

CITY COUNCIL AGENDA
Monday, October 7, 2019



5:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Legal consultation; Personnel; Boards & Commissions)

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

PLEDGE OF ALLEGIANCE
ROLL CALL
ANNOUNCEMENTS
PROCLAMATIONS

Domestic Violence Awareness Month

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

Passed 5-0 (HILL/GALVIN)

- a. MINUTES: August 19 Regular meeting, September 3 Special and Regular meetings
- b. APPROPRIATION: Funding for Virginia Temporary Assistance to Needy Families Employment and Training (VTET) pilot program - \$50,000 (2nd reading)
- c. APPROPRIATION: Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and Mental Health Services Administration Grant Award - \$300,548 (2nd reading)
- d. APPROPRIATION: Refund of Tax Payment to East Market Street LLC - \$16,173.30 (2nd reading)
- e. APPROPRIATION: Virginia Department of Historic Resources (VDHR) 2019-2020 Certified Local Government grant funding for 10th and Page Neighborhood Historic Resources Survey - \$31,590 (2nd reading)
- f. APPROPRIATION: Albemarle County funding for Albemarle County Resident Workforce Development Training - \$13,395 (2nd reading)
- g. APPROPRIATION: Housing Opportunities for People with AIDS/H.I.V. (H.O.P.W.A.) - \$240,642 (2nd reading)
- h. APPROPRIATION: Virginia Housing Solutions Program Grant Award - \$484,785 (2nd reading)
- i. RESOLUTION: Hedgerow Land Acquisition - \$37,500 (1st of 1 reading)
- j. ORDINANCE: PEG Bandwidth VA, LLC - Telecommunications Franchise (1st of 2 readings)
- k. ORDINANCE: Rental Relief for Elderly and Disabled (2nd reading)
- l. ORDINANCE: Changes to Real Estate Tax Relief Program for Elderly and/or Disabled (2nd reading)

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/ORDINANCE: Release of Portion of Sewer Easement – McIntire Plaza (1st of 2 readings)

3. RESOLUTION*: Comprehensive Signage Plan for Hillsdale Place (1st of 1 reading) **Passed 5-0 (HILL/BELLAMY)**

4. RESOLUTION*: 602-616 West Main Special Use Permit request for a mixed-use building (1st of 1 reading)
Passed 4-1 (SIGNER/HILL; Walker against)

5. RESOLUTION*: 503 Rugby Road Special Use Permit (1st of 1 reading) **Passed 5-0 (HILL/GALVIN)**

6. RESOLUTION*: Allocation of FY 2020 Charlottesville Affordable Housing Funds (1st of 1 reading)
1) Allocation of Charlottesville Affordable Housing Fund (CAHF) for Virginia Supportive Housing, Crossings II Project --\$750,000 **Passed 5-0 (HILL/BELLAMY)**
2) Allocation of Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program, Critical Rehab and Emergency Repairs Program --\$42,000
Passed 4-1 (HILL/BELLAMY; Walker against)

7. REPORT: Food Equity presentation

8. REPORT: Estimates for staff costs for Equity & Inclusion Department

OTHER BUSINESS

MATTERS BY THE PUBLIC

*ACTION NEEDED

APPROPRATION
Funding for Virginia Temporary Assistance to Needy Families Employment and Training
(VTET) Pilot Program
\$50,000

WHEREAS, the Charlottesville Department of Social Services has received \$50,000 from the Virginia Department of Social Services to participate in the TANF Non-Custodial Parent Employment Pilot.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$50,000 is hereby appropriated in the following manner:

Revenue-\$50,000

Fund 212 Cost Center: 9900000000 G/L Account: 430080 \$50,000

Expenditures-\$50,000

Fund 212 Cost Center: 3333002000 G/L Account: 540060 \$50,000

APPROPRIATION
Charlottesville/Albemarle Adult Drug Treatment Court Substance Abuse and
Mental Health Services Administration Grant Award
\$300,548

WHEREAS, the Substance Abuse and Mental Health Services Administration, a division of the U. S. Department of Health and Human Services, in the amount of \$293,745 for the Charlottesville/Albemarle Drug Court Treatment Court in order to fund salaries, benefits, and operating expenses; and

WHEREAS, the City of Charlottesville serves as the fiscal agent for this grant program; and

WHEREAS, the grant award covers the period October 1, 2019 through September 30, 2020.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$300,548, received as a grant from the Substance Abuse and Mental Health Services Administration, is hereby appropriated in the following manner:

Revenues

\$300,548 Fund: 211 Internal Order: 1900335 G/L Account: 431110

Expenditures

\$300,548 Fund: 211 Internal Order: 1900335 G/L Account: 530550

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$300,548 from the Substance Abuse and Mental Health Services Administration.

RESOLUTION
AUTHORIZING REFUND TO EAST MARKET STREET, LLC
OF REAL ESTATE TAXES PAID FOR 2016-2019
\$16,173.30

WHEREAS, the City Assessor has determined that East Market Street, LLC was incorrectly identified as the owner of 0 10th St NE; and

WHEREAS, the real estate taxes for the Property for calendar years 2016-2019 were paid on time and as billed; and

WHEREAS, the City Assessor has certified that a refund of taxes paid and interest is due in the amount of \$16,173.30; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$16,173.30, payable to East Market Street, LLC.

APPROPRIATION

**Virginia Department of Historic Resources
2019-2020 Certified Local Government Grant Funding
for 10th and Page Neighborhood Historic Survey
\$52,650**

WHEREAS, the City of Charlottesville, through the Department of Neighborhood Development Services, has received from the Virginia Department of Historic Resources, funding to support a historic survey for the 10th and Page Neighborhood,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$21,060 for the fiscal year 2019-2020 received from the Virginia Department of Historic Resources is hereby appropriated in the following manner:

Revenue

\$ 21,060	Fund: 209	IO: 1900338	G/L: 430120 (State/Fed Pass Thru)
\$ 31,590	Fund: 209	IO: 1900338	G/L: 498010 (Transfer from other fund)

Expenditure

\$ 52,650	Fund: 209	IO: 1900338	G/L: 530670 (Other contractual services)
-----------	-----------	-------------	--

Transfer

\$20,568	Fund: 426	WBS: P-00484	G/L: 561209 (Transfer to grants)
\$11,022	Fund: 105	CC: 3901005000	G/L: 561209 (Transfer to grants)

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$21,060 for the fiscal year 2019-2020 from the Virginia Department of Historic Resources.

APPROPRIATION
Albemarle County funding for Albemarle County Resident Workforce Development
Training
\$13,395.00

WHEREAS, the City of Charlottesville has received funds from Albemarle County in the amount of \$13,395.00; and

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

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$13,395.00 is hereby appropriated in the following manner:

Revenue – \$13,395.00

Fund: 425	WBS: P-00385	G/L: 432030
-----------	--------------	-------------

Expenditures - \$13,395.00

Fund: 425	WBS: P-00385	G/L: 599999
-----------	--------------	-------------

APPROPRIATION
H.O.P.W.A. Grant \$240,642

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 \$240,642;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$240,642 is hereby appropriated in the following manner:

Revenues

\$240,642 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 430120 Federal Pass-Thru State

Expenditures

\$240,642 Fund: 209 IO: 1900339 (H.O.P.W.A.) G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$240,642 in funds from the Virginia Department of Housing and Community Development.

APPROPRIATION
V. H. S. P. Grant \$484,785

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the V. H. S. P. Grant from the Virginia Department of Housing and Community Development in the amount of \$484,785;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$484,785 is hereby appropriated in the following manner:

Revenues

\$386,545	Fund: 209	IO: 1900340	G/L: 430110 State Grant
\$98,240	Fund: 209	IO: 1900340	G/L: 430120 Federal Pass-Thru State

Expenditures

\$484,785	Fund: 209	IO: 1900340	G/L: 530550 Contracted Services
-----------	-----------	-------------	---------------------------------

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of \$484,785 in funds from the Virginia Department of Housing and Community Development.

RESOLUTION
Allocation of Parkland Acquisition Funds for Hedgerow Land Acquisition
\$37,500

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$37,500 be allocated from previously appropriated funds in the Parkland Acquisition account to the Hedgerow Holding LLC for the purpose of providing supplemental funds for the purchase of ~144 acres of undeveloped forested land adjacent to the Ragged Mountain Reservoir property.

\$37,500

Fund: 426

Project: P-00534

G/L Account: 530670

**AN ORDINANCE
AMENDING AND REORDAINING SECTIONS 25-58 AND 25-61
OF ARTICLE III OF CHAPTER 25 (SOCIAL SERVICES)
OF THE CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED,
RELATING TO RENT RELIEF FOR THE ELDERLY AND DISABLED PERSONS.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 25-58 and 25-61 of Article III (Rental Relief for the Elderly and Disabled Persons) of Chapter 25 (Social Services), are hereby amended and reordained, as follows:

**CHAPTER 25. SOCIAL SERVICES
ARTICLE III. RENTAL RELIEF FOR THE ELDERLY AND DISABLED PERSONS**

Sec. 25-56. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless another meaning shall clearly appear from the context:

Affidavit means the rental relief grant affidavit.

Dwelling means the full-time residence of the person applying for a grant; provided, however, that the fact that a person who is otherwise qualified for a grant under this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the location for which rental relief is claimed ceases to be the dwelling of such person during such period of other residence, so long as the rented premises in question are not occupied by, or leased to, others for consideration.

Grant means the financial assistance payment allowable to a qualifying elderly or permanently and totally disabled person pursuant to the requirements of this article.

Grant year means the calendar year for which a grant is sought.

Permanently and totally disabled, as applied to a person seeking a grant under this article, means a person furnishing the certification or medical affidavits required by section 30-99 of this Code, and who is found by the commissioner of revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

Rent means the monetary consideration paid for the right to occupy the dwelling unit.

Tenant means one residing in a dwelling by virtue of a leasehold interest, for which rent is paid.

Sec. 25-57. Purpose of article.

It is hereby declared to be the purpose of this article to provide for the payment of grants to qualified tenants residing in the city who are not less than sixty-five (65) years of age or are permanently and totally disabled and who are otherwise eligible according to the provisions of this article. The city council finds and declares that persons qualifying for such grants are deemed to bear an extraordinary burden in rent costs, and thereby indirectly an extraordinary real estate tax burden, in relation to their income and financial worth. Such persons are deemed thus to qualify for general relief as provided in Code of Virginia, section 63.2-802, which general relief shall be in the form of the grants provided pursuant to this article.

Sec. 25-58. Qualifications for grant.

Grants pursuant to this article shall be made to persons complying with the following provisions:

- (1) The applicant has paid rent for his/her dwelling within the city during the grant year and was a resident of the city on December thirty-first of the grant year;
- (2) The applicant, or his/her spouse if they reside together, is sixty-five (65) years of age or older, or permanently and totally disabled, as of December thirty-first of the grant year;
- (3) The dwelling for which the rental relief grant is sought was occupied as of December thirty-first of the grant year as the sole dwelling place of the applicant;
- (4) The gross combined income during the grant year from all sources of such applicant and all relatives of the applicant living in such dwelling does not exceed the sum of fifty thousand dollars (\$50,000.00); provided that the first seven thousand five hundred dollars (\$7,500.00) of any income, (a) received by the applicant, or the applicant's spouse if they reside together, and classified as permanent disability compensation, or (b) received by any applicant who is at least sixty-five (65) years of age, is permanently and totally disabled, and can show that he or she did receive permanent disability compensation for at least twenty-four (24) consecutive months immediately prior to his or her sixty-fifth birthday, shall be excluded from such total; and provided, that the first eight thousand five hundred dollars (\$8,500.00) of income of each relative other than spouse of such applicant who is living in such dwelling and does not qualify for rent relief shall be excluded from such total. If the applicant has been a resident of the city for less than the full grant year, the gross combined income for such year and the maximum allowable income shall be prorated for the period of actual residency.
- (5) The net combined financial worth of such applicant and relatives of such applicant living in such dwelling as of December thirty-first of the grant year does not exceed one hundred twenty-five thousand dollars (\$125,000.00). Net combined financial worth shall include all assets, including equitable interests.

Sec. 25-59. Claimant's affidavit.

(a) Annually, and not later than May first of the year following the grant year, the person claiming a grant shall file with the commissioner of revenue of the city, a rental relief grant affidavit. The date for filing such an affidavit by an applicant may be extended by the commissioner of the revenue to July first of the year following the grant year for a first-time applicant and to July first of each year following the grant year in a hardship case in which the commissioner of the revenue determines that the applicant was unable to file by May first of the year following the grant year because of illness of the applicant or confinement of the applicant in a nursing home, hospital, or other medical facility or institution; provided, that such rental relief grant affidavit is accompanied by a written statement of one (1) medical doctor licensed to practice medicine in the commonwealth.

(b) The affidavit shall set forth the names of the related persons occupying the dwelling for which rental relief is claimed, and the total combined net worth and gross combined income, as defined in this article, together with the amount of rent paid for such dwelling during the grant year. The form of such affidavit shall be determined by the commissioner of the revenue and approved by the city manager and shall contain such other information as may be necessary adequately to determine compliance with section 25-58. The affidavit of any person less than sixty-five (65) years of age who is claiming an exemption under this article shall be accompanied by certification or medical affidavits meeting the requirements of section 30-99 of this Code.

Sec. 25-60. Inquiries by commissioner of revenue.

The commissioner of revenue may make such inquiry of applicants, requiring answers under oath and the production of certified tax returns, as may be reasonably necessary to determine eligibility for a grant under this article.

Sec. 25-61. Calculation of amount of grant.

(a) For qualifying applicants, the amount of the grant shall be the lesser of fifteen hundred dollars (\$1,500.00), or twenty-five (25) percent of the amount determined by subtracting twenty-four (24) percent of gross combined income, as defined by section 25-58(4), from the lesser of:

- (1) The actual amount of rent paid; or
- (2) ~~Six~~ Twelve thousand dollars ~~(\$6,000.00).~~ (\$12,000.00).

(b) If the applicant was a resident of the city for less than the full grant year, the actual rent paid or maximum rent allowable shall be prorated for the period of actual residency.

Sec. 25-62. Certification of eligibility for and payment of grant.

The commissioner of revenue, after audit and investigation of affidavits submitted under this article, shall certify a list of the persons qualifying for grants and the amounts thereof to the director of finance and the city treasurer who shall pay forthwith to each applicant the amount of the grant for which he or she is eligible as determined pursuant to this article.

Sec. 25-63. False claims.

Any person falsely claiming a grant under this article shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense.

Secs. 25-64—25-85. Reserved.

**AN ORDINANCE AMENDING AND REORDAINING SECTIONS 30-96,
30-99, AND 30-101 OF CHAPTER 30 OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, RELATING
TO CHANGES IN THE REAL ESTATE TAX RELIEF PROGRAM
FOR THE ELDERLY AND/OR DISABLED**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 30-96, 30-99 and 30-101 of Article IV of Chapter 30 (Taxation) of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

CHAPTER 30. TAXATION

**ARTICLE IV. REAL ESTATE TAX RELIEF FOR THE ELDERLY AND
DISABLED PERSONS**

Sec. 30-96. Definitions.

.....

Certification means a signed written statement or affidavit attesting to the accuracy of information provided by the applicant.

.....

Sec. 30-97. Purpose of article.

...

Sec. 30-98. Qualifications for exemption.

...

Sec. 30-99. Applicant's certification of disability.

(a) Annually, and not later than March first of each taxable year, every person claiming an exemption or deferral under this article shall file a real estate tax exemption or deferral certification with the commission of the revenue of the city. The date for filing such certification by an applicant may be extended by the commissioner of revenue to July first of a taxable year for a first-time applicant and to July first of each taxable year in a hardship case in which the commissioner of the revenue determines that the applicant was unable to file by March first of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital, or other medical facility or institution; provided, that such real estate tax exemption or deferral certification is accompanied by a sworn affidavit of one (1) medical doctor licensed to practice medicine in the commonwealth.

(b) The certification shall set forth the names of the related persons occupying the real estate for which exemption or deferral is claimed and the total combined net worth and combined income of such persons as defined in this article. The form of such certification shall be determined by the commissioner of revenue and approved by the city manager, and shall contain such other information as may be required adequately to determine compliance with the provisions of section 30-98.

(c) If the person filing an affidavit certification under this section is under sixty-five (65) years of age, the affidavit certification shall have attached thereto proper documentation by the Social

Security Administration, veteran’s administration or the railroad retirement board that the person has been certified as being permanently or totally disabled as defined by those agencies, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the commonwealth, to the effect that the person is permanently and totally disabled, as defined in section 30-96. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 30-96.

(d) In addition, the commissioner of revenue may make such further inquiry of persons seeking to claim exemptions or deferrals requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary to determine eligibility for an exemption or deferral.

Sec. 30-100. Certification by commissioner; deductions from real estate tax.

...

Sec. 30-101. Calculation of amount of exemption.

The amount of the exemption or deferral granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following scale:

		<u>NET COMBINED FINANCIAL WORTH</u>				
		<u>\$0-\$25K</u>	<u>\$25,001-\$50K</u>	<u>\$50,001-\$75K</u>	<u>\$75,001-\$100K</u>	<u>\$100,001-\$125K</u>
<u>GROSS COMBINED INCOME</u>	<u>\$0-\$25,000</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>
	<u>\$25,001-\$27,500</u>	<u>80% or \$1000</u>	<u>64% or \$1000</u>	<u>48% or \$1000</u>	<u>32% or \$1000</u>	<u>16% or \$1000</u>
	<u>\$27,501-\$35,000</u>	<u>60% or \$1000</u>	<u>48% or \$1000</u>	<u>36% or \$1000</u>	<u>24% or \$1000</u>	<u>12% or \$1000</u>
	<u>\$35,001-\$41,250</u>	<u>60% or \$750</u>	<u>48% or \$750</u>	<u>36% or \$750</u>	<u>24% or \$750</u>	<u>12% or \$750</u>
	<u>\$41,251-\$45,000</u>	<u>40% or \$750</u>	<u>32% or \$750</u>	<u>24% or \$750</u>	<u>16% or \$750</u>	<u>8% or \$750</u>
	<u>\$45,001-\$55,000</u>	<u>40% or \$500</u>	<u>32% or \$500</u>	<u>24% or \$500</u>	<u>16% or \$500</u>	<u>8% or \$500</u>

RESOLUTION
APPROVING COMPREHENSIVE SIGNAGE PLAN
FOR HILLSDALE PLACE
(Application No. OT19-00186)

WHEREAS, on September 10, 2019, the City's Entrance Corridor Review Board and the City's Planning Commission reviewed the Comprehensive Signage Plan proposed for Hillsdale Place, and recommended approval of the plan if certain modifications were to be made; and

WHEREAS, the applicant has indicated that the modifications recommended by the Planning Commission are acceptable, and has incorporated those modifications into a revised Comprehensive Signage Plan for Hillsdale Place (rev. September 12, 2019) for review and approval by City Council; and

WHEREAS, in accordance with City Code Sec. 34-1045(c), City Council has determined that:

- (1) There is good cause for deviating from a strict application of the requirements of Section 34-1020, et seq. (City Code Chapter 34, Article IX, Division 4 – Signs), and
- (2) The comprehensive signage plan, as proposed, with the modifications recommended by the Planning Commission, will serve the public purposes and objectives set forth within City Code Section 34-1021 at least as well, or better, than the signage that would otherwise be permitted for the subject development; now, therefore

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that this Council hereby approves the Comprehensive Signage Plan for Hillsdale Place (rev. September 12, 2019).

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO ALLOW HIGH DENSITY RESIDENTIAL DEVELOPMENT
FOR PROPERTY LOCATED AT
602-616 WEST MAIN STREET**

WHEREAS, landowner Heirloom West Main Street Second Phase, LLC is the current owner of a lot identified on 2019 City Tax Map 29 as Parcel 3 (City Parcel Identification No. (290003000) (the “Subject Property”), and pursuant to City Code §34-641, the landowner proposes to redevelop the Subject Property by constructing a mixed use building on the Subject Property (“Project”), containing residential dwelling units at a density of up to 120 dwelling units per acre (“DUA”); and

WHEREAS, the Project is described within the Applicant’s application materials dated May 14, 2019 submitted in connection with SP19-00003, including, without limitation, a narrative statement dated May 14, 2019, and a preliminary site plan dated May 13, 2019, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission reviewed the Application Materials, and the City’s Staff Report, and subsequent to a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on August 13, 2019, the Planning Commission voted to recommend that the City Council should approve the requested special use permit, to allow residential density up to 120 dwelling units per acre (DUA), subject to certain suitable conditions and safeguards recommended by the Planning Commission; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the Planning Commission’s recommendation, and the Staff Reports discussing this application, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-641, a special use permit is hereby approved and granted, subject to the following conditions:

1. The specific development being approved by this special use permit (“Project”), as described within the site plan exhibit required by City Code §34-158(a)(1), shall have the following minimum attributes/ characteristics:
 - a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a Mixed Use Building.
 - b. The Building shall not exceed a height of four (4) stories.
 - c. The Building shall contain no more than 55 dwelling units.

- d. The Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building facing West Main Street. The square footage of this retail space shall be at least the minimum required by the City's zoning ordinance.
 - e. Underground parking shall be provided within a parking garage structure constructed underneath the Building, ~~which shall provide at least 53 parking spaces~~ serving the use and occupancy of the Building. All parking required for the Project pursuant to the City's zoning ordinance shall be located on-site. All parking required pursuant to the ordinance for the Project shall be maximized on-site to the satisfaction of the Planning Commission. No direct access shall be provided into the underground parking from the Building's street wall along West Main Street.
2. The mass of the Building shall be broken down to reflect the multi-parcel massing historically on the site, as well as the West Main Street context, using building modulation. The Building and massing refer to the historic buildings on either side.
 3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.
 4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the Rufus Holsinger Building located on property adjacent to the Subject Property at 620-624 West Main Street ("Holsinger Building" or "Adjacent Property"). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the Holsinger Building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property ("Development Site"). At minimum, the Protective Plan shall include the following:
 - a. *Baseline Survey*—Landowner shall document the existing condition of the Holsinger Building ("Baseline Survey"). The Baseline Survey shall take the form of written descriptions, and visual documentation which shall include color photographs and/or video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Holsinger Building, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable.

The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner's Project or

preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Holsinger Building (“Adjacent Landowner”) may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.

- b. *Protective Plan*--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that may include seismic monitoring or other specific monitoring measures of the Adjacent Property if recommended by the engineer preparing the Protective Plan, and minimally shall include installation of at least five crack monitors. Engineer shall inspect and take readings of crack monitors at least weekly during ground disturbance demolition and construction activities. Reports of monitor readings shall be submitted to the city building official and Adjacent Landowner within two days of inspection. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.
- c. *Advance notice of commencement of activity*--The Adjacent Landowner shall be given 14 days’ advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.

The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

- d. *Permits*--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy

the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

**RESOLUTION
AUTHORIZING A SORORITY HOUSE
AT 503 RUGBY ROAD FOR UP TO 37 OCCUPANTS**

WHEREAS, pursuant to City Code §34-420 and §34-162, landowner Epsilon Sigma House Corporation/ Kappa Kappa Gamma Sorority has submitted an application seeking a special use permit to authorize a “boarding, fraternity and sorority house”, as defined within City Code §34-1200, to be used as a place of room and board for up to thirty-seven (37) members of a fraternity or sorority, and a modification of certain yard requirements (the proposed “Special Use”); and

WHEREAS, the proposed Special Use will be located at 503 Rugby Road (the “Subject Property”), which is further identified on 2019 City Tax Map 5 as Parcel 52 (City Parcel ID No. 050052000) and is located within the City’s R-3 zoning district, and the area proposed to be subject to the proposed Special Use Permit will be 0.3440 acre, or approximately 14,985 square feet; and

WHEREAS, previously, on February 21, 1978, City Council granted a special use permit to authorize a sorority house with thirty-six (36) rooms on the Subject Property, and the Subject Property has been used as such since that time; and

WHEREAS, the proposed Special Use is generally described within written materials submitted in connection with SP19-00004, including: (i) the application materials dated July 13, 2019, and related narrative; and (ii) a proposed preliminary site plan submitted July 16, 2019 as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission reviewed the Application Materials, and the City’s Staff Report pertaining thereto, and then, following a joint public hearing duly advertised and conducted by the Planning Commission and City Council on September 10, 2019, the Planning Commission voted to recommend that City Council should approve this proposed Special Use, subject to certain conditions; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the Planning Commission’s recommendation, and the Staff Report, as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code Sec. 34-480, the proposed Special Use is granted, subject to the following conditions:

1. The “*boarding, fraternity and sorority house*” use approved by this special use permit shall have a maximum of thirty-seven (37) ~~occupants~~rooms.

2. For the building containing the use referenced in ¶(1), above:
 - (a) The following side yards shall be required:
 - i. North Side Yard abutting TMP 5-53: A side yard of five (5) feet, minimum will be required instead of one (1) foot of side yard per every two (2) feet of building height with a minimum of ten (10) feet.
 - ii. South Side Yard Corner, street side abutting Lambeth Lane: A side yard of fifteen (15) feet, minimum will be required instead of twenty (20) feet, minimum.
 - (b) The following front yard shall be required:
 - i. East Front Yard abutting Rugby Road: A front yard of twenty-five (25) feet, minimum will be required instead of the average depth of the existing front yards within five hundred (500) feet.
3. On-site parking will be provided, in the general location and configuration shown within the preliminary site plan dated July 16, 2019. The final site plan shall demonstrate compliance with the following: (a) on-site parking shall be used exclusively by residents of the sorority house and their guests (no sale or leasing of on-site parking for off-site functions is permitted) and (b) signage and pavement markings, including both lane lines and text, may be required by the City's Traffic Engineer, in order to designate travel ways and specify the direction of traffic in on-site parking area(s).
4. All trash receptacles must be hidden from view when not set out for curbside pickup.
5. The "boarding, fraternity or sorority house" use approved by this special use permit, and (except as specifically modified within condition (2), above), all buildings and structures located on the Subject Property, shall comply with the provisions of City Code Sec. 34-353 and all other applicable provisions of Chapter 34 (Zoning) of the Code of the City of Charlottesville.

BE IT FURTHER RESOLVED THAT the Special Use Permit approved by this Resolution amends and supersedes the special use permit approved by resolution dated February 21, 1978 for the Subject Property.

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Virginia Supportive Housing, Crossings II Project -- \$750,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$750,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Virginia Supportive Housing for the purpose of providing funds for the Crossings II affordable housing development project.

Fund: 426

Project: CP-084

G/L Account: 530670

Virginia Supportive Housing

\$750,000

RESOLUTION

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program, Critical Rehab and Emergency Repairs Program -- \$42,000

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$42,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund (CAHF) to Albemarle Housing Improvement Program for the purpose of providing funds for the Critical Rehab and Emergency Repairs program.

Fund: 426

Project: CP-084

G/L Account: 530670

Albemarle Housing Improvement Program

\$42,000