



CITY COUNCIL AGENDA
Monday, April 2, 2018

5:30 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (semi-annual performance evaluation of City Manager)

6:30 p.m. **Regular Meeting - CALL TO ORDER**
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

CITY MANAGER RESPONSE TO COMMUNITY MATTERS

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.

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

Signer/Galvin 5-0

a. Minutes for March 19, 2018

b. **APPROPRIATION:** HB2 / SMART Scale grant funding Barracks Road / Emmet Street Intersection – \$8,640,866
(2nd of 2 readings)

c. **APPROPRIATION:** Charlottesville Fire Department Legacy Vending Machine Funds – \$4314.94
(2nd of 2 readings)

d. **APPROPRIATION:** Reimbursed funds to the Charlottesville Albemarle Convention & Visitors Bureau – \$35,517
(1st of 2 readings)

e. **ORDINANCE:** Quitclaim Gas Easement to VDOT at Adams Court (2nd of 2 readings)

2. PUBLIC HEARING: City Council's Proposed FY 2019 Budget

3. ORDINANCE*: Annual Tax Levy (1st of 2 readings) – **Bellamy/Hill**

4. APPROPRIATION*: Annual Budget Appropriation for FY 2019 (1st of 2 readings) – **Bellamy/Signer**

5. PUBLIC HEARING / ORDINANCE*: Release of Sewer Easement on Rialto Street (1st of 2 readings)
withdrawn – no public hearing

6. PUBLIC HEARING / ORDINANCE*: Storm Drain Easement at 1170 Emmet Street (1st of 2 readings) – **Galvin/Hill**

7. PUBLIC HEARING / RESOLUTION*: Albemarle-Charlottesville Historical Society Lease of McIntire Building
(1st of 1 reading) **5-0**

8. RESOLUTION*: West 2nd Special Use Permit (1st of 1 reading) **4-1 (Walker; no)**

9. RESOLUTION*: Honorary Street Name – Rue de Besançon (1st of 1 reading) **5-0**

10. ORDINANCE*: 4206 Carlton Ave. Rezoning Request (1st of 2 readings) *withdrawn by applicant*

11. ORDINANCE*: Monticello Road Rezoning Request (1st of 2 readings) – **Hill/Galvin**

12. ORDINANCE*: Closing and Vacating Brandon Avenue and a Portion of Monroe Lane/15th Street
(2nd of 2 readings) **4-1 (Walker; no)**

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRIATION

HB2 / SMART Scale FY2018 – \$8,640,866

WHEREAS, the City of Charlottesville was awarded \$8,640,866 in state and federal funds through the SMART Scale grant program to be used for the Barracks Road Intersection Improvements project;

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

\$7,640,866	Fund: 426	WBS: P-00972	G/L Account: 431110
\$1,000,000	Fund: 426	WBS: P-00972	G/L Account: 430110

Expenditures

\$8,640,866	Fund: 426	WBS: P-00972	G/L Account: 599999
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APPROPRIATION
Appropriation of Fire Department Legacy Vending Machine Funds
\$4314.94

WHEREAS, the City of Charlottesville, through the Fire Department, has received \$4314.94 in vending machine revenue;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$4314.94, received is hereby appropriated in the following manner:

Revenue – \$4314.94

\$4314.94 Fund: 105 I/O: 2000138 G/L Account: 451999

Expenditures - \$4314.94

\$4314.94 Fund: 105 I/O: 2000138 G/L Account: 520990

BE IT FURTHER RESOLVED, future revenues from vending machines at the Fire Departments will be deposited in this account and hereby considered as a continuing appropriation and immediately available for the Fire Department to spend unless further altered by Council.

**AN ORDINANCE
TO QUITCLAIM NATURAL GAS LINE EASEMENT
WITHIN ADAMS COURT IN THE JEFFERSON VILLAGE SUBDIVISION
LOCATED IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadway known as Adams Court located in the Jefferson Village Subdivision in Albemarle County; and

WHEREAS, the City owns natural gas lines located within this roadway, and also owns an easement for such gas lines, and VDOT has asked that the foregoing easement crossing this roadway be released upon VDOT's acceptance of Adams Court; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easement crossing Adams Court to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said roadway.

RESOLUTION

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that this Council hereby authorizes the City Manager or his designee to execute the following lease agreement, in a form approved by the City Attorney:

Lease agreement between the City of Charlottesville and Albemarle Charlottesville Historical Society (ACHS) for the lease of City-owned property at 200 Second Street, N.E., Charlottesville, Virginia, dated April 2, 2018.

RESOLUTION
AMENDING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP17-00007
FOR A PROPOSED MIXED USE DEVELOPMENT ON WATER
STREET PROPOSED BY MARKET PLAZA, LLC

WHEREAS, Market Plaza, LLC, contract purchaser (“Applicant”), with the permission of landowner City of Charlottesville, submitted application SP17-00007 on October 24, 2017, with drawings revised through 1/2/2018 (“Application”) seeking approval of An amended special use permit for property located between Water Street and W. South Street, bounded by the existing 2nd Street, S.W. and 1st Street South, identified on City Tax Map 28 as Parcels 69, 71, 72, 73, 74 and 75, and the undeveloped portion of the undeveloped right-of-way of 1st Street, S. (“Subject Property”), consisting collectively of approximately 1.18 acres; and,

WHEREAS, the original special use permit was originally approved by City Council (application no. SP-14-08-08) and was then amended by City Council (application SP 14-00003); the Application seeks an increase in residential density from 60 DUA to 83 DUA, and certain related changes, such as one (1) additional building story, to accommodate such density; and

WHEREAS, the Subject Property is zoned “WSD” (Water Street Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3), and of the Downtown 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 development would have an adverse impact on the ADC district, as required by City Code §34-157(a)(7); and

WHEREAS, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on December 12, 2017, the Planning Commission reviewed the Application and determined that the proposed amendment of the special use permit, as to increased density, is appropriate and would 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 this recommendation to City Council; and

WHEREAS, following the December 12, 2017 joint public hearing, the development plan for the Development was updated to reflect comments received, as reflected in updated drawings revised as of 1/2/2018 which are part of the Application pending before Council, and this Council finds that, under suitable regulations and safeguards set forth in the conditions set forth herein below, the proposed amended special use permit would serve the interests of the public necessity, convenience, general welfare or good zoning practice, and would conform to the criteria generally applicable to special use permits as set forth within §§ 34-156 et seq. of the City Code.; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, that the special use permit previously granted to the Applicant is hereby amended to ratify the proposed mixed use development that is the subject of SP-14-08-08, subject to the following modifications: (i) residential density up to 83 dwelling units per acre, not to exceed 97 dwelling units; (ii) substitution of an updated and modified development plan, as identified in the conditions set forth following below:

NOW, THEREFORE, BE IT RESOLVED that the conditions of the special use permit for the Subject Property are hereby amended and reenacted, to read as follows:

SPECIAL USE PERMIT CONDITIONS:

- (1) The design, height, density, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the Application. Except as the design details of the Development may subsequently be modified to comply with requirements of (i) a certificate of appropriateness, (ii) approval of a final site plan, stormwater management plan, or other required governmental approval, and/or (iii) any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.
- (2) As used within these conditions, the term “Applicant” shall include the applicant’s successors and assigns.
- (3) This Project is subject to the requirements of City Code §34-12. The Applicant has elected under §34-12(d)(1) to provide eight (8) affordable dwelling units at an off-site location within the City, to be and remain affordable for a period of fifteen (15) years, and shall satisfy this obligation in accordance with §34-12.

(4) Impact on Adjacent Streets and Properties

a. In the design and layout of the Development, the City’s historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings or structures above the level of the open-air plaza (“Plaza”), with the exception of an elevator on Water Street.

b. All outdoor lighting and light fixtures shall be full cut-off luminaires.

c. To encourage active uses and building access, a minimum of three (3) to five (5) entrances/openings shall be established on Water Street, 2nd Street SW, and South Street, as approved by a certificate of appropriateness. On South Street, these will lead to the Plaza.

d. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners’ associations; written leases; etc.).

(5) The Plaza shall be and remain an open-air plaza throughout the life of the Development and shall include pedestrian links. The Plaza and the Market area referenced below should contribute positively to the City’s open space network.

a. The Plaza may not be designed, constructed or used as surface parking for motor vehicles. The Plaza should be perceived as an open space, not as a private parking lot, when not in use. The Plaza

shall be maintained as an attractive, user-friendly open-air space. The Plaza will not be a traditional public forum such as a street or public park; however the public will be invited to use and enjoy the Plaza as an invitee of the Applicant, subject to rules and regulations established by the Applicant in its discretion to ensure the quiet enjoyment of residents and other users of the Development. Except for temporary periods of time during the events referred to in paragraph (4) (b) following below, the amount of programmed private space within the Plaza shall not exceed (i) fifty percent (50%) of the area of the Plaza, or (ii) the gross floor area of the retail space within the adjacent building, whichever is less. For the purpose of this requirement “programmed private space” refers to use and occupancy of the space by the owner of the development or its tenants, for example (without limitation): outdoor cafés, restaurants and bars, and related facilities.

b. The Plaza will be closed to other uses and users during specified time periods for events scheduled by the Applicant or its lessees or licensees; however, the Plaza shall not be closed for such events more than 52 times per calendar year. Following any such event, the Plaza shall promptly be returned to a clean and attractive condition, and public access to the site shall be restored to the use referenced in paragraph (4)(a), above, subject to hours agreed upon by the City and the Applicant. The general public shall have a right of access to and use of the pedestrian access connecting Water Street and South Street, which shall include a 16-foot wide pedestrian walkway and handicap access via elevator, and this right of public access shall be recognized within a written instrument recorded within the City’s land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. First Street pedestrian access will remain open at all times (even during private events, except if closed for City-sponsored events such as the Farmers Market, or by temporary street closure permit).

c. The design and construction of the Plaza and market shall incorporate amenities such as, but not limited to art, trees, benches or other seating areas, and/or other amenities that encourage public invitees to utilize and enjoy the Plaza in accordance with rules and regulations established by the Applicant pursuant to paragraph (4)(a), above.

d. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza (“Plaza Layout”), such as: paving surfaces and materials, benches, trash receptacles, trees and landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that is compatible with the character of the Development and the City’s Historic District guidelines. The Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days (“Market Plan”). The Market Plan may be changed, from time to time by the City Parks and Recreation Department with the agreement of the Applicant. Any such change approved by the Parks and Recreation Department will be submitted to the Director of Neighborhood Development Services for administrative approval as a minor site plan amendment, provided such changes do not alter the conditions of Use delineated in Section 10 (Farmer’s Market).

(6) Sound. On and within the open air Plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db (A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit. This condition regulating sound generation shall remain in effect until such time that the City's noise ordinance is amended to apply to the exterior areas of the Subject Property.

(7) Parking. The on-site parking garage shall meet the following requirements:

a. To facilitate and encourage the provision of a future access easement, the garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.

b. Water Street serves as part of the City's east-to-west bike corridor. To maintain ease of pedestrian and bicycle movement on Water Street, there shall be no more than one (1) vehicular entrance or exit for the Development on Water Street. This single entrance/ exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

(8) The required building setback along the property line adjacent to Water Street shall be a minimum 7 feet and a maximum of 12 feet.

(9) Along Water Street there shall be provided a setback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on Water Street shall be 25 feet, and the maximum height shall be no less than 45 feet nor more than 50 feet, as may be approved pursuant to a certificate of appropriateness.

(10) Along 2nd Street SW there shall be provided a setback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on 2nd Street SW shall be 25 feet, and the maximum height of the streetwall shall be 45 feet.

(11) Farmer's Market: The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public at times and dates to be determined by a separate lease agreement between the Applicant and the City.

a. The Farmer's Market shall be visible from adjacent vehicular rights-of-way, accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit out of the "flow" of circulation.

b. The Farmer's Market shall accommodate no fewer than 102 vendors and the entire area of the Plaza area shall be available to the market on market days, including the convertible indoor space. Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated "event."

c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is easily accessed by Farmer's Market users for the purposes of cleaning the Plaza area after each Farmer's Market day. The Applicant or its successors shall ensure, either itself, or through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition.

(12) Construction

a. Prior to commencement of any land disturbing activity on the Property, the Applicant shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and 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.

b. The Applicant shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.

c. The Applicant shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person 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 individual shall be provided.

c. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Applicant shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.

d. The Applicant 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.

e. 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 Applicant 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.

(13) Traffic

a. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

b. The Applicant shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.

c. 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 coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.

d. The Applicant shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.

e. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.

f. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The Applicant shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.

(14) The landscaping plan required as a component of final site plan approval for this Development shall include native or appropriate tree plantings along all street frontages, as well as trees on the Plaza subject to BAR approval. Trees on the Plaza shall be planted using roof planting methods and not hinder the operations of the Farmers' Market.

(15) In pursuing a certificate of appropriateness for the Development, the Applicant will shall work with the City to achieve a final design that will minimize the visual impacts of the building on the South Street, Second St., S.W., Water Street and First Street elevations to the satisfaction of the BAR. The following conditions shall guide

the review of an application for a certificate of appropriateness for this Development, and shall be applied in conjunction with applicable design guidelines:

- a. Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.
- b. First Street should be maintained as a separate urban component. Soften the impact of the retaining wall on First Street and create interest with opening or putting something in front of it. (for example: trees, public art, murals that are incorporated in the design of the building).
- c. The development should provide a sufficient number of openings along street frontages to encourage the activation of street and pedestrian experience. The opening allow for flexibility and variability for changes of use over time.
- d. Brick detailing will be evaluated across all four (4) facades of the proposed development.

AND BE IT FURTHER RESOLVED that this amended special use permit is expressly conditioned upon final closing and settlement of the sale of the Subject Property to the Applicant, as evidenced by recordation within the land records of the Circuit Court of the City of Charlottesville of a deed transferring title to the Subject Property to the Applicant.

RESOLUTION

WHEREAS, [*Woodard*] intends to develop certain land located at 801 Harris Street to establish a multifamily dwelling to be offered as rental units (“New Dwelling Units”), and [*Woodard*] further intends to offer each of those units as affordable housing to income-qualified tenants, as set forth within a Memorandum of Understanding dated March 28, 2018 between [*Woodard*] and the City of Charlottesville; and

WHEREAS, pursuant to Section 50.7 of the Charter of the City of Charlottesville, the City may make grants of funds to owners of dwellings or dwelling units within the City for the purpose of subsidizing, in part, the rental payments due and owing to the owner by a “low- or moderate-income person” as that term is defined in Section 50.7;

NOW, THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the City Manager is hereby authorized to execute the Memorandum of Understanding dated March 28, 2018 between [*Woodard*] and the City, and

BE IT FURTHER RESOLVED that, pursuant to a written grant agreement containing terms and conditions acceptable to the City Manager and the City’s Finance Director, City Council hereby authorizes the Charlottesville Affordable Housing Fund (CAHF) to be used as the source of rent subsidy payments made by the City to the owner of the New Dwelling Units, to secure tenancies affordable to low-or moderate-income persons, as defined in Section 50.7 of the City’s Charter.

MEMORANDUM OF UNDERSTANDING

This **MEMORANDUM OF UNDERSTANDING** (“**MOU**”) is made by and between [Woodard] and The City of Charlottesville, as of March 28, 2018.

1. **Parties:** the parties to this Agreement are [Woodard] a Virginia _____ organized pursuant to the laws of the Commonwealth of Virginia, who is the owner of certain land located at _____ 801 _____ Harris Street (“Property”), in the City of Charlottesville (“Landowner”), and the City of Charlottesville, Virginia (“City”).

2. **Intention of Landowner.** It is the intention of the Landowner to construct certain new dwelling units at the Property (“New Dwelling Units”), and upon completion of construction (and following receipt of a certificate of occupancy for each new dwelling) to offer each dwelling unit, initially, and thereafter, each time there is a vacancy, for rental by a low- or moderate-income person whose rent is subsidized either by (i) a housing voucher from an established program (such as Housing Choice Program), or (ii) or by a rent subsidy paid by the City to the Landowner pursuant to a written grant (rent subsidy) agreement. The Landowner’s intention would be to continue to offer a vacant unit for subsidized rental in this fashion for a period of up to 20 years.

3. **Intention of the City.** It is the City’s intention to offer a written grant (rent subsidy) agreement to secure occupancy of the dwelling units on the Property by low- or moderate-income persons. The terms and conditions of any such grant agreement would include provisions detailing how vacant units would be advertised or otherwise offered for rental first to low- or moderate-income persons, and if no subsidized rental can be arranged within a reasonable period of time (to be specified within the grant agreement) then to others.

- a. For New Dwelling Units that are required affordable dwelling units pursuant to the election required by City Code §34-12, then any rent subsidy for those units would be for the purpose of achieving a deeper subsidy than the one required by §34-12;
- b. For New Dwelling units other than those referenced in paragraph a, above, then a rent subsidy shall be in such amount(s) as specified within the written rent subsidy agreement.

4. **Obligations of Parties.** Landowner will use its best efforts to secure all zoning and environmental approvals required to authorize the development referenced within this MOU prior to completion of construction of the West 2nd Project on Water Street, and shall make application for any required special use permit no later than _____. The City and Landowner shall enter into a written rent subsidy agreement no later than the date on which a building permit is issued authorizing commencement of construction of the New Dwelling Units.

RESOLUTION
Honorary Street Name Designation –
2nd Street NW, from High Street to East Main

WHEREAS, City Council adopted a policy for Honorary Street Name Designation;

WHEREAS, City Staff has reviewed the application for appropriateness and verified the historical information;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that that 2nd Street NW, from High Street to East Main Street shall be honorary named RUE DE BESANÇON.

Due to a clerical error, this Ordinance was corrected and re-certified on January 18, 2019

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
BRANDON AVENUE AND A PORTION OF THE MONROE LANE/15TH STREET
RIGHTS-OF-WAY**

WHEREAS, as permitted by Virginia Code Sec. 15.2-2006, the University of Virginia and the University of Virginia Foundation have petitioned the City to vacate the following City-owned public rights-of-way:

- (1) The entirety of Brandon Avenue from its terminus at Tax Map Parcel 11-97.1 to the intersection of Jefferson Park Avenue, a 50 foot wide public street with a length of approximately 879 feet (44,775 square feet); and
- (2) A portion of Monroe Lane/15th Street from its terminus at Tax Map Parcel 11-98 to the intersection of Monroe Lane and Crispell Drive, a public street that is 30-35 feet across with a length of approximately 451 feet (14,298 square feet);

(together, hereinafter, the “Subject Rights-of-Way”); and,

WHEREAS, landowners who own property adjacent to the Subject Rights-of-Way have been duly notified of the Petition; and,

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2006, a joint public hearing by the City Council and Planning Commission was held on November 14, 2017, and comments from City staff and representatives for UVA were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that the Petition should be conditionally granted;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby closes, vacates and discontinues the following public rights-of-way:

- (1) The entirety of Brandon Avenue from its terminus at Tax Map Parcel 11-97.1 to the intersection of Jefferson Park Avenue, a 50 foot wide public street with a length of approximately 879 feet (44,775 square feet); and
- (2) A portion of Monroe Lane/15th Street from its terminus at Tax Map Parcel 11-98 to the intersection of Monroe Lane and Crispell Drive, a public street that is 30-35 feet across with a length of approximately 451 feet (14,298 square feet).

PROVIDED, HOWEVER, that the vacation of the Subject Rights-of-Way is hereby made conditionally, and neither this Ordinance nor any related deed, shall be recorded within the land records of the City, until all of the following conditions precedent have been satisfied:

1. UVA may commence construction of the Upper Class Housing and one other building within the Project; however, prior to commencement of construction of any third building within the Project, UVA shall provide the City Attorney's Office with a final plat showing the location and dimensions of: **(i)** a bus stop to be constructed by UVA or the UVA Foundation on property adjacent to JPA, in a location approved by the City's Traffic Engineer; and **(ii)** dedication of public easements for bicycle and pedestrian travel through property of UVA or the UVA Foundation, providing a bicycle arterial route, an east/west bicycle and pedestrian connection, and an access point reserved for a future connection to Valley Road [across the railroad tracks], each in locations consistent with the City's Bicycle and Pedestrian Master Plan Vision Network, as verified in writing to the City Attorney by the City's Director of NDS;
2. UVA may commence construction of the Upper Class Housing and one other building within the Project; however, prior to commencement of construction of any third building within the Project, UVA or the UVA Foundation shall provide the City's Traffic Engineer with 100% construction plans for improved pedestrian crossings at the intersections of JPA, Hospital Drive and the end of the new Green Street, along with a written agreement to construct the improvements, and the Traffic Engineer shall verify in writing to the City Attorney that the plans for those crossings is consistent with provisions of the City's Standards and Design Manual;
3. UVA or the UVA Foundation shall provide the City Attorney with a final plat showing the location and dimensions of all easements required for and in connection with the relocation of City-owned utility lines onto land owned by UVA or the UVA Foundation, and the City's Director of Utilities must confirm in writing to the City Attorney that the matters depicted within the plat are acceptable;
4. The City's Director of Utilities shall provide written verification to the City Attorney that 100% utility construction plans depicting the location, size, connections and specifications for the relocated City-owned utility lines have been approved by the Director as being in accordance with City standards;

Upon receipt of evidence that Conditions 3 and 4, above, have been met, the City Attorney will prepare a Deed of Vacation suitable for recordation among the land records of the Charlottesville Circuit Court, vacating the Subject Rights-of-Way and conveying all of the City's right, title and interest therein to the UVA Foundation or UVA, subject to a restriction that the vacated right-of-way for Brandon Avenue shall be held and used by the UVA Foundation or UVA in perpetuity as a "Green Street" (consistent with the definition of that term found within U.S. Environmental Protection Agency publications) and no buildings shall be erected thereon.

The Clerk of City Council shall provide the City Attorney with a certified copy of this Ordinance, as adopted by City Council, and the certified copy shall be held in Escrow by the

City Attorney until the City Attorney has received evidence confirming that all conditions presented have been satisfied; thereafter, the City Attorney shall cause the Ordinance and the Deed of Vacation referenced in the preceding paragraph to be recorded within the land records of the Circuit Court of the City of Charlottesville.

In the event that the Ordinance and Deed of Vacation have not been recorded in the City's land records within one (1) year after the date of approval of this Ordinance by City Council, then this Ordinance shall be void.