



CITY COUNCIL AGENDA
January 5, 2015

6:00 p.m. – 7:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room

CALL TO ORDER *Council Chambers*
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS VRPS Awards
ANNOUNCEMENTS

MATTERS BY THE PUBLIC Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

- 1. CONSENT AGENDA*** (Items removed from consent agenda will be considered at the end of the regular agenda.)
- a. Minutes for December 15
 - b. APPROPRIATION:** Virginia Department of Health Special Nutrition Program Child and Adult Care Food Program - \$32,000 (2nd of 2 readings)
 - c. APPROPRIATION: 2015 Department of Motor Vehicles Virginia Highway Safety Grant for Speed Enforcement - \$7,680 (1st of 2 readings)
 - d. APPROPRIATION: VDOT Funds for the Condemnation of CATEC Property Used for the Meadowcreek Parkway - \$144,700 (1st of 2 readings)
 - e. APPROPRIATION: National Endowment for the Arts (NEA) Our Town Grant "Play the City" – \$50,000 (1st of 2 readings)
 - f. APPROPRIATION: Central Library Restroom Renovation and A.D.A. Improvements Project – Albemarle County Reimbursement – \$10,033.19 (1st of 2 readings)
 - g. APPROPRIATION: Local Contributions for Crisis Intervention Training - \$16,000 (1st of 2 readings)
 - h. APPROPRIATION: 2015 Department of Motor Vehicles Virginia Highway Safety Grant for Alcohol Enforcement – \$24,114 (1st of 2 readings)
 - i. APPROPRIATION: Preston Morris Building Envelope Restoration Project – Albemarle County Reimbursement – \$1,200 (1st of 2 readings)
 - j. APPROPRIATION: Outside Area Contributions for Crisis Intervention Training - \$3,500 (1st of 2 readings)
 - k. APPROPRIATION: Environmental Protection Agency Solid Waste Management Assistance Grant for Composting at the Charlottesville City Market - \$9,000 (1st of 2 readings)
 - l. APPROPRIATION: Adoption Incentive Funds – \$2,977.92 (1st of 2 readings)
 - m. APPROPRIATION: Virginia Initiative for Employment not Welfare (VIEW) Purchase of Services – \$12,675 (1st of 2 readings)
 - n. RESOLUTION:** Tax Payment Refund to Jefferson Properties, Inc. (1st of 1 reading)
 - o. RESOLUTION:** Special Use Permit for 722 Preston Ave. (1st of 1 reading)
 - p. RESOLUTION:** City Council Regular Meeting Schedule for 2015 (1st of 1 reading)
- 2. REPORT** Public Safety Camera Proposal
- 3. REPORT** Human Rights Commission Annual Report
- 4. RESOLUTION*** SUP Sycamore Hotel (1st of 1 reading)
- 5. RESOLUTION*** McIntire Road Extended Naming (1st of 1 reading)
- 6. REPORT** Parking Management Strategy
- 7. RESOLUTION*** YMCA Ground Lease (1st of 1 reading)

APPROPRIATION.

**Virginia Department of Health Special Nutrition Program
Child and Adult Care Food Program.
\$32,000.**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$32,000 from the Virginia Department of Health Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2014 through September 30, 2015;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$32,000, received from the Virginia Department of Health Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$32,000

Fund: 209 Internal Order: 1900230 G/L Account: 430120

Expenditures - \$32,000

Fund: 209 Internal Order: 1900230 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$32,000 from the Virginia Department of Health Special Nutrition Program.

RESOLUTION
AUTHORIZING REFUND OF REAL ESTATE TAXES PAID
(Water Street Parking Garage)

WHEREAS, the real estate tax assessment for Parcel 61.1 on Real Estate Tax Map 28, known as the Water Street Parking Garage (the “Property”), was erroneously assessed due to an incorrect apportionment of parking spaces for each owner of the Property; and

WHEREAS, the real estate taxes for the Property for the years 2012 through 2014 were paid on time and as billed; and

WHEREAS, the City Real Estate Assessor has certified that the real estate tax assessments for 2012, 2013 and 2014 were erroneous as a result of this incorrect apportionment, and determined that Jefferson Properties, Inc., owner of the Property, is due a refund of \$16,816.90 plus interest in the amount of \$1,983.74; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00, and payment of interest is required in accordance with Virginia Code Section 58.1-3918; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$18,800.64, representing \$16,816.90 in overpaid taxes and \$1,983.74 in interest, payable to Jefferson Properties, Inc.

RESOLUTION
APPROVING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP-14-10-09
TO AUTHORIZE RETAIL USE UP TO 20,000 SQUARE FEET
WITHIN THE COCA COLA BUILDING AT 722 PRESTON AVENUE

WHEREAS, 700 Preston, LLC (“Applicant”) has submitted application SP-14-10-09 (“Application”) seeking approval of a special use permit for property located at 722 Preston Avenue, identified on City Tax Map 31 as Parcels 19 and 38, consisting of approximately 1.89 acres (“Subject Property”); and,

WHEREAS, the special use permit application seeks authorization to use the Subject Property, up to 20,000 square feet of gross floor area, for retail stores (non-specified) pursuant to §34-796 of the City Code; and

WHEREAS, the Subject Property is zoned “CC” (Central City Mixed Use Corridor District) subject to the requirements of the City’s historic overlay district zoning regulations, because the Subject Property is an individually protected property designated within City Code § 34-273; and

WHEREAS, following a joint public hearing before the Planning Commission and City Council, duly advertised and held on December 9, 2014, the Planning Commission reviewed this application and determined that the proposed special use permit, under suitable regulations and safeguards set forth within a list of recommended conditions, will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code, and the Planning Commission has transmitted its recommendation to City Council; and

WHEREAS, this Council concurs with the Planning Commission and hereby finds and determines that, under suitable regulations and safeguards, the proposed special use permit will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code. **NOW, THEREFORE**,

BE IT RESOLVED by the City Council of the City of Charlottesville, that a special use permit is hereby approved, to authorize use of the Subject Property, up to 20,000 square feet of gross floor area, for retail stores (unspecified);

AND BE IT FURTHER RESOLVED that this special use permit is granted subject to the following conditions:

1. The maximum gross floor area that any one retail store/ establishment may occupy is 10,000 square feet.
2. All deliveries shall be directed to enter and exit via the Preston Avenue entrance to the Subject Property.
3. The owner of the Subject Property shall establish and maintain a bicycle and pedestrian connection to the Subject Property from Albemarle Street.
4. The uses authorized by this Special Use Permit shall be contained within the existing historic building that is located on the Subject Property as of the date on which this Special User Permit is approved.

RESOLUTION
Approval of City Council Regular Meeting Schedule for 2015

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2015:

| | |
|-----------------------------------|---|
| January 5, 2015 | July 6, 2015 |
| <i>Tuesday, January 20, 2015</i> | July 20, 2015 |
| February 2, 2015 | <i>August 3, 2015 – no meeting / summer break</i> |
| <i>Tuesday, February 17, 2015</i> | August 17, 2015 |
| March 2, 2015 | September 8, 2015 |
| March 16, 2015 | <i>Tuesday, September 21, 2015</i> |
| April 6, 2015 | October 5, 2015 |
| April 20, 2015 | October 19, 2015 |
| May 4, 2015 | November 2, 2015 |
| May 18, 2015 | November 16, 2015 |
| June 1, 2015 | December 7, 2015 |
| June 15, 2015 | December 21, 2015 |

Italics indicate an adjusted date due to a holiday.

BE IT FURTHER RESOLVED that these dates will be published on the City's calendar at www.charlottesville.org and posted at the Clerk of Council's office; and

BE IT FURTHER RESOLVED that should Council have a compelling reason to amend the schedule during the year, they may do so with a majority vote; should such a change occur, it will be publicized with a City press release, updated on the City's calendar, and posted at the Clerk of Council's office.

RESOLUTION
APPROVING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP-14-10-10
FOR A HOTEL DEVELOPMENT ON WEST MAIN STREET
PROPOSED BY SYCAMORE HOUSE, INC.

WHEREAS, Sycamore House, Inc. (“Applicant”) has submitted application SP-14-10-10 (“Application”) seeking approval of a special use permit for property located at the corner of West Main Street and 11th Street, S.W., identified on City Tax Map 28 as Parcels 64 and 65, consisting of approximately 0.458 acre (“Subject Property”); and,

WHEREAS, the special use permit application seeks approval of the following for a proposed hotel development: **(i)** additional height, up to 101 feet, per City Code §34-637(2); and **(ii)** pursuant to §34-162(a), modification of minimum setback and stepback requirements set forth within §34-638, as applicable to the Subject Property’s frontage along 11th Street, S.W.; and

WHEREAS, the Subject Property is zoned “WMS” (West Main South Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3), and of the West Main Street architectural design control (ADC) overlay district; and the City’s Board of Architectural Review has previously been given an opportunity to make findings and recommendations on whether the proposed hotel development, with the requested height and streetwall modifications, would have an adverse impact on the ADC district, as required by City Code §34-157(a)(7); and

WHEREAS, at the Planning Commission’s December 9, 2014 meeting, the Applicant notified the Commission that it was withdrawing its request for elimination of the stepback required by City Code 34-638(a)(1) along the Subject Property’s 11th St., S.W. frontage, except for a proposed Tower Feature, and the Applicant provided elevations, labeled “12/9/2014 11th Street Elevation,” illustrating the proposed hotel development with the applicable 5-foot stepback at the top of the streetwall along 11th St., S.W. (excluding the Tower Feature); and

WHEREAS, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on December 9, 2014, the Planning Commission reviewed this application and determined that the proposed special use permit, under suitable regulations and safeguards set forth within a list of recommended conditions, will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code, and the Planning Commission has transmitted its recommendation to City Council; and

WHEREAS, this Council finds and determines that, under suitable regulations and safeguards, the proposed special use permit will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code. **NOW, THEREFORE**,

BE IT RESOLVED by the City Council of the City of Charlottesville, that a special use permit is hereby approved, to authorize a modification of the general height and streetwall regulations of the zoning ordinance for the hotel development described within the Application, as follows: **(i)** maximum building height of 101 feet; **(ii)** a six (6) foot minimum setback along the Subject Property’s 11th Street frontage; and **(iii)** elimination of the 5-foot stepback required by City Code 34-638(a)(1), only for the proposed Tower Feature.

AND BE IT FURTHER RESOLVED that this special use permit is granted subject to the following conditions:

1. Subject to approval by the City traffic engineer, the developer shall construct an 8 foot wide sidewalk on the Subject Property's 11th St., S.W. frontage.
2. There will be no pull-off on or along West Main Street for vehicles picking up or dropping off patrons of the building. The Subject Property's frontage on West Main Street will be developed in a manner consistent with the City's approved West Main Streetscape Plan in effect at the time of site plan approval.
3. The design, height, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the documents dated October 21, 2014 submitted to the City for and in connection with SP-14-10-10 ("Application"), as supplemented by additional drawings, elevations and other written materials presented to the Planning Commission at its meeting on December 9, 2014 ("12/9/14 Supplemental Materials") (collectively, the "Application Materials"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the development that is inconsistent with the information or representations contained within any of the Application Materials shall require a modification of this SUP.
4. Among the 12/9/14 Supplemental Materials is a building elevation ("12/9/14 West Main Elevation") depicting the West Main Street frontage of the development. The proposed development shall adhere to the details depicted on the 12/9/14 West Main Elevation, including, without limitation:
 - a. Space located on the building's second and third floors (located over the area designated within the Application Materials as being planned for a ground-floor restaurant) shall be finished interior space.
 - b. Plantings shall be provided along West Main Street, in the depicted locations.
5. Prior to commencement of any land disturbing activity on the Subject Property, the developer shall hold a meeting with notice and invitation sent to all adjoining property owners, and to representatives of the University of Virginia, for the purpose of reviewing the proposed location(s) of construction worker parking; the plan for temporary pedestrian and vehicular circulation during construction; and the hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the development.
6. The developer shall submit a Traffic Control Plan as part of its proposed final site plan, detailing measures proposed for the control of traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving, storage and staging of excavated and fill materials and building materials to and from the development site during construction. Such plan shall specifically indicate whether any such activities are planned and requested to take place within public rights-of-way adjacent to the site. Following final site plan approval, this Traffic Control Plan may be amended, as necessary, with the approval of the City Engineer and director of neighborhood development services, and the currently-approved Traffic Plan shall be attached to any application for a building permit and to other development permit applications.
7. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the University of Virginia with written notice of an individual who will serve as a liaison to the community throughout the duration of construction of the development. The name and telephone number, including an emergency contact number, of this liaison shall be provided. In the event the identify and/ or contact information of the designated liaison changes prior to completion of construction,

the developer shall provide updated information to the director, adjacent property owners, and the University of Virginia.

8. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
9. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.
10. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.
11. The development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be established and coordinated to facilitate off-street loading and to minimize idling by loading and unloading of vehicles and by other vehicles traveling in adjacent rights-of-way.
12. There shall be at least two pedestrian entrances to the building on the West Main frontage, and at least one pedestrian entrance to the building on 11th Street SW.
13. The Subject Property's frontage along 11th Street SW shall be landscaped, and the landscape treatment shall provide pedestrian and landscape amenities consistent with the City's approved West Main Streetscape Plan in effect at the time of site plan approval, subject to approval by the City Arborist. This landscape treatment, approved by the City Arborist, shall be included as part of the final site plan for the development.
14. There shall be a dedicated pedestrian entrance/exit from the parking garage.

RESOLUTION
McIntire Road Extended City Section Naming

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the road extension of McIntire Road between the US 250 Bypass and Melbourne Road be named John Warner Parkway.

**RESOLUTION
EXTENDING THE DEADLINE FOR PIEDMONT FAMILY
YMCA
TO COMMENCE CONSTRUCTION ON THE RECREATIONAL
FACILITY TO BE LOCATED IN McINTIRE PARK**

WHEREAS, the City of Charlottesville and Piedmont Family YMCA (“YMCA”) entered into a Ground Lease, dated January 15, 2008, for a portion of McIntire Park where the YMCA intends to build and operate a recreational facility to benefit the community; and,

WHEREAS, construction of the facility was delayed due to litigation challenging the process used to lease the property to the YMCA and to provide City funding for the project, which litigation began in May 2010 and concluded in January 2013; and,

WHEREAS, Paragraph 8 of the Ground Lease states that the lease will terminate if construction of the facility is not commenced within sixty (60) months of the execution of the lease (by January 15, 2013), unless an extension of time is requested by the YMCA for good cause and agreed to by the City; and,

WHEREAS, Council previously granted one year extensions to the deadline on December 17, 2012 and December 16, 2013, resulting in a current deadline of January 15, 2015 for the YMCA to commence construction of the facility; and,

WHEREAS, the YMCA has requested another one year extension of the deadline to begin construction, to January 15, 2016, because additional time is needed to finalize the financing for the project due to the unanticipated withdrawal of one of the guarantors of the financing; and,

WHEREAS, this Council finds that good cause does exist to extend the deadline to begin construction of the facility from January 15, 2015 to January 15, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that this Council hereby agrees to extend the deadline for the commencement of construction of the YMCA facility in McIntire Park for an additional twelve (12) months, as requested by the YMCA. The new construction commencement deadline will be January 15, 2016.