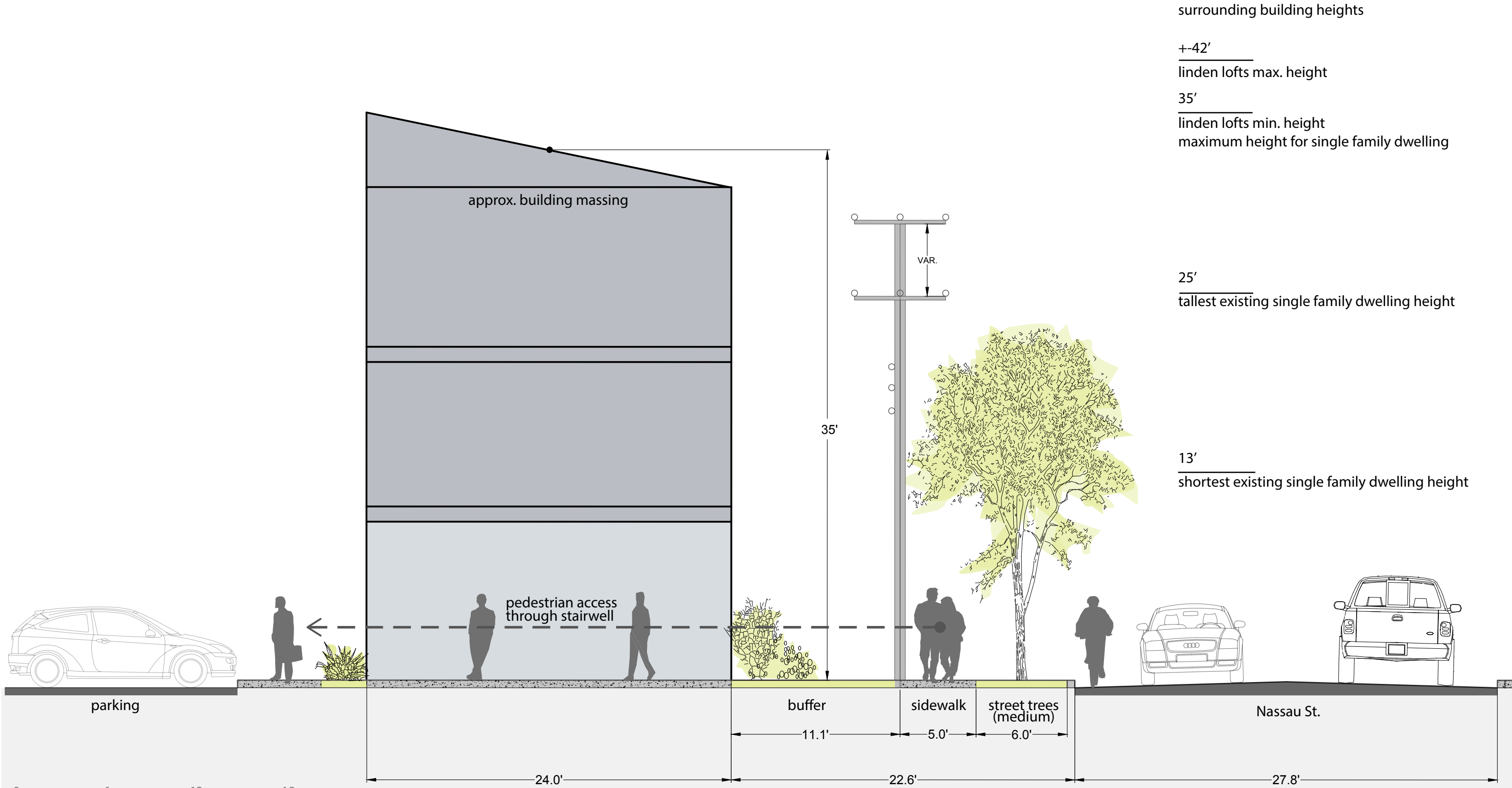
0 16 32 48

SCALE: 1" = 16'

SHIMP ENGINEERING P.C.

NASSAU ST. RESIDENCES STREETScape

Attachment G



surrounding building heights

+42'
linden lofts max. height

35'
linden lofts min. height
maximum height for single family dwelling

25'
tallest existing single family dwelling height

13'
shortest existing single family dwelling height



SCALE: 1" = 6'

SHIMP ENGINEERING P.C.

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



Agenda Date:	February 19, 2019
Action Required:	Public Hearing
Presenter:	Lauren Hildebrand, Director of Utilities
Staff Contacts:	Mike Murphy, Interim City Manager Chris Engel, Director of Economic Development Lauren Hildebrand, Director of Utilities John C. Blair, II, City Attorney
Title:	Public Hearing for Deed of Encroachment and Aerial Easement for the Center of Developing Enterprises (CODE) Building

Background:

Brands Hatch, LLC is in the process of constructing the Center of Developing Entrepreneurs (CODE) Building on the Downtown Mall where Main Street Arena was formerly located. In order for the CODE Building to be constructed, the developer will need to have an aerial encroachment easement, as well as a right-of-way encroachment easement granted by the City.

Discussion:

The proposed building has a subterranean component that requires the need for excavation support in the form of secant pile walls, soldier piles, and wood beam shoring. The shoring walls will require tieback anchors that will encroach into the public right-of-way. The shoring wall on the south side of the building will also encroach into the right-of-way. Once the building has been completed to a level that the shoring walls are no longer needed, the developer will abandon the piles and tieback anchors in the right-of-way by:

- 1) De-tensioning the tieback anchors and removing the tieback wales, bearing plates, and wedge plates.
- 2) Soldier piles shall be cut down six (6) feet from the existing grade.

The Utilities Department has reviewed and approved the shoring plan to protect the City's utilities and required the developer to locate the depth of the utilities via potholing in accordance with the Underground Utility Damage Prevention Act.

Once completed, an as-built drawing of the cut-off piles and de-tensioned temporary tieback anchors shall be delivered to the City prior to completion of the project and issuance of any Certificates of Occupancy.

A temporary aerial encroachment is also needed in order for a building of this size to be constructed in an urban environment. The encroachment is for formwork and scaffolding in connection with the installation of exterior sheathing, masonry, and other construction activities to be delivered to the necessary locations of the site. This temporary encroachment will also accommodate the boom of the crane to swing over the City's property. The easement is for the boom of the crane to use the city's right-of-way airspace for approximately fourteen months.

The Departments of Neighborhood Development Services, Public Works, and Utilities have examined the location of the temporary aerial easement and the encroachment. The departments have no objection to the proposed easement or encroachment.

Attached is a plat showing the location of the proposed encroachment and temporary aerial easement.

Alignment with Council Vision Areas and Strategic Plan:

Not Applicable.

Community Engagement:

A public hearing is being conducted pursuant to Virginia Code Section 15.2-1800.

Budgetary Impact:

None.

Recommendation:

Staff recommends Council approve the temporary aerial encroachment and the right-of-way encroachment easement.

Alternatives:

The Council could decline to grant the temporary aerial easement and encroachment in the City's rights-of-way.

Attachments:

Ordinance and Deed

**AN ORDINANCE APPROVING
A DEED OF ENCROACHMENT AND TEMPORARY AERIAL EASEMENT
FROM THE CITY OF CHARLOTTESVILLE, VIRGINIA TO BRANDS HATCH LLC
FOR THE CENTER OF DEVELOPING ENTERPRISES (CODE) PROJECT
AT THE WESTERN END OF THE DOWNTOWN MALL**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the attached Deed of Encroachment and Temporary Aerial Easement between the City of Charlottesville, Virginia and Brands Hatch, LLC, is hereby approved. The Mayor is authorized to execute the Deed and any other documents necessary to consummate the transaction on behalf of the City, in form approved by the City Attorney.

Prepared by and upon recordation return to:
Williams Mullen
321 East Main Street, Suite 400
Charlottesville, Virginia 22902

City of Charlottesville Tax Map Parcels 280001000, 280009000, and 280009100

*This deed is exempt from state recordation taxes imposed by Virginia Code
Sec. 58.1-801 pursuant to Virginia Code Sec. 58.1-811(C)(4).*

DEED OF ENCROACHMENT AND TEMPORARY AERIAL EASEMENT

This **DEED OF ENCROACHMENT AND TEMPORARY AERIAL EASEMENT** (this “Deed”) is made and entered into as of this _____ day of _____, 2019, by the **CITY OF CHARLOTTESVILLE, VIRGINIA**, P.O. Box 911, Charlottesville, Virginia, 22902 (the “City”), as Grantor, and **BRANDS HATCH LLC**, a Virginia limited liability company, 0 Court Square, Charlottesville, Virginia 22902 (the “Grantee”).

WITNESSETH:

WHEREAS, the Grantee is the owner of that certain real property located in the City of Charlottesville, Virginia, containing 0.979 acres in the aggregate, more or less, shown as “TMP 28-1,” “TMP 28-9,” and “TMP 28-10” on that certain plat prepared by Timmons Group, dated July 4, 2018, entitled “Plat Showing Boundary Line Adjustment on the Lands of Brands Hatch LLC, Tax Map Parcels 28-1, 28-9, & 28-9.1, and City of Charlottesville, Virginia,” and recorded in the Clerk’s Office of the Circuit Court of the City of Charlottesville as Instrument No. _____ (hereinafter, the “Grantee’s Property”); and

WHEREAS, the City is the owner of that certain real property adjacent to the Grantee’s Property commonly known as the rights-of-way of West Main Street and Water Street (the “City’s Property”); and

WHEREAS, the Grantee is in the process of obtaining the City's approval of a site plan authorizing development of the Grantee's Property (the "Site Plan"), including the construction of a building thereon, immediately adjacent to the City's Property, and the Grantee now desires to proceed with construction of the building (the "Project"); and

WHEREAS, Grantee represents that construction of the building cannot be accomplished without certain shoring and earth retention ("Shoring") on the City's Property, and the placement of a crane or cranes (collectively, the "Crane") on the Grantee's Property; and

WHEREAS, the Shoring consists of steel piles and tie-backs driven into the City's Property, typically placed eight to ten-feet on center, and related retaining walls, berms, or other structures and improvements, and following completion of construction, the parties hereto desire to allow the steel piles and tie-backs to remain within and permanently occupy the City's Property, and Grantee understands that such piles constitute an encroachment onto the City's Property; and

WHEREAS, in consideration of its use and occupancy of the City's Property in the manner described above, the Grantee desires to bind itself, its successors and assigns, for all liabilities for and relating to the Shoring and other construction activities to be conducted by Grantee within the City's Property during construction, and the subsequent continued occupation of the City's Property by the steel piles and tie-backs following construction.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the City hereby grants the following to the Grantee, and to its successor and assigns:

1. The right and easement to encroach upon the subsurface areas of the City's Property located 25 feet from the Grantee's Property, in the area shown and labeled as "Tie-Back Extents

(Limits of Tie-Back Easement = .39 Acres)” (the “Encroachment Area”) on the exhibit entitled “Tie-Back Easement and Temporary Aerial Easement Exhibit” prepared by Timmons Group, dated August 10, 2018, attached hereto as Exhibit A, and incorporated herein (the “Exhibit”) for the purpose of installing, maintaining and removing tie-back anchors, steel piles and other construction equipment, as necessary, on those subterranean portions of the City’s Property that are along the common boundaries of the City’s Property and the Grantee’s Property, to the extent that the placement of such tie-back anchors, steel piles and other construction equipment is necessary for the construction of the Project. Upon completion of the Project, the steel piles and tie-back anchors installed by the Grantee within the Encroachment Area that are necessary for the structural support of the Project will remain undisturbed and in-place.

2. The right and easement of ingress and egress by the Grantee and its contractors and consultants onto the City’s Property, to perform the subsurface work within the Encroachment Area pursuant to the terms and conditions of this Deed.

3. The right to a temporary easement to use the air space: (i) beginning 15 feet above the current surface of the City’s Property in the area shown as “Temporary Aerial Easement Area Within City Right of Way (1.14 Acres)” on the Exhibit (the “Temporary Aerial Easement Area”) for formwork and scaffolding in connection with the installation of exterior sheathing, masonry, metal site and other construction related activities for the Project; (ii) to allow the boom of the Crane to be used on the Project to swing over the City’s Property; it being understood that no supplies or materials being hoisted by such Crane shall swing over the City’s Property.

FURTHER, the Grantee, on behalf of itself, its successors and assigns, does hereby covenant and agree as follows, for the benefit of the City:

1. The Grantee shall be liable for negligence, attributable to the Grantee and/or its agents, contractors, and subcontractors which relate to the Shoring, Crane and its encroachment within the City’s Property.

2. The Grantee shall indemnify and hold the City harmless from and against any and all liability, losses, suits, actions, judgments, claims, demands, damages, penalties, fines, expenses and costs, of every kind and nature, incurred by or asserted or imposed against the City by reason of any accident, injury (including death) or damage to any person, property, equipment or utility facilities (including, without limitation any property, equipment, or utility facilities owned by the City), however caused, resulting from or arising out of the Grantee's use and occupancy of the Encroachment Area and Temporary Aerial Easement Area during (a) Grantee's construction activities, by Grantee, its agents, contractors, and subcontractors, and (b) thereafter, during such period of time as the steel piles or other components or structures of the Grantee's Shoring continue to occupy the City's Property, except to the extent that such loss or damage is the result of the gross negligence, willful, or wanton conduct of the City.

3. The Grantee, its agents, contractors, and subcontractors shall adhere to the Underground Utility Damage Prevention Act as well as the Site Plan approved by the Grantor. The Grantor is required to locate the depth of the existing utilities by means of potholing at the designated locations on the Site Plan approved by the Grantor.

4. Upon completion of construction, Grantee shall (a) remove the steel piles, and other components and structures comprising the shoring, to a depth of six (6) feet below finished grade, and (b) provide the City with as-built plans showing existing conditions, in an electronic format acceptable to the City Engineer, such as-built plans to provide geographic information system (GIS) coordinates or a physical survey of the location and dimension(s) of each of the steel piles that will remain within the Encroachment Area.

5. The Grantee agrees that the City shall have and retain any and all legal rights it may have pursuant to Virginia Code Sec. 15.2-2009 and Sec. 15.2-2011, as such statutes exist as of the date of this Deed and as they may subsequently be amended, in addition to any other legal rights or remedies the City may have.

6. Following the exercise of any rights herein conveyed, the Grantee shall remove all trash and other debris resulting from its activities, and shall complete construction of the City's Property in accordance with the Site Plan, restoring any areas not shown on the Site Plan to their original condition, as nearly as reasonably possible, with the exception of the permanent tie-backs and the shoring that is cut back six feet below grade, as detailed herein.

7. The Temporary Aerial Easement shall automatically expire upon the completion of the aforementioned development activities or upon the Grantee's removal of the Crane.

8. The Grantee's covenants and agreements set forth within this Agreement shall run with the land described herein as the Grantee's Property, and shall be binding on Grantee, its successors and assigns.

9. By ordinance approved on _____, 2019, the Charlottesville City Council authorized the Mayor to execute on behalf of the City this Deed conveying the above-described easements.

WITNESS the following duly authorized signatures.

Grantor: CITY OF CHARLOTTESVILLE, VIRGINIA,
a municipal corporation

By: _____ (SEAL)
Nikuyah Walker, Mayor

COMMONWEALTH OF VIRGINIA
City/County of _____

The foregoing was acknowledged before me on this _____ day of _____, 2018, by
Nikuyah Walker, Mayor, on behalf of the City of Charlottesville, Virginia.

Notary Public

Registration #: _____

My commission expires: _____

Approved as to Form:

Lisa A. Robertson, Chief Deputy City Attorney

Grantee:

BRANDS HATCH LLC,
a Virginia limited liability company

By: _____ (SEAL)

Printed Name: _____

Title: _____

COMMONWEALTH OF VIRGINIA

City/County of _____

The foregoing was acknowledged before me on this _____ day of _____, 2018, by
_____ as _____ of Brands Hatch LLC, on behalf of
the company.

Notary Public

Registration #: _____

My commission expires: _____

EXHIBIT A

the Exhibit

(attached)

DEPENDING ON DEPTH OF EXCAVATION, TIE-BACKS WILL BE UTILIZED TO SUPPORT THE SHORING WALL SYSTEM. EXCAVATION UP TO +/- 20 FEET GENERALLY REQUIRE (1) ROW OF TIE-BACKS. EXCAVATIONS EXCEEDING 24 FEET MAY REQUIRE 2 ROWS OF TIE-BACKS. TIE-BACKS ARE GENERALLY INSTALLED 8 -10 FEET BELOW GRADE. TIE-BACKS ARE INSTALLED AT A 15 DEGREE ANGLE, BUT CAN BE INSTALLED WITH STEEPER ANGLE IF REQUIRED TO ELIMINATE UTILITIES OR OTHER KNOWN OBSTRUCTIONS.

TEMPORARY AERIAL EASEMENT AREA WITHIN CITY RIGHT OF WAY (1.14 ACRES)

213' CRANE RADIUS

TM 33-155L

OMNI HOTEL

VIOLET CROWN THEATER

TM 28-10

2ND STREET

WATER STREET

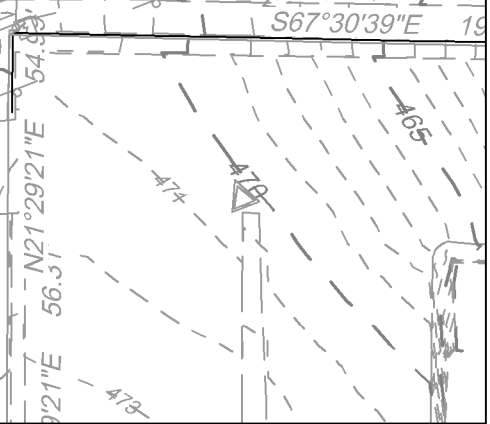
TIE-BACK EXTENTS (LIMITS OF TIE-BACK EASEMENT = 0.39 ACRES)

TM 28-801

TM 28-84F

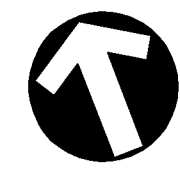
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TM 28-842

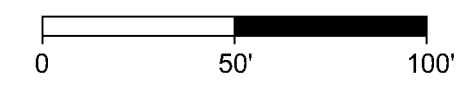


CHARLOTTEVILLE TECHNOLOGY CENTER

TIE-BACK EASEMENT AND TEMPORARY AERIAL EASEMENT EXHIBIT- 8/10/18



SCALE 1"=50'



TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 19, 2019
Action Required:	Approve Resolution
Presenter:	Councilor Bellamy
Staff Contacts:	Chris Engel, Director of Economic Development Hollie Lee, Chief of Workforce Development Strategies John C. Blair, II, City Attorney
Title:	Allocation of Racial Engagement and Equity Funds for Business Equity Fund

Background:

In November 2018, Councilor Bellamy met with staff from the Office of Economic Development, Department of Finance, and Treasurer's Office regarding the potential for a Council-funded loan program for socially disadvantaged individuals. The Business Equity Fund will be an offering of the City's newly revamped Minority Business Program and will be for existing City of Charlottesville businesses that meet the loan program requirements. Ideally, the loan program will address the issue of a lack of access to capital for businesses owned by socially disadvantaged individuals; something that has traditionally been a barrier to entrepreneurship for this population. Historically, these businesses' ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged.

Socially disadvantaged individuals are individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as members of a group. Social disadvantage must stem from circumstances beyond their control. This terminology is used by the federal Small Business Administration.

Staff is in agreement that a loan program for socially disadvantaged individuals could help businesses owned by minorities and other groups gain access to capital that they might not have the opportunity to obtain through traditional banking methods. However, staff does not feel that the City itself has the systems/processes, expertise, and overall capacity to actually administer such a loan program. In light of this, staff has identified a potential non-profit partner, the Community Investment Collaborative (CIC), to administer the loan program.

CIC has been providing microloans, training, and mentoring to the Charlottesville community for almost seven years. Specifically, CIC serves individuals from low-to-moderate income households, women, minorities, and individuals who have returned to the community after serving time in prison. Since launching in 2012, CIC has administered 120 loans totaling almost a half a million dollars. About 50 percent of the loans have been to City businesses, 80 percent to women-owned business,

and 55 percent to minority-owned businesses. CIC has a solid history of working with the City of Charlottesville and receiving funding from the City for the purpose of helping City residents start businesses and City businesses grow their enterprises. Therefore, it is already in a position to use its current model and processes to administer the Business Equity Fund. Funds provided would be restricted for use by qualified businesses owned by socially disadvantaged individuals that operate in the City with City business licenses. CIC is willing to add or adjust requirements to meet the City's goals for the program. Economic Development staff will collaborate with CIC to market and promote the program to disadvantaged City businesses through the Minority Business Program.

Discussion:

On December 18, 2017, Charlottesville City Council appropriated \$1,000,000.00 to create a Council Reserve Fund for Racial Equity and Engagement (hereinafter "Equity Fund"). That fund currently contains \$585,000.00 in unappropriated funds.

Councilor Bellamy is suggesting a \$100,000.00 allocation from the Council out of appropriated funds in the Equity Fund. The funds would provide a grant to CIC for the Business Equity Fund – a loan program for socially disadvantaged individuals. It is proposed that CIC will be granted \$50,000.00 when the allocation is approved. CIC will work with City staff to identify potential City businesses for the loan program. CIC will notify the City when Business Equity Fund loan applications are received and will let staff know the decisions regarding these applications once they are made.

Once the initial \$50,000.00 has been expended, CIC will provide the City with a progress report. If no money is expended within three months, CIC will provide an update as to the reasoning for the lack of usage. Once the first \$50,000 has been expended, another \$50,000.00 will then be disbursed to CIC for additional Business Equity Fund loans. CIC will provide quarterly reports to City staff regarding loan repayments once loans have been made.

Alignment with Council Vision Areas and Strategic Plan:

This action aligns with the Council's Vision for an economically sustainable community that offers a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities. This action aligns with the City Council's Strategic Plan Goal Four: A Strong Diversified Economy and Goal One: An Inclusive Community of Self-Sufficient Residents.

Budgetary Impact:

This action will reduce the funds available in the Council Reserve Fund for Racial Equity and Engagement from \$585,000.00 to \$485,000.00.

Alternatives:

Council could decline to allocate the proposed funds for the Business Equity Fund. Council could also reduce the amount of its allocation for the Business Equity Fund.

Attachments:

- Resolution
- Agreement

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$100,000 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund to the Community Investment Collaborative pursuant to the Donation Agreement between the City of Charlottesville and the Community Investment Collaborative being executed by the Community Investment Collaborative and the City Manager.

Transfer From:

\$100,000 Fund: 105 Cost Center: 1011001000 G/L Account: 599999

Transfer To:

\$100,000 Fund: 426 WBS Element: P-01010 G/L Code: 599999

DONATION AGREEMENT

THIS DONATION AGREEMENT is made and entered into this ____ day of February, 2019, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (hereinafter “the City”) and **COMMUNITY INVESTMENT COLLABORATIVE**, a Virginia not-for-profit 501(c)(3) corporation, and its successors and assigns (hereinafter “CIC”).

WHEREAS, CIC is a not-for-profit corporation operated exclusively for charitable and educational purposes; and

WHEREAS, CIC intends to provide a loan program to socially disadvantaged individuals within the City of Charlottesville.

NOW, THEREFORE, THE PARTIES AGREE TO THE FOLLOWING DONATION TERMS AND CONDITIONS:

1. AUTHORITY. The contribution by the City to CIC as provided in this Agreement is made pursuant to Virginia Code §15.2-953. The City, through its City Council, is enabled by Virginia Code §15.2-953 to appropriate public funds to charitable institutions if such institutions provide services to residents of the locality. CIC is a nonprofit charitable institution in the City of Charlottesville that provides services to Charlottesville residents. CIC is eligible to receive public funds pursuant to Virginia Code §15.2-953 and such funds are to be used solely for the purposes provided for in this Agreement.

2. CITY DONATION. The City agrees to contribute to CIC a total of \$100,000 pursuant to Section 4 of this Agreement.

3. PURPOSE. The City’s contribution shall be used solely for the following items and services:

CIC shall administer a Business Equity Fund loan program for socially disadvantaged individuals owning a for-profit business in existence for at least six months located within the City of Charlottesville and having a business license with the City of Charlottesville.

Socially disadvantaged individuals are individuals who have been subjected to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their individual qualities.

The loans are to be in amounts of \$5,000.00 to \$35,000.00 and the terms of the loans will range from six months to five years. The loans will be fully amortized and there will be no penalty for the early repayment of loans. The loans shall have annual interest rates ranging from six to nine percent and closing fees shall range from one percent to three percent.

In order to be eligible for a loan, applicants must provide all requested financial documents in a timely manner; complete a loan application and interview with a loan panel;

agree to a credit history check and review; and agree to technical assistance throughout the process.

4. TIMING. The City shall grant CIC \$50,000.00 upon the execution of this Agreement. CIC shall provide a report to the City within three months of receiving the initial grant detailing the use of City funds. If CIC has not used any City funds within three months of this Agreement's execution, CIC shall provide a written report to the City detailing the reasons for the lack of loans. If CIC makes loans within three months of the Agreement's execution, CIC shall provide a written report detailing the loans, repayments, types of businesses receiving the loans, and other relevant information requested by the City. This written report shall be a recurring quarterly obligation for CIC so long as loans using City funds still require repayment.

Upon CIC's use of the first \$50,000.00 of City funds, it may request in writing that the City's Director of Economic Development release the additional \$50,000.00 of City funds.

5. RETURN OF CITY FUNDS. If CIC does not lend any of the first \$50,000.00 of City funds within six months of the execution of this Agreement, the City may request a refund of the funds and terminate this Agreement immediately without complying with the provisions of Section 11 of this Agreement.

6. NO AGENCY RELATIONSHIP CREATED. Neither CIC nor its agents, employees, or subcontractors shall be deemed employees or agents of the City by virtue of this Agreement. CIC shall have sole responsibility of for its employees, volunteers, and subcontractors including their work, conduct, directions, and compensation.

7. SEVERABILITY. In the event any term, provision, or condition of this Agreement, or the application thereof to any person or circumstance shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement and the application of any term, provision or condition contained herein to any person or circumstance other than those to which it has been held invalid or unenforceable, shall not be affected thereby.

8. CITY ACCESS TO RECORDS. CIC agrees that duly authorized representatives of the City shall have access to any books, documents, papers and records which are directly pertinent to this Agreement upon forty eight hours advanced request by the City.

9. INDEMNIFICATION. To the extent permitted by law, CIC agrees to defend, indemnify and save the City (including its officers, agents, officials, employees and agents) harmless from and against any and all liability loss, claim, suit, damage, charge or expense which the City may suffer, sustain, incur which may arise out of, results from, or is in any way connected with actions taken by CIC in the performance of its obligations under this Agreement, or which occurs as a consequence of any negligence, omission or misconduct of CIC and any of CIC's subcontractors, agents, volunteers, or employees in CIC's performance of its obligations pursuant to this Agreement.

10. NON DISCRIMINATION. During the performance of this Agreement, CIC agrees that it will not discriminate against any employee or applicant for employment or in the

provision of its services against any employee, applicant for employment, or service recipient on the basis of race, religion, color, sex, sexual orientation, national origin, age, disability or any other basis prohibited by law. CIC agrees to post in conspicuous places, available to employees, applicants for employment, and applicants for services notices setting forth the provisions of this nondiscrimination clause. CIC shall state that it is an equal opportunity employer in all solicitations or advertisements for employment.

11. TERMINATION. Either party may terminate this Agreement by giving written notice to the other party of the termination with at least thirty days notice. Upon termination of this Agreement, CIC shall return any unexpended funds to the City.

12. NO WAIVER OF RIGHTS. Any failure on the part of the City to enforce any of this Agreement's terms and conditions shall not be construed as or deemed to be a waiver of the right to enforce such terms and conditions. No waiver by the City or any default or failure to perform by CIC shall be construed as or deemed to be a waiver of any other and/or subsequent default or failure to perform. The acceptance of the performance of all or any part of this Agreement by the City, for or during any period following a default or failure to perform by CIC shall not be construed as or deemed to be a waiver by the City of any of its rights pursuant to this Agreement.

13. ENTIRE AGREEMENT. This Agreement states all of the covenants, promises, agreements, conditions, and understandings between the City and CIC regarding the City's donation of funds.

14. GOVERNING LAW. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia and any proceeding concerning this Agreement shall be commenced in courts having jurisdiction within the City of Charlottesville, Virginia.

15. AMENDMENTS. This Agreement may be amended by a written amendment signed by the authorized representatives of both parties.

WITNESS the following authorized signatures:

COMMUNITY INVESTMENT COLLABORATIVE

Stephen Davis, President

CITY OF CHARLOTTESVILLE, VIRGINIA

Michael Murphy, Interim City Manager

Approved as to Form:

John C. Blair, II, City Attorney

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Memorandum

To: Charlottesville City Council
From: Charles Boyles, *TJPDC Executive Director*
Date: January 11, 2019

Reference: Update on the Avenue Small Area Plan

Purpose: Last month, the Thomas Jefferson Planning District Commission (TJPDC) presented an initial draft of the Cherry Avenue Small Area Plan to Neighborhood Development Service (NDS), for their review. At the January 22nd Council meeting, the TJPDC will provide an update on the process and outline next steps, which involves final public engagement and review by the Planning Commission.

Background: In September of 2017, the TJPDC contracted with NDS to conduct the Small Area Planning for Cherry Avenue and the surrounding neighborhood. According to that contract, the TJPDC was to deliver a plan by the end of 2018. Before Christmas, the TJPDC transmitted the draft planning document to NDS, for their review. Earlier this fall, TJPDC and NDS staff discussed how to begin involvement from the Planning Commission. Given the current focus on completing the Comprehensive Plan, staff on both sides felt the immediate goal was to develop an initial draft of the small area plan. The Planning Commission would begin to engage as their time became available. The TJPDC moved forward with that guidance, to create a draft document for NDS.

Summary: On January 22, the TJPDC will provide a brief presentation to Council, to communicate progress and next steps. Attached is the PowerPoint presentation, outlining this information. Staff decided not to include the draft plan in the packet, as the TJPDC is scheduling a meeting with NDS to review the document. Staff will also review deliverables with a community group on January 17th. It was important for these groups to vet the document before releasing a draft that might not represent the final product.

Throughout the planning process, there were various public engagement approaches, including meetings: with a small community group identified by the Neighborhood Association; in local living rooms and front porches; at existing community events; at open house events; with focus groups; and, with individual stakeholders and businesses. The TJPDC recommends additional steps for engagement, to ensure that the recommendations represent the neighborhood. Staff proposes a TJPDC satellite office on Cherry Avenue, for up to three days. This office would act as a headquarters for drop-ins and appointments with stakeholders to include a home base for continued "front porch" meetings in Fifeville residences. After those three days, the final engagement push would culminate in a larger public presentation at Buford Middle School. This open house would allow the neighborhood a final opportunity to respond to the plan, before Planning Commission review. As the Planning Commission becomes available, there would be additional opportunities and hearings on the plan, at the discretion of the Commission.

Action Items: The TJPDC will continue to work with NDS and other City departments, to vet the Small Area Plan. The TJPDC will also provide assistance to NDS, in their work with the Planning Commission, once their schedule allows for such review. The community group will have their final meeting in February, with a final draft of the plan delivered to the City on March 1st for Planning Commission review. As these final steps folder, please provide any additional guidance to NDS and the TJPDC, to ensure an efficient and effective close to the process. For more information, please contact me at CBoyles@tjpd.org or (434) 422-4821.

Cherry Avenue Small Area Plan *Update and Summary*

Charlottesville City Council
January 22, 2019



Thomas Jefferson
Planning District Commission

Objectives

- Provide an update on the planning process
- Lay the foundation for future discussions
- Detail next steps
- Answer questions



Deliverables: Scope of Work

- Public Engagement Process
- Demographic Snapshot
- Land Use & Zoning Analysis
- Macro Transportation Analysis & Parking Inventory
- Evaluation of Previous Plans
- Neighborhood Characteristics
- Business Inventory
- Development Scenarios
- Community Visioning
- Recommendations

Planning Goals

- **Planning Goal A.** Complete the deliverables that are identified in the approved Scope of Work.
 - Objective A1: Develop a Small Area Plan that includes clear recommendations.
 - Objective A2: Develop a public participation framework that can easily be applied to future area planning.
- **Planning Goal B.** Pursue a process that brings the community together.
 - Objective B1: Hold community events that bring together a diverse range of residents and stakeholders.
 - Objective B2: Have this process welcome input from all members of the community.
- **Planning Goal C.** Develop a plan that will bring results.
 - Objective C1: Develop a plan with SMART recommendations.
 - Objective C2: Continue maintenance of the Cherry Avenue Small Area Plan.

Background

2013

- In August, City adopted its Comprehensive Plan
- Calls for Small Area Plans

2014

- Fifeville Neighborhood Association discussions

2015

- Fifeville Neighborhood Association forms Cherry Avenue Committee
- In the fall, begins Cherry Avenue Corridor Community Visioning effort

2016

- In May, Committee completes Visioning report.
- Planning Commissioners designates Cherry Avenue for SAP

2017

- In the Spring, Neighborhood Development Services contacts TJPDC about conducting the Planning effort
- In August, City and TJPDC sign an MOU

2017

- First meeting of the Cherry Avenue Think Tank with TJPDC staff in September of 2017

2018

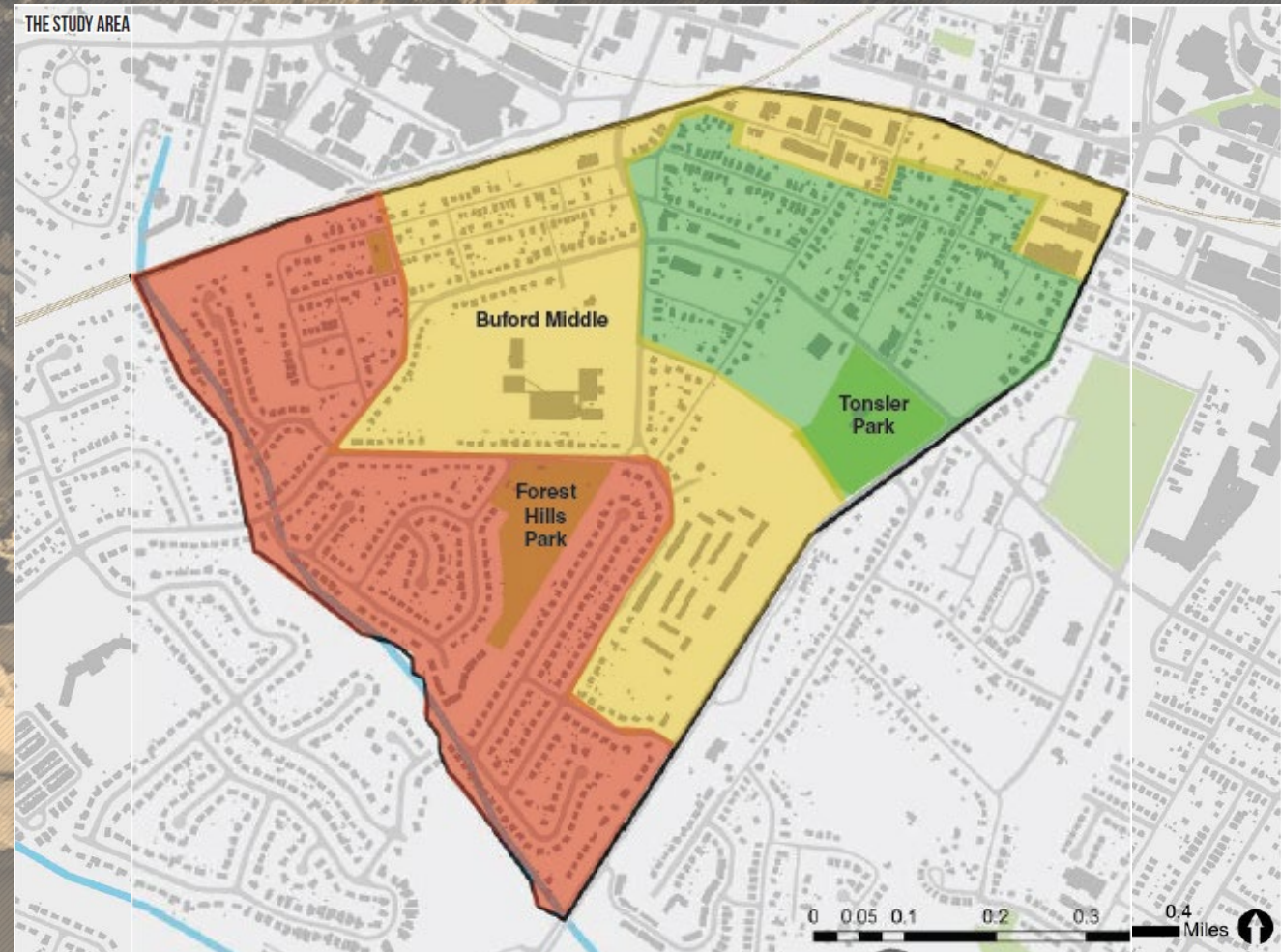
- November launch of Cherry Avenue SAP Website & Engagement Portal
- <http://tjpd.org/cherryavenue/>

2018

- TJPDC engages local community members
- March, the first Open House event
- August, Public Open house
- Fall, assembles planning document

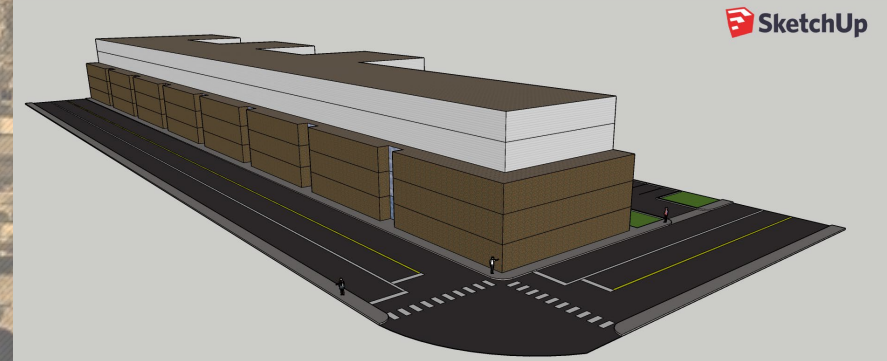
Study Area

- Study Area defined by citizens group
- Includes entire Fifeville neighborhood
- Sub-areas receive different levels of focus



Potential for Residential & Commercial Growth

- Recent Growth:
 - 2000 to 2009: Approximately 300 new dwelling units
 - 2010 to Now: Approximately 120 new dwelling units
- Growth Potential Under EXISTING Zoning
 - 500 new dwelling units
 - 200,000 Sq. Ft. of commercial space



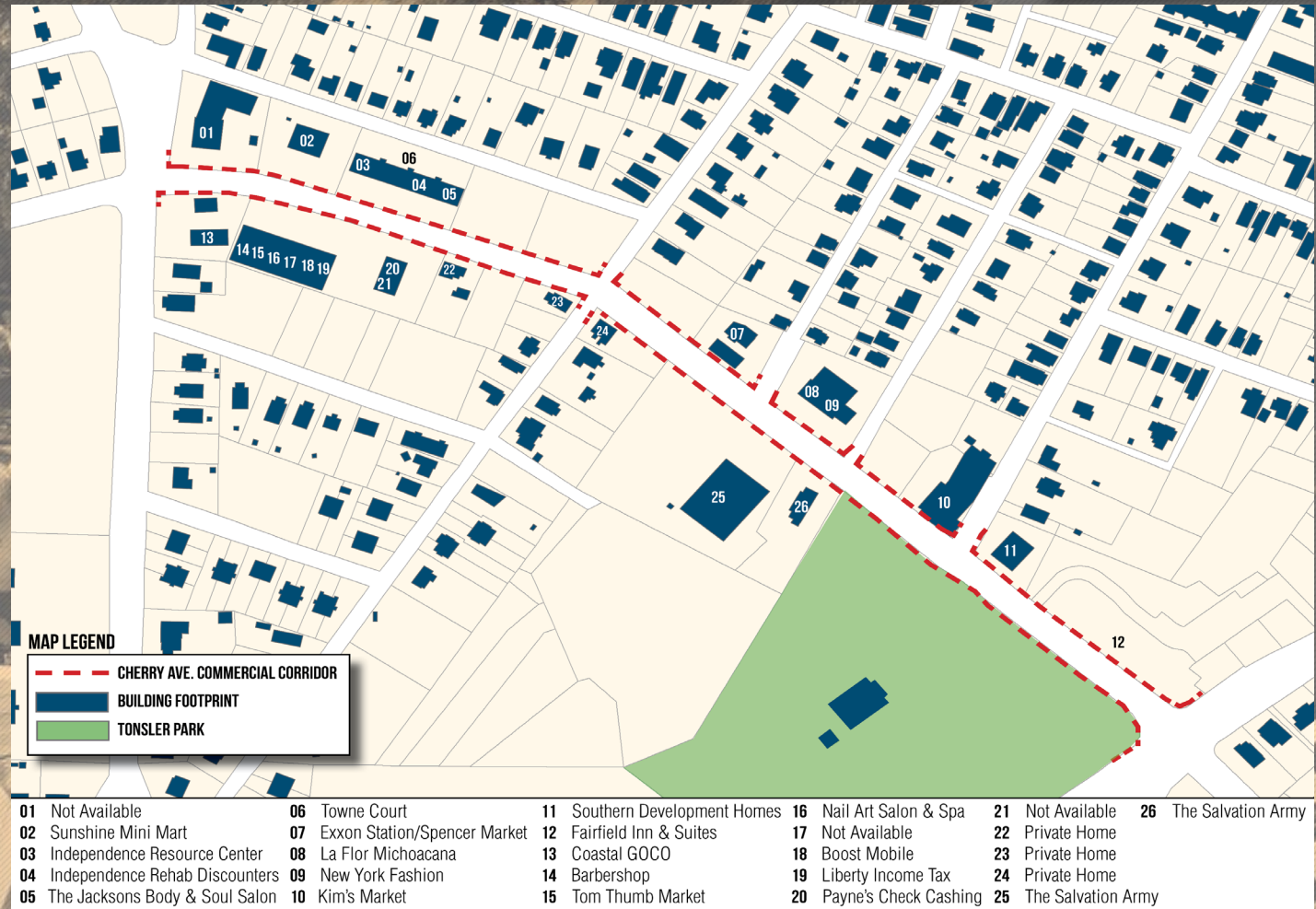
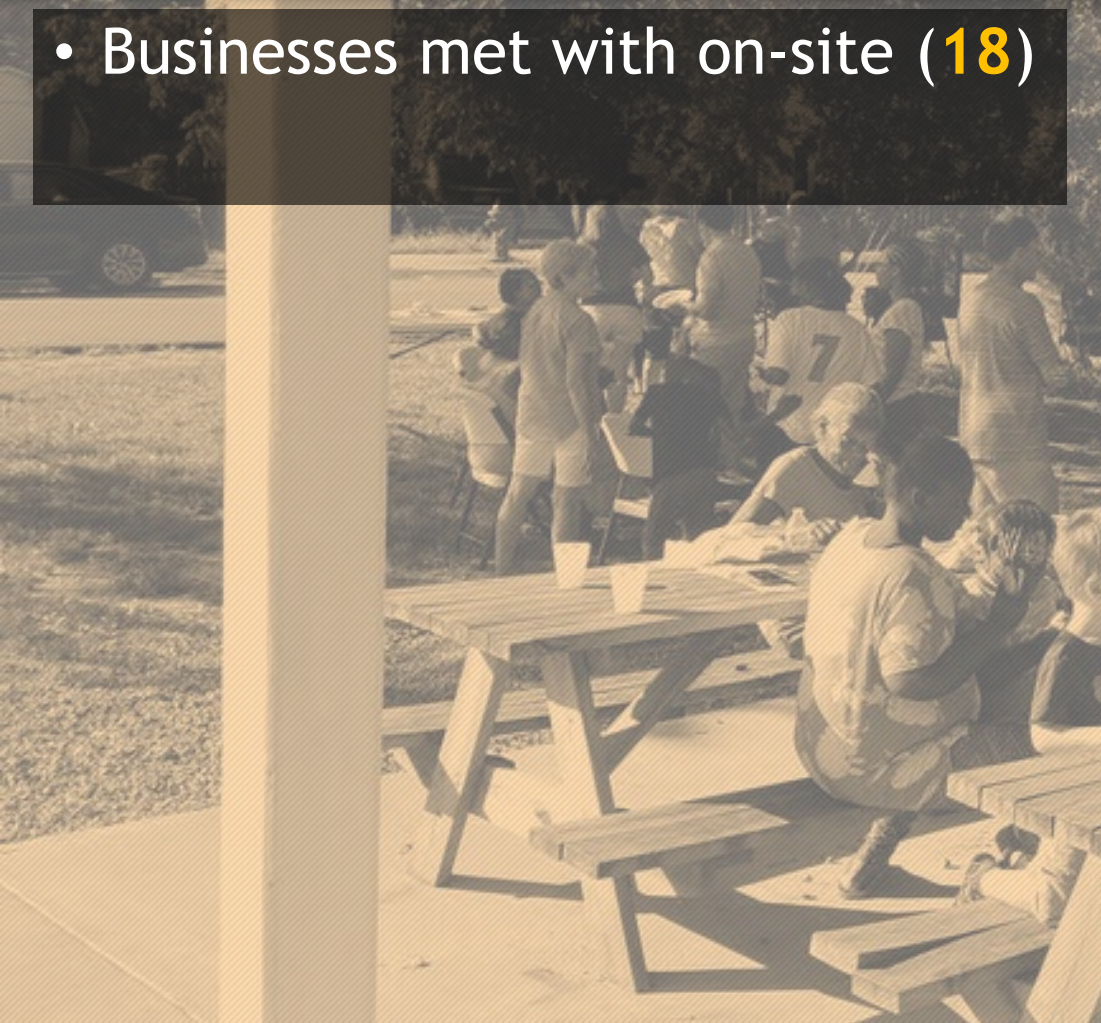
Public Engagement

- Total Comments from Public (**434**)
- 2016 Community Report
- Community Team Meetings (**14**)
- Front Porch Meetings (**6**)
- Focus Groups (**4**)
- Existing Community Events (**2**)
- Open Houses (**2**)



Engagement with Businesses

- Businesses met with on-site (18)



Types of Feedback

Immediate/Short-term

- Comments related to immediate fixes/improvements in the neighborhood:
 - Fix the broken water fountain at Forest Hills Park
 - Add shaded seating at Tonsler Park
 - Pick trash up at parks and along streets
 - Healthy food options in vending machines at public parks
 - Add bus shelters

Visioning/Long-term

- Comments focused on “big picture” and longer horizon:
 - Traffic congestion and safety along Cherry Ave
 - Harmonious neighborhood-scaled future development
 - Affordable housing
 - Place-based community development honoring character of the neighborhood

Engagement Next Steps

- Final Community Group Meeting
- Satellite Office on Cherry Avenue
 - HQ for outreach
- Front Porch Meetings
- Public Presentation & Open House



Key Takeaways & Observations

- Residents are extremely vested in creating positive change for all in the community at both ends of the socioeconomic ladder
- The availability of vacant or underutilized land is increasing development pressure on the neighborhood, which could alter the character of the community
- Desire for neighborhood-scaled development
- Concerns over housing affordability are high

Next Steps

- Additional vetting of draft plan with City Departments
- Public review of document
- Engagement with the Planning Commission
- Additional drafts of the plan
- Council Review
- Delivery of Small Area Plan document with specific recommendations & strategies
- Delivery of Framework Plan

Questions



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



Agenda Date:	February 19, 2019
Action Required:	Update/Report Only – No Action Required
Presenter:	Kaki Dimock, Acting Assistant City Manager
Staff Contacts:	Kaki Dimock, Acting Assistant City Manager
Title:	Next steps in ABRT Process / Priority Setting Commission

Background:

On January 22, 2019, Council considered a proposal to establish a Priority-Setting Commission to review community level data to determine community needs and funding priorities. These priorities would then inform city funding of nonprofits. Council determined that additional work was required to consider the proposal. Specifically, council recommended that staff:

- 1) Gather feedback from community members on their needs and whether their needs are met by the current constellation of services available in the community;
- 2) Revise the proposed resolution to include additional information and circulate drafts among all council members in advance of the next consideration;
- 3) Gather feedback from nonprofits on the initial proposal to revise the A.B.R.T. process;
- 4) Gather estimates on the cost of a community needs assessment; and
- 5) Schedule a worksession in mid-April to fully consider next steps in the revision of the ABRT process.

Discussion:

Staff have worked on all components of the 5 part request of council as follows:

- 1) Staff attended the Mayor’s advisory group on revising the ABRT process on January 24, 2019 to gather feedback from the group on ways to reach community members via social media and other informal methods. The group determined that such an approach would need to be simple and open-ended. Questions considered included: What do you and/or your family need? Are your needs being met? What services does this community need more of? What services does this community need less of?

Staff consulted the Office of Communications to determine whether such a survey might be hosted on the city’s website as one method of reaching a broad audience. Finally, staff are considering focus groups to gather additional information from local consumers. This outreach to community members is planned for March 2019.

- 2) The resolution language is currently being edited based on components recommended by council members in the discussion from January 22, 2019; and will be distributed to council

members for feedback well in advance of the proposed worksession.

- 3) The Center for Nonprofit Excellence and city staff are in preliminary discussions on ways to gather feedback from nonprofits including an electronic survey instrument and a nonprofit stakeholder meeting. A follow up meeting is scheduled for February 21, 2019.
- 4) Staff have estimated a comprehensive needs assessment at \$80,000 - \$100,000 and are seeking external estimates from other communities and consultants. (The last high-quality, comprehensive community survey to assess unmet needs was estimated at \$60,000.)
- 5) Staff will consult with the city manager's office to determine a date for the worksession in mid-April as requested.

Alignment with City Council's Vision and Strategic Plan:

Revising the ABRT funding process and engaging the public in that process is aligned with City's Strategic Goals # 5: A well-managed and responsive organization.

Community Engagement:

Staff anticipate engaging the public in several ways to gather feedback on needs including a survey on the city's website, a survey of the city's Facebook page, focus groups, nonprofit survey and stakeholder meetings, and community meetings.

Budgetary Impact:

None at this time

Recommendation:

Staff will proceed with information gathering for an April Work Session.

Alternatives:

Council may provide additional direction