

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



Agenda Date:	July 20, 2020
Action Required:	Resolution
Presenter:	Missy Creasy, Assistant Director of Neighborhood Development Services Alex Ikefuna, Director of Neighborhood Development Services John C. Blair II, City Attorney
Staff Contacts:	Missy Creasy, Assistant Director of Neighborhood Development Services Alex Ikefuna, Director of Neighborhood Development Services John C. Blair II, City Attorney
Title:	Community Engagement Meeting Requirements during COVID 19

Background:

On March 12, 2020, the City Council authorized City Manager, Dr. Tarron J. Richardson, to issue a Declaration of Emergency due to the potential spread of COVID-19 within the City of Charlottesville. On March 16, 2020, City Council adopted a resolution waiving any mandatory review periods of fewer than 60 days imposed by City ordinances. On March 25, 2020, the City Council adopted an Ordinance concerning the continuity of the City’s governmental operations, in which Council—among other things—deemed all agenda items scheduled or proposed to be considered by council, the planning commission, or any boards to be continued for the duration of the emergency, if not acted upon. As a result of the potential spread of COVID-19 and the Council’s March 25, 2020 ordinance, the Department of Neighborhood Development Services (hereinafter “NDS”) ceased accepting new applications for development review.

On June 15th City Council approved an amendment to the March 25, 2020 Ordinance, to authorize NDS to accept and review any development applications which do not require a community meeting or other form of community engagement, such as a public hearing (“administrative review”). In addition, Council approved a motion to direct NDS to accept all new development applications, but to refrain from scheduling any public hearings or community meetings until procedures can be approved to assure adequate public engagement during the extended period of the emergency. Staff was directed to bring procedures establishing guidelines for public hearings and community meetings to City Council for consideration at its July 20, 2020 meeting.

Discussion:

As the City has adapted to COVID-19, it is implementing new practices and procedures to insure the safety of its workforce and the community. Staff’s community meeting proposal, attached, takes into account providing guidelines that would allow for the level of potential participation pre-COVID, accounting for health and safety considerations. The proposal provides ways to engage through technology as well as by paper/pencil and mailings and where possible, timeframes for feedback

have been outlined to allow time for extended time for the community to engage. This level of inclusiveness in our current state of emergency will involve additional costs and resources for mailings, copies of materials and labor to process these items. Council can provide guidance on whether this proposal meets their expectations or provide other direction on how engagement should proceed.

Going forward: NDS will accept all applications; however, no development application will be scheduled for a community meeting or for a public hearing agenda, until City Council approves guidelines for how public engagement associated with community meetings and public hearings can be conducted.

Alignment with City Council's Vision:

This item aligns with the City Council Vision Statements of: A great Place to Live for All of Our Citizens and a Smart, Citizen Focused Government.

Community Engagement:

Speakers at the June 15, 2020 Council meeting requested that the City explore methods for providing for the community to engage during the state of emergency. It was noted that other communities have provided for this opportunity and the City has used virtual meetings for City Council, authorized boards and commissions and for meeting opportunities with applicants and the public.

Budgetary Impact:

There will be increased costs for both the city and the applicants to provide for mailings, copies of materials and the labor to process the materials. The City would have responsibility for mailing packages in the case of site plan reviews and those costs will vary depending on the number of property owners and occupants residing in the 500 foot area surrounding a site. It can be anticipated to cost \$500 – \$2000 per month depending on the number of submissions.

In addition, costs are involved for software for hosting virtual meetings using the outlined method as well as storage of the recorded meetings to allow for viewing per the prescribed period. The City Information Technology department estimates \$100 per month for audio/video conferencing service, \$150-250 per month for toll free access and \$100-200 per month for the storage costs for archived meetings.

Recommendation:

It is recommended that Council provide guidance on whether this proposal meets their expectations or provide additional direction needed for moving forward with community engagement at this time.

Alternatives:

The City Council has the following alternative actions:

1. by motion, vote to approve the attached resolution;

2. by motion, request changes to the attached resolution, and then approve it in accordance with the amended resolution;
3. by motion, defer action, or
4. by motion, deny the proposed resolution.

Attachments:

1. Proposed City Council Resolution
2. Community Engagement Meeting Requirements (during COVID 19 Emergency)

RESOLUTION
ESTABLISHING PROCEDURES FOR CONDUCTING COMMUNITY MEETINGS
AND PUBLIC HEARINGS FOR THE DURATION OF THE PERIOD OF EMERGENCY
DECLARED BY THE CITY MANAGER ON MARCH 12, 2020

WHEREAS, on March 12, 2020, the City Manager issued a Declaration of Emergency due to the potential spread of COVID-19 within the City of Charlottesville; and

WHEREAS, on March 25, 2020, the Charlottesville City Council adopted an ordinance pursuant to Virginia Code Section 15.2-1413 to assure continuity in government and the provisions of said ordinance, as amended, remain in effect; and

WHEREAS, on June 15, 2020 directed the City's Department of Neighborhood Development Services to accept all development applications, but to bring City Council a proposal for how adequate public engagement can be promoted for and in connection with "community meetings" required for rezoning and special use permit applications, and "conferences" required for site plans (together, "Community Meetings");

WHEREAS, on July 20, 2020 NDS Staff presented to City Council proposed procedures designed to promote public notice and an opportunity for City residents to comment on development applications regardless of whether they have access to internet or telephone services;

NOW, THEREFORE, BE IT RESOLVED that the procedures presented by NDS Staff to City Council on July 20, 2020 are hereby approved and all Community Meetings shall be conducted in accordance with said procedures for the duration of the State of Emergency declared by the City Manager on March 12, 2020.

**CITY OF CHARLOTTESVILLE
NEIGHBORHOOD DEVELOPMENT SERVICES**



Community Engagement Meeting Requirements (during COVID 19 Emergency)

The following procedures will apply to the following Community Engagement Meetings (“Community Meetings”):

1. Community Meetings required in connection with applications seeking rezonings including Planned Unit Developments (PUDs) per City Code Section 34-41(c)(2), and special use permits (SUP) per City Code Section 34-158(a).
2. Public Site Plan Conferences (also referred to as “Community Meetings”, for purposes of these procedures) per City Code Section 34-821.

The purposes of a community meeting are to provide citizens an opportunity to receive information about a proposed project, about applicable zoning processes and procedures, about applicable policies of the comprehensive plan and city ordinances or regulations that may apply to the project, and to give citizens an opportunity to ask questions about the project.

The following procedures are designed to ensure adequate community engagement and opportunities for public comment on zoning and development applications, while protecting public health and safety during the continuing state of emergency declared by the City Manager on March 12, 2020 for the COVID-19 pandemic.

1. Responsibility for Hosting and Conducting Electronic Community Meetings

A. Rezoning and SUPs

It is the responsibility of the landowner(s) who is/are the applicant to schedule, host, set up, advertise and conduct the required Community Meeting.

B. Site Plans

Neighborhood Development Services (NDS) staff shall be responsible for scheduling, hosting, advertising, and conducting the electronic Community Meetings for Site Plan Conferences.

2. **Format**

A. ***Rezoning and SUPs***

1. Due to the potential limitations of members of the public to engage in a virtual meeting format, the applicant must provide both a virtual community meeting and the opportunity for citizens to provide comments by electronic and U.S. mail, first-class, postage pre-paid (“USPS Mail”).
2. The window of opportunity for citizens to mail in comments shall be a minimum of 45 days from the mailing of written notices (see section 4, below).
3. The applicant shall choose an electronic virtual meeting platform that satisfies all of the following criteria:
 - a. Members of the public may participate by video conferencing via the internet, free of charge, and
 - b. Members of the public shall also be given the opportunity to join via telephone, free of charge, instead of via the internet, and
 - c. All members of the public shall be afforded the opportunity to register to attend the meeting, regardless of their location, and
 - d. The platform chosen by the applicant must allow a means by which concept plans, illustrations, building elevations, photographs, etc. may be shared electronically with the public who attend the meeting, and
 - e. The platform chosen by the applicant must allow all participants the ability to present verbal questions and comments, and
 - f. The platform chosen by the applicant must provide a means by which the meeting can be recorded (including all questions and comments provided by persons who use the telephone dial-in option).
4. The applicant as well as the applicant’s design professionals shall attend the virtual community meeting.
5. The basic agenda for each meeting shall be as follows:
 - a. Introduction of Applicant and Design Professional—verbally provide names of legal entities (such as companies or LLC’s) as well as names of the individuals who are the real parties in interest. For example: ABC, LLC, by Joe Smith, its sole member; or ABC Engineering Consultants, by Joe Smith, Project Engineer.
 - b. Project Overview—to be provided verbally, supplemented by concept plans, illustrations, building elevations, maps, photographs, etc. The following information, at a minimum, shall be included:
 - i. Identification of the Subject Property by its classification on the City’s Long Range Land Use Map (Comprehensive Plan) and by its current Zoning District Classification.
 - ii. Identification of the number and types of housing units and other uses within the proposed project, the height and general size(s) of the housing units and other buildings, and an explanation of the reason(s) why the rezoning or SUP

is necessary in order for the project to be constructed as proposed by the applicant.

- iii. If the Subject Property is within an overlay district, such as an Architectural Design Control District or an Entrance Corridor District, the district shall be identified and the applicant shall provide a description of the characteristics of the design control district, based on the description of the district contained in the City's Historic District Guidelines.
 - iv. Identify any waiver(s) the applicant will be requesting of generally-applicable zoning requirements (critical slope waivers, sidewalk waivers, etc.)
 - v. Identify any amenities that will be part of the project (open space, affordable housing, special parking arrangements, etc.)
 - vi. If affordable housing will be included, state whether the applicant is subject to the requirements of City Code Section 34-12 and if so, identify generally the number of units that would be required based on gross floor area (GFA) of the project if built out as proposed. If Section 34-12 does not apply, or if the applicant proposes to provide more affordable dwelling units than required by Section 34-12, describe the applicant's specific proposal.
- c. Question and Answer Period for the public attending the Community Meeting:
- i. Each person who wishes to speak or ask questions shall be given no less than three (3) minutes, not counting time used by the applicant to respond.
 - ii. Applicant shall arrange for at least one (1) person to "moderate" the question and answer period, by calling upon individuals who wish to speak, keeping track of time, assisting with and resolving technical problems, etc. Before beginning the question and answer period, the moderator shall announce that all questions shall be limited to the proposal being discussed.
 - iii. Questions shall be responded to by applicant, applicant's design professional, or other person(s) designated to speak as the applicant's agent.

B. *Site Plans*

NDS shall conduct the Site Plan Conference using a format that can be recorded and available for review by members of the public following the date of the conference. Additionally the format of the conference shall satisfy the requirements of 2(A)(3), above.

Due to the potential limitations of members of the public to engage in a virtual meeting format, the opportunity for citizens to provide comments by email and by USPS mail shall be provided. The window of opportunity for written comments (email or USPS mail) shall be 30 days from the date on which the site plan conference is conducted by NDS staff (see section 4, below). NDS staff shall choose a virtual meeting platform that is free to participants and allows participants to join via telephone instead of online. All

interested parties shall be allowed to register to attend the virtual community meeting, regardless of the party's location.

3. Scheduling

A. *Rezoning and SUPs*

The applicant shall schedule the virtual community meeting outside of regular business hours. Weeknights between 5:30-8:00 p.m. are preferable. Federal or religious holidays shall not be used for virtual community meetings. The applicant shall include a 30 minute minimum "buffer" extension on their reservation on the chosen virtual meeting platform in the event additional time is required to provide participants adequate opportunity to speak.

The applicant is responsible for setting up the time, date and any necessary hardware/software needed to host and conduct an electronic/telephone Community Meeting. Applicant shall obtain the approval of the NDS Director, or designee, that the Applicant's preferred date and time satisfy the requirements of this section prior to conducting the community meeting.

B. *Site Plans*

Site plan conferences are routinely held on the first and third Wednesdays of each month, per City Code Section 34-821. However, additional conference dates may be set by NDS adequate notice to affected persons. The applicant or their designated representative, as well as the design professionals involved in the project, shall attend the site plan conference (community meeting) by video conference, and shall be prepared to present verbal information as well as drawings, sketches, illustrations and photos as part of the video conference. NDS staff shall record each conference, and any member of the public who wishes to listen or watch the conference during the 30-day comment period following the conference may do so.

4. Public Advertisement and Written Notices

A. *Rezoning and SUPs*

The applicant will mail via USPS, an application packet and notice of the community meeting to a list of addresses provided by the City. The address list will include all landowners and occupants (if different than property owner) within 500 feet of the Subject Property, as well as neighborhood association contacts. The applicant shall also provide a copy of the packet to the NDS planner by email and USPS mail.

The mailing of the notice and application packet must be mailed at least 14 calendar days prior to the date of the Community Meeting. The applicant is responsible for the cost of the mailing.

The application packet shall include:

1. A cover letter summarizing the application and providing full contact information for the applicant, including mailing address, telephone number, and email address.
2. A copy of the complete rezoning or SUP application, including all site or conceptual plans and supplemental information. Colorized materials (such as conceptual plans or illustrative graphics) shall be provided in a colorized format unless greyscale documents are approved by the NDS planner. City Code Section 34-827 requires site plans to be submitted at a scale of 1:20. However, if this scale results in document sizes which will be difficult to mail, NDS may approve an alternate scale to allow for reduced size mailings. If the applicant desires to provide materials at a reduced scale, the NDS planner and ADA Coordinator must approve the reduced scale prior to mailing. The applicant will need to provide additional reasonable accommodations if requested.
3. Stamped self-addressed envelopes for citizens to provide written comment to the applicant. A minimum of 45 calendar days shall be provided from the date of mailing for citizens to return written comments by email and USPS mail. The notice letter shall identify the deadline for receipt of written comments.
4. The applicant shall have available, at the time of mailing, all materials in PDF format to be provided to the community as requested. The applicant must provide the PDF materials to the NDS planner at the time of the mailing.

B. *Site Plans*

In the application packet, the applicant will provide materials for distribution by NDS staff in advance of the Site Plan Conference. The applicant shall confirm with the NDS planner prior to submission the quantity of materials required for distribution. The materials shall include the following documents and shall be submitted in compiled packages, each within an unsealed envelope ready for distribution by staff:

1. A cover letter summarizing the proposed development and providing full contact information for the applicant, including mailing address, telephone number, and email address.
2. A copy of the proposed site plan. City Code Section 34-827 requires site plans to be submitted at a scale of 1:20. However, if this scale results in document sizes which will be difficult to mail, NDS may approve an alternate scale to allow for reduced size mailings. If the applicant desires to provide materials at a reduced scale, the NDS planner and ADA Coordinator must approve the reduced scale prior to submission. The applicant will need to provide additional reasonable accommodations if requested.
3. Stamped self-addressed envelopes for citizens to provide written comment to the applicant. A minimum of 30 calendar days shall be provided from the date of

mailing for citizens to return written comments by email and USPS mail. The notice letter shall identify the deadline for receipt of written comments.

4. At the time of submission, the applicant shall provide to the NDS planner all materials in PDF format to be provided to the community as requested.

5. Documentation

A. ZMAs and SUPs

Community meetings shall be documented by the applicant as follows:

1. At least seven (7) calendar days prior to the meeting, the applicant will provide the city with a sworn affidavit confirming that the mailing was completed in a timely manner and attaching the mailing list.
2. On the date of the meeting, the applicant shall record the meeting. The applicant shall provide the NDS planner with a link to the recording of the meeting and a record of all registered attendees from the meeting platform. The meeting link must remain publicly accessible throughout the review process.
3. At the end of the public comment window, the applicant shall compile all written comments received by email and by USPS Mail, and shall send them (all at once, packaged together) to the NDS planner. If submitted electronically to the planner, all comments shall be compiled into a single electronic document in PDF format.

B. Site Plans

Virtual community meetings and notification shall be documented by NDS using the following protocols:

1. At least five (5) calendar days prior to the meeting, NDS staff will place an affidavit into the application file, confirming that the mailing was completed in a timely manner.
2. On the date of the meeting, NDS staff shall make records of attendance and shall also document that the meeting occurred through recordation or other evidence. The NDS planner shall maintain a record of all registered attendees.
3. At the end of the 30-day public comment window, the applicant shall send to the NDS planner all written comments which were sent directly to the applicant. If submitted electronically to the planner, all comments shall be compiled into a single electronic document, in PDF format.

6. Completion

The Community Meeting requirement for a rezoning or SUP is not completed until the NDS planner has received all documentation required by these procedures.