

Certifications

CITY COUNCIL AGENDA Monday, January 6, 2020



5:00 p.m. **Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards & Commissions – Council seats)

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

PLEDGE OF ALLEGIANCE
ROLL CALL
ORGANIZATIONAL MEETING

Council appointed City Manager Tarron Richardson as the presiding officer for the Organizational Meeting **PASSED 5-0 (HILL/SNOOK)**
Council Election of Mayor and Vice Mayor (led by City Manager)
(PAYNE/MAGILL) MAYOR – Nikuyah Walker (3-2; Hill and Snook opposed)
(PAYNE/WALKER) VICE MAYOR – Sena Magill (4-1; Snook opposed)

Regular Meeting - CALL TO ORDER (Mayor Nikuyah Walker)

ANNOUNCEMENTS
PROCLAMATIONS

PASSED 5-0 (MAGILL/PAYNE) Amend the agenda to add #8 – Resolution re: War on Iran
PASSED 5-0 (HILL/SNOOK) Appointment of City Council board and commission seats

1. CONSENT AGENDA*
PASSED 5-0 (HILL/PAYNE)

- a. MINUTES: November 4 Regular meeting, November 13 Budget Worksession, November 15 Special meeting, November 18 Special and Regular meetings, December 2 Special meeting
- b. APPROPRIATION: Runaway Emergency Shelter Program Grant - \$209,444 (1st of 2 readings)
- c. RESOLUTION: Honorary street naming – Winneba Way (1 reading)
- d. RESOLUTION: Supporting the Eviction Crisis Act and Authorizing the mayor to send a letter to Senators Warner and Kaine in support of the Act (1 reading)
- e. ORDINANCE: Amend Section 2-6 of the Charlottesville City Code to add Christmas Eve holiday (2nd reading)
- f. ORDINANCE: Amending Section 9-27 of the Charlottesville City Code to change the name Recreation Center precinct to Key Recreation Center precinct (2nd reading)
- g. REPORT: Rivanna Authorities Quarterly Update

CITY MANAGER RESPONSE TO COMMUNITY MATTERS (FROM PREVIOUS MEETINGS)

COMMUNITY MATTERS

- 2. RESOLUTION*:** Special Use Permit for establishment and operation of a restaurant with a drive-through window at 1000 Emmet Street North (Federal Realty Investment Trust, contract purchaser Chick-fil-A, Inc.) (1 reading) **PASSED 4-1 (HILL/SNOOK; Payne opposed)**
 - 3. RESOLUTION*:** Fontaine Avenue Streetscape conceptual design plan (1 reading) **PASSED 5-0 (HILL/MAGILL)**
 - 4. RESOLUTION*:** Special Use Permit (SUP) for Private Outdoor Recreational Facilities and Reduced Setbacks at 900-1000 1st Street S (1 reading) **PASSED 5-0 (HILL/MAGILL)**
 - 5. RESOLUTION*:** Critical Slope Waiver Request at 900-1000 1st Street S (1 reading) **PASSED 5-0 (HILL/MAGILL)**
 - 6. RESOLUTION*:** Extension of FY 20 Charlottesville Affordable Housing Fund Allocation to Virginia Supportive Housing for the development of the Crossing II (1 reading) **PASSED 5-0 (HILL/SNOOK)**
 - 7. RESOLUTION*:** City Council Regular Meeting Schedule for 2020 (1 reading)
Council voted to take a break for the July 6, 2020 meeting. PASSED 5-0; as amended (HILL/SNOOK)
 - 8. RESOLUTION*:** Resolution opposing the War on Iran (1 reading) **PASSED 3-0-2 (MAGILL/PAYNE; Hill and Snook abstained)**
- OTHER BUSINESS** Resolution in support of legislation patroned by Delegate Hudson and Senator Deeds (1 reading) **PASSED 5-0 (MAGILL/PAYNE)**

MATTERS BY THE PUBLIC
*ACTION NEEDED

RESOLUTION
Honorary Street Name Designation
6 ½ Street SW to Winneba Way

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

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

WHEREAS, Charlottesville City Code Section 28-4 provides City Council with the authority to name and rename streets including the authority for honorary renaming of streets.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that 6 ½ Street SW, shall be given the honorary name WINNEBA WAY.

**RESOLUTION
SUPPORTING THE EVICTION CRISIS ACT
AND AUTHORIZING THE MAYOR TO SEND A LETTER
TO SENATORS WARNER AND KAINE IN SUPPORT OF THE ACT**

WHEREAS, the Charlottesville City Council recognizes that an affordable housing crisis is affecting the nation's cities; and

WHEREAS, the Charlottesville City Council recognizes that a component in the affordable housing crisis is a nationwide increase in evictions; and

WHEREAS, United States Senators Michael Bennet and Robert Portman have introduced the Eviction Crisis Act in the United States Senate; and

WHEREAS, the Charlottesville City Council supports the enactment of the Eviction Crisis Act.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a copy of this Resolution shall be delivered to United States Senators Mark R. Warner and Timothy M. Kaine.

BE IT FURTHER RESOLVED, that the Mayor of the City of Charlottesville is authorized to sign and deliver a copy of the correspondence attached to this Resolution.

**AN ORDINANCE
AMENDING SECTION 2-6
OF CHAPTER 2 (ADMINISTRATION)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Section 2-6 of Chapter 2 of the Code of the City of Charlottesville (1990) is amended as follows:

Sec. 2-6. - Legal holidays.

In each year, the first day of January (New Year's Day), the third Monday in January (Martin Luther King, Jr. Day), the third Monday in February (George Washington Day), the third day of March (Freedom and Liberation Day), the fourth day of March, the last Monday in May (Memorial Day), the fourth day of July (Independence Day), the first Monday in September (Labor Day), the eleventh day of November (Veterans Day), the fourth Thursday in November (Thanksgiving Day), the Friday after the fourth Thursday in November, the twenty-fourth day of December (Christmas Eve), the twenty-fifth day of December (Christmas Day) or, whenever any of such days shall fall on Saturday, the preceding Friday shall be a legal holiday, and whenever such days shall fall on Sunday, the Monday next following such day shall be a legal holiday. If the twenty-fourth of December shall fall on a Friday, the twenty-fifth day of December holiday shall be observed on December 27. If the twenty-fifth of December shall fall on a Monday, the twenty-fourth of December holiday shall be observed on December 22.

**AN ORDINANCE
AMENDING SECTION 9-27
OF CHAPTER 9 (ELECTIONS)**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that:

Section 9-27 of Chapter 9 of the Code of the City of Charlottesville (1990) is amended as follows:

Sec. 9-27. – First ward.

(a) *Clark precinct.* The Clark precinct of the first ward shall embrace all territory in the first ward lying south of the centerline of the Chesapeake & Ohio Railway Company right-of-way. The voting place for this precinct shall be the Clark Elementary School.

(b) *Key Recreation precinct.* The Key Recreation precinct of the first ward shall embrace all territory in the first ward lying north of the centerline of the Chesapeake & Ohio Railway Company right-of-way. The voting place for this precinct shall be the Herman Key Recreation Center at 800 East Market Street.

**RESOLUTION
APPROVING A SPECIAL USE PERMIT
TO AUTHORIZE THE ESTABLISHMENT AND OPERATION OF A
RESTAURANT WITH A DRIVE-THROUGH WINDOW
AT 1000 EMMET STREET NORTH**

WHEREAS, Chick-fil-A, Inc., by its agent John Martinez, (“Applicant”), with the endorsement of Federal Realty Investment Trust (“Property Owner”) has requested City Council to approve a special use permit pursuant to City Code §34-796, to authorize the establishment of a restaurant with a drive-through window (the proposed “Special Use”) at 1000 Emmet Street North, identified on City Tax Map 1 as Parcel 1 (real estate parcel identification # 010001000) (“Subject Property”). The Subject Property is within the City’s Urban Corridor (URB) Mixed Use zoning district; and

WHEREAS, the requested Special Use is generally described within the Applicant’s application materials submitted in connection with SP19-00008 (the “Application Materials”), and the Special Use is allowed by special use permit within the URB zoning district, pursuant to City Code §34-796; and

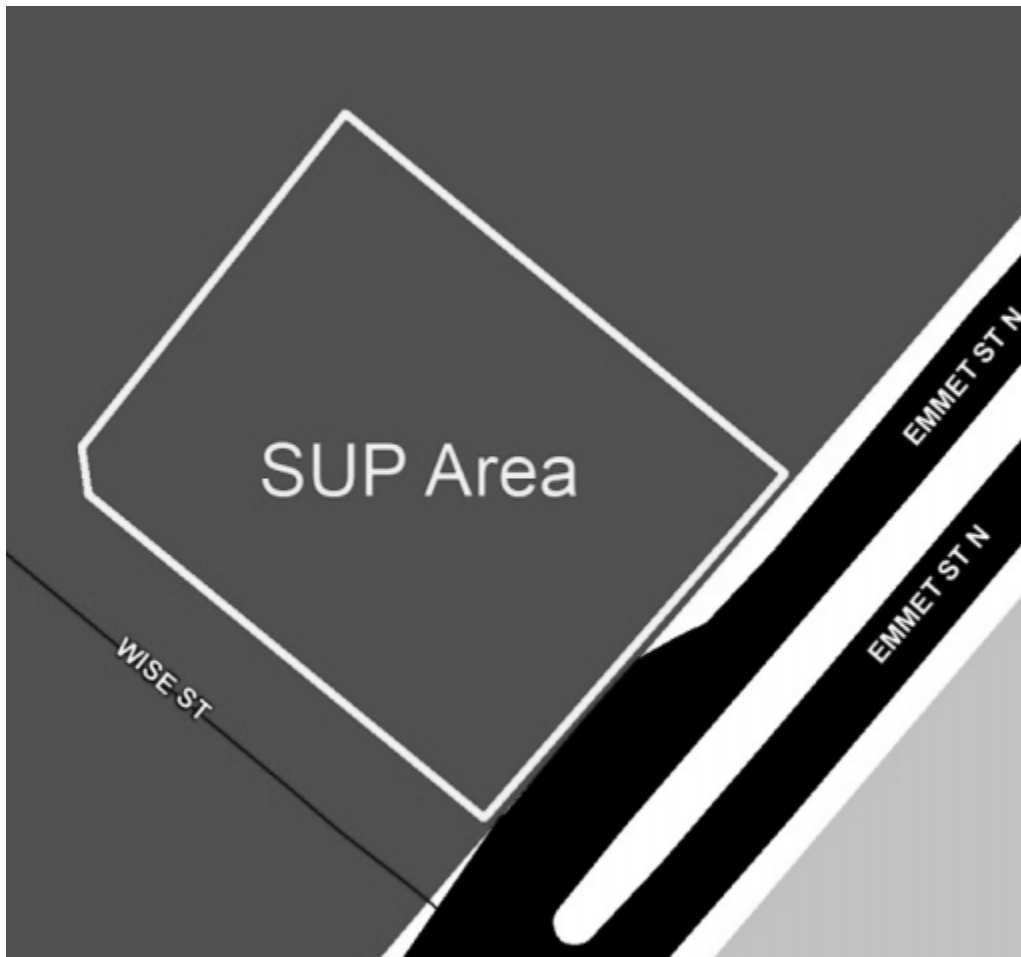
WHEREAS, the existing building at the Subject Property is proposed to be demolished/ removed to allow for establishment of the Special Use and related buildings and improvements; and

WHEREAS, following a joint public hearing, duly advertised and conducted by the Planning Commission and City Council on December 10, 2019, the Commission voted to recommend that City Council should approve the requested Special Use, subject to certain development conditions recommended by the Commission as being suitable regulations and safeguards; and

WHEREAS, upon consideration of the comments received during the joint public hearing; the Staff Report; and the Planning Commission’s recommendations, as well as the factors set forth within §34-157 of the City’s zoning ordinance, this Council finds and determines that granting the requested special use permit, subject to suitable regulations and safeguards, would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §34-796, a special use permit is hereby approved and granted, subject to conditions, as follows:

1. The proposed Special Use, as described and represented within the Application Materials, is hereby authorized to be established on approximately 0.801 acre (approx. 34,892 square feet) of the Subject Property, in the general or approximate location depicted below:



2. The following development conditions shall apply to the use and development of the Subject Property for the Special Use:
 - a. An accessible pedestrian route from the public sidewalk on Emmet Street North to the primary entrance of the restaurant shall be provided. The City Engineer shall have the authority to require specific safety measures within the final site plan for the Special Use, in order to protect pedestrian traffic in this route from vehicle traffic related to the drive through window use, in accordance with accepted engineering and safety requirements.
 - b. A pedestrian route from the internal parking area of the Barracks Road Shopping Center to the west of the Special Use Permit area to the primary entrance of the restaurant shall be provided.
 - i. This route shall allow for safe pedestrian access across Wise Street and/or the internal vehicular travelways of Barracks Road Shopping Center.
 - ii. Within the Special Use Permit area, this route shall be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, to the maximum extent feasible.

- iii. The City Engineer shall have the authority to require specific safety measures within the final site plan for the Special Use, in order to protect pedestrian traffic in this route from vehicular traffic related to the drive-through window.
 - iv. This condition does not require the developer to change grade or otherwise modify any existing pavement except where the existing pavement will have already been disturbed by demolition of the existing use or construction of the Special Use.
 - c. Buildings and structures constructed or established as part of the Special Use shall be subject to the following setbacks: along the Special Use site's primary street frontage (i.e., along Emmet Street North): Five (5) feet, minimum; ninety-two (92) feet, maximum.
- 3. In addition to the above-referenced conditions, the Special Use authorized by this SUP, and all buildings, structures, improvements and uses located on the Subject Property, shall comply with all other applicable provisions of Chapter 34 (Zoning) of the Code of the City of Charlottesville.

RESOLUTION
APPROVING AN AMENDMENT TO THE CITY COMPREHENSIVE PLAN
BY INCORPORATING THE FONTAINE AVENUE STREETScape PROJECTS
PREFERRED CONCEPTUAL DESIGN

WHEREAS, on December 10, 2019, after notice given as required by law, the Charlottesville Planning Commission and Charlottesville City Council conducted a public hearing on a proposed amendment to the Comprehensive Plan for the City of Charlottesville (2013), to include the contents of the preferred conceptual design of the Fontaine Avenue Streetscape Project (“Comprehensive Plan Amendment”); and

WHEREAS, on December 10, 2019, the Planning Commission adopted a resolution recommending approval by City Council of the Comprehensive Plan Amendment, and certifying a copy of the Comprehensive Plan Amendment to Council for its consideration; now, therefore,

BE IT RESOLVED that, upon consideration of the Comprehensive Plan Amendment, the City Council hereby adopts the preferred conceptual design of the Fontaine Avenue Streetscape Project as an amendment to the City’s Comprehensive Plan and authorizes commencement of final design. Neighborhood Development Services staff shall post on the City’s website notice of Council’s adoption of this update, along with a copy of the approved update.

**RESOLUTION
GRANTING A SPECIAL USE PERMIT
TO AUTHORIZE PRIVATE OUTDOOR RECREATIONAL FACILITIES AND
REDUCED BUILDING SETBACKS WITHIN THE PROPOSED “1ST STREET SOUTH
APARTMENTS” DEVELOPMENT (PHASE 2) WITHIN 7.398 ACRES OF LAND
IDENTIFIED ON CITY TAX MAP 26 AS PARCEL 115**

WHEREAS, landowner Charlottesville Redevelopment and Housing Authority (CRHA) through its development partner Riverbend Development Affordable Housing Group LLC (together, “Applicant”) has submitted an application seeking: **(i)** pursuant to City Code §34-420, approval of a special use permit (SUP) to allow certain private, outdoor recreation facilities to be established within a multifamily development to be constructed on the land identified on City Tax Map 26 as Parcel 115, having an area of consisting of approximately 7.938 acres, the project being further identified within the SUP application materials as “Phase 2 of the 1st Street South Apartments” (hereinafter, this 7.938 acre site is referred to as the “Subject Property”), and **(ii)** establishing uniform required yards (minimum building setbacks) of five (5) feet within the Subject Property; and

WHEREAS, the Subject Property is assigned to the “R-3” (multifamily residential) zoning district classification and, pursuant to §34-420 and §34-366 of the City Code, private outdoor recreation facilities are allowed with a special use permit, and as part of its consideration of any special use permit City Council may, pursuant to §34-162(a), reduce the required yards specified by §34-353(a); and

WHEREAS, in order to satisfy a portion of the requirements of City Code §34-366 for recreational areas and facilities, Applicant seeks approval of an SUP authorizing private, outdoor recreational facilities (parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.) within the Subject Property; and

WHEREAS, the Planning Commission has reviewed this application as required by City Code Sec. 34-160(b), and following a joint public hearing duly advertised and conducted in accordance with law by the Planning Commission and City Council on December 10, 2019, the Planning Commission voted to recommend that Council should approve the requested SUP, and that Council should also reduce the required yards specified by City Code §34-353(a), all subject to suitable regulations and safeguards; and

WHEREAS, upon consideration of the Planning Commission’s recommendation, the Staff report, comments received at the public hearing, and the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the requested special use permit, subject to suitable conditions, would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a special use permit (SUP) is hereby approved, subject to all of the following:

1. This SUP shall be applicable to the use and development of the 7.938 acre site currently identified on 2019 City Tax Map 26 as Parcel 115 (Real Estate Parcel Identification No. 260115000)("Subject Property");
2. "Private outdoor recreational facilities" (parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.) are hereby authorized to be established within the Subject Property, subject to the requirements of this SUP, the requirements of City Code Sec. 34-366, and any other applicable requirements of state or local law;
3. All outdoor lighting fixtures within any outdoor recreation areas shall be full cut-off luminaires;
4. Within the Subject Property, the requirements of City Code §34-353(a), as to required yards, are modified as follows: the minimum required front, side and rear yards shall be five (5) feet for all buildings and structures;
5. No land disturbing activity or construction shall be commenced within the Subject Property until all of the following have occurred: (i) approval by City Council of a critical slope waiver for development within the Subject Property; (ii) approval of a final site plan and related bonds for development within the Subject Property; and (iii) all permits and approvals required by applicable state and local codes have been issued or granted, including, without limitation, permits and approvals required by City Code chapters 10, 29, and 34.

**RESOLUTION APPROVING A REQUEST
FOR WAIVER OF CRITICAL SLOPES
PROVISIONS PURSUANT TO CITY CODE SECTION 34-
1120(B)(6) FOR 900-1000 FIRST STREET SOUTH (CRHA)**

WHEREAS, Charlottesville Redevelopment and Housing Authority (CRHA), owner of property designated on City Tax Map 26 as Parcel 115, addressed as 900-1000 First Street South (the "Subject Property"), through its development partner Riverbend Development Affordable Housing Group LLC (together, "Applicant"), seeks a waiver of the critical slopes requirements of City Code Sec. 34-1120(b) to allow for construction of multi-family dwelling dwellings, parking lots, and related improvements on the Subject Property (the "Project"); and

WHEREAS, the Planning Commission considered this request at its regular meeting on December 10, 2019, and recommended approval of the request for a waiver of the critical slopes requirements as requested within the Application, pursuant to City Code Sec. 34-1120(b), subject to certain conditions; and

WHEREAS, upon consideration of the information, materials and specific request provided by the Applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b)(6)(d) that the public benefits of allowing disturbance of the critical slopes in connection with the Project outweigh the public benefits of requiring critical slope areas to remain undisturbed; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the Applicant's request for a waiver of the critical slopes requirements for the above-described Project is hereby granted, subject to the following conditions:

1. Landowner shall satisfy all state law and local erosion and sediment control requirements; however, in addition, landowner shall provide erosion and sediment control measures that exceed minimum requirements of state law, in order to mitigate potential impacts to undisturbed critical slopes areas, per Section 34-1120(b)(1)(a) – (c), including, but not limited to:

- a. Silt fence with wire reinforcement and six (6) feet stake spacing; and
- b. other measures in excess of minimum state law requirements, as may be determined by the City Engineer to be necessary to protect Pollocks Branch from sedimentation.

2. The approved encroachment boundaries are those generally depicted within the Application materials—an area containing approximately 1.01 acres. The critical slope area outside of the approved encroachment boundaries shall be clearly marked in the field, and the approved stormwater management plan and construction plan shall each include a note

requiring such limits of disturbed area to remain as established for the duration of construction and land disturbing activities.

3. In addition to state law and local requirements for stabilization of disturbed land areas, final stabilization of the critical slopes areas disturbed shall be permanent measures to include replanting of native tree and shrub species for restabilization of the critical slopes and potential wildlife habitat.

4. Prior to commencing any land disturbing activity within the Project site, Landowner shall install a fixed, immovable barrier to protect root zones of each existing tree, at the drip line, for trees that have been identified within the approved final site plan as trees to be preserved, consistent with City Code Sec. 34-866(a). This root protection barrier shall remain in place until final completion of all construction.

RESOLUTION

Extension of FY 20 Charlottesville Affordable Housing Fund Allocation to Virginia Supportive Housing for the development of the Crossing II

WHEREAS, the City of Charlottesville allocated \$750,000 of the Charlottesville Affordable Housing Fund to Virginia Supportive Housing for the purpose of developing a supportive housing community on the Avon/Levy property owned by the Charlottesville Redevelopment and Housing Authority (CRHA) located within the City of Charlottesville; and

WHEREAS, between October 7, 2019 and December 31, 2019, Virginia Supportive Housing was required to have a voucher commitment in place from CRHA and/or other voucher administering agencies before receiving any funding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the voucher commitment contingency date for the Virginia Supportive Housing project The Crossings II is extended through March 15, 2020 or before VSH's deadline for submission for Low Income Housing Tax Credits, whichever occurs sooner.

RESOLUTION
Approval of City Council Regular Meeting Schedule for 2020

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2020:

Monday, January 6, 2020	July 6, 2020 - No meeting (Summer break)
<i>Tuesday, January 21, 2020</i>	July 20, 2020
February 3, 2020	August 3, 2020
<i>Tuesday, February 18, 2020</i>	August 17, 2020
March 2, 2020	<i>Tuesday, September 8, 2020</i>
March 16, 2020	September 21, 2020
April 6, 2020	October 5, 2020
April 20, 2020	October 19, 2020
May 4, 2020	November 2, 2020
May 18, 2020	November 16, 2020
June 1, 2020	December 7, 2020
June 15, 2020	December 21, 2020

Italics indicate an adjusted date due to a holiday.

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

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

**RESOLUTION OPPOSING MILITARY INTERVENTION IN
IRAN AND SUPPORTING SENATOR KAINE'S RESOLUTION
DIRECTING THE REMOVAL OF UNITED STATES ARMED FORCES
FROM HOSTILITIES AGAINST IRAN WITHOUT CONGRESSIONAL
AUTHORIZATION**

WHEREAS, the Charlottesville City Council adopted a resolution on January 17, 2012 requesting the United States Congress refrain from entering new military ventures in Iran; and

WHEREAS, on January 3, 2020, Iranian General Qasem Soleimani died as a result of a United States military action; and

WHEREAS, on January 3, 2020, United States Senator Timothy M. Kaine introduced a Senate Joint Resolution to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that it requests the United States Congress to refrain from entering new military ventures in Iran and to adopt the Senate Joint Resolution introduced by Senator Timothy M. Kaine.

**RESOLUTION IN SUPPORT OF LEGISLATION
PATRONED BY DELEGATE HUDSON AND SENATOR DEEDS**

WHEREAS, the statue of Robert E. Lee in the City of Charlottesville's Market Street Park was the site of a violent white supremacist demonstration on August 12, 2017; and

WHEREAS, the City of Charlottesville desires to remove the statue of Robert E. Lee from Market Street Park and the statue of Thomas J. Jackson from Court Square Park; and

WHEREAS, Delegate Sally L. Hudson and Senator R. Creigh Deeds will patron bills in the Virginia House of Delegates and Virginia Senate to provide Virginia cities, counties, and towns with plenary authority to remove Confederate statuary from public parks; and

WHEREAS, the City of Charlottesville's 2020 Legislative Position Statement urges the Virginia General Assembly to amend Virginia Code Section 15.2-1812 to remove references to Confederate monuments and memorials.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia the legislation patroned by Delegate Hudson and Senator Deeds; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to Delegate Kaye Kory, the Chair of the House of Delegates' Counties, Cities and Towns Committee and to Senator Lynwood W. Lewis, Jr., the Chair of the Senate's Local Government Committee.