

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 6, 2023
Action Required:	Approve Resolution following Public Hearing
Presenter:	Brenda Kelley, Redevelopment Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager
Title:	<b>Approving a Lease Agreement with Omni Hotel for an outdoor cafe area at 212 Ridge-McIntire Road / 235 West Main Street (1 reading - Public Hearing)</b>

### **Background**

Since 2010, the Omni Hotel has leased a portion of the public right-of-way for an outdoor café between the pedestrian walkway and the Omni Hotel. The most current lease, entered into in 2016, expired in January 2021. Because this lease expired and was not extended through a new lease agreement and the Tenant remained on the property, the lease effectively became a month-to-month lease.

The Omni Hotel has submitted an application to Neighborhood Development Services to revise the outdoor patio area. Construction is expected to start in the summer and be completed by the end of the year. When the construction is completed, this Lease Agreement will come back for City Council approval for a lease amendment to revise the limits of the leased area and the amount of square footage.

### **Discussion**

The general terms of the Lease Agreement are:

- Lease period: 1 year, with renewal provision for four additional one-year terms
- Lease rate: \$5.00 per square foot per year, due on the first day of every renewal term (February 1<sup>st</sup>)
- Tenant Responsibilities: maintain the property; remove all food dishes and utensils after each customer; thoroughly clean the entire area after the close of each business day; routine maintenance and repair

Additional provisions:

- Any tents or other similar structures must first receive approval and inspection.
- Space heaters may be utilized, provided in compliance with all applicable building and fire codes.

- Musical entertainment limited to unamplified performance and such activity shall not be conducted between 12:00 midnight and 11:00 a.m.
- Any proposed modifications or alterations must be approved by the Board of Architectural Review (BAR).

### **Alignment with City Council's Vision and Strategic Plan**

The provision supports City Council's vision of Economic Sustainability. This program aligns directly with Strategic Plan Goal 4.3: Grow and retain viable businesses.

### **Community Engagement**

This Lease Agreement has been reviewed by Omni Charlottesville Virginia Corporation representative(s).

### **Budgetary Impact**

This request does not require any funding from the City budget.

### **Recommendation**

Staff recommends that City Council approve the attached Resolution following Public Hearing.

### **Alternatives**

City Council could choose to not approve this Resolution which could result in a negative impact to the operations of the Omni Hotel.

### **Attachments**

1. Resolution OMNI Lease Agreement 020623
2. Omni Terrace Cafe Lease Dec2022