



**CITY COUNCIL AGENDA**  
**February 3, 2014**

**5:30 p.m. – 7:00 p.m.**

**Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room (Appointments to Boards & Commissions; Rivanna Pump Station Cost Allocation Agreement; Park Land Conveyance)*

**CALL TO ORDER 7:00 p.m.**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**AWARDS/RECOGNITIONS**  
**ANNOUNCEMENTS**

*Council Chambers*

Senior Center National Accreditation

**MATTERS BY THE PUBLIC**

Public comment will be permitted for the first 12 speakers who sign up in advance of the meeting (limit of 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 the consent agenda will be considered at the end of the regular agenda.)

- a. Minutes for January 22
- b. APPROPRIATION: BAMA Works Fund Check and Connect Grant - \$10,000 (2<sup>nd</sup> of 2 readings)
- c. APPROPRIATION: FY 2014 Aid & Localities Fire Disbursement Fund - \$122,138 (2<sup>nd</sup> of 2 readings)
- d. APPROPRIATION: Appropriation of FY 2014 Transit Grants - \$213,693 (2<sup>nd</sup> of 2 readings)
- e. APPROPRIATION: Safe Routes Grant for Clark Pedestrian Improvements - \$174,800 (2<sup>nd</sup> of 2 readings)
- f. APPROPRIATION: HVAC Replacement at Gordon Avenue Library and Health Department - \$90,000 (1<sup>st</sup> of 2 readings)
- g. APPROPRIATION: City of Promise Reimbursement from Children, Youth & Family Services, Inc. - \$10,000 (1<sup>st</sup> of 2 readings)
- h. APPROPRIATION: Asset Forfeiture Funds for Regional Firearms Range – \$971,167 (1<sup>st</sup> of 2 readings)
- i. RESOLUTION: Transfer of Funds for Stormwater Utility Fee Incentives - \$16,000 (1<sup>st</sup> of 1 reading)
- j. RESOLUTION: Amendment to Lease Agreement with Visitors Center for Transit Center space (1<sup>st</sup> of 1 reading)
- k. RESOLUTION: City Entry for Georgetown University Energy Prize Competition (1<sup>st</sup> of 1 reading)
- l. ORDINANCE: Revise Neighborhood Development Services (NDS) Fee Schedule (2<sup>nd</sup> of 2 readings)
- m. ORDINANCE: Amend Café and Vendor Fees and Regulations (2<sup>nd</sup> of 2 readings)
- n. ORDINANCE: Easement to Dominion VA Power at Public Works Center on Avon Street (2<sup>nd</sup> of 2 readings)

~~**2. PUBLIC HEARING / RESOLUTION\***~~

~~Blight Determination/Correction for 201 East Water Street (1<sup>st</sup> of 1 reading)  
 Alternatives (2 readings):  
 Ordinance to Declare the Property Located at 201 East Water Street a Blighted Property  
 Ordinance to Declare the Property Located at 201 East Water Street a Blighted Property  
 and a Public Nuisance~~

*Deferred to 2/18*

**3. RESOLUTION\***

Comprehensive Plan Amendment - Strategic Investment Area Plan (1<sup>st</sup> of 1 reading)

**4. RESOLUTION\***

Adoption of Policy and Transfer of Funds for Context Sensitive Street Design – \$50,000 (1<sup>st</sup> of 1 reading)

**5. ORDINANCE\***

Water Street Planned Unit Development (PUD) Rezoning (1<sup>st</sup> of 2 readings)

**6. RESOLUTION\***

Financial Assistance Program – Stormwater Utility Fee (1<sup>st</sup> of 1 reading)

**7. RESOLUTION\***

Emmet Street/Route 29 Signal Synchronization

**OTHER BUSINESS**  
**MATTERS BY THE PUBLIC**

\*ACTION NEEDED

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



<b>Agenda Date:</b>	January 21, 2014.
<b>Action Required:</b>	Appropriation.
<b>Presenter:</b>	Rory Carpenter, Community Attention
<b>Staff Contact:</b>	Rory Carpenter, Community Attention Leslie Beauregard, Director, Budget and Performance Management
<b>Title:</b>	<b>Bama Works Fund Check and Connect Grant - \$10,000</b>

**Background:** Community Attention has received a \$10,000 grant from the Bama Works Fund to help support the Check and Connect Truancy Prevention Program which is an evidence-based truancy prevention program currently funded by the Virginia Department of Criminal Justice Services (D.C.J.S.) with a local match from Community Attention. The Bama Works grant funds must be spent by December 31<sup>st</sup>, 2014.

**Discussion:** Check and Connect provides a comprehensive student engagement intervention for truant youth or youth at risk of truancy in Walker Upper Elementary and Buford Middle Schools. Truancy is a precursor to delinquent behavior that should be addressed in its early stages to avoid further penetration into the juvenile justice system.

**Community Engagement:** The community is engaged by serving students and families in the Charlottesville school system through the Check and Connect Program and by collaborating with the many different agencies that interface with the program.

**Alignment with City Council's Vision and Priority Areas:** Approval of this agenda item aligns directly with Council's vision for Charlottesville to be **America's Healthiest City** and contributes to their 2012-2014 priority to...*provide a comprehensive support system for children*. Community Attention's programs, including the Check and Connect Program, provide community based services that prevent delinquency and promote the healthy development of youth. The Check and Connect Program provides comprehensive support services for upper elementary and middle school children experiencing school attendance problems to prevent early school withdrawal and ultimately delinquent behavior by promoting students' engagement with school and learning. Expected outcomes include increased attendance and decreased delinquent behavior during and after program participation.

**Budgetary Impact:** There is no local match for the Bama Works grant. This grant will be appropriated into a grants fund.

**Recommendation:** Staff recommends approval and appropriation of funds.

**Alternatives:** If the funds are not appropriated, the grant would not be received and the services would not be provided.

**Attachments:** N/A

**APPROPRIATION.**  
**Bama Works Fund Check and Connect Grant.**  
**\$10,000.**

**WHEREAS**, the City of Charlottesville has been awarded \$10,000 from the Bama Works Fund;

**WHEREAS**, the funds will be used to fund Community Attention's Check and Connect Program. The grant award covers the period from January 1, 2014 through December 31, 2014;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$10,000 is hereby appropriated in the following manner:

**Revenue – \$10,000.**

\$10,000      Fund: 209      Cost Center: 3413008000      G/L Account: 451020

**Expenditures - \$10,000.**

\$10,000      Fund: 209      Cost Center: 3413008000      G/L Account: 519999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$10,000 from the Bama Works Fund.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



<b>Agenda Date:</b>	January 21, 2014
<b>Action Required:</b>	Appropriation
<b>Staff Contacts:</b>	Emily Pelliccia, Battalion Chief Leslie Beauregard, Director, Budget and Performance Management
<b>Presented By:</b>	Emily Pelliccia, Battalion Chief
<b>Title:</b>	F.Y. 2014 Aid & Localities Fire Disbursement Fund - \$122,138

**Background:** Under a grant program through the Virginia Department of Fire Programs, a sum of \$122,138 has been allocated to the City of Charlottesville for F.Y. 2014. \$109,925, which is 90% of the allocation, was received on December 18, 2013 by the City of Charlottesville through the Fire Department. The remaining 10% will be sent from the Virginia Department of Fire Programs in late June 2014. This fund is specifically earmarked for fire service applications under the rules established. These monies will be used for training and equipment. There is no matching money required.

**Discussion:** These funds are used by the Fire Department to provide firefighter training and to purchase firefighting equipment and supplies, as defined by the Commonwealth of Virginia. These particular funds will be used for additional hazardous materials response training, live fire training, rapid intervention (downed/lost firefighter rescue) tools and equipment, and equipping emergency response vehicles, as well as other assorted tool/equipment purchases. \$20,000 will be allocated towards payment of a brush truck to be operated by the Charlottesville Volunteer Fire Company.

**Community Engagement:** N/A

**Alignment with City Council's Vision and Priority Areas:** As part of City Council's Vision Statement – 2025, to strive to be “America’s Healthiest City” we believe our emergency response system is among the nation’s best. These funds will enhance our firefighting abilities by allowing the Fire Department to train to a level consistent with modern fire suppression and emergency management best practices.

**Budgetary Impact:** The funds will be appropriated into the Grants Fund.

**Recommendation:** Staff recommends approval and appropriation of funds

**Alternatives:** If grant funds are not appropriated, the Fire Department will work with the Department of Finance to return the funds.

**Attachments:** N/A



**APPROPRIATION.**  
**FY 2014 Aid & Localities Disbursement Fund.**  
**\$122,138.**

**WHEREAS**, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$99,796 be appropriated in the following manner:

**Revenues - \$122,138**

Fund: 209                    I/O: 1900010                    G/L Account: 430110

**Expenditures - \$122,138**

Fund: 209	I/O: 1900010	G/L Account: 599999	\$102,138
Fund: 209	I/O: 1900010	G/L Account: 561302	\$ 20,000

**BE IT FURTHER RESOLVED** that \$20,000 will be transferred to the Debt Service Fund as an effort by the Fire Department to repay debt service on the volunteer company's fire brush truck:

**Revenues - \$20,000**

Fund: 302                    I/O: 2000059                    G/L Account: 498010

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



<b>Agenda Date:</b>	January 21, 2014
<b>Action Required:</b>	Appropriation of Project Funding for Transit Division
<b>Staff Contact:</b>	John Jones, Transit Manager Leslie Beauregard, Director, Budget & Performance Judith Mueller, Public Works Director
<b>Presenter:</b>	John Jones, Transit Manager
<b>Title:</b>	Appropriation of F.Y. 2014 Transit Grants - \$213,693

**Background and Discussion:**

With its April 15, 2013 Resolution Authorizing the Application for State Aid to Public Transportation, City Council authorized the Transit Division to provide the local match necessary to apply for Federal and State grants to fund Transit Division expenses, including both Capital and non-Capital projects. The Capital portion of the application is to purchase one 35 ft. diesel bus, one under 30 ft. body-on-chassis bus, and one bus shelter. A supplemental appropriation is requested for project revenues/expenses which include:

<b>Transit Grants by Type</b>	<b>F.Y. 2014 Budgeted</b>	<b>Grants Awarded</b>	<b>Appropriation Request</b>
State capital award	36,409	142,599	106,190
Federal capital award	728,180	728,187	7
Local C.I.P. match P-00334	425,636	425,636	0
<b>TOTAL CAPITAL</b>	<b>\$1,190,225</b>	<b>\$1,296,422</b>	<b>\$106,197</b>
State operating assistance	\$903,836	\$953,079	\$49,243
Federal operating assistance	\$1,881,095	\$1,574,196	(\$306,899)
Federal Job Access - Night Routes 5, 7, 21, 22, 23, 24	\$0	\$365,152	\$365,152
<b>TOTAL NON-CAPITAL</b>	<b>\$2,784,931</b>	<b>\$2,892,427</b>	<b>\$107,496</b>
<b>TOTALS</b>	<b>\$3,975,156</b>	<b>\$4,188,849</b>	<b>\$213,693</b>

**Community Engagement:**

None

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be a Green City. The continuation of CAT's ability to provide public transportation lessens the need for individuals to drive private vehicles within the City.

**Budget Impact:** The currently budgeted C.I.P. amount for F.Y. 2014 CAT Capital Project grants is

\$425,636 in P-00334. This appropriation will not affect the F.Y. 2014 C.I.P. amount.

The City's contribution from general funds and Albemarle County's contribution as already budgeted to cover the local match requirement for Operating Assistance for F.Y. 2014.

**Recommendation:** Approve appropriations.

**Alternatives:** City Council may choose not to appropriate funds for these Transit Division projects. Without an appropriation these projects will not be implemented and staff will work with the Federal Transit Administration and the Virginia Department of Rail and Public Transportation to de-obligate the grants.

**Attachments:** N/A

**APPROPRIATION.**  
**FY 2014 Transit Grants .**  
**\$213,693.**

**WHEREAS**, Federal Capital Grant funds of \$728,187 and State Capital Grant funds of \$142,599 have been awarded to the City of Charlottesville, and the combined amounts are \$106,197 greater than previously budgeted; and

**WHEREAS**, Federal Operating Grant Funds of \$1,574,196 and State Operating Grant Funds of \$953,079 have been awarded to the City of Charlottesville, and Job Access Reverse Commute Grant Funds of \$365,152, and the combined amounts are \$107,496 greater than previously budgeted; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following is hereby appropriated in the following manner, contingent upon receipt of the grant funds:

**Revenue (Capital)**

\$106,190	Fund: 245	Cost Center: 2804001000	G/L: 430110 St Grant
\$ 7	Fund: 245	Cost Center: 2804001000	G/L: 431110 Fed Grant

**Expenditures (Operating)**

\$106,197	Fund: 245	Cost Center: 2804001000	G/L: 599999 Lump Sum
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**Revenue (Operating)**

\$49,243	Fund: 245	Cost Center: 2801003000	G/L: 430080 St Assist.
(\$306,899)	Fund: 245	Cost Center: 2801003000	G/L: 431110 Fed Grants
\$365,152	Fund: 245	Cost Center: 2801003000	G/L: 431505 JARC Grant

**Expenditures (Operating)**

\$107,496	Fund: 245	Cost Center: 2801003000	G/L: 599999 Lump Sum
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$1,095,678 from the Virginia Department of Rail and Public Transportation and \$2,667,535 from the Federal Transportation Authority.

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



Agenda Date:	January 21, 2014
Action Required:	Appropriation
Presenter:	Amanda Poncy, Bicycle and Pedestrian Coordinator
Staff Contacts:	Amanda Poncy, Bicycle and Pedestrian Coordinator
<b>Title:</b>	<b>Safe Routes to School Grant for Clark School Pedestrian Improvements - \$174,800</b>

**Background:**

On November 5, 2012, City Council approved a Resolution of Support for the Safe Routes to School Travel Plan developed for Clark Elementary School. The resolution also supported efforts to secure funding through V.D.O.T.'s Safe Route to School program to implement the plan.

In January 2013, staff submitted a grant application to fund a number of bicycle and pedestrian improvements included in the plan. The City was notified in the fall of 2013 that grant funding was awarded to reconstruct the Monticello Avenue and 6th Street intersection, as well as the Monticello and Rialto intersection, to increase visibility, shorten crossing distances, and provide access for people of all ages and abilities. The grant will also fund curb ramp and crosswalk improvements at the Belmont Avenue and Meridian intersection. The City of Charlottesville, through Neighborhood Development Services, has received approval for reimbursement up to \$190,000 from the Virginia Department of Transportation for these improvements. While the City at this time is only appropriating \$174,800, there is an option to receive the additional \$15,200. This memo and appropriation authorizes the full amount if necessary.

**Discussion:**

The purpose of the Travel Plan was to document the community's intentions for making travel to and from school more safe and sustainable. The plan prepared for Clark Elementary assessed the schools' travel environment, identified hazards and barriers to pedestrian and bicycle travel, identified solutions and improvements to encourage walking and biking, and established an action plan for implementing programs and improvements. The grant application sought to address the top issue affecting the parent's decision not to walk or bike to school: the safety of intersections and crossings and the high speed of traffic along Monticello Avenue.

**Community Engagement:**

The Alliance for Community Choice in Transportation (A.C.C.T.) coordinated the development of the Plan for the City with assistance from staff. A.C.C.T. worked with School staff, P.T.O., City Staff, the Health Department, and other neighborhood groups and non-profits in developing this plan. Relevant plan recommendations and funding opportunities were further vetted through the Strategic Investment Area Planning Initiative completed in 2013.

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and a Connected Community. Expected outcomes include increased biking and walking to school, which can also improve overall health and increase performance in school.

**Budgetary Impact:**

The funds will be expensed and reimbursed to a Grants Fund.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

If grants funds are not appropriated, the bicycle and pedestrian improvements along the corridor would not be constructed.

**Attachments:**

September 17, 2012 Resolution of Support for the Safe Routes to School Travel Plan developed for Clark Elementary School



**APPROPRIATION.**

**Safe Routes to School Grant for Clark Elementary School.  
\$174,800.**

**WHEREAS**, the City of Charlottesville has been awarded federal Safe Routes to School grant funding through the Virginia Department of Transportation; and

**WHEREAS**, the grant award will be used for pedestrian and bicycle improvements at and around Clark Elementary School.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$174,800, to be reimbursed from the Virginia Department of Transportation via the Safe Routes to School program, is hereby appropriated in the following manner:

**Revenue – \$174,800**

Fund: 426    WBS: P-00801                      G/L Account: 430120

**Expenditures - \$174,800**

Fund: 426    WBS: P-00801                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$174,800 from the Virginia Department of Transportation via the Safe Routes to School program; and

**BE IT FURTHER RESOLVED**, that up to an additional \$15,200 is conditioned upon the receipt of from the Virginia Department of Transportation via the Safe Routes to School program.

**RESOLUTION**  
**SUPPORT FOR THE SAFE ROUTES TO SCHOOL**  
**CLARK ELEMENTARY SCHOOL TRAVEL PLAN**  
**and GRANT APPLICATION**

**WHEREAS**, the City of Charlottesville supports the goals of the Safe Routes To School to enable and encourage children, including those with disabilities, to walk and bicycle to school, to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age, and to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

**NOW, THEREFORE, BE IT RESOLVED** that the Charlottesville City Council supports the Safe Routes to School Travel Plan for Clark Elementary School, and approves the Safe Routes to School grant applications to implement the Travel Plan for Clark Elementary School in 2012; and

**BE IT FURTHER RESOLVED** that the City Council acknowledges that this is a locally-administered reimbursement project; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to sign on behalf of the City of Charlottesville a funding agreement, in form approved by the City Attorney, with the Virginia Department of Transportation for implementation of the above-described Travel Plan.

Approved by Council  
November 5, 2012



Clerk of Council

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



Agenda Date:	February 3, 2014
Action Required:	Appropriation
Presenter:	Lance Stewart, Public Works
Staff Contacts:	Lance Stewart, Facilities Manager, Public Works Leslie Beauregard, Director, Budget & Performance Management
Title:	<b>City/County Jointly-Owned Property H.V.A.C. Capital Improvement Plan Funds - \$90,000</b>

**Background:**

The City Facility H.V.A.C. Replacement capital improvement program is the funding source of projects executed in buildings owned in whole or in part by the City of Charlottesville. Projects planned for fiscal year 2013-14 include equipment replacement projects at the Gordon Avenue Library and at the Charlottesville Albemarle Health Department, both co-owned with Albemarle County.

Albemarle County's share of all project costs at the Gordon Avenue Library P-00730-05 is 50% of the total project cost. The planned replacement of H.V.A.C. equipment serving the building is budgeted at \$130,000. Albemarle County's estimated fiscal responsibility for the project is \$65,000.

Although the City of Charlottesville manages the property, Albemarle County is the fiscal agent for rent paid by the Health Department (P-00730-06), which monies are maintained in a separate fund. For this reason, Albemarle County is fiscally responsible for 100% of capital project costs. The planned replacement of H.V.A.C. equipment serving the building is budgeted at \$25,000.

Albemarle County's capital improvement plan includes funds earmarked for this purpose.

**Discussion:**

Appropriation of funding for capital projects performed in building co-owned by the City of Charlottesville and Albemarle County is typically done after the completion of the project, upon receipt of reimbursed funds. The City Facility H.V.A.C. Replacement capital improvement program has insufficient available funds to proceed with these projects without additional appropriation. At the conclusion of the project, reimbursement funds will be deposited, and any surplus funds (due to higher than expected project costs) will be appropriated as necessary.

**Community Engagement:**

Not applicable.

**Alignment with City Council's Vision and Priority Areas:**

A Green City - "Our homes and buildings are sustainably designed and energy efficient." - Advances in technology in the years since the installation of existing equipment provide the opportunity to increase the energy efficiency of every piece of equipment, resulting in direct and lasting cost savings to operating budgets, as well as significant reductions in greenhouse gas emissions. This project will reduce the carbon footprint our largest City buildings.

**Budgetary Impact:**

This has no impact on the General Fund.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

Should Council elect to defer this appropriation until these projects are completed and Albemarle County has reimbursed the City, it would be necessary to defer the following projects in City buildings: Public Works Administration (replacement of aging air handlers and air conditioning unit service training room) \$45,000; Central Fire Station (replacement of aging air handlers and AC serving offices) \$60,000; Police Building (replacing of 1960's vintage air handlers) \$25,000; and replacement of the failing emergency generator at the 250 Bypass Fire Station, \$25,000. Deferring these projects may result in higher maintenance costs and an increased potential for emergency equipment replacement at a higher cost.

**Attachments:**

N/A

**APPROPRIATION.**  
**City/County Jointly Owned Property H.V.A.C. Capital Improvement Plan Funds.**  
**\$90,000.**

**WHEREAS**, Albemarle County share of expenditures will be submitted to them for reimbursement as work progresses; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$90,000 from Albemarle County is hereby appropriated in the following manner:

**Revenues - \$90,000**

Fund: 426                      Funded Program: CP-070                      G/L Account: 432030

**Expenditures - \$90,000**

Fund: 426                      Funded Program: CP-070                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is contingent upon the receipt of \$90,000 from Albemarle County.

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



Agenda Date:	February 3, 2014
Action Required:	Approval and Appropriation
Presenter:	Gretchen Ellis, Human Services Planner
Staff Contacts:	Gretchen Ellis, Human Services Planner Leslie Beauregard, Director, Budget and Performance Management
Title:	<b>City of Promise Reimbursement from Children, Youth &amp; Family Services, Inc. - \$10,000</b>

**Background:**

City of Promise's non-profit partner, Children, Youth & Family Services, Inc. (C.Y.F.S.), has received an anonymous \$30,000 grant to support City of Promise's fundraising efforts, \$10,000 of this is designated to support the Director's salary to perform fundraising on behalf of the City of Promise. Therefore, C.Y.F.S. proposes to reimburse the City for part of the salary during calendar year 2014, in equal quarterly payments. Note: the current Department of Criminal Justice Services grant ends in June 2014, but is renewable for another year. If a fourth year is awarded, another appropriation request will be submitted at that time.

**Discussion:**

The reimbursement of \$10,000 will allow the City of Promise to use the savings in Department of Criminal Justice funds to expand the hours of a City of Promise Coach, who works with "enroll to serve" youth. These are youth who are identified as needing a high level of support along the pathway from cradle to college to career. The expanded hours will increase the number of youth who can be served during the current school year.

**Community Engagement:**

The City of Promise involves substantial community involvement; the project is child centered and neighbor driven. Community outreach staff members (funded through other sources) meet with all neighborhood residents regularly. Six neighbors serve on the City of Promise Steering Committee. There are separate Parent Council and Youth Councils, which meet at least monthly.

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be **America's Healthiest City** and contributes to their 2012-2014 priority to *provide a comprehensive support system*

*for children.* Expected outcomes include increased school attachment, better academic achievement, improved behavior in the school and community, better health, increased community engagement, and creation of college-going expectations and opportunities.

**Budgetary Impact:**

This appropriation has a neutral budgetary impact. No new funds are required.

**Recommendation:**

Staff recommends approval and appropriation funds.

**Alternatives:**

If this appropriation is not made, the Director will not be able to increase his efforts to find additional non-City funding for the City of Promise. The Coach's hours will not be expanded.

**Attachments:**

N/A



**APPROPRIATION.**  
**City of Promise Reimbursement from Children, Youth & Family Services, Inc.**  
**\$10,000.**

**WHEREAS,** The City of Charlottesville has been offered reimbursement of \$10,000 for the salary of the City of Promise Director, by partner organization Children, Youth & Family Services,

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$10,000 is hereby appropriated in the following manner:

**Revenues**

\$10,000      Fund: 209      CC: 3413005000      G/L: 451020 Contributions

**Expenditures**

\$10,000      Fund: 209      CC: 3413005000      G/L: 519999 Sal/Benefit Lump Sum

**BE IT FURTHER RESOLVED,** that this appropriation is conditioned upon the receipt of \$10,000 from Children, Youth & Family Services, Inc.

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



Agenda Date:	February 3, 2014
Action Required:	Appropriation
Presenter:	Lieutenant Cheryl Sandridge, Charlottesville Police Department
Staff Contacts:	Lieutenant Cheryl Sandridge, Charlottesville Police Department
<b>Title:</b>	<b>Appropriate Asset Forfeiture Transfer Award from the Attorney General's Office of Virginia for the Regional Firearms Range - \$971,167</b>

**Background:**

The City of Charlottesville, the County of Albemarle, and the University of Virginia purpose to build a joint firearms range training facility. A request was made to the Attorney's Office of Virginia for a one time award of asset forfeiture money to help fund this proposal. The City of Charlottesville, Albemarle County and the University of Virginia Police departments have all received funding to be used towards this project. The City of Charlottesville received \$971,167 as an award to use towards this facility. The award requires that the entire award be spent within the next 24 months.

**Discussion:**

The City Police Department currently conducts the majority of its firearms training at the Rivanna Rifle and Pistol Range, but this is a private club that has given the Police Department notice that it will not continue to allow Police training there. The Department of Criminal Justice Services **requires** that Law Enforcement Officers meet qualification requirements with their firearms at least once a year. "Failure to train" lawsuits are frequently lost by law enforcement agencies and particularly in the area of failing to train with a deadly weapon. Firearms' training is one of the most important areas where officers must be proficient. In order to meet these qualifications and other required training would require the Police Department to locate and obtain permission to use someone else's firing range. Finding an alternative location could be difficult to find as there are only a few options in the surrounding area. The University of Virginia owns property where they currently conduct their Police Department firearms training, but it is an outside range, and its use is limited due to noise complaints from surrounding residents. By partnering together, the City, County, and University Police Departments can construct a building resulting in a much needed professional, firearms training facility that will solve both the problem of a place to train, and the noise associated with the current U.V.A. firearms training situation. Added benefits include shelter from the weather, no need to travel for training, convenience in scheduling, and a modern solution to the current outdoor environmental issues created by an outdoor firing range.

Funding in the amount of \$576,711 was originally adopted for this project in the F.Y. 2013 C.I.P. The funds were to construct a Regional Firearms Range Project on the Keene landfill property, that location

is no longer feasible. These funds, appropriated in F.Y. 13, along with the \$971,167 to be appropriated here, will go toward the City's portion of building construction on the property and move all training indoors, as well as any other necessary site improvements.

**Community Engagement:**

A well trained Police Department is an invaluable asset to the City and the Community it serves.

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to a Smart, Citizen focused Government. By providing a well-trained Police Department, the City of Charlottesville helps to ensure safe neighborhoods. This project will also help to ensure a clean environment.

**Budgetary Impact:**

This one time grant will cover a large portion of the costs associated with the planning and construction of the firing range, thus reducing costs to the City of Charlottesville.

**Recommendation:**

Staff recommends approval and appropriation of funds.

**Alternatives:**

The City could return the funds and not participate in the construction or use of the Regional Fire Arms range.

**Attachments:** N/A

**APPROPRIATION.  
Regional Firearms Range.  
\$971,167.**

**WHEREAS**, the City of Charlottesville has been awarded \$971,167 from the Attorney's Office of Virginia for a one time award of asset forfeiture money;

**WHEREAS**, the funds will be used to help to fund the City's share of construction costs of a regional firearms range to be shared by the City of Charlottesville, County of Albemarle and the University of Virginia;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$971,167 is hereby appropriated in the following manner:

**Revenue – \$971,167**

\$971,167      Fund: 426      WBS Element: P-00715      G/L Account: 430110

**Expenditures - \$971,167**

\$971,167      Fund: 426      WBS Element: P-00715      G/L Account: 599999

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



<b>Agenda Date:</b>	February 3, 2014
<b>Action Required:</b>	Adoption of Resolution
<b>Staff Contact:</b>	Dan Sweet, Stormwater Utility Administrator
<b>Presenter:</b>	Dan Sweet, Stormwater Utility Administrator
<b>Title:</b>	Stormwater Utility – Water Quality Incentives Program Funding for the Thomas Jefferson Soil and Water Conservation District - \$16,000

**Background:**

On December 16<sup>th</sup>, 2013 Council adopted a resolution adopting a stormwater utility fee waiver and water quality incentive program for the city's water resources protection program.

**Discussion:**

The resolution incorporated a Memorandum of Agreement (MOA) with the Thomas Jefferson Soil and Water Conservation District for the administration of an incentive program in which funding will be offered to persons who install, operate and maintain practices that improve water quality. Annual funding of \$32,000 was recommended in the 2012 Advisory Committee Summary Report and \$16,000, representing 6 months of funding, was included in the approved Fiscal Year 14 stormwater utility budget for the incentives program.

**Community Engagement:**

This strategy was discussed with and endorsed by the WRPP Credits and Incentives Focus Group.

**Alignment with City Council's Vision and Priority Areas:**

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be A Green City and contributes to their 2012-2014 priority to Cultivate healthy streams and rivers through effective stormwater management practices.

**Recommendation:** Adoption of attached resolution

**Budgetary Impact:**

Funds necessary for the incentives program were included in the FY 14 Stormwater Utility Appropriation.

**Alternatives:** None

**Attachments:** None

**RESOLUTION**  
**Stormwater Utility Water Quality Incentives Funding**  
**\$16,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$16,000 is hereby paid from currently appropriated funds in the Stormwater Utility Enterprise Fund to the Thomas Jefferson Soil and Water Conservation District:

\$16,000                      Fund: 641                      Cost Center: 6411001000                      G/L Code: 540170



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 3, 2014
Action Required:	Yes (Approval of Resolution)
Presenter:	John Jones, Transit Manager
Staff Contacts:	John Jones, Transit Manager
Title:	<i>Amendment to Lease Agreement for Transit Center office space</i>

**Background:** Since April 2007 the City (through the Transit Division) has leased space in the Transit Center building on the downtown mall to the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) for administrative offices. The lease agreement was amended in 2008 to allow the CACVB to use additional space (Room 103, 183 square feet) for storage. In 2010 the lease was renewed for 5 years. CACVB is requesting an amendment to the lease which will allow them to use a different room for storage (Room 211, 202 square feet).

**Discussion:** Room 211 was formerly used as café space, but has been vacant since July 1, 2012. Transit has no objection to the CACVB switching one room for another to use as storage space. The rent is calculated on the amount of square footage being leased so the rent payment to Transit will be higher.

**Community Engagement:** Not applicable.

**Budgetary Impact:** The monthly rent for the leased space was \$2,658.00 and will increase to \$2,961.00. The rent increase is retroactive to July 1, 2013 since CACVB began using the new storage space at that time.

**Recommendation:** Staff recommends approval of the Resolution to amend the lease agreement.

**Attachments:**

- Resolution and Amendment to Lease Agreement
- Exhibit A (Location Sketch of Room 103 – space currently leased)
- Exhibit B (Location Sketch of Room 211 – space to be added to lease)

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the City Manager is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Amendment to Lease Agreement dated April 1, 2007, as amended, between the City of Charlottesville and the Charlottesville Albemarle Convention and Visitors Bureau (CACVB) for administrative office space in the Transit Center building at 610 East Main Street.

**AMENDMENT TO LEASE AGREEMENT  
BETWEEN  
CITY OF CHARLOTTESVILLE, VIRGINIA AND  
CHARLOTTESVILLE ALBEMARLE CONVENTION AND VISITOR BUREAU**

**WHEREAS**, the Charlottesville Albemarle Convention and Visitor Bureau (“CACVB”) agreed to lease from the City of Charlottesville (“City”) certain premises (**CACVB Administrative Offices**) within the building at 610 East Main Street (Transit Center) by Lease Agreement (“Lease Agreement”) dated April 1, 2007, as amended on October 15, 2008 and July 1, 2010; and

**WHEREAS**, the City and CACVB now deem it necessary to modify certain terms of the Lease Agreement;

**NOW, THEREFORE**, the City and CACVB agree to amend the Lease Agreement, as follows:

Effective retroactively to July 1, 2013, the Leased Premises shall not include the space designated on the attached Exhibit A as Retail 103, being 183 square feet in area, previously used as a storage area by CACVB, and shall include the space designated on the attached Exhibit B as Café Prep/Storage 211, being 202 square feet in area, to be used by CACVB for storage space. The annual rent charged pursuant to Section 4 of the April 1, 2007 Lease Agreement, shall be increased by \$3,636.00, which will increase the monthly rent payment from \$2,658.00 to \$2,961.00.

**CITY OF CHARLOTTESVILLE**

**CHARLOTTESVILLE ALBEMARLE  
CONVENTION AND VISITOR BUREAU**

By: \_\_\_\_\_  
Maurice Jones, City Manager

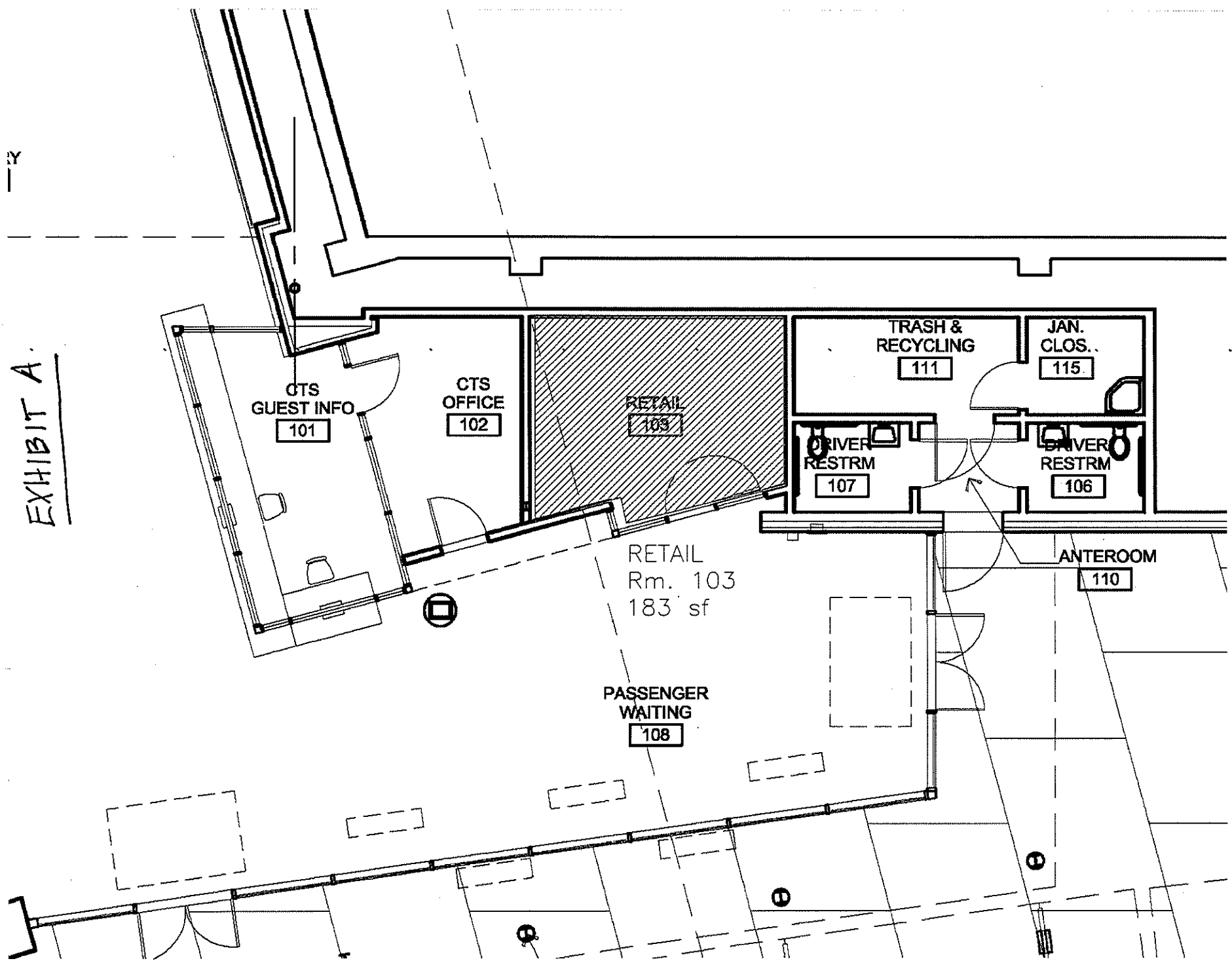
By: \_\_\_\_\_  
Kurt Burkhardt, Executive Director

Date of Council Approval: \_\_\_\_\_, 2014

*Approved as to Form:*

\_\_\_\_\_  
S. Craig Brown, City Attorney

EXHIBIT A.



CTS  
GUEST INFO  
101

CTS  
OFFICE  
102

RETAIL  
103

DRIVER  
RESTRM  
107

DRIVER  
RESTRM  
106

TRASH &  
RECYCLING  
111

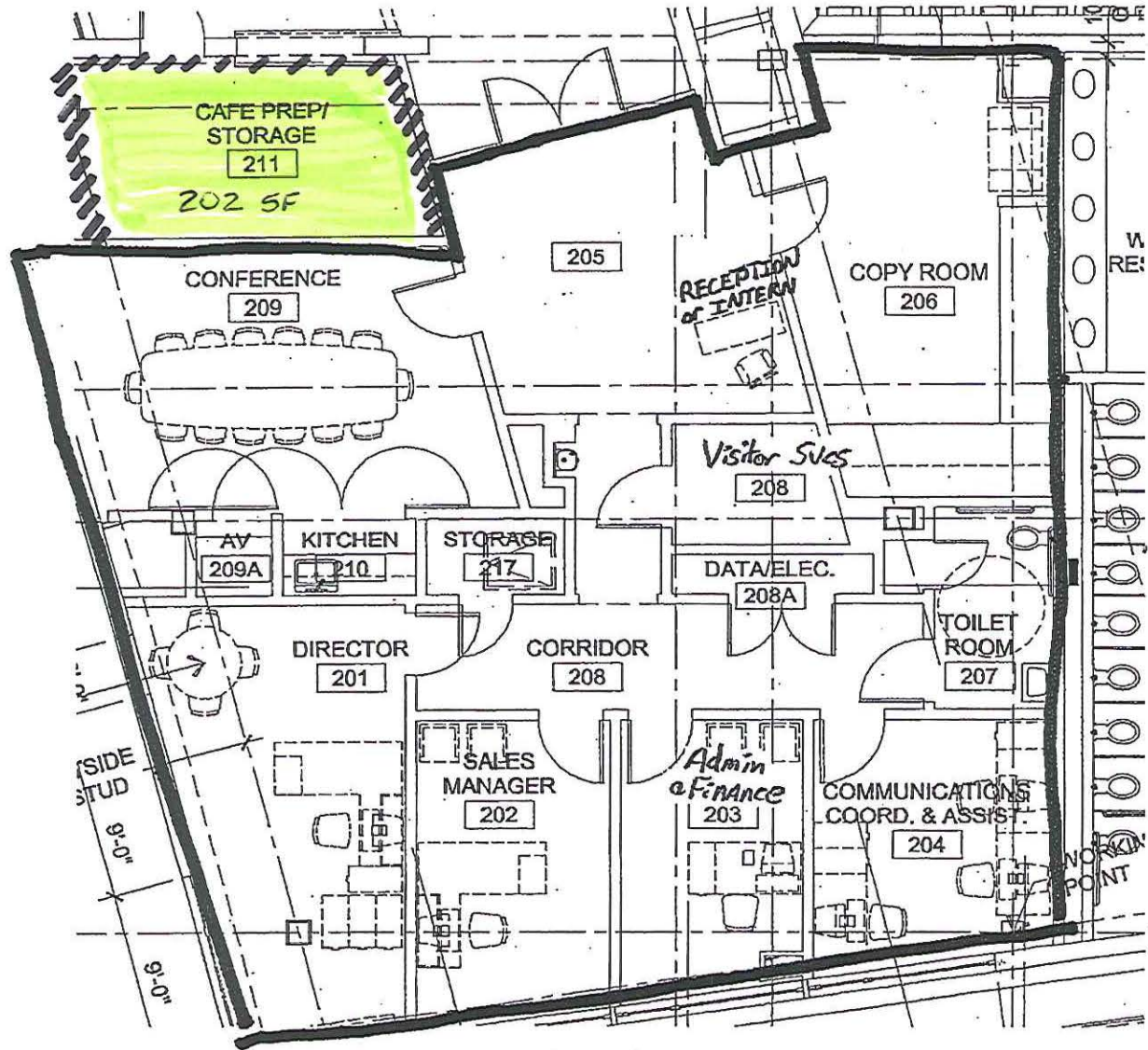
JAN.  
CLOS.  
115

RETAIL  
Rm. 103  
183 sf

PASSENGER  
WAITING  
108

ANTEROOM  
110

# Exhibit B



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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 3, 2014
Action Required:	Resolution Approval
Presenter:	Susan Elliott, Climate Protection Program Coordinator
Staff Contacts:	Kristel Riddervold, Environmental Sustainability Manager
<b>Title:</b>	<b>Resolution to Support the City Entering the Georgetown University Energy Prize Competition</b>

**Background:**

The Georgetown University Energy Prize Competition (GUEP) is a nationwide competition for small and medium-sized localities designed to spur action on energy efficiency and renewable energy at a local level through cooperative efforts between communities, local governments, and utilities. The competition is divided into four (4) stages over a 36 month period. Communities are challenged to propose a long term community energy plan with strategies aimed to produce incremental reductions in energy consumption and to demonstrate measurable reductions within the municipal and residential sectors during two years of the competition, which starts in August 2014.

Approximately 50-100 applicant localities will be invited to compete. Applicants receive support in the form of resources, private sector consultant hours, and assistance from graduate and undergraduates at Georgetown University. The grand prize is \$5 million dollars to be used to reward the winning community as a whole and support continued efforts regarding the community energy plan.

The GUEP's focus on municipal and residential sectors aligns with the City's existing programs and experience:

- Within its municipal operations, the City has an effective energy management program and has identified achievable goals and strategies in energy efficiency and renewable energy production to continue to build on its successes. Between 2000-2011, energy consumption in City facilities was reduced by 29.5% – equivalent to over \$840,000 in reduced utility costs in 2011 alone. Since 2009, the City has begun to install solar photovoltaic (PV) facilities where appropriate to generate electricity and lower its peak demand on conventional energy supplies.
- Community-wide, the City's Climate Protection Program has tracked the community's energy use and associated greenhouse gas emissions, supported the formation of and subsequent partnership with the Local Energy Alliance Program (LEAP), and

participated in the Local Climate Action Planning Process (LCAPP). Through its ongoing partnership with LEAP, the City offers financial and professional resources and services to our residents and businesses in energy efficiency and renewable energy. The LCAPP Report provided recommendations, a five-part framework, and energy strategies for our community that can be used to inform and prioritize appropriate actions for a community energy plan.

**Discussion:**

Charlottesville has a strong foundation and an experienced background as a leader in environmental stewardship that position it well to be competitive in and meet the required steps of the GUEP. Initial commitments of support and partnership with the City for its GUEP application have been obtained from Dominion Virginia Power (required as the electric utility provider), Charlottesville Gas (required as the gas utility provider), and the Local Energy Alliance Program (LEAP).

To be invited to compete in the two (2) year competition, communities must submit an application via a standardized template from the GUEP between February-April 2014. If a community's application is accepted, it will be invited to submit a community energy plan by July 2014 that "should be [long-term], with commitments by residential associations, governments, institutions, or businesses in the community to policies and projects that will yield continual improvement." The GUEP will evaluate the plans and invite qualifying communities to compete over the subsequent two (2) year period.

**Community Engagement:**

To create a community energy plan, staff will invite members of the community and city officials to form a leadership team that will guide the process and assist in prioritizing actions. Community meetings and local organizations will invite the public to participate in identifying actions and topic areas to be included in the plan. An initial framework of a plan can be created based on past community engagement and the findings of the LCAPP steering committee, the City's emissions reports, and goals and supporting documents from the Comprehensive Plan.

**Alignment with City Council's Vision and Priority Areas:**

Creation of a community energy plan and engagement with the community to implement it aligns with City Council's *A Green City* vision and is an implementation document aligned with the 2013 Comprehensive Plan Chapter 7 Goal 5 and Goal 6.

**Budgetary Impact:**

None. Existing staff and program budgets will be utilized to support this effort.

**Recommendation:**

Council should approve the resolution for the City to apply to compete in the GUEP.

**Alternatives:**

City Council may choose to not adopt or to make modifications to this Resolution.

**Attachments:**

Resolution



**RESOLUTION TO SUPPORT THE CITY ENTERING THE GEORGETOWN  
UNIVERSITY ENERGY PRIZE COMPETITION**

**WHEREAS**, a significant portion of household expenses are spent on energy annually, the residential sector saw the largest increase in energy use from 2000-2011 within our community profile, the cost of energy is expected to increase, and Dominion Virginia Power predicts a growing and substantial power gap that must be met by increasing supply or flattening demand increases; and

**WHEREAS**, addressing energy efficiency and climate change will promote a cleaner environment, a more prosperous economy, increased comfort and health in homes, and a higher quality of life; and

**WHEREAS**, the City of Charlottesville has committed to promoting energy efficiency, renewable energy, and climate change programs community-wide and within its own organization; and

**WHEREAS**, the City of Charlottesville supported the Local Climate Action Planning Process (LCAPP) and accepted the LCAPP Report's recommendations, Five-Part Framework, and Action Strategies; and

**WHEREAS**, goals in Chapter 7 of the 2013 Comprehensive Plan support effective and innovative energy management, increased energy performance of buildings and sites, and pursuit of cleaner sources of electrical energy in both the community and City buildings and operations; and

**WHEREAS**, a community energy plan serves as an implementation document of those Comprehensive Plan goals;

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Charlottesville supports the City's entry to compete in the Georgetown University Energy Prize competition to produce a community energy plan and demonstrate measurable reductions in residential and municipal energy use; and

**BE IT FURTHER RESOLVED** that the Council will appoint a member of the City Council to be a City representative in such discussions and working groups.

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



**Agenda Date:** January 21, 2014

**Action Required:** Approval of Ordinances (First Reading)

**Presenter:** James E. Tolbert, AICP, Director of NDS

**Staff Contacts:** James E. Tolbert, AICP, Director of NDS  
Craig Fabio, Assistant Zoning Administrator

**Title:** **Café and Vendor Fees and Regulations**

**Background:** Periodically staff undertakes a review of the vendor regulations and café regulations as well as the fees for the associated permits. This year there have also been several suggested changes arising from the mall improvement group.

**Discussion:** The attached ordinance to amend the café rules and vendor rules are presented to provide more efficiency to the process and more order and safety for the public. The changes to the fees are intended to more accurately reflect the value of the space rented. Specific changes are as follows:

**Cafés**

- Change the permit term to a year round term. Currently the café season runs from March 1<sup>st</sup> to November 20<sup>th</sup>. Restaurants may pay extra to remain open for the entire year and many do so. Every year we have requests from restaurants to remain open when there is a good weather and this change will allow them to do so if they desire.
- The next change will allow the Zoning Administrator to work with restaurants on a payment plan rather than have all fees due at the beginning of the year. We have done this over the last several years in recognition of the difficult economic situation many have faced.
- Current rules require all cafés to have a detectable bottom to achieve ADA compliance. Many have chosen to simply use a lower chain and this has not proven effective. The change will provide that each café meet current ADA requirements and that each method used be approved by staff. The real impact is that this will require a fixed bottom. The added benefit is that the cafes will remain in place and not be easily moved around. This is also one of the items requested by the Downtown Work Groups.
- Language is added to require approval by staff of any heaters allowed.

### **Vendors**

- The prohibition on the use of City electrical outlets is eliminated and a statement added allowing their use for point of sale transaction.

Other vending changes will be reviewed and recommended by the Board of Architectural Review as they are found in the Design Guidelines.

### **Fees**

- Changes are recommended to the vendor fees to allow payment quarterly (which has been practiced for several years) and to increase assigned spaces from \$800 to \$1,000 annually and unassigned spaces from \$600 to \$800 annually.
- A fee of \$25 per year for an unassigned not-for-profit is proposed.
- An increase of café space rental is proposed from \$3 per square foot per year to \$5 per square foot per year. This will coincide with the change to allow year round café use.
- Added a change of \$100 per quarter for use of City electricity.

**Alignment with City Council Vision and Priorities:** Approval of this item aligns with the Council vision of a Smart Citizen Focused Government by providing more efficient operations and by charging fees that reflect more accurately the value of the space rented.

**Budgetary Impact:** Current café and vendor rent is approximately \$150,000 per year. These changes should increase the rent received to approximately \$200,000.

**Citizen Engagement:** Staff has delivered a copy of these changes to all vendors and restaurants with cafes.

**Recommendation:** Staff recommends approval of the ordinance and resolution.

**Alternatives:** Council could choose not to make the changes.

**Attachments:** Ordinance to Amend Fee Schedule; Ordinance Amending Vendor and Café Regulations

**AN ORDINANCE  
APPROVING AND ADOPTING AMENDMENTS TO THE  
CITY'S FEE SCHEDULE FOR SERVICES, PERMITS AND APPROVALS  
ADMINISTERED BY THE CITY'S DEPARTMENT OF  
NEIGHBORHOOD DEVELOPMENT SERVICES,  
RELATIVE TO VENDOR STANDS AND OUTDOOR CAFÉ PERMITS**

**WHEREAS**, the Code of the City of Charlottesville (1990), as amended, provides in various places for City Council's approval from time to time of a schedule of the various rents, fees and charges associated with types of applications, petitions, inspections, permits and approvals administered by the City's Department of Neighborhood Development Services ("NDS Fee Schedule"); AND

**WHEREAS**, pursuant to City Code §§ 28-116, 28-121, 28-211 and 28-214 the City Council has reserved unto itself the right and authority to approve, from time to time, a schedule of rents, fees and charges associated with the reservation and operation of vendor stand spaces and outdoor café spaces, and City Council now desires to approve a new schedule of such rents, fees and charges;

**WHEREAS**, the proposed new schedule of rents, fees and charges associated with the reservation and operation of vendor stand spaces and outdoor café spaces has been advertised in accordance with the requirements of Virginia Code §15.2-107, and on January 21, 2014 City Council conducted a public hearing on the proposed new fee schedule, as required by law;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia, that the schedule of rents, fees and charges associated with the reservation and operation of vendor stand spaces and outdoor café spaces, as set forth within the chart attached to this ordinance, is hereby approved and adopted, and shall take effect upon the date of enactment. Upon adoption of this ordinance, staff shall revise the previously established NDS Fee Schedule to reflect the newly established fees set forth within the chart attached to this ordinance.

Type of Fee	Fee To Be Adopted February 2014	Additional Requirements/ Provisions
<b>STREETS &amp; SIDEWALKS (Chapter 28)</b>		
<b>Vendor Stands:</b>		
Assigned	\$250/quarter or \$1,000/year	
Additional fee, for assigned spaces: use of electrical outlet	\$100/ quarter	Limited to use for operation of cash registers and credit card processing equipment
Unassigned	\$200/quarter or \$800/year	
Unassigned, non-profit	\$25/ year	
<b>Outdoor Café Permits:</b>		
Basic Permit Fee	\$125/year	In the event a permit is denied, all but \$25 shall be refunded to the applicant; however, once a permit has been approved, the entire amount of the fee shall be non-refundable
Additional Fee: additional space rental	\$5/sq. foot per year	
Additional Fee: use of city electrical outlet	\$100/quarter for use of City electricity	Limited to use for operation of cash registers and credit card processing equipment
Winter operations fee	N/A—Fee Eliminated	
Street/Alley Closing	\$100 per application	No change

**AN ORDINANCE  
AMENDING SECTION 28-121 OF ARTICLE IV, AND  
SECTION 28-214 OF ARTICLE VI, OF CHAPTER 28 OF THE  
CHARLOTTESVILLE CITY CODE, 1990, AS AMENDED, RELATED TO  
CHANGES IN SIDEWALK CAFÉ AND VENDOR STAND REGULATIONS.**

**BE IT ORDAINED** by the Council for the City of Charlottesville, Virginia, that Sections 28-121 and 28-214 of Chapter 28 (Streets and Sidewalks) of the Code of the City of Charlottesville, 1990, as amended, are hereby amended and reordained as follows:

**CHAPTER 28. STREETS AND SIDEWALKS**

...

**ARTICLE IV. STREET VENDORS AND DISPLAYS**

**Sec. 28-121. Stands; operational restrictions.**

(a) No vendor's stand shall exceed: six (6) feet in height, and no vendor's stand shall exceed (i) the boundaries of the space to which it has been assigned pursuant to section 28-116(b) or (ii) for stands other than those subject to section 28-116(b), ten and one-half (10 1/2) feet in length and width (measured from the outermost edges of all display cases, display racks, and other display areas associated with the stand).

(b) No vendor stand shall operate in the city except between the hours of 7:00 a.m. and 10:00 p.m. Hours of operation may be extended with the prior written permission of the city manager. All stands, except those approved by the city pursuant to a lease, or pursuant to Article VI of this chapter as part of an outdoor café, must be removed from public property during non-operating hours.

(c) Each vendor stand shall be attended at all times during operational hours by at least one (1) person under the direction or control of the vendor to whom the stand belongs.

(d) No vendor stand located in the downtown business district, as defined within section 16-3 of the City Code, shall include any device or equipment that utilizes or generates any open fire or flame for the heating or cooking of food or beverages.

(e) No vendor stand shall use or incorporate any city equipment or facilities, such as public benches or chairs, planters, ~~electrical outlets~~, etc. Vendors may use city electrical outlets for point of sale with approval of the Zoning Administrator.

(f) No vendor shall operate or use a motor-propelled stand.

(g) All trash or debris accumulating within twenty (20) feet of any vendor stand shall be collected and disposed of by the vendor in an appropriate receptacle. Vendors of food and beverages must provide trash receptacles as part of their stands.

(h) A vendor shall comply immediately with the lawful request of any police officer, firefighter, rescue service person, emergency medical technician, or any city or public utility employee to move his stand for emergency reasons, or to permit maintenance of pavement, utilities or other public improvements or facilities.

...

## ARTICLE VI. SIDEWALK CAFÉS

### DIVISION 2. PERMIT

#### Sec. 28-211. Required.

(a) No person shall operate an outdoor café on a city sidewalk or the downtown pedestrian mall referred to in section 28-212 without a permit issued pursuant to this division.

(b) The city manager shall, from time to time, approve a map identifying the locations along the downtown pedestrian mall which will be eligible for use as outdoor café areas. The locations identified on this map shall be the only areas for which any café permit(s) may be issued by the zoning administrator for space on the mall. This map shall be maintained available for public inspection within the city's department of neighborhood development services. The city reserves the right to re-define and re-designate spaces available for outdoor café use, on an annual basis. Written notice of such changes shall be provided by the city to operators at least thirty (30) days in advance of the commencement of the permit term in which the changes will take place. In the event of any such changes, an incumbent operator will be assigned a space that most closely corresponds to the location occupied during the prior permit year.

(c) For the purposes of this division a "permit term" shall refer to the period from March 2009 through the last day of February, 2010; then, commencing on March 1, 2010 for consecutive one-year periods thereafter.

(d) The city council will, from time to time, approve a schedule of the rents, fees and charges associated with reservation of outdoor café spaces. No space shall be reserved to any person until all applicable rents, fees and charges have been paid.

...

#### Sec. 28-214. Contents and conditions generally.

(a) A permit granted by the zoning administrator under this division shall identify the permit term, or outstanding portion thereof, during which the operation of the café shall be authorized. ~~A permit shall also require that, on or before November 20 of each year, all furniture and equipment used in connection with the café shall be removed from the sidewalk or mall; however, upon payment of additional rent (as specified within the most recent fee schedule approved by city council) an outdoor café operator may leave furniture and equipment within his assigned outdoor~~



~~café area between November 20 and March 1 of the following year, subject to the following conditions: (i) the furniture and equipment must be utilized as an outdoor café at least five (5) days per month during this period, and (ii) if such furniture and equipment is not used by the operator during this period, then the furniture and equipment shall be removed within two (2) business days of a written notice issued by the zoning administrator. Such removal shall be at the expense of the café operator.~~

(b) Permits for cafés on the downtown pedestrian mall or city sidewalks may contain additional reasonable conditions and requirements as the zoning administrator may deem necessary. The purpose of any such conditions shall be to ensure that the operation or use of the proposed café will not present a hazard to the public health, safety or welfare.

(c) Effective for the permit term commencing in March 2009, and each permit term thereafter:

- (1) Each applicant for a café permit shall pay a permit fee upon submission of such application, in the amount specified on the most recent fee schedule approved by city council. For operators renewing an existing permit this fee shall be due and payable within thirty (30) days following the commencement of the current permit term.
- (2) Each operator shall pay rent in the amount specified on the most recent fee schedule approved by city council. Such rent shall be paid according to the payment schedule set by the Zoning Administrator. Such rent shall be paid on the commencement date of the permit term. Any café permit for which the holder has not paid rent hereunder within thirty (30) days of the due date shall expire and become null and void.

(d) No food preparation shall be performed in any area which is the subject of a café permit issued under this article. The operator of an outdoor café which is the subject of any such permit shall promptly remove all food dishes and utensils after each customer has left and shall thoroughly clean the entire café area and the sidewalk located within the café after the close of each business day. The zoning administrator shall have the authority to require any café operator, as an additional condition of a permit, to use only non-disposable dishes, utensils and napkins within the café area, upon a determination that the use of paper or plastic tableware or napkins is or has been contributing to litter problems in the area subject to the permit. Upon making such a determination, the zoning administrator shall issue thirty (30) days' advance written notice of the new requirement to each operator whose permit will be affected.

(e) An outdoor café subject to a permit required by this article shall be operated only within the area specifically assigned to an operator by a permit issued by the zoning administrator. The operator shall clearly delineate its area of operation through use of any one (1) or more of the following markers: trees, fences, planters and barriers. All items used for delineation of Café space shall be compliant with current ADA Guidelines and approved by City Staff prior to use. ~~Where required by the Uniform Statewide Building Code, such markers shall have a detectable bottom.~~ An outdoor café shall be in operation only during hours that the restaurant with which it is associated is open.

(f) Musical entertainment shall be allowed within any outdoor café area subject to a permit; however, such activity shall be limited to un-amplified vocal or instrumental performances and such activity shall not be conducted during the hours between 12:00 midnight and 11:00 a.m. of any day. Cafés located on the downtown pedestrian mall shall also be subject to the city's noise ordinance established for that area; however, in the event of a conflict between said noise ordinance and the requirements of this section, the stricter requirement shall govern the activities within such outdoor café.

(g) No tents or similar structures shall be erected or utilized over or within any outdoor café operating under a permit granted pursuant to this article; except that, not more than twice per year, the operator of an outdoor café, after receiving approval of the city's board of architectural review, may erect or utilize a tent over or within his outdoor café space. No such tent may be utilized or remain in place for longer than seventy-two (72) hours.

(h) Access to and use of city electricity by outdoor café operators, including, without limitation, use of any outdoor electrical outlet(s), shall be permitted for cash registers and credit card machines only to those operators that pay a monthly fee to the city as established by city council.

(i) Space heaters (other than any heaters requiring use of city electricity or electrical outlets) may be utilized by a café operator so long as the use and operation of any such heater is in compliance with all applicable building and fire codes and does not present a threat to the health, safety or welfare of the public. Each heater must be approved by City staff.

(j) No café permit shall be shared by any restaurant with another restaurant without the prior written approval of the zoning administrator. In the case of such sharing arrangement, (i) the original operator shall remain fully responsible for compliance with this article unless otherwise agreed in writing by the zoning administrator; and (ii) if the space that is the subject of the permit exceeds eight hundred (800) square feet under circumstances permitted by section 28-212(e), approval of the sharing arrangement shall be conditioned upon a reduction of the area reserved by the permit to not more than eight hundred (800) square feet.

(k) All tables, chairs and equipment located within an outdoor café shall be maintained in good, clean condition by the operator.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 21, 2014
Action Required:	Yes (First Reading on Ordinance)
Presenter:	Steve Lawson, Public Service Manager
Staff Contacts:	Steve Lawson, Public Service Manager
Title:	<i>Easement to Dominion Virginia Power at Public Works Center on Avon Street</i>

**Background:** In Fiscal Year 2011, the City invested in a salt brine manufacturing and storage facility at the Public Works Center on Avon St Extended. Salt brine has proven to be a cheaper, more environmentally friendly alternative to rock salt and for that reason is the anti-icer and de-icer most used by Charlottesville and many other municipalities.

Dominion Power electricity is not available on site for operation of the brine maker, loading pumps, and lights. To date a propane generator has provided primary power to the site, and the generator recently failed due to major engine problems. Currently power to the site is provided by a rental propane generator.

The failed generator will be permanently replaced by the generator providing backup power to the City fire station on Ivy Road when that station closes in mid-January 2014. The relocation of the generator will be done by in-house staff at minimal cost.

**Discussion:** Staff felt this is the opportune time to investigate the possibility of Dominion Power providing electricity to the Brine Manufacturing Plant on Avon Street. Dominion Power provided a quote of \$6,963.41 to provide underground power from Avon Street across City owned property to the Brine Manufacturing Plant. An easement to Dominion Virginia Power is necessary to allow the lines to cross City owned land.

**Alignment with City Council's Vision and Priority Areas:** This agenda item and recommendation aligns with Innovation and Environmental Sustainability sections of the Strategic Plan in that use of Salt Brine reduces the amount of salt used during winter storm emergencies.

**Budgetary Impact:** Funding will be provided by account 2703001000. Total cost of this recommendation is \$10,000. Future electric bills will be funded by the General Fund Streets budget under account 2443001000.

**Recommendation:** Staff recommends accepting Dominion Power's quote for providing electricity as the primary power source for the Brine Manufacturing Plant. The used generator from the Ivy Road Fire Station would be used for backup power only.

**Alternatives:** The only other option available is to use generator power as the sole source of electricity to run the Plant. Should the generator fail, it is possible the City could experience a brine shortage during a winter storm emergency.

**Attachments:** Ordinance; Proposed Right of Way Agreement; Map

**AN ORDINANCE  
AUTHORIZING THE CONVEYANCE OF AN EASEMENT  
TO DOMINION VIRGINIA POWER  
TO PERMIT UNDERGROUND ELECTRICAL LINES TO  
PUBLIC WORKS FACILITY ON AVON STREET**

**WHEREAS**, Dominion Virginia Power has requested this Council to grant an easement across property owned by the City of Charlottesville, Virginia (Public Works Facility) at 1545 Avon Street in the County of Albemarle, as shown on the attached Easement Plat, for the installation and maintenance of underground electric lines and above-ground electrical equipment; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Right of Way Agreement, in form approved by the City Attorney, granting the above-described easement to Dominion Virginia Power.



## Right of Way Agreement

THIS RIGHT OF WAY AGREEMENT, is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between

the City Of Charlottesville

("GRANTOR") and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, doing business in Virginia as Dominion Virginia Power, with its principal office in Richmond, Virginia ("GRANTEE").

### WITNESSETH:

1. That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, **GRANTOR** grants and conveys unto **GRANTEE**, its successors and assigns, the perpetual right, privilege and non-exclusive easement over, under, through, upon and across the property described herein, for the purpose of transmitting and distributing electric power by one or more circuits; for its own internal telephone and other internal communication purposes directly related to or incidental to the generation, distribution, and transmission of electricity, including the wires and facilities of any other public service company in aid of or to effectuate such internal telephone or other internal communication purposes; and for lighting purposes; including but not limited to the right:

1.1 to lay, construct, operate and maintain one or more lines of underground conduits and cables including, without limitation, one or more lighting supports and lighting fixtures as **GRANTEE** may from time to time determine, and all wires, conduits, cables, transformers, transformer enclosures, concrete pads, manholes, handholes, connection boxes, accessories and appurtenances desirable in connection therewith; the width of said non-exclusive easement shall extend Fifteen (15) feet in width across the lands of **GRANTOR**; and

Initials: \_\_\_\_\_

**This Document Prepared by Virginia Electric and Power Company and should be returned to:**  
Dominion Virginia Power, 1719 Hydraulic Road Charlottesville VA 22901 .

(Page 1 of 7 Pages)  
DVPIDNo(s). 81-13-0099  
Tax Map No. 077E200000100

## Right of Way Agreement

2. The easement granted herein shall extend across the lands of **GRANTOR** situated in Albemarle County, Virginia, as more fully described on Plat(s) Numbered 81-13-0099 , attached to and made a part of this Right of Way Agreement; the location of the boundaries of said easement being shown in broken lines on said Plat(s), reference being made thereto for a more particular description thereof.
3. All facilities constructed hereunder shall remain the property of **GRANTEE**. **GRANTEE** shall have the right to inspect, reconstruct, remove, repair, improve, relocate on the easement, and make such changes, alterations, substitutions, additions to or extensions of its facilities as **GRANTEE** may from time to time deem advisable.
4. **GRANTEE** shall have the right to keep the easement clear of all buildings, structures, trees, roots, undergrowth and other obstructions which would interfere with its exercise of the rights granted hereunder, including, without limitation, the right to trim, top, retrim, retop, cut and keep clear any trees or brush inside and outside the boundaries of the easement that may endanger the safe and proper operation of its facilities. All trees and limbs cut by **GRANTEE** shall remain the property of **GRANTOR**.
5. For the purpose of exercising the right granted herein, **GRANTEE** shall have the right of ingress to and egress from this easement over such private roads as may now or hereafter exist on the property of **GRANTOR**. The right, however, is reserved to **GRANTOR** to shift, relocate, close or abandon such private roads at any time. If there are no public or private roads reasonably convenient to the easement, **GRANTEE** shall have such right of ingress and egress over the lands of **GRANTOR** adjacent to the easement. **GRANTEE** shall exercise such rights in such manner as shall occasion the least practicable damage and inconvenience to **GRANTOR**.
6. **GRANTEE** shall repair damage to roads, fences, or other improvements (a) inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and (b) outside the boundaries of the easement and shall repair or pay **GRANTOR**, at **GRANTEE**'s option, for other damage done to **GRANTOR**'s property inside the boundaries of the easement (subject, however, to **GRANTEE**'s rights set forth in Paragraph 4 of this Right of Way Agreement) and outside the boundaries of the easement caused by **GRANTEE** in the process of the construction, inspection, and maintenance of **GRANTEE**'s facilities, or in the exercise of its right of ingress and egress; provided **GRANTOR** gives written notice thereof to **GRANTEE** within sixty (60) days after such damage occurs.

Initials: \_\_\_\_\_

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## Right of Way Agreement

7. **GRANTOR**, its successors and assigns, may use the easement for any reasonable purpose not inconsistent with the rights hereby granted, provided such use does not interfere with **GRANTEE'S** exercise of any of its rights hereunder. **GRANTOR** shall not have the right to construct any building, structure, or other above ground obstruction on the easement; provided, however, **GRANTOR** may construct on the easement fences, landscaping (subject, however, to **GRANTEE'S** rights in Paragraph 4 of this Right of Way Agreement), paving, sidewalks, curbing, gutters, street signs, and below ground obstructions as long as said fences, landscaping, paving, sidewalks, curbing, gutters, street signs, and below ground obstructions do not interfere with **GRANTEE'S** exercise of any of its rights granted hereunder. In the event such use does interfere with **GRANTEE'S** exercise of any of its rights granted hereunder, **GRANTEE** may, in its reasonable discretion, relocate such facilities as may be practicable to a new site designated by **GRANTOR** and acceptable to **GRANTEE**. In the event any such facilities are so relocated, **GRANTOR** shall reimburse **GRANTEE** for the cost thereof and convey to **GRANTEE** an equivalent easement at the new site.

8. **GRANTEE'S** right to assign or transfer its rights, privileges and easements, as granted herein, shall be strictly limited to the assignment or transfer of such rights, privileges and easements to any business which lawfully assumes any or all of **GRANTEE'S** obligations as a public service company or such other obligations as may be related to or incidental to **GRANTEE'S** stated business purpose as a public service company; and any such business to which such rights, privileges and easements may be assigned shall be bound by all of the terms, conditions and restrictions set forth herein.

9. If there is an Exhibit A attached hereto, then the easement granted hereby shall additionally be subject to all terms and conditions contained therein provided said Exhibit A is executed by **GRANTOR** contemporaneously herewith and is recorded with and as a part of this Right of Way Agreement.

10. Whenever the context of this Right of Way Agreement so requires, the singular number shall mean the plural and the plural the singular.

Initials: \_\_\_\_\_

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Form No. 728493-3 (Aug 2013)  
© 2013 Dominion Resources Services, Inc.





Right of Way Agreement

11. GRANTOR covenants that it is seised of and has the right to convey this easement and the rights and privileges granted hereunder; that GRANTEE shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges; and that GRANTOR shall execute such further assurances thereof as may be reasonably required.

12. The individual executing this Right of Way Agreement on behalf of GRANTOR warrants that GRANTOR is a corporation duly organized and existing under the laws of the state hereinabove mentioned and that he or she has been duly authorized to execute this easement on behalf of said corporation.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, GRANTOR has caused its corporate name to be signed hereto by its authorized officer or agent, described below, on the date first above written.

Corporate Name: City Of Charlottesville

By (Signature):

Name:

Its:

State of
City/County of

The foregoing instrument was acknowledged before me this day of

by (Name of officer or agent), (Title of officer or agent)

of City Of Charlottesville, a(n) (Name of corporation) (State of incorporation)

corporation, on behalf of the corporation.

Notary Public (Print Name)

Notary Public (Signature)

Virginia Notary Reg. No. My Commission Expires:

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DVPIDNo(s). 81-13-0099



## Right of Way Agreement

### Exhibit A

THIS RIGHT OF WAY AGREEMENT dated \_\_\_\_\_, 2013, by and between the  
City of Charlottesville

a political subdivision of the Commonwealth of Virginia ("**GRANTOR**"), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation doing business in Virginia as Dominion Virginia Power ("**GRANTEE**") is hereby amended as follows:

1. This Right of Way Agreement shall be limited in duration and shall remain in force for a term of forty (40) years, except for any air rights together with easements for columns for support granted hereunder, in which case such air rights together with easements for columns for support shall exist for a term of sixty (60) years. At the end of any such term, this Right of Way Agreement shall automatically terminate unless **GRANTOR** agrees to renew this Right of Way Agreement for an additional term of years.
2. In the event that this Right of Way Agreement is terminated, or if the removal of **GRANTEE**'s facilities is otherwise desired by **GRANTOR**, then **GRANTOR** agrees that it will pay the cost of removing **GRANTEE**'s wires and facilities, and, if appropriate, the cost of replacing **GRANTEE**'s wires and facilities. Upon the termination of this Right of Way Agreement, **GRANTOR** agrees to provide **GRANTEE**, if needed by **GRANTEE**, a suitable substitute easement subject to the same terms provided for herein for **GRANTEE**'s wires and facilities. In the event that this Right of Way Agreement is revoked or terminated, all facilities constructed hereunder shall remain the property of **GRANTEE**.
3. **GRANTOR** covenants that in the event that **GRANTOR** sells or conveys the real property on which **GRANTEE**'s wires and facilities are located by this Right of Way Agreement, **GRANTOR** will provide **GRANTEE** with a suitable permanent easement for **GRANTEE**'s wires and facilities and, if necessary, pay the cost of relocating **GRANTEE**'s wires and facilities to such permanent easement.

**GRANTOR:**

\_\_\_\_\_  
a political subdivision of the Commonwealth of Virginia

By: \_\_\_\_\_

Its: \_\_\_\_\_

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## Right of Way Agreement

### EXHIBIT A

This Exhibit A shall be attached to and made a part of the RIGHT OF WAY AGREEMENT executed by the undersigned **GRANTOR(s)** on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. The following terms and conditions are incorporated therein:

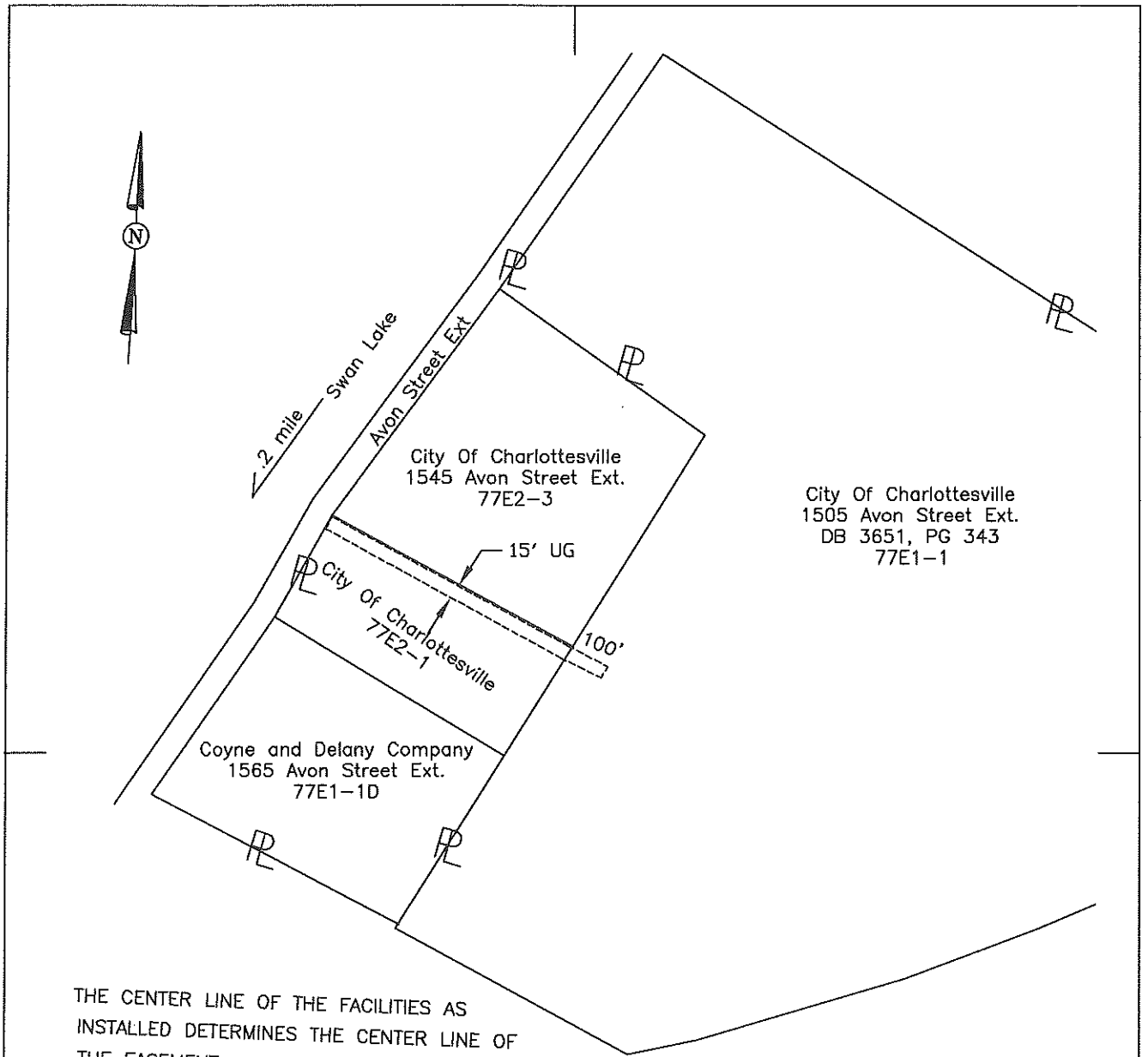
\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
(SEAL)

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DNCPIDNo(s). 81-13-0099

DVPIDNo(s).



THE CENTER LINE OF THE FACILITIES AS  
INSTALLED DETERMINES THE CENTER LINE OF  
THE EASEMENT

OWNER INITIALS \_\_\_\_\_

- Legend**
- — — Location of Boundary Lines of Right-of-Way  
15 FEET IN WIDTH
  - — — Indicates Property Line is Right-of-Way  
Boundary  
15'

<b>Plat to Accompany Right-of-Way Agreement</b>		
VIRGINIA ELECTRIC AND POWER COMPANY doing business as <b>Dominion Virginia Power</b> UG		
District Charlottesville		
District-Township-Borough Scottsville	County-City Albemarle	State VIRGINIA
Office Charlottesville	Plat Number 81-13-0099	
Estimate Number 7573422	Grid Number G0024	
Date	By	

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



Agenda Date: February 3, 2014

Action Required: Approval of Resolution

Presenter: James E. Tolbert, AICP, Director

Staff Contacts: James E. Tolbert, AICP, Director

**Title: Resolution to Amend the Comprehensive Plan to Include the Strategic Investment Area**

**Background:** Approximately one year ago, the City began a project to determine how best to reimagine an area south of the Downtown area. The project has been known as the Strategic Investment Area. The area studied is shown on the map attached and is roughly bounded by the CSX Railroad Tracks on the north, Ridge Street to the west, Avon Street to the east, and Elliott Avenue on the south. Additionally, properties fronting on each of the three boundary streets are included as is an extension of 9<sup>th</sup> Street to High Street to include the former Martha Jefferson Hospital site.

**Discussion:** On January 14, 2014 the Planning Commission held a public hearing and recommended approval of the Strategic Investment Area Small Area Plans as an amendment to the 2013 Charlottesville Comprehensive Plan. The charge developed by the Steering Committee and followed by the consulting team, Cunningham Quill Architects, included the following:

Project Goals

The goals for the SIA plan, as outlined in the Request for Proposals are:

1. To rebuild and preserve public and assisted housing as part of an integrated plan for revitalizing neighborhoods hallmarked by concentrated poverty.
2. To catalyze coordinated investments in neighborhood revitalization, including improvements in infrastructure, education and community assets that attracts businesses and industries.
3. To build the foundations for economically viable neighborhoods of opportunity and choice within one of the city's most distressed communities by promoting

mixed income residential development without displacement and employment growth.

4. To address interconnected challenges: housing, decay, crime, disinvestment, health disparities, adult educational opportunities, transportation and economic opportunities for youth and adults.
5. To create a healthy, viable neighborhood with urban amenities such as public parks, institutions like libraries and excellent food sources and safe, interconnected streets that promote walking, biking, and efficient public transit.
6. To adhere to and comply with the Resident's Bill of Rights for Redevelopment. (note, the Residents' Bill of Rights for Redevelopment can be found on following page).

### Guiding Principles of the Steering Committee

The Steering Committee adopted guiding principles for the SIA plan to:

1. Improve and maintain a high quality of life for the people who live there and those who may in the future by addressing issues surrounding housing decay, crime, health, jobs, adult education, child care, and transportation.
2. Create a healthy neighborhood and a "sense of place" with public parks, libraries, other amenities and healthy food sources with safe and interconnected streets that promote walking, bicycling and efficient public transit and use green infrastructure techniques to improve water quality.
3. Promote mixed income residential development without displacing current residents.
4. Focus and coordinate private and public investment in infrastructure, education and community assets to increase economic, recreation and housing opportunities.
5. Honor the CRHA Residents Bill of Rights and rebuild and preserve existing public and assisted housing as part of an overall plan to revitalize the area. (The SIA will work in concert with the CRHA redevelopment plan and not supersede or replace it).
6. Developed shared understandings of the issues, challenges, opportunities and desired outcome for the SIA.

The purpose of the small area plan is to provide more specific guidance for development and the investment of public dollars in infrastructure within the public area. While more specific than the Comprehensive Plan it is still general in nature and will require the preparation of detailed studies and plans and the development of changes to codes. The SIA plan contains recommendations to move forward with various implementation steps to include:

- Study in detail and preparation of plan for the Pollocks Branch Greenway.
- Changes to zoning codes and possibly design guidelines.
- Streetscape improvements to many streets including 2<sup>nd</sup> Street, Monticello Road, Elliott Avenue and 9<sup>th</sup> Street.
- Redevelopment of Public Housing sites in accord with the Residents Bill of Rights.
- Redevelopment of Friendship Court
- Opportunities for Employment
- Redevelopment of the IX and other properties.

**City Council Vision and Priority Area:** Approval of this agenda item will directly implement the following City Council Vision Area.

- Quality Housing Opportunities For All
- Economic Sustainability

**Budgetary Impact:** Approval of this item will not have a direct impact on the City budget. However, implementation will be quite expensive and could lead to increased City revenue.

**Citizen Engagement:** This project had a tremendous amount of citizen engagement through stakeholder meetings, workshops and public meetings. The Plan was presented in a joint work session of City Council and the Planning Commission on December 4, 2013. Also in attendance were the SIA Steering Committee and the PLACE Design Task Force.

**Recommendation:** To guide development and investment of public funds, the Strategic Investment Area should be adopted as an appendix to the 2013 Comprehensive Plan. This would give its recommendations the same legality and weight as the Comprehensive Plan and, as the resolution states, any area in conflict would be governed by the Strategic Investment Area. The adoption of the SIA is the adoption of a set of general goals, policies and guidelines that will be further defined as implementation moves forward.

**Alternatives:** Council could decide not to amend the 2013 Comprehensive Plan to include the Strategic Investment Area Small Area Plan.

**RESOLUTION  
APPROVING AN AMENDMENT TO THE COMPREHENSIVE PLAN  
FOR THE CITY OF CHARLOTTESVILLE  
TO ADD A STRATEGIC INVESTMENT AREA PLAN  
AS AN APPENDIX**

**WHEREAS**, the City Council designated a steering committee, assisted by an architectural firm as well as the PLACE design task force, to develop a small area plan ("Plan") for an area south of Downtown Charlottesville ("Strategic Investment Area" or "SIA"); and

**WHEREAS**, work on the SIA Plan has been completed, and is set forth within a document dated December 2013, and now, in order for the Plan to be more effectively utilized and referenced as a guide for the development of the SIA, it is proposed that the SIA Plan be adopted as an amendment, in the nature of an appendix, to the City's Comprehensive Plan (2013); and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on January 14, 2014, the Planning Commission considered the December 2013 SIA Plan and recommended that the SIA Plan be approved and that an amendment of the Comprehensive Plan (2013) be adopted to include the SIA Plan as an appendix; now therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville that the SIA Plan dated December 2013 is hereby approved, and the City's Comprehensive Plan (2013) is amended to include the SIA Plan dated December 2013 (including, ~~without limitation~~, all of the goals and objectives set forth therein, and also including the map delineating the boundaries of the area that is the subject of the SIA Plan) as an appendix.

\*add ongoing citizen steering committee to the resolution

\*add sentence to end of the resolution saying "while remaining flexible and open to opportunities unforeseen in the SIA plan."

second paragraph, after "development of the SIA, is a flexible guide, without being binding",



# CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



**Agenda Date:** February 3, 2014

**Action Required:** Adoption of Resolution

**Presenter:** James E. Tolbert, AICP, Director of NDS

**Staff Contacts:** James E. Tolbert, AICP, Director of NDS  
Amanda Poncy, Bike & Pedestrian Coordinator

**Title:** **Transfer of Funds from Capital Improvement Program Contingency for the Context Sensitive Street Design Funding Appropriation - \$50,000 and Approval of the Context Sensitive Design Resolution**

**Background:** In September Councilor Galvin presented the attached resolution titled Designing Walkable Urban Thoroughfares: A Context Sensitive Approach to Council under other business. After discussion the Council referred the resolution to the Planning Commission for comment. The Commission reviewed the resolution at their October meeting and recommended to Council that it be adopted. One of the work items the resolution suggests is the creation of new street design standards for the City. This is an idea supported by staff, the Planning Commission, the Tree Commission, the Bike/Pedestrian Committee, and the PLACE Design Task Force. This item was deferred by the Council at their December 16, 2013 meeting for additional study. That research has been done and the resolution amended to reflect the additional study and address concerns of City Council. This packet now contains the following items:

- The Context Sensitive Streets Resolution that outlines the intent and products desired as well as an allocation of \$50,000 to procure technical assistance as necessary.
- A revised City of Charlottesville Complete Streets Policy, 2014
- A Context Sensitive Street Design Implementation Process.

**Discussion:** The attached resolution outlines several important issues concerning street design in our community and quotes relevant Comprehensive Plan Goals.

- The 2013 Comprehensive Plan of the City of Charlottesville calls for the development of a comprehensive set of street design guidelines based on the City’s Complete Streets Resolution and ITE’s “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach”, as a way to ensure that transportation infrastructure investments support the making of an attractive, healthy, and safe, walkable and bike-able Charlottesville.
- The 2013 Comprehensive Plan of the City of Charlottesville also calls for: Streets that promote connectivity and best practices in storm water management; expanding the City’s overall tree canopy; a transportation system that facilitates greater transit use and promotes well-connected, safe, bicycle-pedestrian infrastructure; a built environment that attracts and supports the city’s existing business community and growing “innovation” industry; and a review and update of the City’s regulatory framework (inclusive of zoning, subdivision ordinance, Standards and Design Manual and district and entrance corridor guidelines) to ensure that it successfully and consistently implements the City’s Comprehensive Plan.
- “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” acknowledges that challenges encountered on any given individual thoroughfare cannot be addressed in isolation of the city-wide network and that establishing a block network plan that enhances connectivity, anticipates impacts of development on traffic, seeks to minimize conflicts between pedestrians, cyclists and vehicles and distinguishes the function, development intensity, modal emphasis and other physical characteristics of individual segments of that network (based on the context) is essential to a well-functioning city-wide transportation system.
- “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” promotes a collaborative, multidisciplinary process that involves all stakeholders in planning and designing transportation facilities; and focuses on applying concepts and principles in the design of thoroughfares that emphasize walkable communities in order to facilitate the restoration of the multiple functions of urban streets.

An outline of the process to accomplish the development of all the items desired by the resolution are attached to the resolution.

**Citizen Engagement:** While there has been no specific engagement on implementation this concept was an important part of the Comprehensive Plan development and the resolution was discussed at the October Planning Commission meeting.

**Alignment with City Council Vision and Priorities:** Approval of this this agenda item aligns closely with the City Council visions to be:

- A Smart Citizen Focused Government
- A Connected Community
- A Green City
- Economic Sustainability

**Budgetary Impact:** Because most of this work will be performed with staff teams working with PLACE sub-committees and members of other committees such as the Planning Commission, Tree Commission, and the Bike/Pedestrian Committee, staff believes that the technical assistance costing no more than \$50,000 will be needed. It is recommended that these funds come from the Capital Improvement Program Contingency Account.

**Recommendation:** Staff recommends the adoption of the attached resolution titled “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” as a recommended “Best Practice” for New and Existing Roadways within the City of Charlottesville, that also transfers \$50,000 from the CIP contingency to a new account for Street Design Standards.

**Alternatives:** The alternative to these actions is to not pass the resolution or the allocation

**Attachments:** Resolution  
Complete Streets Policy  
Context Sensitive Street Design Implementation Policy

**A RESOLUTION ADOPTING “DESIGNING WALKABLE URBAN THOROUGHFARES: A CONTEXT SENSITIVE APPROACH” AS A RECOMMENDED “BEST PRACTICE” FOR NEW and EXISTING ROADWAYS WITHIN THE CITY OF CHARLOTTESVILLE.**

**WHEREAS**, “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” was published by the Institute of Transportation Engineers (ITE) in 2010 to assist communities in improving mobility choices and community character through a commitment to creating and enhancing walkable communities and is the basis for the Virginia Department of Rail and Public Transportation’s (DRPT) “Multimodal System Design Guidelines” and was sponsored by the Federal Highway Administration, the Office of Sustainable Communities, and the U.S. Environmental Protection Agency; and,

**WHEREAS**, “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” promotes a collaborative, multidisciplinary process that involves all stakeholders in planning and designing transportation facilities; and focuses on applying concepts and principles in the design of thoroughfares that emphasize walkable communities in order to facilitate the restoration of the multiple functions of urban streets; and

**WHEREAS**, “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” acknowledges that challenges encountered on any given individual thoroughfare cannot be addressed in isolation of the city-wide network and that establishing a block network plan that enhances connectivity, anticipates impacts of development on traffic, seeks to minimize conflicts between pedestrians, cyclists and vehicles and distinguishes the function, development intensity, modal emphasis and other physical characteristics of individual segments of that network (based on the context) is essential to a well-functioning city-wide transportation system; and

**WHEREAS**, *The 2012 Comprehensive Plan of the City of Charlottesville* calls for the development of a comprehensive set of street design guidelines based on the City’s Compete Streets Resolution and ITE’s “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach”, as a way to ensure that transportation infrastructure investments support the making of an attractive, healthy, and safe, walkable and bike-able Charlottesville, and

**WHEREAS**, *The 2012 Comprehensive Plan of the City of Charlottesville* also calls for: streets that promote connectivity and best practices in storm water management; expanding the city’s overall tree canopy; a transportation system that facilitates greater transit use and promotes well-connected, safe, bicycle- pedestrian infrastructure; a built environment that attracts and supports the City’s existing business community and growing “innovation” industry; and a review and update of the City’s regulatory framework (inclusive of zoning, subdivision ordinance, Standards and Design Manual and district and entrance corridor guidelines) to ensure that it successfully and consistently implements the City’s Comprehensive Plan, and

**WHEREAS**, the Charlottesville City Council finds that the “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” will further the goals of the Charlottesville Comprehensive

Plan herein expressed and complement the City's Stormwater Utility Ordinance and Healthy Eating, Active Living and Complete Streets Resolutions (passed unanimously in 2013 and 2010 respectively);

**NOW THEREFORE, BE IT RESOLVED BY THE CHARLOTTESVILLE CITY COUNCIL:**

That, the ITE Manual, "Designing Walkable Urban Thoroughfares: A Context Sensitive Approach" (herein referred to as the ITE-CSA Manual) is hereby adopted as a best practice by the City of Charlottesville to guide the development of new standards prepared specifically for the City of Charlottesville for ~~on~~ all new and existing roadway improvement projects (inclusive of alleys, lanes, streets, and boulevards for both new and redeveloped roadways and block networks) and is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes.

**BE IT FURTHER RESOLVED BY THE CHARLOTTESVILLE CITY COUNCIL:**

That the PLACE Design Group or its sub-committees as appropriate shall serve as a technical advisory group working with an inter-departmental team(s) of City Staff (from NDS, OED, Public Works, Parks and Recreation, Fire and Police, as appropriate) to develop the following:

- A Policy and Regulatory Audit
- Comprehensive Multi-modal Plan
- City-wide Context Sensitive Design Standards
- City-wide Block Network plan

~~That the Charlottesville City Council, shall establish an advisory group (consisting of members from the Planning Commission, Bicycle Pedestrian Committee, Tree Commission, and PLACE Design Task Force, and others) in the fall of 2013 to work with an inter-departmental team of City staff (consisting of the bike pedestrian coordinator, staff experienced and trained in urban design and landscape architecture or architecture, NDS, OED, Public Works, Parks and Recreation, Fire and Police Departments) to develop a Comprehensive Multi-modal Plan as called for by the ITE-CSA Manual, in conjunction with overseeing a "policy and regulatory audit" (with the assistance of an outside consultant, as deemed necessary by the advisory group) of the City's existing regulatory framework, and~~

That the City-wide Comprehensive Multi-modal Plan shall in turn incorporate the findings and recommendations of the "policy and regulatory audit" and may be modified by the City's small area plans, and

~~That a set of City-wide street design standards, implementation strategies and an enhanced City-wide block network plan shall be developed as part of the City-wide Comprehensive Multi-modal Plan, and~~

That the City-wide Comprehensive Multi-Modal Plan (herein meant to include City-wide street design standards, implementation strategies and an enhanced block network plan,) shall recommend a priority for ~~prioritize~~ projects and identify capital expenditures by project and be presented to the Planning

Commission and Council for adoption after public hearings ~~by the fall of 2014~~, and

That the advisory group shall present its recommendations for revisions resulting from the policy and regulatory audit to the City Council, Planning Commission, or Board or Architectural Review as appropriate, and in the absence of a board with established legal authority for implementation shall oversee the implementation as requested specifically by City Council, and ~~That the advisory group (together with staff) shall oversee the implementation of the City-wide Comprehensive Multi-Modal Plan in coordination with implementing revisions to the City's regulatory framework as recommended by the "policy and regulatory audit" and adopted by the Planning Commission and Council, and~~

That the City-wide Comprehensive Multi-Modal Plan shall begin implementation ~~by the spring of 2015~~ in coordination with the implementation of City-wide regulatory framework changes and its Comprehensive Stormwater/Green Infrastructure Plan as it is completed and necessary funding provided, and,

That each of the deliverables shall be completed within the general framework of the outline attached to this resolution, and that implementation will follow the City of Charlottesville Complete Streets Policy, 2014 attached hereto, and

That until such time as the City-wide Comprehensive Multi-modal Plan is complete and adopted by the Planning Commission and Council, this advisory group may be called upon from time to time to advise Council and Planning Commission on projects (inclusive of development submittals) and assist staff with providing guidance to applicants on matters concerning a project's impact on the safety, functioning, modal-orientation, attractiveness and comfort of city streets, prior to submittal.

**BE IT FURTHER RESOLVED** by the Council of the city of Charlottesville, Virginia that the following is hereby transferred in the following manner:

**Transfer From**

\$50,000                      Fund: 426    Funded Program: CP-080                      G/L Account: 59999

**Transfer to**

\$50,000                      Fund: 426    WBS: P-00800    G/L Account: 59999

**BE IT FURTHER RESOLVED** that the attached revised City of Charlottesville Complete Streets Policy is adopted.



## City of Charlottesville Complete Streets Policy, 2014

Complete Streets are streets that safely accommodate street users of all ages and abilities such as pedestrians, bicyclists, transit riders, and motorists appropriate to the context. Through this policy, the City of Charlottesville intends to ensure that all transportation agencies within the City shall routinely plan, fund, design, construct, operate, and maintain their streets according to the Complete Street principles of the City's "Street Design Guidelines" with the goal of creating an attractive connected multimodal network and great places that balance the needs of all users, except where there are demonstrated exceptional circumstances.

By adopting this policy, the City of Charlottesville:

- Affirms that *Improving Streetscapes* to create great streets, will improve both image and function by providing a safe and attractive environment for street users of all ages and abilities such as pedestrians, bicyclists, transit riders, and motorists;
- Recognizes that the development of pedestrian and bicycle infrastructure supports the Council Vision because it enhances recreational opportunities and well-designed cityscapes, thus promoting active lifestyles;
- Appreciates the positive role that good pedestrian and bicycle facilities play in attracting population growth and sustainable economic development;
- Values the long-term cost savings of developing pedestrian and bicycle infrastructure as they relate to improved public health, improved environmental stewardship, reduced fuel consumption, and the reduced demand for motor vehicle infrastructure.
- Recognizes that Complete Streets may be achieved through single projects or incrementally through a series of smaller improvements or maintenance activities over time, and that all sources of transportation-related funding be drawn upon to implement Complete Streets.
- Intends to maximize the number of transportation options available within the public right-of-way.



## City of Charlottesville Complete Streets Policy, 2014

Additionally, the Charlottesville City Council declares it is the City of Charlottesville policy to:

1. Use the Street Design Guidelines to guide the planning, funding, design, construction, operation, and maintenance of new and modified streets in Charlottesville while remaining flexible to the unique circumstances of different streets where sound engineering and planning judgment will produce context sensitive designs.
2. Incorporate the Street Design Guidelines' principles into all City plans, manuals, rules, regulations and programs as appropriate.
3. Keep street pavement widths to the minimum necessary.
4. Provide pedestrian accommodation in the form of sidewalks or shared-used pathways on all arterial and collector streets and on local streets in identified pedestrian corridors.
5. Provide bicycle accommodation along all arterial and collector streets. Bicycle accommodation on local streets should be provided within the travel lanes shared with motor vehicles and no additional markings, signage, or pavement should be provided unless a designated bicycle route requires the use of a local street.
6. Where physical conditions warrant, plant trees whenever a street is newly constructed, reconstructed, or relocated, according to the attached guidelines from the Tree Commission.
7. The Director of Parks and Recreation and the Director of Neighborhood Development Services will present a written explanation to the City Manager for approval when policies 3-6 above are not reasonable or feasible per the following exceptional circumstances:
  - a. Public safety would be compromised
  - b. Severe topographic constraints exist
  - c. Environmental or social impacts outweigh the need for these accommodations
  - d. The purpose and scope of the project does not facilitate provision of such accommodation
  - e. The total cost of constructing and/or maintaining the accommodation, including potential right-of-way acquisition, would be excessively disproportionate to the need for the facility
  - f. A public consensus determines the accommodation is unwanted.





## City of Charlottesville Complete Streets Policy, 2014

In support of this Complete Streets Policy, the City of Charlottesville will:

- Update all necessary and appropriate codes, standards and ordinances to ensure that design components for all new or modified streets follow the intent of the Street Design Guidelines.
- Update the process of evaluating requests for new curb and/or pedestrian accommodations.
- Identify all current and potential future sources of funding for street improvements.
- Continue inter-departmental project coordination among city departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources.
- Train pertinent staff in the engineering, parks and recreation, public works, planning and transportation departments on the content of the Street Design Guidelines.
- Use the following process when planning improvements within the public right-of-way
  - a. Identify the street type according to Charlottesville street hierarchy (to be reviewed)
  - b. Identify the current and future character district(s) that pertain to the project
  - c. Identify the most appropriate street typical section according to the street type and character district
  - d. Identify any general elements that may apply to the work
- Measure the success of this complete streets policy using the following performance measures:
  - a. Total miles of on-street bicycle routes defined by streets with clearly marked or signed bicycle accommodation
  - b. Linear feet of new pedestrian accommodation
  - c. Number of new curb ramps installed along City streets
  - d. Number of new streets trees planted along City streets
- Update the Street Design Guidelines as needed.

# Context Sensitive Street Design Implementation Process

This outline is provided to enable a better understanding of the work effort required to complete the items identified in the Context Sensitive Streets Resolution. It is the staff expectation that one of the first steps of each staff team and advisory committee will be to review the work programs outlined herein.

Staff believes that there will be some need for consulting services such as design assistance, citizen engagement, and traffic engineering. The initial public engagement is in negotiation. Additional services should not exceed \$50,000 and that is the amount requested in and authorized by the Context Sensitive Streets Resolution.

## **DEFINITIONS**

The following are definitions of the work projects or products contained in the Context Sensitive Streets Resolution

**Policy and Regulatory Audit** – A review of City policies and codes that influence the creation of pedestrian, bike friendly places including Standards and Design Manual, Subdivision Ordinance, Zoning Ordinance, and Water Protection Ordinance

**Green Infrastructure Plan** – Green infrastructure is comprised of many components from natural resources to elements of the built environment that support ecosystem health and integrity and livable communities.

Green infrastructure planning encompasses identifying, evaluating, and prioritizing natural and cultural resources. This can include but is not limited to, analyzing habitat and connectivity of natural areas and open space, identification of opportunities for natural area and open space preservation, enhancement, and restoration, and a coordinated strategy to focus integrate development, redevelopment, and retrofitting activities into the existing green infrastructure network.

Green stormwater infrastructure means any low impact development and/or storm water management planning and design strategies employed with the primary goal of preserving, restoring, or replicating natural hydrologic function. Green stormwater infrastructure maintains, augments, and increases stormwater infiltration, attenuation, filtration, and evapotranspiration and is spatially arranged in an integrated and distributed manner throughout the overall site footprint. Green stormwater infrastructure techniques include, but are not limited to, methods that use soil and vegetation to address natural hydrologic function. Green stormwater infrastructure also includes the preservation and restoration of natural landscape features such as streams, floodplains, and wetlands.

**City-Wide Comprehensive Plan Multi-Modal Plan** – A comprehensive review of the city street network down to the finer grain street network will include 1) city wide street design guidelines that vary with the

context, 2) a block network plan, and 3) implementation strategies

- a. Block Network Plan – The Block Network Plan looks at the circulation network of the City (all kinds of streets, alleys, multi-use trails); future traffic flows (i.e. traffic modeling); trouble areas related to future growth; and opportunities for mode shift.
- b. Context Sensitive Streets Guidelines – New street section guidelines that determine how streets will be constructed and modified in the future based on the character of the street and neighborhood.
- c. An implementation strategy.

## **IMPLEMENTATION STEPS**

### **Public Engagement**

We recommend a strong public engagement process for each of these studies. A coordinated public process will be critical to the success of the development and implementation of the code audit, green infrastructure plan and the multi modal plan.

Staff recently engaged the firm of Toole Design to prepare an update of the bike/pedestrian plan. That effort is very closely aligned with the Multi-Modal Plan and Policy Audit. It is staff's intent to coordinate the initial public engagement process of this effort with the bike/pedestrian planning effort and use Toole to lead that initial engagement effort. Additional public engagement will follow as an important part of each process. The scope of work for this engagement effort is as below:

The TDG Team consists of the following consultants:

- **Toole Design Group, LLC (TDG)**- Project management, civil design, and landscape design
- **Twaddell Associates (TA)** – Stakeholder outreach support.

The following tasks describe the TDG Team's scope of work for this project.

### **Task 1 – Kickoff and Project Management**

The Team will prepare for, participate in, and document a kickoff meeting with the City and other appropriate agency officials to review the scope and schedule for the project as well as clearly identify the project expectations. The Team will prepare a draft project schedule for review and discussion at the kick-off meeting. The Team will also conduct ongoing coordination with the City and other agencies as needed, and will prepare monthly invoices and progress reports. Each report will include task accomplishments, status of deliverables and expected upcoming activities.

#### **Deliverables:**

- Project Schedule
- Kickoff meeting minutes

### **Task 2 – Existing Document Review/ Field Assessment**

The Team will first gather and review available data such as GIS and existing planning documents and policies. A desktop assessment will be conducted to determine preliminary street types. This assessment will pay particular attention to street function, quantity of travel lanes, bicycle and pedestrian facilities, buffers, adjacent land-uses and parking conditions. Additional street components, such as bus routes, and right-of way widths, will be reviewed as well.

The Team will compare the existing street types to the Virginia Department of Rail and Public Transportation (VDRPT), Multimodal System Guidelines to determine applicable standards/guidelines to Charlottesville. The Team will complete a limited field reconnaissance of typical street types, and to gain a more thorough understanding of the context, and to determine areas which may require additional verification. The field review will be conducted using topography mapping, and aerial photography provided by the City of Charlottesville to record findings. The Team will draft a summary memorandum of existing conditions observed in the field reconnaissance.

### **Task 3 – Stakeholder Involvement Meeting/Workshop**

The Team will facilitate a stakeholder meeting/ workshop to gather input on the results of the field review/ reconnaissance completed in Task 2, and to learn about specific concerns and observations, and to identify the potential elements of streets for consideration. The Team has extensive experience employing a host of stakeholder engagement strategies, and will work with the City to determine which will be most effective. The Team will meet with City staff to determine what opportunities should be further refined and elevated.

#### **Deliverables:**

- Summary of workshop outcomes

#### **Meetings:**

- Stakeholder Meeting/Workshop
- Review Meeting with the City of Charlottesville

### **Task 4 – Draft Outline and Technical Memorandum**

Based on prior tasks, the Team will develop an annotated outline of the proposed guidelines. The Team will also develop an accompanying memorandum that will include:

- Overview of the document review, field analysis and discuss the potential use of VDRPT guidelines.
- Documentation of the client and stakeholder input.
- Analysis of other relevant issues, costs and trade- offs of adopting context sensitive guidelines.
- Action plan for moving the process forward to develop finalized guidelines (potential future Phase).

The annotated outline and memorandum will be desktop published in In-Design, and will include

photographs, and graphics as needed to convey concepts in an easy-to-understand manner. The draft annotated outline and memorandum will be reviewed by the City staff and revisions will be made based on their input.

**Deliverables:**

- Draft and revised Draft Annotated Outline and Technical Memorandum

**Meetings:**

- Review Meeting with the City of Charlottesville

**Task 5 – Stakeholder Review Meetings (3)**

The Team will present the annotated outline and memorandum to up to three stakeholder meetings to receive input and recommendations. The stakeholder group may consist of the following groups:

- Place Design Task Force
- Bicycle & Pedestrian Committee
- Tree Commission
- ADA Committee

Following the stakeholder meetings, the Team will meet with City staff to present the findings from the stakeholder meetings and determine the final revisions to the annotated outline and memorandum.

**Deliverables:**

- The Team will prepare meeting materials for up to three meetings
- Finalized Annotated Outline and Technical Memorandum

**Meetings:**

- Stakeholder Meetings (3)
- Review Meeting with the City of Charlottesville

**Plan Process**

Below are outlines of how each of the three studies can proceed. It is anticipated that they will proceed concurrently with the policy and regulatory audit being completed first and informing the other two.

**A. Policy and Regulatory Audit**

Staff has begun the process of this audit and is developing a step by step process designed for Charlottesville. An NDS staff member who has conducted these type projects in the past will lead the staff team. She will be assisted by an interdepartmental staff team and a newly appointed committee of the PLACE Design Task Force. Work performed by the consultants for both the Strategic Investment Area Plan and the West Main Street Study will be used as a resource for this effort. This process will begin with three goals:

- Align the codes with the vision of the Charlottesville Comprehensive Plan, Small Area Plans and Council Vision.

- Incorporate standards to address changes in technological advances and best practices.
- Simplify the organization of the codes and clarify the various approval processes.

A preliminary work plan has been identified and is outlined below:

Project Phases

- Phase 1: Analysis and Problem Definition
- Phase 2: Alternative Approaches
- Phase 3: Drafting New Code
- Phase 4: Code Adoption and Implementation

Phase 1      Analysis and Problem Definition

- Analysis and Problem Definition
- Plan-driven approach
- Key players
  - City Staff
  - PLACE Committee
  - Consultant Team (Possible)
- Stakeholder interviews (consultants, staff, code users, organizations, city council)
- Public listening sessions throughout City
  - What type of development do you like/not like in your neighborhood?
  - What type of development would you like to see?
  - What type of streetscapes?

Phase 2      Alternative Approaches

- Analysis, problem definition and identification of next steps
- Additional general analysis of “character” and forces of change
  - Neighborhood typologies
  - Typical building types
  - Demolition and rebuilt patterns/trends
- Next steps: further definition of neighborhood “character” or “context” for zoning purposes
- Additional general analysis of disconnect from adopted plan objectives
  - Comparison of current code vs. plan:
    - Capacity
    - Land use mix
    - Return on investment (selected situations)

Phase 3      Drafting New Code

- Led by PLACE, Planning Commission or BAR as appropriate with staff support
- Derived from Diagnostic Report
- Written statement of Top 3 problems to fix, example

- Vision and code alignment
- Complexity and consistency of code procedures
- Code format and usability

Phase 4      Code Adoptions and Implementation

**B.      City-Wide Comprehensive Multi-Modal Plan**

A Comprehensive Multi-Modal Plan will include both the Block Network Plan and the Context Sensitive Design Plan. This is a fairly complex process that is integral to addressing both local traffic issues and the design of our streets. The planning process will be led by a staff team possibly supplemented by consulting design professionals. There is a considerable amount of existing data that can inform this project. The MPO is wrapping up their model development for the newest Long Range Transportation Plan for the urban area. That work provides an excellent analysis of current and projected traffic for many of the arterial and collector streets in the City. Combined with traffic counts done on a regular basis by VDOT and the City, there is only a small need for supplemental data gathering.

It is anticipated that staff team participants will represent many departments to include the following:

- NDS
- Public Services
- Utilities
- Parks and Recreation
- Police
- Fire
- Environmental Sustainability
- Water Resources Protection Program/Stormwater Utility

Relationship to the Bike/Pedestrian Plan Update – Staff and the Bike/Pedestrian Committee are working on an update to the 2004 Bike/Pedestrian Plan. That plan will review routes and networks for the bike network and the recommendations will inform the efforts of the multi-modal plan. New street sections will be used to implement the plan.

A Multimodal System Plan needs the following three basic sets maps to ensure a proper review:

- A. Map of Land Use Density/Intensity
- B. Map of Multimodal Districts and Centers
- C. Map of Multimodal Corridors with Modal Emphasis

Phase 1      Mapping Land Use Density/Intensity

Develop a map of existing and future population and employment density in terms of Activity Density. Activity Density is a measure of population and employment density and is expressed in terms of jobs plus population per acre.

- Phase 2      Mapping Multimodal Districts and Centers
1. Develop a map of the potential Multimodal Districts that are planned for the region.
  2. Develop a map of potential Multimodal Centers that are planned for the region.
  3. Designate the Multimodal Center Types on the map of the potential Multimodal Centers.
- Phase 3      Mapping Multimodal Corridors with Modal Emphasis
1. Develop a map of the potential Multimodal Corridors that are planned for the region.
  2. Show the Transect Zones for each Multimodal Corridor on the Multimodal System Plan.
  3. Show the proposed Modal Emphasis for each Multimodal Corridors on the Multimodal System Plan.
  4. Show all of the above data on a single Multimodal System Plan.
- Phase 4      Develop Context Sensitive Street Sections
1. Modify context by neighborhood input.
  2. Develop typical sections.
  3. Put into Standards and Design Manual with construction detail sheets.

**C. Green Infrastructure Plan**

Green infrastructure planning includes an existing green assets inventory. The inventory may include, but is not limited to, analyzing habitat and community level connectivity of natural areas and open spaces, identification of opportunities for natural area and open space preservation, enhancement, and restoration, and a coordinated strategy to focus integrate development, and redevelopment activities into the existing green infrastructure network.

It should be noted that as a near term priority of the Stormwater Utility, a city wide Water Resources Protection Program master plan will be completed that includes a significant green stormwater infrastructure component that identifies and prioritizes capital projects aimed at pollutant reduction requirements and watershed improvements.

Below is a rough outline of a planning process that is based on guidance from the Virginia Green Infrastructure Center. As this process evolves we will be looking for additional guidance on a scope of work. It is anticipated that this work will be led by a staff team including staff from the Stormwater Utility, Environmental, Parks and Recreation, NDS and others as needed.

Phase 1: Set Goals – What does the community value?

Phase 2: Data Review – What do we know and what do we need to know?

Phase 3: Asset Mapping – Map the community’s ecological, cultural and economic assets.



What is mapped is based on goals established in Step 1.

Phase 4: Risk Assessment – Find out what’s at risk and what could be lost

Phase 5: Opportunities – Based on assets and risks, assess what can or should be saved? What could be restored? What will be developed? Engage the community in ranking key areas of importance. Map these opportunities and draft strategies to conserve them.

Phase 6: Include strategies in local plans for parks, zoning, comprehensive planning, stormwater.

**Conclusion**

The effort to develop each of these work products will be a complex process that can only be successful if all work is coordinated. While the actual work is not complex, the coordination and the public engagement add intricate layers to the process that are the key to successful completion.

Below is a projected timeline for the process that shows how they are moving to completion.

	March, 2014	July, 2014	August, 2014	Dec., 2014	March, 2015	June, 2015
<b>Public Engagement</b>						
Task 1	X					
Task 2		X				
Task 3		X				
Task 4			X			
Task 5			X			
<b>Policy/Regulatory Audit</b>						
Phase 1			X			
Phase 2				X		
Phase 3					X	
Phase 4						X
<b>Multi-Modal Plan</b>						
Phase 1		X				
Phase 2			X			
Phase 3				X		
Phase 4					X	
<b>Green Infrastructure Plan</b>						
Phase 1		X				
Phase 2			X			
Phase 3				X		
Phase 4				X		
Phase 5				X		
Phase 5						X

\*Dates shown are Projected Completion Dates

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

Agenda Date: February 3, 2014

Action Required: Consideration of a Rezoning Application

Presenter: Michael Smith, Neighborhood Planner, Neighborhood Development Services

Staff Contact: Michael Smith, Neighborhood Planner, Neighborhood Development Services

**Title: ZM 13-07-11: Water Street PUD**

**Background:**

The applicant and owner's representative, Riverbend Development, is requesting to rezone a vacant parcel adjacent to Water Street Extended from Downtown Extended (DE) Mixed-Use Corridor with Individually Protected Property Overlay (portion) to Planned Unit Development (PUD) with Individually Protected Property Overlay (portion) with proffers. This property is further identified on City Real Property as Tax Map 57, Parcel 157A having approximately 950 feet of frontage on Water Street and containing approximately 94,089 square feet of land (2.16 acres).

**Discussion:**

The Planning Commission considered this application at their regular meeting on January 14, 2014. The Commission expressed concern with the lack of architectural standards established in the application, as well the proposed orientation of the open space. Additionally, Council expressed reservations regarding the proffer statement and the proposal to donate the coal tower and the surrounding property to the City.

Following the Commission meeting, the applicant revised the application to address concerns noted during the meeting. The Coal Tower and surrounding property is no longer noted in the proffer statement as donation of land to the City and will now be under the responsibility of the HOA. The applicant has also revised the units west of the Coal Tower by removing the drive aisle, resulting in a more cohesive block structure and increasing the open space around the Coal Tower from .155 acres to .169 acres.

**Citizen Engagement:**

Staff discussed the application with various members of the public. Additionally, the applicant held a community meeting on December 18<sup>th</sup>, 2013 with members of the Belmont, Martha Jefferson, and Woolen Mills neighborhood associations.

**Alignment with City Council's Vision and Priority Areas:**

cultural centers...Our housing stock is connected with recreation facilities, parks, trails, and services.”

The City Council Vision of Economic Sustainability states that “The City has facilitated significant mixed and infill development within the City.”

**Budgetary Impact:**

No direct budgetary impact is anticipated.

**Recommendation:**

The Commission took the following action:

“Mr. Keesecker moved to recommend the approval of this application, including submitted proffers, to rezone the subject property from Downtown Extended Mixed-Use(DE) with Individually Protected Property Overlay to PUD with Individually Protected Property Overlay , on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.”

Mrs. Sienitsky seconded the motion. The Commission voted 6-1 to recommend approval of the rezoning. Ms. Green voted against the motion.

**Alternatives:**

None.

**Attachment:**

Staff Report, PUD Application, Consent of Owner

**CITY OF CHARLOTTESVILLE**  
**DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES**  
**STAFF REPORT**



**APPLICATION FOR REZONING OF PROPERTY**

**PLANNING COMMISSION AND CITY COUNCIL JOINT PUBLIC HEARING**

**DATE OF HEARING: January 14, 2013**

**APPLICATION NUMBER: ZM 13-07-11**

**Project Planner:** Michael Smith  
**Applicant:** Riverbend Development, Inc.  
**Applicant's Representative:** Alan Taylor

**Application Information**

**Property Street Address:** Water Street Extended

**Tax Map/Parcel #:** 57-157A

**Total Acreage Site:** 2.11

**Comprehensive Plan (Land Use Plan) Designation:** Mixed-Use

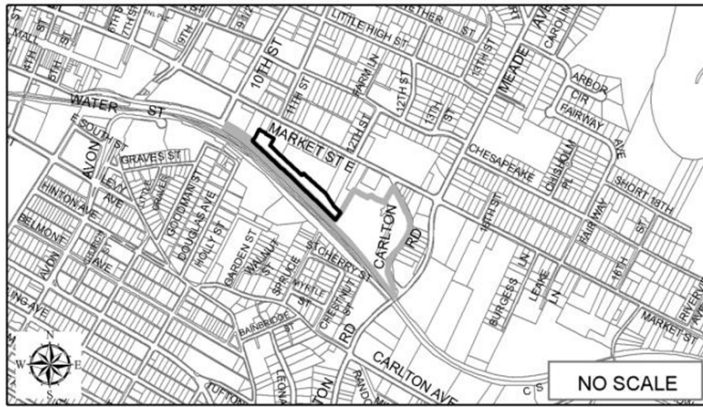
**Current Zoning Classification:** Downtown Extended (Mixed Use) and IPP (Individually Protected Property)

**Tax Status:** All taxes have been paid on this property.

**Applicant's Request:**

The applicant is requesting to rezone a vacant parcel adjacent to Water Street Extended from Downtown Extended (DE) Mixed-Use Corridor with Individually Protected Property Overlay (portion) to Planned Unit Development (PUD) with Individually Protected Property Overlay (portion) with proffers. The portion of the property with an IPP consists of the Coal Tower and the .155 acres (6,751 sq. feet) surrounding the tower. Proffers include a contribution towards the City's Affordable Housing Fund and dedication of open space and the Coal Tower IPP to the City of Charlottesville. This property is further identified on City Real Property as Tax Map 57, Parcel 157A having approximately 950 feet of frontage on Water Street and containing approximately 94,089 square feet of land (2.16 acres). The overall residential density proposed is 24 DUA. The general uses called for in the Land Use Plan of the 2013 Comprehensive Plan are for Mixed-Use.

## **Vicinity Map**



## **Rezoning Standard of Review**

The planning commission shall review and study rezonings to determine:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
- (3) Whether there is a need and justification for the change; and
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

## **Planned Unit Development Standard of Review**

In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

- To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
- To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
- To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;
- To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;

- To provide for developments designed to function as cohesive, unified projects;
- To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
- To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
- To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
- To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
- To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

**Project Review:**

**Overall Analysis:**

**1. Proposed Use of the Property**

The property will be utilized for residential uses and public parkland. Twenty-four(24) single-family detached units are proposed, as well as 0.133 acres (5,793 sq. feet) of public parkland.

**2. Zoning History**

In 1949 the property was zoned C Industrial. It was shown as M-2 Industrial on the 1958 and 1976 zoning map. The property was zoned M-1 Industrial in 1991 and then, as part of the comprehensive zoning changes of 2003, the property was zoned Downtown Extended Mixed Use Corridor.

**3. Character and Use of Adjacent Properties**

<b>Direction</b>	<b>Use</b>	<b>Zoning</b>
North	Commercial and Multi-Family Residential	DE
South	Belmont Lofts	PUD
East	Multi-Family Residential(City Walk)	DE
West	Office	DE

**4. Reasonableness/Appropriateness of Current Zoning**

The current zoning is reasonable and appropriate as this area is currently surrounded by medium to high residential density uses, as well as commercial and office uses. The applicant is pursuing the PUD rezoning in order to achieve a reduction in lot widths and attain more density. Under current zoning, the single-family detached units would be required to have 50’ of frontage along Water Street. The PUD rezoning will allow a reduction in lot widths(lot widths will range from 34’-51’) and nine(9) additional units.

**5. Reasonableness/Appropriateness of Proposed Zoning**

The proposed zoning is reasonable and appropriate for this area. The proposed PUD uses that are currently allowed by-right within the DE zoning district.

**6. Consistency with Comprehensive Plan**

The PUD proposal contains elements reflective of comprehensive plan goals within the following chapters: Historic Preservation and Urban Design, Transportation, Land Use, and Housing. Specific goals include:

**Historic Preservation and Urban Design**

Goal 1.6: Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts.

**Transportation**

Goal 2.6: Promote urban design techniques, such as placing parking behind buildings, reducing setbacks and increasing network connectivity, to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways.

**Land Use**

Goal 2.3: Enhance pedestrian connections between residences, commercial centers, public facilities, amenities and green spaces.\*

**Housing**

Goal 3.5: Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need.

**7. Potential Uses of the Property**

An approved PUD shall allow for those uses shown on the approved PUD development plan which would include in this application: single-family detached residential units and public open space.

**8. Access, Circulation, and Traffic:**

The proposed PUD has street frontage on Water Street. Motorists will access the proposed residential units by entrances off of Water Street. Pedestrian and bike access will be provided by the multi-use trail and sidewalk to be installed with the Water Street extension.

**9. Planned Unit Standards:**

The PUD proposes 0.332 acres (14,026 square feet) of open space, which is 15.4% of the project area. City Code requires that at least 15% of the gross land area be in open space. According to the Code, open space must be useable for recreational purposes, or provide visual, aesthetic or environmental amenities. The largest area of



useable open space will be addressed by the 0.133 acres around the Coal Tower, which the applicant proposes to donate to the City.

**10. Process**

If the rezoning is approved, and before any site development, the applicant will be required to submit for review a preliminary site plan that is in substantial conformance with the approved PUD.

**11. Impact Mitigation**

The applicant has submitted proffers in an effort to offset and mitigate certain impacts anticipated as a result of the proposed development.

Proffer #1 regarding affordable housing supports the City’s goal of 15% supported affordable housing by 2025 by contributing funds into the Charlottesville Housing Fund.

Proffer #2 regarding donation of open space supports the City’s efforts towards encouraging and providing meaningful public spaces that promote historic resources.

**Proffers**

The applicant has submitted the following proffers:

1. The owner/applicant shall hereby make a cash contribution of One Hundred Thousand Dollars (\$100,000.00) to the city’s affordable housing fund for the (9) additional units achieved on the property over and above the 15 units under the by-right conditions of the property. The total cash contribution shall be divided equally by the proposed 24 units and shall be paid on a per unit basis on each unit prior to issuance of a Building permit for each individual unit.

Staff believes the concept established in Proffer #1 is appropriate. Under current zoning, the applicant could build fifteen (15) single-family detached units by-right. As a mechanism towards minimizing the impact of the addition nine (9) units the applicant is seeking through the PUD, the applicant has elected to contribute \$100,000 dollars to the Charlottesville Housing Fund to help support housing affordability initiatives throughout the City.

2. The proposed common open space area surrounding the existing historical Coal Tower and totaling a square footage of no less than 5,600 SF and the Coal Tower structure shall be dedicated to the City of Charlottesville upon written request from the City of Charlottesville.

Staff believes the donation of open space and the Coal Towers structure proposed in Proffer #2 is appropriate. Staff has reviewed this proposal with City Parks and Recreation staff, as well as the City Manager’s office, and both parties have agreed

with the proposed language.

### **Public Comments Received:**

On December 18, 2013, the applicant held a meeting and invited residents of the Belmont, Martha Jefferson and Woolen Mills neighborhood to attend. Staff was unable to attend the meeting, but spoke with the President of the Belmont Neighborhood Association and the applicant about the meeting. Overall, the neighborhood received the PUD concept positively, however, desired to see a potential commercial component associated with the proposal, as well as a potential pedestrian connection to downtown Belmont. The neighborhood also hopes to further engage with the applicant on architectural details as the project moves forward.

### **Staff Recommendation:**

The standard of review for Planned Unit Developments states ten objectives that potential PUDs should aspire to meet. While it is not necessary for a PUD to meet all ten objectives, the development should be evaluated based on those objectives.

Staff finds that the proposed PUD meets aspects established in nine(9) of the ten(10) objectives contained in the PUD ordinance:

- To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
- To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
- To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
- To provide for developments designed to function as cohesive, unified projects;
- To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
- To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
- To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
- To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
- To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Staff believes this application does NOT meet the aspects of the following objective:

- To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes.

Although the proposed PUD application does not directly address the PUD objective noted above, staff believes the housing type proposed presents a unique, urban housing type for the City along a key multi-modal corridor. Additionally, the PUD rezoning proposes a development of higher quality than what would otherwise be required by the strict application of the Downtown Extended (DE) zoning district regulations. The proposed PUD reflects numerous goals and objectives established in the 2013 Comprehensive Plan and staff believes the proposed uses will be compatible and harmonious with surrounding land uses.

Staff recommends approval of the rezoning and proffers as submitted.

### **Attachments**

Application materials.

### **Suggested Motions:**

1. “I move to recommend the approval of this application, including submitted proffers, to rezone the subject property from Downtown Extended Mixed-Use(DE) with Individually Protected Property Overlay to PUD with Individually Protected Property Overlay , on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.”
2. “I move to recommend denial of this application to rezone the subject properties from Downtown Extended Mixed-Use(DE) with Individually Protected Property Overlay to PUD with Individually Protected Property Overlay.”
3. Alternate motion.

**AMENDED AND RESTATED  
OPERATING AGREEMENT  
OF  
CHOCO-CRUZ, LLC**

This shall be the Amended and Restated Operating Agreement of CHOCO-CRUZ, LLC, a Virginia limited liability company (the "Company"), a single member limited liability company, and shall supersede and replace any prior Operating Agreement of the Company. If, at any time, the Company shall have more than one member, this Amended and Restated Operating Agreement shall be amended as appropriate.

1. The sole member of the Company shall be R. Coran Capshaw (the "Member").
2. All powers of the Company shall be exercised by or under the authority of, and the business affairs of the Company shall be managed under the direction of, one or more managers of the Company (each, a "Manager"), any one (1) of whom may act to bind the Company without concurrence of or acknowledgement by any other Manager, except that the Member shall choose the Manager(s).
3. There shall be two Managers, which are River Bend Management, Inc., a Virginia Corporation, and R. Coran Capshaw, either of whom may act.
4. The Member shall appoint such officers and delegate such authority to such officers as it may choose.
5. No Member or Manager shall be obligated to contribute money or assets to the Company.
6. The Company shall not be dissolved upon the death, resignation, retirement, expulsion, or bankruptcy of the Member, but only upon a written resolution of dissolution executed by the Member.
7. This shall be the only Operating Agreement for the Company. There shall be no amendment to this Operating Agreement, no change in the Manager(s), no change in the Member, except, in each case, by a writing signed by the Member.

[Signature page follows.]

WITNESS the signature of the undersigned to this Amended and Restated Operating Agreement of Choco-Cruz, LLC, effective as of December 1, 2012.



R. Coran Capshaw, Sole Member

# Water Street Promenade

## PUD Application Plan

City of Charlottesville, Virginia



Submitted by:

Riverbend Development, Inc. – Developer

Collins Engineering, Inc. – Civil Engineer

July 23, 2013

Revised January 22, 2014  
WATER STREET PROMENADE PUD APPLICATION

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## Purpose and Intent

The Water Street Promenade property is located adjacent to the CSX railroad at the eastern terminus of Water Street in downtown Charlottesville, Virginia. Riverbend Development, Inc. seeks to rezone TMP 570157A00, a 2.16 acre residue parcel created from the existing development on parcel TMP 570157000. The subject parcel is currently zoned DE – Downtown Extended Corridor Mixed Use. Within this parcel, the existing Coal Tower structure exists within the Architectural Design Control Districts and Individually Protected Properties overlay district. The City of Charlottesville Code of Ordinances requires that properties rezoned to a Planned Unit Development District (PUD) contain land in excess of 2.00 acres. The applicant seeks a PUD rezoning of the Water Street Promenade 2.16 acre property, pursuant to the City Ordinance.

This document and the exhibits herein shall constitute the Water Street Promenade General Development Plan, which is intended to establish a framework of standards for the development while allowing flexibility upon final design. The Development Plan provides regulatory requirements that the applicant acknowledges will require interpretation. It is the goal of Riverbend Development, Inc. to ensure a quality community through rezoning of the property using the standards detailed herein.

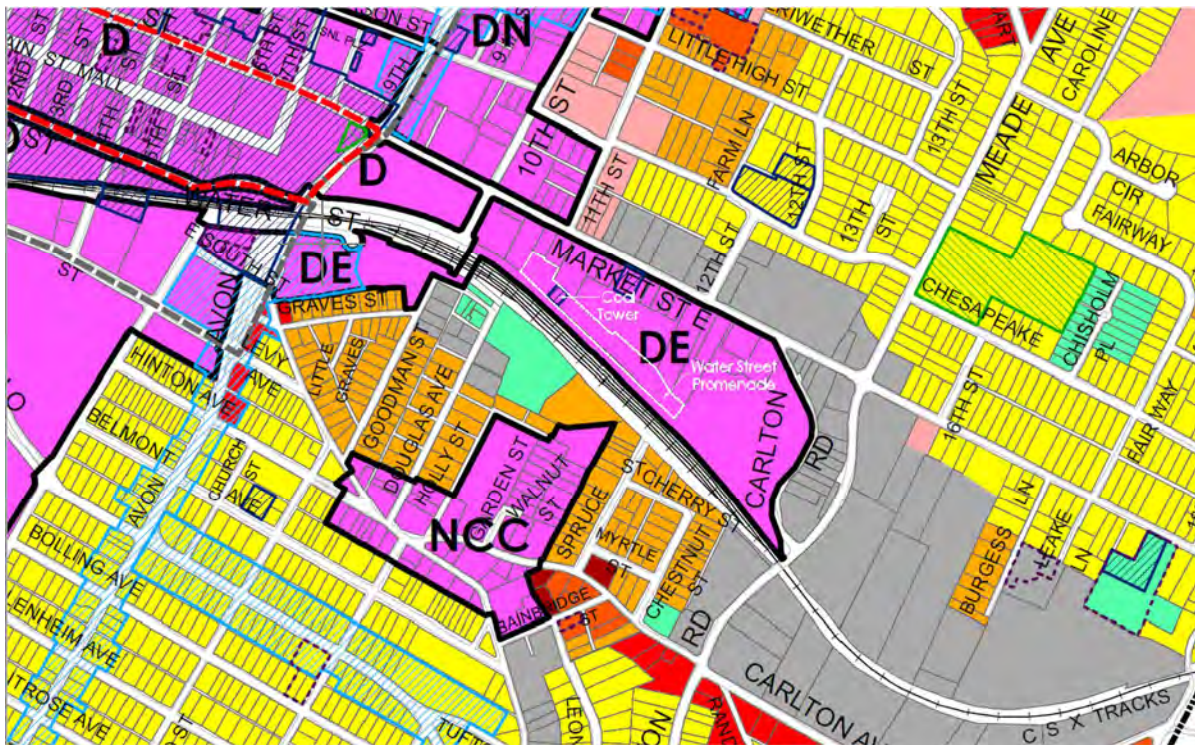


Figure 1: Existing Zoning Map



## Land Use

### Existing Conditions

The existing Water Street Promenade property consists of a single residue parcel comprising 2.16 acres of land. The project is bordered by the CSX Railroad to the south, commercial properties fronting 10<sup>th</sup> Street to the west, commercial properties fronting East Market Street to the north, and an apartment development to the east. An existing City sanitary sewer line and City 2'x2' storm box culvert run through the Water Street Promenade property. The lines will be retained with the proposed design.

Development parcel TMP 570157000 originally comprised 10.654 acres of land and included improvements at the southern property line of the Water Street Promenade residue parcel. The approved adjacent apartment project extended the existing terminus of Water Street east to Carlton Road creating a new public right-of-way frontage for the Water Street Promenade project lots. The Water Street extension will provide water and storm sewer, a new 5' concrete sidewalk north of the road, and a new 10' wide multi-use trail to the south of the road connecting the 10<sup>th</sup> Street intersection to Carlton Road and Meade Street. These improvements create a tremendous opportunity for a new development with walkability and access to downtown Charlottesville within this residue parcel.



Figure 2: Existing Conditions – Water Street Promenade  
WATER STREET PROMENADE PUD APPLICATION

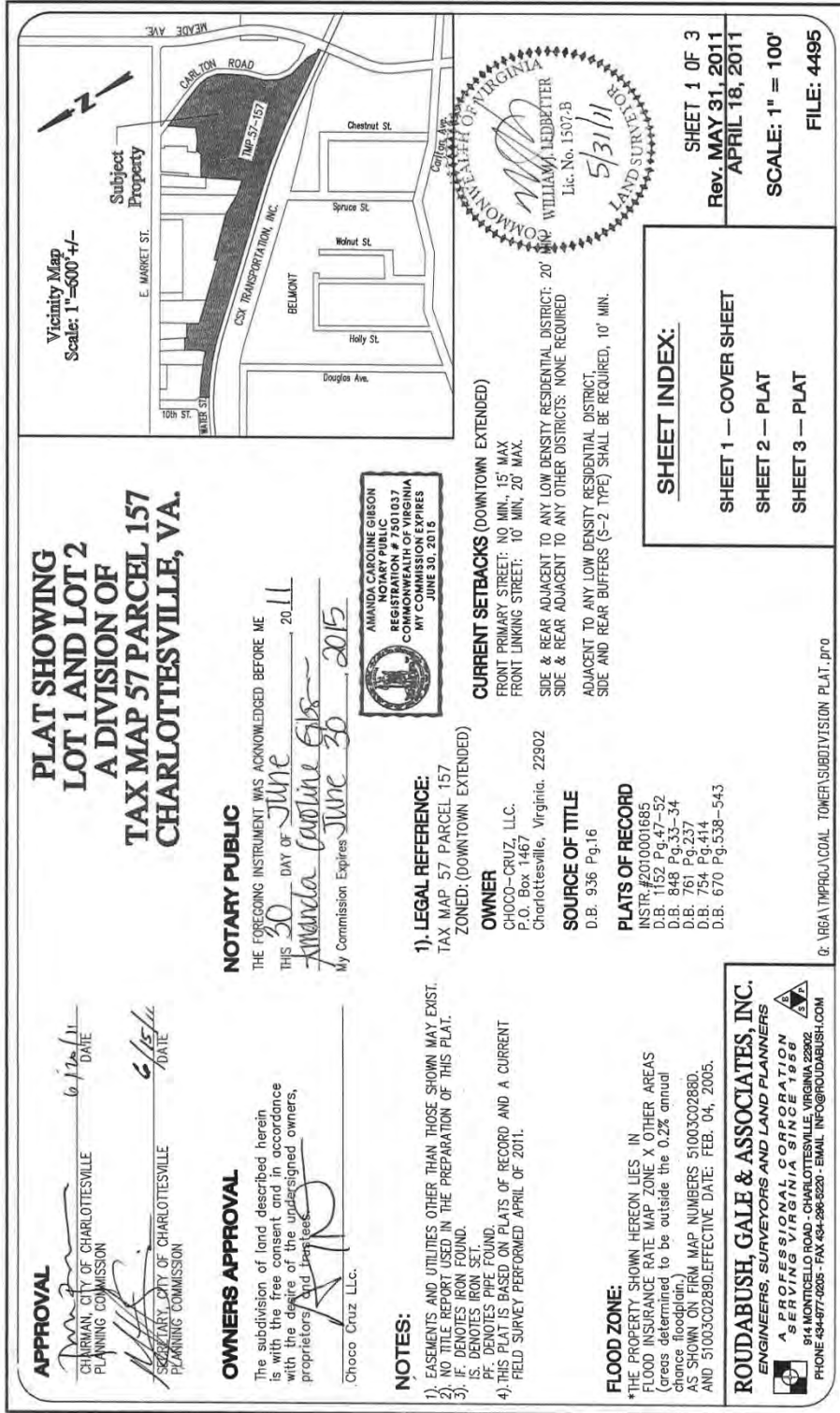


Figure 3: Property Plat (Not to Scale)

WATER STREET PROMENADE PUD APPLICATION

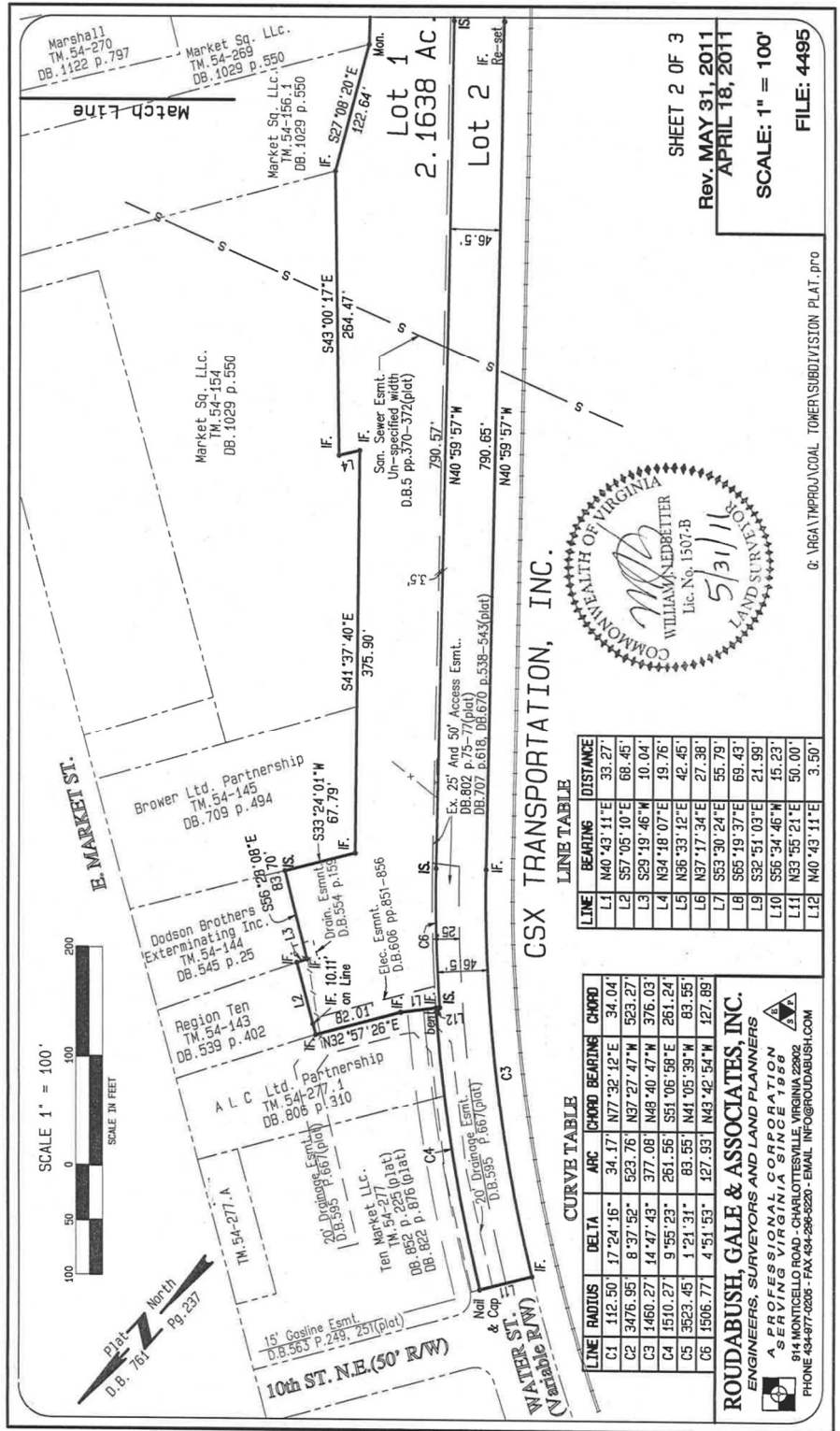


Figure 4: Property Plat (Not to Scale)  
 WATER STREET PROMENADE PUD APPLICATION





## *Proposed Uses, Design & Phasing*

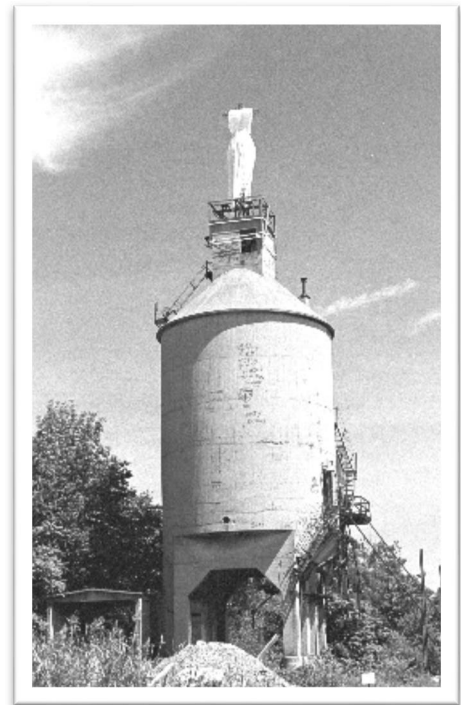
The Water Street Promenade General Development Plan proposes the development and construction of (24) single-family houses, fronting along the newly constructed portion of Water Street, between 10<sup>th</sup> Street and Carlton Avenue. The construction of these single-family houses will occur in one phase with the development of the site improvements.

The proposed single-family houses will be constructed in accordance to the materials and architectural guidelines as outlined in the PUD application. The houses will be 3-story houses with a basement and garage. The garage will be accessed from the proposed alley in the rear yards of the lots. None of the houses will have a driveway with direct access to Water Street. All the driveways will connect to the proposed alleys for the project.

Landscaping with large shade street trees every 35' on center will line the property along Water Street. The large shade trees will be planted in a minimum of 13'x13' area to allow the trees to reach full growth and caliper. See additional details and information in the landscaping section of the PUD application.

The (19) proposed single-family houses east of the existing Coal Tower shall be constructed along Water Street with a build-to-line of 8' for the house and 0' for the front porches. The front porches shall be positioned to allow room for the large shade street trees along Water Street. The (5) proposed Single Family houses west of the existing Coal Tower will vary in front setbacks to partially open up the viewshed of the existing Coal Tower down Water Street.

The existing Coal Tower is of special historic value to Charlottesville, and the Commonwealth of Virginia. This development proposal is designed protect and preserve the existing Coal Tower individually protected property. The proposed (5) single-family houses have been set back from the street to partially open up the view of the Coal Tower from the streetscape. The Coal Tower shall be preserved within an open space area dedicated to the neighborhood Homeowners Association. The park and the Coal Tower shall be maintained by the HOA. The park around the Coal Tower shall be sodded and landscaped to create an inviting and well-designed public space for use by the community. No benches are intended to be provided in this design. Prior to dedication, a plaque will be erected on the open space to commemorate the historic aspects of the Coal Tower.





WATER STREET PROMENADE PUD APPLICATION



## The Vision for Water Street Promenade

The Water Street Promenade project proposes an urban infill development in an underutilized vacant parcel adjacent to Charlottesville's vibrant downtown city center. The residential component of the project proposed along the Water Street extension is intended to foster a sense of community and connection currently missing between the residences to the west and the Downtown Mall. The buildings shall communicate with the streetscape, and provide an urban, yet residential feel. The building heights, scale, and setbacks shall be harmonious as to height, mass, lot coverage, and setbacks with the existing adjacent uses. The proposed design complements the City of Charlottesville Comprehensive Plan goal to provide a variety of housing types at employment and cultural centers in the downtown district. The Water Street Promenade is a creative usage of a narrow strip or residue land, which shall provide housing and additional tax revenue for the City.

- (1) The development of the Water Street Promenade project as a single family city row home concept is a higher quality product than a strict application of the downtown east zoning ordinance would allow. The existing Downtown Extended Corridor Mixed Use zoning designation on the property does not permit reduced lot widths critical to the communication of the proposed structures with the street. The proposed row homes conform to all the requirements and regulations of the DE zoning district, with the exception of the 50' wide lot requirement.

The purpose of this rezoning is to utilize smaller lots widths to establish the characteristics of this neighborhood with a traditional neighborhood design. This concept is an appropriate design for the narrow and long shape of the residue parcel land. The choice of high quality single-family homes in the city is deliberate. While apartments are located next door and townhomes would be a logical fit for this property, the applicant is pursuing row homes as an urban housing type. The current code makes no allowance for this successful urban housing model, which allows home ownership without shared party walls.

- (2) The Water Street Promenade development row home design shall provide an innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design. The reduced setbacks utilized shall create a street wall of attractive homes and landscaping. Less attractive attributes, such as parking, shall be shifted behind the proposed structures essentially out of view from the street. The building footprints will provide an efficient use of space with garages located within the structures. The concept also respects the existing site environmental conditions, by allowing the City storm box culvert to pass through the site undisturbed without modification to the storm sewer flow patterns.
- (3) The project promotes the inclusion of homes of various sizes. The existing zoning of the subject parcel encourages the construction of a high rise structure to utilize

this narrow strip of land. The 24 single-family homes proposed in this PUD shall vary in form and finishes to provide diversity and visual interest, while remaining clustered in an efficient use of the available land.

- (4) The PUD zoning will allow and encourage the clustering of single-family dwellings along Water Street for a more efficient use of land and provides the ability to preserve open space. By siting the homes more closely together, the Water Street Promenade property allows for an open space buffer at the Coal Tower.
- (5) The Water Street Promenade PUD will allow the Water Street frontage to function as a cohesive, unified project from a pedestrian perspective at the street. The city row home concept will provide continuity between the single family units, and the reduced side setbacks will make it apparent that this is a unified block.
- (6) The Water Street Promenade project will be harmonious with the existing uses and character of the adjacent properties. The proposed single-family units will provide an urban transition from the downtown commercial zone to the adjacent apartment high rises. The active use of the street frontage along Water Street will complete a missing link between the Downtown Mall area and the apartments beyond.
- (7) The proposed Water Street Promenade development shall enhance and respect the existing site resources. The Coal Tower protected historic property shall be preserved and incorporated into open space dedicated to the Homeowners Association. This cultural feature will be available for the community to enjoy and explore.
- (8) The project shall provide for coordination of architectural styles internally within the development, as well as in relation to adjacent properties. The single family row homes shall exhibit a cohesive, unified architectural design that coordinates with the downtown commercial buildings to the west, and the apartment project to the east.
- (9) The project will provide for coordinated linkages among the internal uses, and provide external connections to the adjacent neighborhoods. The Water Street adjacent sidewalk provides a street connection to each single-family building front, while the vehicular alley shall provide access for each unit at the rear. Sidewalk connections will be provided through the development from Water Street.
- (10) The Water Street Promenade PUD shall facilitate access to the development via public transit and public pedestrian systems. The extension of Water Street shall provide a vehicular connection from 10<sup>th</sup> Street to Carlton Road and beyond. A sidewalk shall parallel Water Street to the north, and a ten-foot wide pedestrian trail shall parallel Water Street, providing access to the Charlottesville Downtown Transit Station and beyond.



## General Development Plan

### *Development Characteristics & Parking*

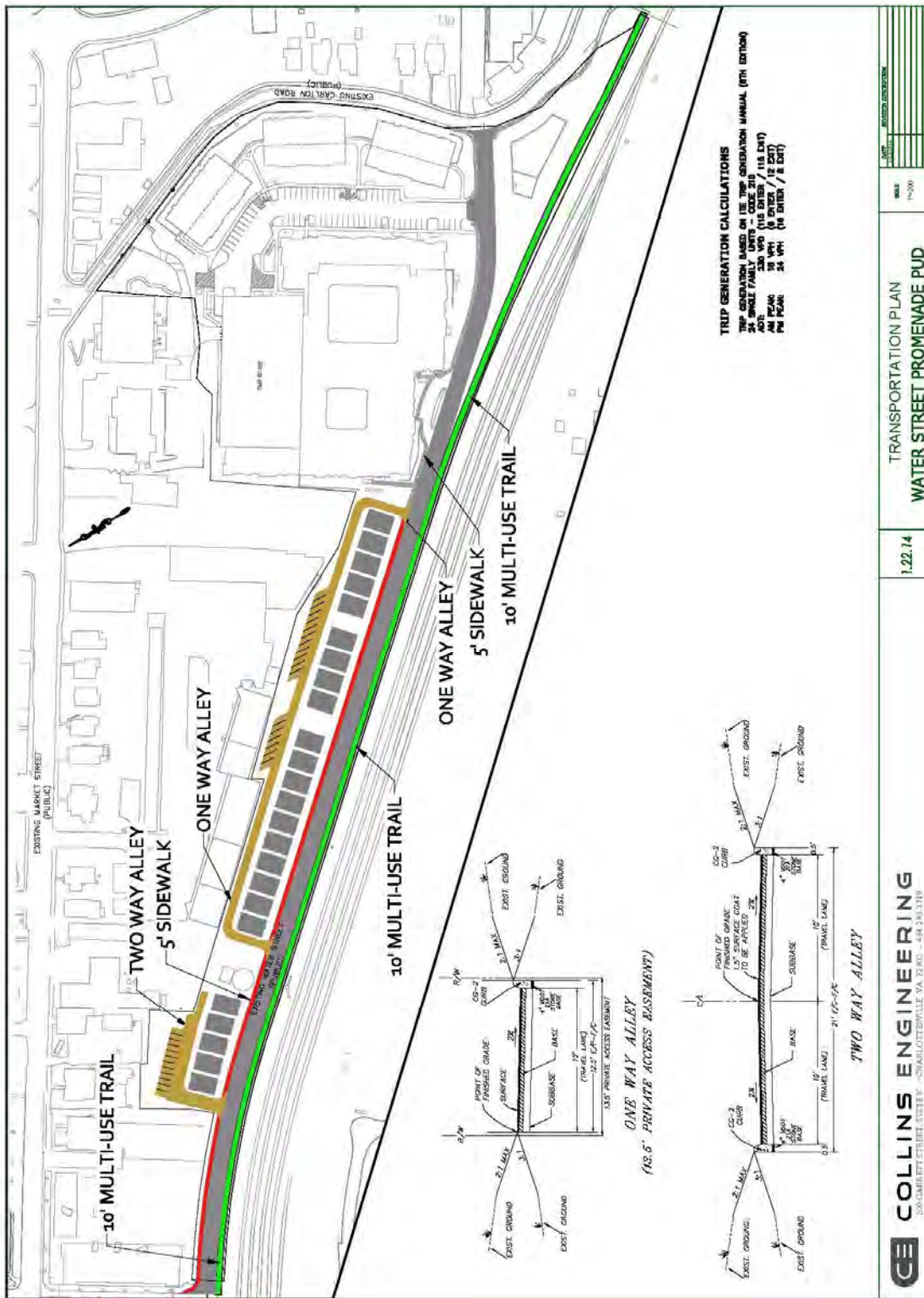
The proposed development plan shall include 24 residential single-family units. The units will front on Water Street, but no unit will have a driveway connection directly onto Water Street. All driveways for the proposed units shall access the proposed alley way in the rear yards of the residential lots. Two parking spaces will be provided for each residential unit in the garage and driveway, and a minimum of one additional guest space will be provided for each unit off of the alleyway. The building heights and lot requirements are listed in the lot layout standards. There will also be street trees and other landscaping features along Water Street as described in the landscaping section of the PUD application plan.

The developer has elected to provide a cash contribution to the city's affordable housing fund in lieu of providing affordable housing on the site. See the proffers proposed with the project.

### *Transportation & Access*

Access to the parcel will be provided with the Water Street extension. All lots will have access to Water Street through the connection to the private alley in the rear yards of the lots. The Charlottesville Downtown Transit Station is located a few hundred feet from the western-most portion of the property, and provides access to the Charlottesville Area Transit (CAT) free trolley and nearly every City bus line. Convenient access to the Charlottesville public transportation hub will reduce private, vehicular traffic and encourage public transportation use.

Pedestrian and bike access will be provided with the trail and sidewalk to be installed with the Water Street extension. These pathways provide tie-in connections between Water Street at 10<sup>th</sup> Street, and Carlton Road.



## Density & Open Space

The proposed site density is calculated from the total project maximums of the original parcel occupied by the City Walk project. The original parcel comprised 10.654 acres, of which 2.04 acres were reserved for the Water Street extension right-of-way. The remaining development area was 8.61 acres. The by-right Downtown East zoning allows 43 DUA for a total of 370 total allowable dwelling units on the site. The City Walk project reserved 301 of these units with its development; hence the remaining density available for the Water Street Promenade is 69 dwelling units.

The Water Street Promenade PUD proposes only 24 single-family units. The applicant has chosen a city row house concept in lieu of a high density apartment or condominium concept over the entire parcel to create cohesion within the existing neighborhood. The proposed density on the 2.16 acre parcel shall be approximately 11 du/acre.

Overall Available Density (By-Right 43 DUA)			
	Area	DU	
Total Project Area	10.65		
Right-of-way	2.04		
Remaining Dev. Area	8.61	370	
City Walk	6.45	301	
Water St. Promenade Remaining Density	2.16	69	
Overall Proposed Density			
	Area	Min DU	Max DU
City Walk	6.45	301	301
ROW	2.04	-	-
Water St. Promenade	2.16	19	24
Total	10.654	320	325
Min DUA	37.0	(320/8.62)	
Max DUA	38.0	(325/8.62)	

The proposed Water Street Promenade project shall incorporate a minimum of 15% open space in the proposed development plan. Currently, there is approximately 0.346 acres of open space proposed with the development plan, providing 16.0% open space over 2.16 acres. The open space areas are shown as Open Space A, B, and C on the development plan on page 9 of the PUD application. Passive recreation and landscaping is proposed in the open spaces provided within the limits of the project. A protective open space totaling a minimum of 0.169 acre shall be established around the existing Coal Tower. All open space along with the amenities within the open space areas, shall be dedicated to the Homeowners Association and shall be owned and maintained by the Homeowners Association. The open space around the Coal Tower will be provided to protect the existing Coal Tower historic resource, provide an amenity space to the

neighborhood for passive recreation, and provide access to the Coal Tower from Water Street.

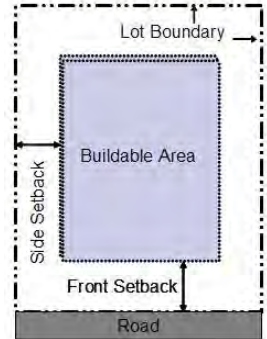
## Lot Layout Standards

The lot layout standards for the Water Street Promenade development are intended to create an inviting atmosphere for pedestrians. Minimal setbacks and inviting building facades will be used to create attractive streetscapes and foster a sense of community. Lots shall front the Water Street right-of-way and planting strip. The front setback will be the build-to-line. The construction of all single-family units shall abide by applicable fire rating requirements for the minimized side setbacks incorporated in the plan. The minimum lot width allowed shall be 30 feet, measured at right of way.

Build-to-Lines (Setbacks) & Maximum Building Heights					
Structure	Front	Side	Rear	Min. Height	Max. Height
Single Family (East of Coal Tower)	0'	3'	5'*	35'	50'
Single Family (West of Coal Tower)	0'-20'	0'	0'	35'	80'

\*Single Family rear setback measured from alley edge of pavement.

Note: Extensions into any setbacks for eaves, architectural features, and porches are permitted up to 4'. Building heights shall be measured from the main entry at street level. Basements and attics shall be allowed, but not considered towards total height. Buildings shall not exceed four (4) stories.



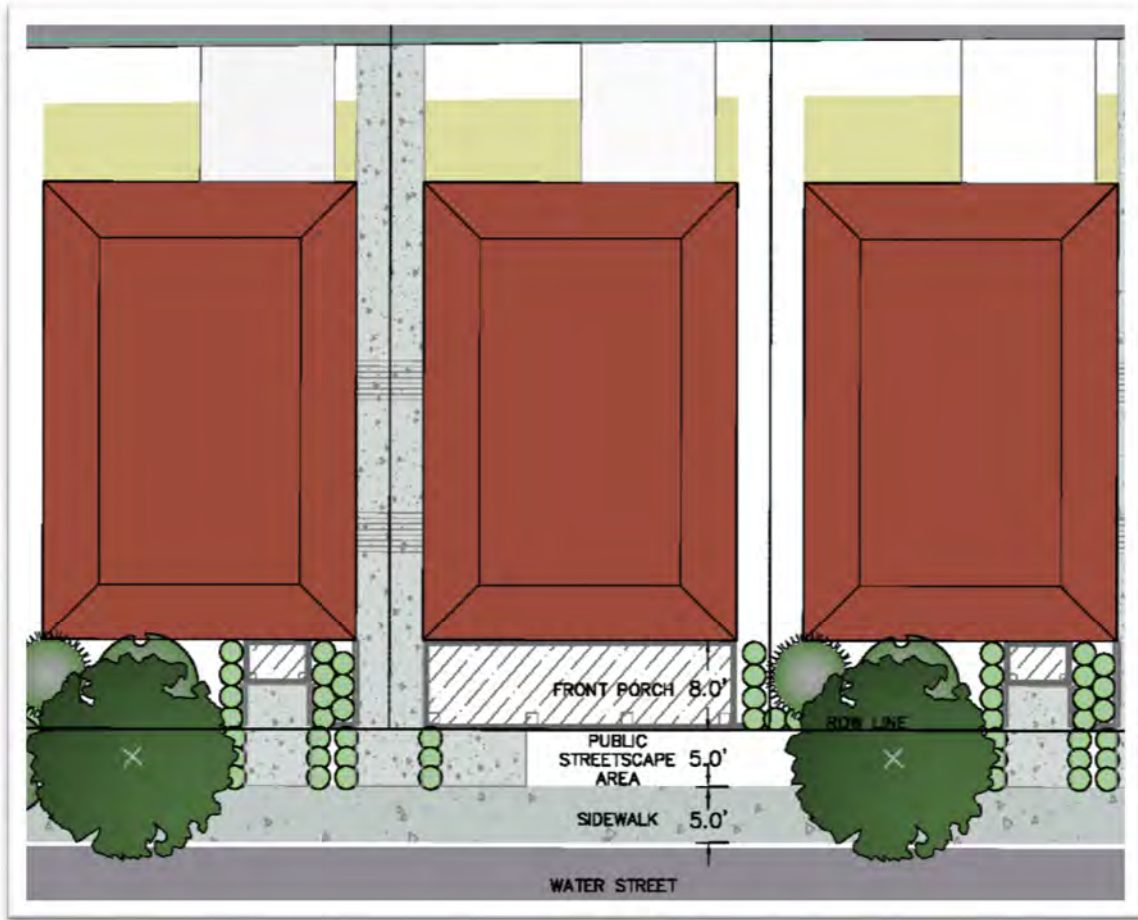


Figure 8: Public Streetscape Dimension Exhibit (Not to Scale)





Figure 9: Proposed Water Street Promenade Street Perspective

### *Grading & Utilities*

The proposed grading in the Water Street Promenade development is permitted to reach 2:1 grades. Any slopes steeper than 3:1 grading will be covered with blanket matting or other low maintenance ground covering. These areas shall not be planted with grass cover for stabilization, and shall adhere to the specifications for ground covering in the Virginia Erosion and Sediment Control Handbook. The grading as shown on the Grading, Utility, and SWM Plan shall include retaining walls for alleys, open space, and lot grading to achieve desired elevations. Wall heights from ground level to top of wall shall not exceed 25'-30'.

No critical slopes exist on the subject property per the City of Charlottesville Code of Development Section 34-1120 (b).

The proposed development plan shall connect to the existing public utilities on site. The Water Street extension shall provide connection for all required water and fire line laterals. The existing City sanitary sewer line running through the site shall be tapped with a manhole, and new sanitary sewer and laterals shall run along the proposed alley behind the single family units.

## *Sensitive Areas*

There exists no land within a floodway or floodway fringe, or wetlands within the subject parcel. The site survey revealed a discontinuity in the existing City storm sewer piping running through the site at the end of the 2'x2' box culvert near the northern boundary of the project site. The proposed development shall investigate the connection point and install additional storm sewer piping as needed to reestablish this connection.

## *Landscaping*

The landscaping in the Water Street Promenade development shall be concentrated between the proposed single family units and Water Street. Attractive trees and shrubs shall be planted to enhance the proposed streetscape. Large shade street trees shall be planted within the limits of the property along Water Street at a maximum distance of 35' on center. These large street trees shall have an open planting space of 13' x 13' minimum to allow for the trees for fully develop and achieve maximum canopy size. The development plan shall include the required open space and landscaping of the front yards and lots as required per the City of Charlottesville Code of Ordinances, Chapter 34, Article VIII, Division 2 – Landscaping and Screening.

All proposed landscaping shall be provided using materials permitted in the city code ordinance and the city's list of approved plantings. Landscaping shall be designed to enhance the recreational and aesthetic value of the site and provide a continuous buffer of vegetation along the Water Street frontage from 10<sup>th</sup> Street to Carlton Road. All landscaping within the public streetscape areas and open space shall be maintained by the Homeowners Association for the development.



Figure 10: Proposed Water Street Promenade Sidewalk Perspective  
WATER STREET PROMENADE PUD APPLICATION



## *Architectural Elements*

The proposed Single Family houses in the development will be subject to review and approval from the developer's Architectural Review board, which will comprise of at least one professional Architect. There will also be Architectural standards and guidelines for the houses that will govern the design elements, features, materials, and changes to the houses in the development. These guidelines will be established by the developer and their architectural review board. The board will be in charge of ensuring these standards are followed, until such time that the control of the review board is given to the Home Owner's association for the development. At that time, the HOA will be in charge of the Architectural review of any final homes being built in the development, and any changes to the existing houses or exterior features.

The guidelines for the Architecture of the houses will follow an urban downtown Row House design. Materials will include brick, stone, and hardi-plank siding. Front porches will extend from the house into the front yard with steps down to the front sidewalk. Roofs will be metal roofs, Architectural shingled roofs, or flat rubber membrane roofs with a balcony area on top of the house. Front porches may extend to the second and third levels of the houses. Windows will be vinyl architectural windows. Shudders, if installed on the houses, will be operable shutters. Wood and metal railings will be used for the porches.

## *Signage*

The signage regulations established in the City Zoning Ordinance shall govern all signage within the Water Street Promenade PUD.

## *Lighting*

The lighting and dark sky regulations established in the City Zoning Ordinance shall govern all lighting within the Water Street Promenade PUD. Each of the 24 proposed single-family units shall have a front post lamp and porch lighting, which will also provide lighting along the sidewalks adjacent to Water Street. These front post lamps and porch lights will meet the city lighting regulations.

## **ORDINANCE**

### **APPROVING A REZONING OF PROPERTY IDENTIFIED ON CITY TAX MAP 57 AS PARCEL 157A, FROM THE DOWNTOWN EXTENDED MIXED USE DISTRICT (“DE”) WITH PARTIAL HISTORIC OVERLAY, TO THE PLANNED UNIT DEVELOPMENT (“PUD”) DISTRICT, WITH PARTIAL HISTORIC OVERLAY SUBJECT TO PROFFERED DEVELOPMENT CONDITIONS (“WATER STREET PROMENADE PUD”)**

WHEREAS, Riverbend Development, Inc. (“Applicant”) has made application for a zoning map amendment, with respect to certain property consisting of approximately 2.1 acres of land, identified as City Tax Map 57 Parcel 157A, currently located within the Downtown Extended (DE) mixed use zoning district, including an area of approximately 4,900 square feet (approximately 0.1 acre) containing an historic coal tower, which was previously designated by city council as an individually protected historic property by ordinance approved September 15, 2008 and as a result is subject to historic overlay (the “Subject Property”); and

WHEREAS, the Applicant has submitted an application seeking a rezoning of the Subject Property to the PUD zoning district (continuing the historic overlay for the coal tower site) subject to the contents of a proposed PUD Development Plan and two proffered development conditions described within a final proffer statement submitted by the Applicant, all part of written application number ZM-13-07-11 (“Water Street Promenade PUD”); and

WHEREAS, this Council finds and determines that, the open space proposed for the Water Street Promenade PUD consists of approximately 16% of the gross area of the development site, inclusive of the coal tower site, and approximately 10.7% of the development site, excluding the coal tower site; it is the determination of Council that the proposed PUD Development Plan, through creative design, and in light of the nature and extent of active recreational facilities provided, will best serve the overall objectives of Chapter 34, Article V (PUD Districts) of the City Code, with the open space provided as shown, whether or not the area of the coal tower site is included in the calculation; and

WHEREAS, this Council finds and determines that in its other aspects, the proposed PUD Development conforms to the criteria and requirements set forth within Chapter 34, Article V of the City Code; and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on January 14, 2014, the Planning Commission transmitted its recommendation for approval of this application, and this Council finds and determines that approval of the proposed rezoning, and acceptance of the proffered development conditions, would serve the interests of the public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, Council further finds and determines that the proposed rezoning, and acceptance of the proffered development conditions, is consistent with the City’s adopted Comprehensive Plan; NOW THEREFORE,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from DE(H) to PUD(H) subject to the PUD Development Plan and to the final proffered development conditions included as part of ZM-13-07-11, all of the property identified on City Tax Map 57 as Parcel 157A, consisting of approximately 2.1 acres (inclusive of the 4,900 square foot area comprising the historic coal tower site).

# Water Street Promenade

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. \_\_\_\_\_)  
STATEMENT OF FINAL PROFFER CONDITIONS  
For the WATER STREET PROMENADE PUD  
Dated as of January 28, 2014

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned is the owner of land identified as City of Charlottesville tax map parcel 570157A00, containing 2.16 acres, which is subject to the above-referenced rezoning petition (the "Subject Property"). The Owner/Applicant seeks to amend the current zoning of the Subject Property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan entitled "Water Street Promenade PUD Application Plan" dated January 22, 2014 (the "PUD Development Plan").

The Owner/Applicant hereby proffers and agrees that if the Subject Property is rezoned as requested, the rezoning will be subject to, and the Owner will abide by, the approved PUD Development Plan as well as the following conditions:

1. The owner/applicant shall hereby make a cash contribution of One Hundred Thousand Dollars (\$100,000.00) to the City's affordable housing fund (the "Affordable Housing Contribution"). One twenty-fourth (1/24<sup>th</sup>) of the Affordable Housing Contribution shall be paid to the City simultaneously with payment of the fee(s) for issuance of a building permit, for each of the first twenty-four (24) dwelling units to be constructed on the Subject Property.

**WHEREFORE**, the undersigned Owner stipulates and agrees that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 28<sup>th</sup> day of January, 2014.

By: Alan Taylor

Print Name: Alan Taylor  
Owner

Owner's Address: 321 E. Main  
Charlottesville, VA 22902

By: Alan Taylor

Print Name: Alan Taylor  
Applicant

Applicant's Address: 321 E. Main  
Charlottesville, VA 22902

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



Agenda Date: *February 3<sup>rd</sup>, 2014*

Action Required: *Adoption of Resolution*

Presenter: *Craig Brown, City Attorney*

Staff Contacts: *Lisa Robertson, Chief Deputy City Attorney  
Dan Sweet, Stormwater Utility Administrator*

**Title:** *Financial relief program for certain homeowners to assist with payment of the city's stormwater utility fee.*

**Background:** In February 2013 City Council directed staff to explore mechanisms to assist City homeowners who experience hardship in paying the stormwater utility fee applicable to their property. On December 16<sup>th</sup>, staff presented the work to date to accomplish this direction and asked Council for guidance. Council directed staff to prepare and present a proposed resolution to establish a financial relief program for certain homeowners to assist with payment of the city's stormwater utility fee.

**Discussion:** The following is a summary of the progress we have made on this issue:

Virginia Code Sec. 15.2-2114 sets forth very clear restrictions, not only as to how the revenues collected from the stormwater utility fee program may be utilized, but also as to the nature of the credits/waivers that may reduce the amount of the fee. Sec. 15.2-2114 does not provide authority to offer credits or waivers of the fees to persons based on financial ability to pay.

Pursuant to Virginia Code §63.2-314, the City is authorized to make public grants to its "local board" of social services (for the City of Charlottesville, this refers to the Director of its Department of Social Services). The City may establish eligibility criteria for such grants, and the eligibility criteria need not be limited to requirements established by state or local public assistance programs. However, these grants (a) must be deposited into, and paid out of, an account within the purview of DSS' departmental budget, and (b) must be dispensed as authorized by the Director of DSS.

The Director of DSS shall administer the program, but shall not be required to participate in the day to day administration. The Treasurer will apply the relief to persons who meet the eligibility criteria, for the Charlottesville Housing Affordability Tax Grant Program (CHAP) and the City's Real Estate Tax Relief program.

Council has appropriated \$25,000 for FY 2014, for a homeowner relief program. **Based on the number of persons approved for CHAP funding or Real Estate Tax Relief for 2013, we estimate that approximately 744 residences would be eligible for some relief**, based on the following parameters:

- a. Elderly and disabled persons approved for at least 60% real estate tax relief would receive the same percentage relief from the stormwater utility fee.

<i>100%</i>	<i>94 parcels</i>	<i>\$5,454</i>
<i>80%</i>	<i>140 parcels</i>	<i>\$6,529</i>
<i>60-64%</i>	<i>118 parcels</i>	<i>\$4,832</i>
<i>Total</i>	<i>352 parcels</i>	<i>\$16,815</i>

Generally, the real estate tax relief eligibility criteria include the following, with the specific percentage of tax relief determined based on a combination of gross income and net financial worth:

- i. Applicant is 65 years of age or older, or totally and permanently disabled
  - ii. Legal ownership of property, and residence within that property as the applicant's sole dwelling
  - iii. Combined household income of less than \$50,000, and combined net financial worth of less than \$125,000
- b. Persons with federal adjusted gross income no greater than \$25,000, who are approved for a CHAP grant, would receive a 25% relief from the stormwater utility fee. This would serve 392 additional parcels, at a cost of \$6,860.

CHAP's eligibility criteria include:

- i. Legal ownership of a property, and residence within that property
- ii. Home has an assessed value no greater than \$365,000
- iii. Not receiving real estate tax relief
- iv. No delinquent real estate taxes on the property
- v. Does not own other real estate

The total number of households served under (a) and (b) described above is 5% of the City's residential housing stock (744 parcels).

**Community Engagement:** None

**Alignment with City Council's Vision and Priority Areas:** This agenda item aligns with Council's vision for Charlottesville to have Quality Housing Opportunities for All.

**Budgetary Impact:** The \$25,000 in general funds for the stormwater utility fee financial relief program are included in the approved FY 14 budget.

**Recommendation:** Staff recommends approval of the resolution adopting the financial relief program for certain homeowners to assist with payment of the city's stormwater utility fee

**Alternatives:** None at this time

**Attachments:** Resolution authorizing the establishment of a financial relief program for certain homeowners to assist with payment of the city's stormwater utility fee

**RESOLUTION**  
**AUTHORIZING THE ESTABLISHMENT OF A**  
**FINANCIAL RELIEF PROGRAM FOR CERTAIN HOMEOWNERS**  
**TO ASSIST WITH PAYMENT OF THE CITY'S STORMWATER UTILITY FEE**

**WHEREAS**, in February 2013 City Council adopted an ordinance authorizing the imposition of a stormwater utility fee, in order to provide a source of revenue to support the City's Water Resources Protection Program; and

**WHEREAS**, in order to fairly distribute responsibility for protection of water resources among properties that contribute to stormwater runoff, the stormwater utility fee is to be calculated based on the amount of impervious area present on a developed property, including residential property; nevertheless, City Council recognizes that for certain residential homeowners, payment of the utility fee may present a special financial hardship; and

**WHEREAS**, pursuant to Virginia Code §63.2-314 City Council is authorized to make public grants to the City's local board of social services, for the purpose of aiding needy persons, and for Fiscal Year 2013-2014 City Council has appropriated the amount of \$25,000 for the purpose of aiding persons in need of assistance with payment of the stormwater utility fee (Stormwater Utility Relief); and

**WHEREAS**, City Council desires for staff to proceed with disbursement of the Stormwater Utility Relief funding, in accordance with criteria intended to offer assistance to homeowners who Council believes may be particularly vulnerable to additional fees and costs related to home ownership; Now, therefore

**BE IT RESOLVED** by the Charlottesville City Council THAT:

1. The Stormwater Utility Relief funding appropriated by City Council for Fiscal Year 2013-2014, and any succeeding fiscal year, shall be deposited in the City's treasury to the credit of the City's local board of social services, and shall be dispensed as grant funding offered for the purpose of aiding needy persons who own a home within the City with payment of their stormwater utility fee, as authorized by this Resolution; and
2. Individuals (i) certified by the Office of the Commissioner of the Revenue pursuant to City Code § 30-100 as qualifying for a real estate tax exemption or deferral for elderly and disabled persons, and (ii) who qualify for exemption or deferral of sixty percent (60%) or more of the assessed real estate tax, shall be approved for a Stormwater Utility Relief grant in an equivalent percentage (for example: an individual who qualifies for 60% real estate tax exemption will be granted Stormwater Utility Relief in the amount of 60% of the individual's stormwater utility fee); and
3. Individuals (i) who have a federal adjusted gross income no greater than \$25,000 and (ii) who are certified by the Office of the Commissioner of Revenue pursuant to the Charlottesville Housing Affordability Program (CHAP) as being qualified for a CHAP grant,

shall be granted Stormwater Utility Relief, in an amount equal to twenty-five percent (25%) of the individuals' stormwater utility fee; and

4. The Offices of the Commissioner of the Revenue and of the Treasurer shall be responsible for administration of the Stormwater Utility Relief Program within the parameters established by this Resolution; in doing so, the Commissioner and Treasurer shall be deemed to be performing activities directly connected with the administration of a public assistance grant program, on behalf of and in conjunction with the City's local board of social services; and
5. The Director of Social Services, acting pursuant to Virginia Code §63.2-304 as the City's local board, shall not be required to participate in the day to day administration of the Stormwater Utility Relief Program, but shall have the right and authority to inspect records pertaining to the administration and disbursement of grant funds under the Program, and to receive such information and records as the Director deems necessary to verify that the Program funds have been and are being administered and disbursed in accordance with the parameters established by this Resolution; and
6. The Commissioner of the Revenue, the Treasurer and the Director of Social Services shall have the authority to establish policies, procedures, protocols and record-keeping requirements as they collectively deem necessary for the administration and accounting of the Stormwater Utility Relief Program, consistent with the confidentiality requirements applicable to the performance of their respective duties.



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



**Agenda Date:** February 3, 2014

**Action Required:** Approval of Resolution

**Presenter:** James E. Tolbert, AICP, Director of NDS

**Staff Contacts:** James E. Tolbert, AICP, Director of NDS

**Title:** **Funding for Emmet Street Signal Synchronization –  
Moving Revenue Sharing Funds**

**Background:** Several months ago members of the MPO saw a presentation of a new signal synchronization product called Synchro. This is a much more efficient method of traffic signal coordination than the technology currently in use. VDOT was working on a project to coordinate signals on US. 29 North in Albemarle County and the City MPO representatives hoped to join that project. City Council appropriated \$450,000 for the project.

**Discussion:** After that meeting time we have learned that VDOT would not let the City join the project they are doing in Albemarle County. What they told us is that there are issues due to different funding sources. We have also learned that VDOT only gave us equipment costs when this issue was discussed. We now know that the total cost, including installation, is potentially between \$750,000 and \$850,000. After this was discussed on December 16, 2013 at City Council meeting, staff met with VDOT representatives to discuss this project. At that meeting, VDOT agreed to work with the City on a joint project. They also suggested that we apply to move State Revenue Sharing Funds from the US 250/29 Interchange (Best Buy) project to the Synchro project. In FY'2007, \$1,000,000 in Revenue Sharing Funds was awarded to the Best Buy Ramp project.

This project will include signal coordination on U.S. 29/Emmet Street at the following locations:

US 29 at Angus  
Emmet St. at Morton  
Emmet St. at Barracks  
Emmet St. at Wise  
Emmet St. at Arlington  
Emmet St. at Massie  
Emmet St. at Ivy  
Hydraulic at Hillsdale  
Hydraulic at Route 250  
Barracks at Millmont  
Arlington at Millmont

The benefits of applying InSync technology can save motorists and localities dollars by cutting down on fuel and time wasted at poorly timed traffic signals and most important, improving the overall safety and efficiency for motorists and pedestrians.

In its deployment nationwide, InSync has

- Decreased travel times by up to 50%
- Decreased fuel consumption by up to 32%
- Decreased stops by up to 90%
- Reduced crashes by up to 30%

Rhythm Engineering's InSync System employs artificial intelligence to emulate the decisions a traffic engineer would make – it measures traffic demand, then adapts in real-time by adjusting signal timing each second using global and local optimization logic to move traffic in the most efficient manner possible. This same logic also ensures that pedestrians can cross the street safely without disrupting traffic flow.

InSync technology is compatible with existing traffic controllers, cabinets and detection devices; therefore the investment in new infrastructure is minimized. InSync's artificial intelligence is comprised of a local optimization algorithm for each intersection and global coordination between all the intersections on a corridor. The intelligent actuation and global coordination work in tandem to reduce stops and delay along the corridor.

**Alignment with City Council Vision and Priorities:** Approval of this project aligns directly with the City Council vision for a Connected Community by enhancing the movement of traffic on major roads, thereby reducing pressure on roads not intended or designed for major traffic.

**Budgetary Impact:** The total cost is projected to be between \$750,000 and \$850,000 with \$450,000 previously appropriated.

**Citizen Engagement:** There has been no citizen engagement on this project.

**Recommendation:** Staff recommends that Council approve the resolution requesting VDOT to move \$450,000 in State Revenue Sharing funds from the US 250/29 (Best Buy) project to the Emmet Street synchronization project.

**Alternatives:** The alternative is to not proceed with the project.

**Attachments:** Resolution.

## PROJECT PROGRAMMING RESOLUTION

**WHEREAS**, in accordance with Virginia Department of Transportation construction allocations procedures, it is necessary that a request by council resolution be made in order that the Department program an urban highway project in the City of Charlottesville;

**NOW THEREFORE BE IT RESOLVED**, that the Council of the City of Charlottesville, Virginia, requests the Virginia Department of Transportation to establish an urban system highway project for the coordination of signals using the InSync Technology on Emmet Street/US 29 to coordinate with the project in Albemarle County on US 29 at the following locations:

- US 29 at Angus
- Emmet Street at Morton
- Emmet Street at Barracks
- Emmet Street at Wise
- Emmet Street at Arlington
- Emmet Street at Massie
- Emmet Street at Ivy
- Hydraulic at Hillsdale
- Hydraulic at Route 250
- Barracks at Millmont
- Arlington at Millmont

**BE IT FURTHER RESOLVED**, that the Council of the City of Charlottesville hereby agrees to pay its share of the total cost for preliminary engineering, right-of-way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Charlottesville subsequently elects to cancel this project, the City of Charlottesville hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014  
City of Charlottesville, Virginia

ATTEST

\_\_\_\_\_  
Clerk of Council

BY \_\_\_\_\_  
City Manager