



## CITY COUNCIL AGENDA February 1, 2016

5:30 p.m.

### Closed session as provided by Section 2.2-3712 of the Virginia Code

*Second Floor Conference Room* (Discussion of candidates for appointment to City boards and commissions; acquisition of a permanent utility easement along McIntire Road; consultation with legal counsel regarding the negotiation of terms and conditions of an agreement for co-located City – County General District Courts; and consultation with legal counsel for legal advice regarding the acquisition or conveyance of parking spaces in the Water Street Garage.)

7:00 p.m.

### Regular Meeting

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

*Council Chambers*

**AWARDS/RECOGNITIONS  
ANNOUNCEMENTS**

Snow Removal After-Action Report

**MATTERS BY THE PUBLIC**

Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter. Speaker sign-up opens at 6:30 p.m.

### COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

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

- a. Minutes for January 19
- b. APPROPRIATION: Local Emergency Management Performance Grant – \$7,500 (2<sup>nd</sup> of 2 readings)
- c. APPROPRIATION: Albemarle County Reimbursement for the Charlottesville Albemarle Technical Education Center (C.A.T.E.C.) Department of Education (D.O.E.) Interior Renovation Project – \$33,162.74 (2<sup>nd</sup> of 2 readings)
- d. APPROPRIATION: Albemarle County Reimbursement for the Health Department Facility Condition Assessment Project – \$5,122 (2<sup>nd</sup> of 2 readings)
- e. APPROPRIATION: Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08 (1<sup>st</sup> of 2 readings)
- f. APPROPRIATION: State Assistance and Citizen Donation for Spay and Neuter Program at S.P.C.A. – \$1,001.64 (1<sup>st</sup> of 2 readings)
- g. RESOLUTION: Free Clinic Renovations to Health Department Building (1<sup>st</sup> of 1 reading)
- h. RESOLUTION: Transfer of Funds for Online Business Tax Portal (1<sup>st</sup> of 1 reading)
- i. RESOLUTION: Declaration of State of Emergency for the City of Charlottesville (1<sup>st</sup> of 1 reading) **updated**
- j. ORDINANCE: Neighborhood Development Services (NDS) Fee Schedule (2<sup>nd</sup> of 2 readings)

### 2. REPORT

Comprehensive Housing Analysis and Policy Recommendations

### 3. RESOLUTION\*

Request for Special Use Permit – 206 W. Market Street (1<sup>st</sup> of 1 reading)  
**Deferred at applicant's request**

### 4. RESOLUTION\*

BAR Appeal: Violet Crown Theatre (1<sup>st</sup> of 1 reading)

### 5. RESOLUTION\*

BAR Appeal: 1600 Grady Avenue – Preston Court Apartments (1<sup>st</sup> of 1 reading)

### 6. RESOLUTION\*

Charlottesville Affordable Housing Funds for Habitat Scattered Site Down Payment Assistance in Burnet Commons III – The Park (1<sup>st</sup> of 1 reading)

### OTHER BUSINESS

**MATTERS BY THE PUBLIC**

**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

\*ACTION NEEDED

Persons with disabilities may request reasonable accommodations by contacting [ada@charlottesville.org](mailto:ada@charlottesville.org) or (434)970-3182.

## **GUIDELINES FOR PUBLIC COMMENT**

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**We welcome public comment;  
it is an important part of our meeting.**

**Time is reserved near the beginning and at the end of each regular City Council meeting for Matters by the Public.**

**Please follow these guidelines for public comment:**

- If you are here to speak for a **Public Hearing**, please wait to speak on the matter until the report for that item has been presented and the Public Hearing has been opened.
- Each speaker has **3 minutes** to speak. Please give your name and address before beginning your remarks.
- Please **do not interrupt speakers**, whether or not you agree with them.
- Please **refrain from using obscenities**.
- If you cannot follow these guidelines, you will be escorted from City Council Chambers and not permitted to reenter.

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



Agenda Date:	January 19, 2016
Action Required:	Appropriation
Presenter:	Kirby Felts, Emergency Management Coordinator
Staff Contacts:	Kirby Felts, Emergency Management Coordinator Gail Hassmer, Senior Accountant – Special Revenues Leslie Beauregard, Assistant City Manager
<b>Title:</b>	<b>Local Emergency Management Performance Grant (L.E.M.P.G.) - \$7,500</b>

**Background:**

The Virginia Department of Emergency Management has allocated \$7,500 in 2015 Emergency Management Performance Management Grant (L.E.M.P.G.) funding from the Federal Emergency Management Agency to the City of Charlottesville. The locality share is \$7,500, for a total project of \$15,000.

**Discussion:**

The City of Charlottesville is the grant administrator for this grant, which will be passed to the Office of Emergency Management at the Charlottesville-U.V.A.-Albemarle County Emergency Communications Center. The grant award period is July 1, 2015 to June 30, 2016. The objective of the L.E.M.P.G. is to support local efforts to develop and maintain a Comprehensive Emergency Management Program. The 2015 L.E.M.P.G. funds will be used by the Office of Emergency Management to enhance local capabilities in the areas of planning, training and exercises, and capabilities building for emergency personnel and the whole community.

**Alignment with City Council’s Vision and Strategic Plan:**

This emergency management program supports City Council’s America’s Healthiest City vision, specifically, “Our emergency response system is among the nation’s best,” as well as Goal 2 of the Strategic Plan, specifically sub-elements 2.1 (Provide an effective and equitable public safety system) and 2.4 (Ensure families and individuals are safe and stable). Maintaining our response and recovery capability is an on-going process that requires regular planning discussions and well as training and exercising with community response partners. Citizen preparedness, including awareness of local hazards and actions they can take to survive and recover from an emergency is a critical part of the local response system.

### **Community Engagement:**

The L.E.M.P.G. engages the community through public outreach efforts led by the Office of Emergency Management. Increasing citizen awareness of hazards and promoting steps individuals can take to prepare for, respond to, and recover from emergency situations is a critical priority for the Office of Emergency Management. Community outreach efforts include presenting on preparedness to community groups and designing and implementing targeted messaging through various media. This funding allows the Assistant Emergency Manager to dedicate additional time in support of this mission.

### **Budgetary Impact:**

This has no impact on the General Fund. The funds will be expended and reimbursed to a Grants fund. The locality match of \$7,500 will be covered with an in-kind match from the Office of Emergency Management budget.

### **Recommendation:**

Staff recommends approval and appropriation of grant funds.

### **Alternatives:**

If grants funds are not appropriated, the Office of Emergency Management will not be able to completely fund the full-time salary for the Assistant Emergency Management Coordinator. A reduction in time for this position will negatively impact the quantity and quality of public outreach on emergency preparedness to community members.

### **Attachments:**

Appropriation



**APPROPRIATION**  
**2015 Local Emergency Management Performance Grant (L.E.M.P.G.)**  
**\$7,500**

**WHEREAS**, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-U.V.A.-Albemarle Emergency Communications Center Office of Emergency Management, for a total award of \$15,000; and

**WHEREAS**, the funds will be used to support programs provided by the Office of Emergency Management; and

**WHEREAS**, the grant award covers the period from July 1, 2015 through June 30, 2016;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500 is hereby appropriated in the following manner:

**Revenue – \$7,500**

\$7,500          Fund: 209          I/O: 1900259          G/L: 430120 State/Fed pass thru

**Expenditures - \$7,500**

\$7,500          Fund: 209          I/O: 1900259          G/L: 510010 Salaries

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management, and the matching in-kind funds from the Charlottesville-U.V.A.-Albemarle Emergency Communications Center Office of Emergency Management.

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CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



Agenda Date:	January 4, 2015
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development Ryan Davidson, Senior Budget & Management Analyst, Budget and Performance Management
Title:	<b>Appropriation of Albemarle County Reimbursement for the C.A.T.E.C. D.O.E. Interior Renovation Project – \$33,162.74</b>

**Background:** The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. Under this agreement, the City recently completed work on the Charlottesville Albemarle Technical Education Center (C.A.T.E.C.) Department of Education (D.O.E.) Interior Renovation Project. Originally, \$57,500 was earmarked as a revenue contribution from Albemarle County for this project in the F.Y. 2014 Capital Improvement Program Budget. The County’s final share of project expenses, however, was \$90,662.74 – a difference of \$33,162.74. The City will receive a final reimbursement from the County in the amount of \$56,575.24 for July and October 2015 project expenses, of which \$33,162.74 needs to be appropriated.

**Discussion:** Appropriation of these funds is necessary to replenish the Facilities Capital Projects Lump Sum Account (P-00785) for project related expenses.

**Alignment with Council Vision Areas and Strategic Plan:** This request supports City Council’s “Smart, Citizen-Focused Government” vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

**Community Engagement:** N/A

**Budgetary Impact:** Funds have been expensed from the Facilities Capital Projects Lump Sum Account (P-00785) and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

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

**Alternatives:** If reimbursement funds are not appropriated, the Facilities Capital Projects Lump Sum Account (P-00785) will reflect a deficient balance.

**Attachments:** N/A

**APPROPRIATION**

**Albemarle County Reimbursement for the C.A.T.E.C. D.O.E. Interior Renovation Project  
– \$33,162.74**

**WHEREAS**, Albemarle County was billed by the City of Charlottesville in the amount of \$90,662.74 of which \$33,162.74 needs to be appropriated.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$33,162.74 from Albemarle County is to be appropriated in the following manner:

**Revenues - \$33,162.74**

Fund: 426                      Funded Program: CP-014 (P-00785)                      G/L Account: 432030

**Expenditures - \$33,162.74**

Fund: 426                      Funded Program: CP-014 (P-00785)                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$90,662.74, from Albemarle County.

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



<b>Agenda Date:</b>	January 4, 2016
<b>Action Required:</b>	Approve Appropriation of Reimbursement
<b>Presenter:</b>	Mike Mollica, Division Manager, Facilities Development
<b>Staff Contacts:</b>	Mike Mollica, Division Manager, Facilities Development Ryan Davidson, Senior Budget & Management Analyst, Budget and Performance Management
<b>Title:</b>	<b>Appropriation of Albemarle County Reimbursement for the Health Department Facility Condition Assessment (F.C.A.) Project – \$5,122</b>

**Background:** The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. The City will receive a reimbursement in the amount of \$5,122 for the full cost of the recently completed Health Department’s Facility Condition Assessment (F.C.A.) & Americans with Disabilities Act (A.D.A.) Assessment. This reimbursement is to be paid for from the Health Department’s Joint Revenue Account, for which the County is the financial steward.

**Discussion:** Appropriation of these funds is necessary to replenish the Facilities Repair Small Cap Lump Sum Account (FR-001) for project related expenses.

**Alignment with Council Vision Areas and Strategic Plan:** This request supports City Council’s “Smart, Citizen-Focused Government” vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

**Community Engagement:** N/A

**Budgetary Impact:** Funds have been expensed from the Facilities Repair Small Cap Lump Sum Account (FR-001) and the reimbursement is intended to replenish the project budget for the entire portion of those expenses.

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

**Alternatives:** If reimbursement funds are not appropriated, the Facilities Repair Small Cap Lump Sum Account (FR-001) will reflect a deficient balance.

**Attachments:** N/A

**APPROPRIATION**  
**Albemarle County Reimbursement for the Health Department Facility Condition**  
**Assessment (F.C.A.) Project – \$5,122**

**WHEREAS**, Albemarle County was billed by the City of Charlottesville in the amount of \$5,122.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$5,122 from Albemarle County is to be appropriated in the following manner:

**Revenues - \$5,122**

Fund: 107                      Funded Program: FR-001 (P-00885)                      G/L Account: 432030

**Expenditures - \$5,122**

Fund: 107                      Funded Program: FR-001 (P-00885)                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$5,122, from Albemarle County.



CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



Agenda Date:	February 1, 2016
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development Ryan Davidson, Senior Budget & Management Analyst, Budget and Performance Management
Title:	<b>Appropriation of Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08</b>

**Background:** The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. Under this agreement, the City received a reimbursement from the County in the amount of \$34,378.08 for October and November 2015 expenses related to the Preston-Morris Building Envelope Restoration project.

**Discussion:** Appropriation of these funds is necessary to replenish the City’s Courthouse Maintenance Lump Sum Account (P-00099) for project related expenses.

**Alignment with Council Vision Areas and Strategic Plan:** This request supports City Council’s “Smart, Citizen-Focused Government “vision. It contributes to Goal 4 of the Strategic Plan, to be a well-managed and successful organization, and objective 4.1, to align resources with the City’s strategic plan.

**Community Engagement:** N/A

**Budgetary Impact:** Funds have been expensed from the Courthouse Maintenance Lump Sum Account (P-00099) and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

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

**Alternatives:** If reimbursement funds are not appropriated, the Preston-Morris Building Envelope project budget (P-0099-02-01) will reflect a deficient balance.

**Attachments:** N/A

**APPROPRIATION.**

**Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$34,378.08.**

**WHEREAS**, Albemarle County was billed by the City of Charlottesville in the amount of \$34,378.08.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$34,378.08 from Albemarle County is to be appropriated in the following manner:

**Revenues - \$34,378.08**

Fund: 107                      Funded Program: P-00099 (P-00099-02-01)                      G/L Account: 432030

**Expenditures - \$34,378.08**

Fund: 107                      Funded Program: P-00099 (P-00099-02-01)                      G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 1, 2016
Action Required:	Approval and appropriation
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager Maya Kumazawa, Budget and Management Analyst
Title:	<b>State Assistance and Citizen Donation for Spay and Neuter Program at S.P.C.A. - \$1,001.64</b>

**Background:**

The City has received State assistance in the amount of \$852.75 from the Department of Motor Vehicles for sales of license plates bought to support spay and neutering of pets. These funds are appropriated to the local agency that performs the local spay and neutering program, which in this case is the Charlottesville/Albemarle Society for the Prevention of Cruelty to Animals (S.P.C.A.).

In addition, a private donation was made to S.P.C.A.'s spay and neutering program in the amount of \$148.89.

**Discussion:**

The City currently has a contractual obligation to support the S.P.C.A. to provide services that the City does not. Supporting the organization with additional funds will increase the level of service that SPCA can provide and potentially supplement the level of funding that is needed from the City each year.

**Alignment with City Council's Vision and Strategic Plan:**

By keeping animals healthy and their populations under control, this contributes to Council's vision to be "America's Healthiest City." In addition, by supporting a local community partner, this contributed to Strategic Plan Goal 5 Foster Strong Connections and Objective 5.2 Build Collaborative Partnerships.

**Community Engagement:**

N/A

**Budgetary Impact:**

These funds will be appropriated into the General Fund and distributed to the S.P.C.A.

**Recommendation:**

Staff recommends approval and appropriation of funds.

**Alternatives:**

Return funds to the state; return funds to the donor.

**Attachments:**

N/A

**Appropriation**

**State Assistance for Spay and Neuter Program at S.P.C.A.  
\$852.75**

**Citizen Donation for Spay and Neuter Program at S.P.C.A.  
\$148.89**

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that a total of \$1,001.64 is hereby appropriated to the Charlottesville / Albemarle S.P.C.A. in the following manner:

**Revenues - \$1,001.64**

Fund: 105                      Cost Center: 9713006000                      G/L Account: 430080

**Expenditures - \$1,001.64**

Fund: 105                      Cost Center: 9713006000                      G/L Account: 540100

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



<b>Agenda Date:</b>	February 1, 2016
<b>Action Required:</b>	Approval of Resolution Authorizing Renovation of Health Department Building
<b>Presenter:</b>	Lance Stewart
<b>Staff Contacts:</b>	Leslie Beauregard, Lisa Robertson
<b>Title:</b>	<b>Free Clinic Renovations, 1138 Rose Hill Drive (“Health Department Building”)</b>

**Background:**

The City of Charlottesville and Albemarle County jointly own the property located at 1138 Rose Hill Drive. The local Health Department occupies the property as the tenant of the City and County. Currently, the City and County are engaged in ongoing discussions with the Commonwealth of Virginia for a formal renewal of the Health Department lease and those arrangements are anticipated to be finalized during calendar year 2016.

In the meantime, the Free Clinic desires to construct alterations and improvements to the building, to facilitate an expansion of dental care facilities and to provide other arrangements mutually beneficial and agreeable to both the Free Clinic and the local Health Department staff. The City and County have no direct lease agreement with the Free Clinic; however, the Free Clinic has used and occupied the property for years as a Licensee of the Health Department. The Health Department’s lease allows improvements to the property with the agreement of the Health Department and approval of the Landlord (i.e., both the City Council and County Board of Supervisors).

**Discussion:**

Attached is a MOU, which sets out terms and conditions by which City staff (Facilities Development and Facilities Maintenance) must have an opportunity to review and “vet” the construction plans, prior to application for a building permit. Also, the written confirmation of the local health department director, agreeing to the plans, would be required.

According to the Free Clinic, time is of the essence. They are in need of expanded dental care facilities, in order to meet the requirements of a partnership with a federal grant recipient. The County will be considering this proposed MOU on February 3, 2016.

**Alignment with Council Vision Areas and Strategic Plan:**

This request supports Goal 2.2 of the Strategic Plan (consider health in all policies and programs)

and 5.2 (build collaborative partnerships)

**Community Engagement:**

None

**Budgetary Impact:**

This proposal has no impact on the General Fund

**Recommendation:**

Staff recommends approval of the attached Resolution, authorizing the City Manager to execute the MOU with the Free Clinic.

**Alternatives:**

Council may decline to allow the requested improvements, or Council may consider terms and conditions other than those outlined in the MOU.

**Attachments:**

1. Resolution
2. Proposed MOU



**RESOLUTION  
AUTHORIZING ALTERATIONS AND IMPROVEMENTS  
TO 1138 ROSE HILL DRIVE**

WHEREAS, the Charlottesville-Albemarle Health Department maintains its offices at 1138 Rose Hill Drive (“Health Department”), as the tenant under a lease from the City and Albemarle County, the joint owners of such property (“Lessors”); and

WHEREAS, the Charlottesville Free Clinic (“Free Clinic”) uses space within the Health Department premises, as a Licensee of the Health Department; and

WHEREAS, the Free Clinic proposes certain renovations of the Health Department premises, with the Health Department’s agreement and endorsement, and the Free Clinic has agreed to certain terms under which the renovations can be undertaken—as set forth within the attached Memorandum of Understanding (MOU);

NOW, THEREFORE, City Council does grant its permission for alterations and improvements to be made, subject to the terms and conditions set forth within the attached MOU, and the City Council authorizes the City Manager to execute the MOU on its behalf.

## MEMORANDUM OF UNDERSTANDING

THIS **MEMORANDUM OF UNDERSTANDING** (MOU) is made as of \_\_\_\_\_, 2016 by and between the COUNTY OF ALBEMARLE, VIRGINIA (hereinafter, the “County”) the CITY OF CHARLOTTESVILLE, VIRGINIA (hereinafter, the “City”), and the CHARLOTTESVILLE FREE CLINIC (hereinafter, the “Free Clinic”).

**WHEREAS**, the City and County (collectively, hereinafter, the “Owners”) jointly own certain real estate, located within the City of Charlottesville, Virginia, at 1138 Rose Hill Drive, Charlottesville, Virginia, which is identified as Parcel 30.2 on City Real Property Tax Map 44, and the Owners lease that property (“Leased Property”) to the Commonwealth of Virginia for use and occupancy by the Charlottesville/ Albemarle Health Department (“Health Department”); and

**WHEREAS**, the Free Clinic operates within the Leased Property pursuant to a written license agreement granted by the Health Department, and the Free Clinic and Health Department desire to construct certain improvements and alterations to the existing building located on the Leased Property; and

**WHEREAS**, the Free Clinic desires to fully fund and implement said improvements;

**NOW, THEREFORE**, in consideration of the premises and covenants herein set forth, the parties hereby set forth their agreement and understanding for construction of said improvements:

### **A. AUTHORIZATION BY OWNERS**

1. **Approval by Owners.** Execution of this MOU does not constitute authorization to proceed with any application for a building permit or commencement of any work or alterations at the Leased Property. Formal approval by the Charlottesville City Council and Albemarle County Board of Supervisors must be granted prior to any such activities by the Free Clinic.
2. **Approval by Property Managers.** Subsequent to approval by the Owners, and prior to submitting any construction plans to the City’s building official, the Free Clinic shall submit to the City’s Office of Facilities Development (i) a written consent from and endorsement of such plans by the local health director, and (ii) copies of the construction drawings and documents intended to be submitted with an application for a building permit (“Construction Plans”) for review and approval. The City’s Office of Facilities Development may direct such changes to the scope of work and drawings which, in its sole discretion, it deems necessary for the protection of the Owners’ interests in the Leased Property.
3. **Approval by City Building Official.** Following approval by the Owners and approval by the City’s Office of Facilities Development, the Free Clinic may submit an application for a building permit to the City’s Building Official, accompanied by the Construction Plans approved by the City’s Office of Facilities Development. The Free Clinic shall not commence work without an approved building permit.

### **B. CONSTRUCTION**

1. **Oversight by Owners’ Representatives.** In addition to any inspection(s) required or performed by the City’s Building Official, the City’s Office of Facilities Development shall

have the authority to inspect the work in progress for deviations from the approved Construction Plans.

2. **Unforeseen Conditions.** The Free Clinic shall notify the City's Office of Facilities Development in the event of unforeseen circumstances which may require deviation from the approved scope of work or threaten the health or safety of occupants. The City shall review proposed solutions, and must approve in writing any subsequent alteration to the scope of work.

3. **Final Approval of Work.** The City's office of Facilities Development shall be included in any substantial completion inspection(s), and shall provide formal notice to all parties to this Agreement when it accepted the work as finally complete.

### C. MISCELLANEOUS

1. **Notices.** Any notice, demand, request or other instrument which may be, or are required to be given under this MOU, shall be in writing and delivered in person or by United States certified mail, postage prepaid, and shall be addressed:

a. if to the Owners, at  
City of Charlottesville  
Office of Facilities Development  
Charlottesville, Virginia 22902  
or at such other address as the City shall designate by written notice; and

b. if to the Free Clinic, at  
Charlottesville Free Clinic  
Colleen Keller, Executive Director  
1138 Rose Hill Drive #200, Charlottesville, Virginia 22903  
or at such other address as the City shall designate by written notice; and

### COUNTY OF ALBEMARLE, VIRGINIA

This MOU is executed on behalf of the County of Albemarle by Thomas C. Foley, County Executive, pursuant to a Resolution of the Albemarle County Board of Supervisors.

By: \_\_\_\_\_  
Thomas C. Foley, County Executive

Approved as to form:

\_\_\_\_\_  
Albemarle County Attorney

**CITY OF CHARLOTTESVILLE, VIRGINIA**

This MOU is executed on behalf of the City of Charlottesville by Maurice Jones, its City Manager, pursuant to a Resolution of the Charlottesville City Council.

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

Approved as to form:

\_\_\_\_\_  
Charlottesville City Attorney

**CHARLOTTESVILLE FREE CLINIC**

By: \_\_\_\_\_  
Colleen Keller, Executive Director

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



<b>Agenda Date:</b>	February 1, 2016
<b>Action Required:</b>	Approval of Resolution
<b>Presenter:</b>	Jason Vandever, City Treasurer
<b>Staff Contacts:</b>	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue
<b>Title:</b>	<b>Transfer of Funds for Online Business Tax Portal</b>

**Background:**

Over the past year the City has been working on the implementation of an Integrated Tax Revenue System. This CIP Fund project will replace a variety of disparate tax systems and integrate assessment, billing, and collection under one system. Since beginning the project, the City's vendor has completed development of a new Online Business Tax Portal for the tax system.

This portal would allow City businesses such as restaurants and hotels to file and pay meals and lodging tax through a secure web portal. Currently the City only accepts filings by paper, and payments by mail or in person.

Additionally, this project would greatly increase the convenience of monthly and quarterly tax payments for our business partners, allow new business registrations online, enable online filing of business license renewal applications, and create efficiencies within multiple City departments.

**Discussion:**

Due to project timing and negotiations with our vendor, we were able to realize some project savings for FY16 within our operating budgets in the amount of \$40,000. We are requesting approval to move those funds from our operating budgets into the project fund so that the funds will be available when the business portal implementation begins. There is no new money involved in the request.

Once installed, there would be a small transactional cost of around \$0.50 for each payment made through the system. Current practice would be to pass that charge on to the user as a convenience fee, but that decision could be reevaluated at implementation for each tax type.

The Treasurer and Commissioner of the Revenue will work with our vendor and IT to determine the best way to proceed with this project. This module is active in Norfolk, and will be going live in Loudon County this year, with more localities to follow. The feedback from these localities has been very positive.

**Alignment with City Council's Vision and Strategic Plan:**

This project aligns with the following strategic plan goals:

- 3.2 Attract and cultivate a variety of new businesses
- 3.3 Grow and retain viable businesses

Additionally, the project aligns with the Council Vision statement, "Smart, Citizen-Focused Government."

**Community Engagement:**

Our offices work with business customers every day and have received repeated feedback that they would love to have the ability to file and pay business taxes online. This new module would be very popular with City businesses.

**Budgetary Impact:**

There is no immediate budgetary impact for implementation since the funds have already been identified within departmental operating budgets. Once the module goes live (most likely in FY18), there would be an ongoing annual maintenance and support contract of \$23,300 which can be funded out of Treasurer and Commissioner of the Revenue operating budgets. No new funds will be needed.

**Recommendation:**

Approval of the transfer of funds.

**Alternatives:**

Council could elect not to fund this project at this time. If the project module is not approved, businesses would continue to file by paper and pay business taxes in person or by mail.

**Attachments:**

Resolution

**RESOLUTION**  
**Funds for Online Business Tax Portal**  
**\$40,000**

**WHEREAS**, The City Treasurer and Commissioner of the Revenue have identified funds within their operating budgets in the amount of \$40,000 to be used for the implementation of an Online Business Tax Portal.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$40,000 is hereby appropriated in the following manner:

**Transfer from:**

\$20,000	Fund: 105	Cost Center: 1901001000	G/L Account: 530670
\$20,000	Fund: 105	Cost Center: 1801001000	G/L Account: 530060

**Transfer to:**

Revenue - \$40,000

Fund: 426	WBS Element: P-00719	G/L Account: 498010
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Expenditure- \$40,000

Fund: 426	WBS Element: P-00719	G/L Account: 599999
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**CONFIRMATION OF THE DECLARATION OF A LOCAL EMERGENCY  
IN THE CITY OF CHARLOTTESVILLE**

WHEREAS, a severe winter storm in Charlottesville with 18 to 30 inches of snow was forecast to begin on Friday, January 22, 2016; and

WHEREAS, on Thursday, January 21, 2016 the Charlottesville City Manager, in his capacity as the local director of emergency management for the City, declared a local emergency, as defined in Virginia Code sec. 44-146.16, due to the impending storm and potential high snow accumulation and the resulting threat to life and property; and,

WHEREAS, during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services and the Emergency Services Organizations of the City of Charlottesville were those prescribed by state law and the ordinances, resolutions, and approved plans of the City of Charlottesville, in order to mitigate the effects of said emergency; and,

WHEREAS, the existence of the declared local emergency was deemed to have ended when the City of Charlottesville government resumed normal hours of operation on Tuesday, January 26, 2016.

NOW, THEREFORE, BE IT RESOLVED by the Council for the City of Charlottesville, Virginia that the declaration of a local emergency made on Thursday, January 21 and continuing until Tuesday, January 26, and all lawful actions taken by the City of Charlottesville pursuant to such declaration, are hereby confirmed pursuant to Virginia Code sec. 44-146.21.

Dated: \_\_\_\_\_

Attest: \_\_\_\_\_

Clerk of the City Council  
City of Charlottesville  
Commonwealth of Virginia

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	January 19, 2016 (updated for February 1 agenda)
Action Required:	Approval of Ordinance
Presenter:	Missy Creasy, AICP, Assistant Director NDS
Staff Contacts:	Missy Creasy, AICP, Assistant Director NDS
Title:	<b>NDS Fee Schedule Proposed Revisions and Readoption</b>

**Background:** Every few years we are committed to reviewing our fee structure to bring them more in line to cover the cost of providing the required service for development as well as addressing regulatory changes. Each year we have been moving a little closer to covering our costs. This review focused mainly on updates for regulatory and clarification reasons. In addition, the Stormwater regulations and Development review fees are proposed to be updated to reflect current practices and regulations. Also, in practice nationwide, jurisdictions review and update their fee schedules every three years. The City has not had a major comprehensive fee schedule review and update since 2006 though reviews of some operations have occurred more recently.

**Discussion:** The following provides the fee changes requested including background and justification for the change.

Building Permit

No additional fee is charged until the building permit exceeds \$50,000. This change accounts for a clerical error on the fee schedule.

Trailer Change out

A comprehensive permit includes permission for installation of manufactured home and inspection of existing hook-ups to electrical, plumbing, and mechanical systems. We allow this to occur with one building permit rather than 4 different permits.

Amusement Rides

When a carnival or fair arrives, inspectors will spend 2-3 days on site assuring safety. These inspections require special training and certification. The Virginia Amusement Device Regulations has provided updated allowances for inspection fees.

### Temporary Office Trailer

Plans for this are reviewed for location, tie-downs and plumbing, if installed. We allow this to occur with one building permit rather than 2 different permits. Clarification is also added that there is a one year maximum for this use.

### Mechanical and Plumbing Permits

New equipment is continually being manufactured and installed and a better valuation on the permit is the base fee plus the building permit value table rate for the add on equipment.

### Fire Protection Fees

Suppression system for a commercial kitchen hood has been separated out from the fire line to building. Fire line to building will now represent those items (sprinkler systems etc.) requiring review and inspection by the Fire Marshal.

### Water Protection Fees

Numerous statewide changes have been made for Stormwater and Erosion and Sediment Control activities for Virginia localities. Staff has proposed clarifications and minimum fee increases to address these changes. We anticipate that over time, additional changes may be requested once longitudinal data is available to allow us to understand the true cost of performing these extensive reviews and inspections.

### Parking Space

This is a recommendation to separate out portable storage container parking space reservation and to reduce the fee for the parking space since there are separate associated fees for the storage container.

### Major Subdivision

Due to changes made by the state legislation, preliminary plats have been made optional. As this is still a valuable review, a lower fee would hopefully assist applicants in considering this option.

### Rezoning

Recent changes make the process for all rezoning applications nearly identical so fees are proposed to be equivalent.

### Special Use Permit

Recent changes make the process for all special use permit applications nearly identical so fees are proposed to be equivalent. In addition, staff proposes to split out SUP applications specific to Family Day Home (6-12 Children) as the current rate is cost prohibitive.

### Site Plan

Changes were made to the fee structure for site plans in October of 2014 to address changes made concerning development review procedures from the state. We have found in practice that this system has been cumbersome and a simplified system charging fees for the preliminary, final and amendments is more user friendly. Since a preliminary plan is now optional, the majority of the fee for site plans will be collected with the final application.

### BAR – Certificate of Appropriateness

This would set fees for demolition of the entire (contributing historic) building and BAR appeals to Council.

### Zoning Compliance Letters

There is a high demand for these letters due to more diligent lending practices. As such, the amount of time and research involved in addressing these requests is extensive due to the historical aspect of research needed and the various formats of the materials. Staff researched other localities and found that a tiered approach has been used in places such as Albemarle and Richmond to differentiate between the types of letters needed and this is being proposed.

### Flood Plain

Adoption of the new ordinance earlier this year to comply with FEMA and DEQ requirements set up different types of reviews which need to take place accounting for additional staff time.

**Alignment with Council Vision Areas and Strategic Plan:** This proposal aligns with the Council Vision to be a Smart Citizen Focused Government. It does not directly relate to any Strategic Plan goal but likely best falls under Goal 4 Be a well-managed and successful organization.

### **Community Engagement:**

There has been no specific community engagement process for this item.

### **Budgetary Impact:**

Limited additional revenue is likely to be generated to further minimize the cost of addressing different services in NDS.

### **Recommendation:**

Staff recommends approval. Additionally, staff recommends that the City consider undertaking a major fee schedule review and update in three years.

### **Alternatives:**

Council could chose to approve any combination of the changes recommended or recommend denial.

### **Attachments:**

- Fee Schedule

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**NDS Fee Schedule (Draft)**

<b>Type of Fee</b>	<b>Current Fee (\$)</b>	<b>Additional Costs/Comments</b>	<b>Proposed Fee (\$)</b>	<b>Approval Dates</b>	<b>Comments on the Changes</b>
<b>BUILDING REGS (CHAPTER 5)</b>					
BLDING., ELECT., MECH., PLUMB., FIRE PROTECTION PERMIT FEES		* In addition to the fees below, a surcharge of 2.00% of the total fee shall be imposed on all permits as required under		June 5, 2006/June 16, 2008	
Certificate of Occupancy not required by USBC Single Family/Other	\$60/\$125			June 5, 2006/June 16, 2008	
Non-refundable Administrative Fee on \$1 to \$2,000 residential additions/renovations/new	\$25	Reviews underway. No inspections scheduled or completed		June 5, 2006/June 16, 2008	
Amendment to Permit Fee on \$1 to \$2,000 residential additions/renovations/new	\$25			June 5, 2006/June 16, 2008	
Non-refundable Administrative Fee on all commercial and residential additions/renovations/new greater than \$2000	\$75	Reviews underway. No inspections scheduled or completed		June 5, 2006/June 16, 2008	
Amendment Fee on all commercial and residential additions/renovations/new greater than \$2000	\$75			June 5, 2006/June 16, 2008	
Building Permit Fee \$ 2,001 to \$50,000	\$64	\$4/ each additional \$1,000 up to \$50,000		June 5, 2006/June 16, 2008/	
Building Permit Fee \$50,001 to \$100,000	\$255	+ \$3/ each additional \$1,000 up to \$100,000		June 5, 2006/June 16, 2008	
Building Permit Fee over \$100,000	\$402	+ \$3/ each additional \$1,000		June 5, 2006/June 16, 2008	

### NDS Fee Schedule (Draft)

Type of Fee	Current Fee (\$)	Additional Costs/Comments	Proposed Fee (\$)	Approval Dates	Comments on the Changes
Trailer Change-out	\$100		\$150	6/5/2006 /2016	Comprehensive permit includes permission for installation of manufactured home and inspection of existing hook-ups to electrical, plumbing, and mechanical systems. We allow this to occur with one building permit rather than 4 different permits
Tent	\$50			5-Jun-06	
Voided Permit	\$0			5-Jun-06	
Blasting Permit	\$50			5-Jun-06	
Delivery Riser	\$10			5-Jun-06	
Temporary Closure of Tank	\$10			5-Jun-06	
Reinspection for New Construction	\$100			5-Jun-06	
Demolition Sheds over 150 s.f. and 1&2 Family Garages	\$50			June 5, 2006/June 16, 2008	
Demolition 1&2 Family residential	\$150			June 5, 2006/June 16, 2008	
Demolition Commercial	\$250			June 5, 2006/June 16, 2008	
Amusement Rides;		per the Virginia Amusement Device Regulations (VADR) 2012			
Small mechanical ride or inflatable covered by permit (Kiddie Ride) (Previously called Kiddie Ride)	\$25		\$35	June 5, 2006/June 16, 2008 /2016	Change in the VA Amusement Device Regulations (VADR) allowances
Each Circular Ride or Flat Ride less than 20 ft in height	\$25			June 5, 2006/June 16, 2008	
Each Spectacular Ride	\$55	All rides which cannot be inspected as a Circular or Flat Ride as above due to complexity or height	\$75	June 5, 2006/June 16, 2008 /2016	Change in the VADR allowances
Coasters which exceed 30 ft in height	\$150		\$200	June 5, 2006/June 16, 2008 /2016	Change in the VADR allowances
Temporary Office Trailer (1 Year Maximum Use)	\$100		\$150	June 5, 2006/June 16, 2008	Plans reviewed for location and tie-downs and plumbing inspected if installed. We allow this rather than 2 separate permits.
Occupant Load Signs;				16-Jun-08	
Single Exit Required Spaces/All Others	\$50/\$150			16-Jun-08	



**NDS Fee Schedule (Draft)**

Type of Fee	Current Fee (\$)	Additional Costs/Comments	Proposed Fee (\$)	Approval Dates	Comments on the Changes
Replacement Signs on file	\$25	Engineer/Architect calculated occupancy loads under sealed plan review – no fee		16-Jun-08	
Electrical Permit Fees;					
\$1 - \$50 construction value	\$50	Base Fee + \$4/\$50 up to \$300 value		5-Jun-06	
\$51 - \$100 construction value	\$64			5-Jun-06	
\$101 - \$150 construction value	\$68			5-Jun-06	
\$151 - \$200 construction value	\$72			5-Jun-06	
\$201 - \$250 construction value	\$76			5-Jun-06	
\$251 - \$300 construction value	\$80			5-Jun-06	
\$301-\$400 construction value	\$90			5-Jun-06	
\$401-\$500 construction value	\$100			5-Jun-06	
\$501-\$600 construction value	\$125			5-Jun-06	
\$1001-\$2000 construction value	\$140			5-Jun-06	
\$2001-\$3000 construction value	\$155			5-Jun-06	
\$3001-\$4000 construction value	\$175			5-Jun-06	
\$4001-\$5000 construction value	\$200			5-Jun-06	
Electrical Permits over \$5,000 add \$10/1,000	\$200	Add \$10 per each \$1000 value		June 5, 2006/June 16, 2008	
Residential Electrical Repairs less than \$1000	\$50	Flat fee; All residential repairs over \$1000, new construction residential, or commercial work follow other electrical fee scale.		15-Sep-08	
Electric/Plug-In Vehicle Charger	\$50	Flat fee: may only be installed in 1 or 2 family residential dwellings		1-Nov-10	
Mechanical Permit Fees;					
Mechanical Base Fee	\$75			5-Jun-06	
<del>Mechanical Permit each Add-on except those listed below;</del>	<del>\$11</del>			June 5, 2006/June 16, 2008	Remove due to coverage in fee noted below
Furnace (100,001 to 500,000 BTU)	\$31			June 5, 2006/June 16, 2008	
Furnace 500,000 BTU + \$2/100,000	\$26			June 5, 2006/June 16, 2008	
Gas Boiler over 100,000 BTU	\$31			June 5, 2006/June 16, 2008	
\$2/100,000 BTU over 500,000	\$3			June 5, 2006/June 16, 2008	
Condensing Unit \$2 over 5 tons	\$3			June 5, 2006/June 16, 2008	
Rooftop Unit (over 5 tons)	\$31			June 5, 2006/June 16, 2008	

## NDS Fee Schedule (Draft)

Type of Fee	Current Fee (\$)	Additional Costs/Comments	Proposed Fee (\$)	Approval Dates	Comments on the Changes
Air Handler (over 5 tons)	\$31			June 5, 2006/June 16, 2008	
Other Mechanical add on		Charge base fee and use building permit valuation table to determine add on cost. Current schedule has itemized list of fixtures, appliances and materials.	varies		New types of equipment are continually being manufactured and installed.
Plumbing Permit Fees;					
Plumbing Base Fee	\$75			5-Jun-06	
<del>Plumbing Permit each NEW Add-on</del>	<del>\$5-</del>			<del>June 5, 2006/June 16, 2008</del>	Remove due to coverage in fee noted below
Gas Line	\$11			June 5, 2006/June 16, 2008	
Gas Water Heater	\$11			June 5, 2006/June 16, 2008	
Sewer Lateral	\$11			June 5, 2006/June 16, 2008	
Supply Lines	\$11			June 5, 2006/June 16, 2008	
Plumbing Vents	\$11			June 5, 2006/June 16, 2008	
Water Lateral	\$11			June 5, 2006/June 16, 2008	
Waste Line	\$11			June 5, 2006/June 16, 2008	
Backflow Prevention Device	\$11			June 5, 2006/June 16, 2008	
Other Plumbing add on		Charge base fee and use building permit valuation table to determine add on cost. Current schedule has itemized list of fixtures, appliances and materials.	varies		New types of equipment are continually being manufactured and installed.
Fire Protection Permit Fees:					
Fire Protection Permit \$1- \$2,000	\$60			June 5, 2006/June 16, 2008	
Fire Protection Permit \$2,001 to \$50,000	\$64	+ \$4/ each additional \$1,000 up to \$50,000		June 5, 2006/June 16, 2008	
Fire Protection Permit \$50,001 to \$100,000	\$255	+ \$3/ each additional \$1,000 up to \$100,000		June 5, 2006/June 16, 2008	
Fire Protection Permit over \$100,000	\$402	+ \$3/ each additional \$1,000		June 5, 2006/June 16, 2008	
Fire Line to Building	<del>\$50-</del>	Use Fire Protection Permit fee Schedule	varies	6/5/2006 / 2016	Review and inspection by Fire Marshal required.

**NDS Fee Schedule (Draft)**

<b>Type of Fee</b>	<b>Current Fee (\$)</b>	<b>Additional Costs/Comments</b>	<b>Proposed Fee (\$)</b>	<b>Approval Dates</b>	<b>Comments on the Changes</b>
Tank (Removal or Installation)	\$50			5-Jun-06	
Miscellaneous Fee	\$1			5-Jun-06	
Suppression System - <b>Commercial Kitchen Hood</b>	\$50			6/5/2006 / 2016	Clarification
Waived	\$0			5-Jun-06	
Building Code Board of Appeals Application Fee	\$100			16-Aug-10	
Temporary Certificate of Occupancy Fee		Was \$400 per 30 days until 10/20/14. the break down by use is indicated below.		16-Aug-10	
Residential	\$50/unit per month			20-Oct-14	
Non-Residential	\$1/sq ft per month			20-Oct-14	
Landscape Only	\$500 per month			20-Oct-14	
Single Family Res.	\$250 per unit			20-Oct-14	
Working Without a Permit Fee	Permit Fee X 2	Inapplicable to homeowner's primary residence		16-Aug-10	
Revisions to Approved Building Plan Fee	\$30			16-Aug-10	
Code Modification Application Fees:					
Residential Code Modification	\$75			19-Dec-11	
All other Code Modifications	\$150			19-Dec-11	
Special Event Building Inspection Fees:					
Up to 50 Person Occupancy	\$50			19-Dec-11	
51-299 Person Occupancy	\$100			19-Dec-11	
300-500 Person Occupancy	\$200			19-Dec-11	
Over 500 person Occupancy	\$300			19-Dec-11	
Elevator Administrative Fee	\$45			19-Dec-11	
Permit System Maintenance Fees:					
Permits under \$200	\$10			19-Dec-11	
Permits \$200-\$499.99	\$20			19-Dec-11	
Permits \$500-\$1000	\$35			19-Dec-11	
Permits over \$1000	\$50			19-Dec-11	
<b>WATER PROTECTION (CHAPTER 10)</b>					

**NDS Fee Schedule (Draft)**

<b>Type of Fee</b>	<b>Current Fee (\$)</b>	<b>Additional Costs/Comments</b>	<b>Proposed Fee (\$)</b>	<b>Approval Dates</b>	<b>Comments on the Changes</b>
E&S Plan Application fee (for sites with land disturbance equal to or greater than 6000sf)	\$400 + \$125AC		\$500 + \$125AC	6/5/2006 / 2016	An increase is being requested to accommodate the technical complications associated with infill development. "City Sec. 10.10(a)VA Sec. 62.1-44.15:54(J)"
E&S Plan Amendment (for sites with land disturbance equal to or greater than 6000sf)	\$150		\$200	6/5/2006 / 2016	A single E&S Amendment can take several hours to review. All of our certified plan reviewers are licensed engineers that would normally bill at a rate nearing or in excess of \$100/hr."City Sec. 10.10(a)VA Sec. 62.1-44.15:54(J)"
Erosion and Sediment Control Agreement in Lieu of Plan (Single Family Detached)	\$150			5-Jun-06	
Stormwater Management Plan Application Fee (for sites with land disturbance between 6000sf and 1 AC)	\$400	Includes fees for inspections pursuant to City Code 10-58	\$500	6/5/2006/ 2016	An increase is being requested to accommodate the increasingly stringent regulations and technical complications associated with infill development. "City Sec. 10.10(a)VA Sec. 62.1-44.15:28(5)"
Stormwater Management Plan Amendment (for sites with land disturbance between 6000sf and 1 AC)	\$150		\$200	6/5/2006/ 2016	A single SWM Amendment can take several hours to review. All of our certified plan reviewers are licensed engineers that would normally bill at a rate nearing or in excess of \$100/hr."City Sec. 10.10(a)VA Sec. 62.1-44.15:28(5)"

**NDS Fee Schedule (Draft)**

Type of Fee	Current Fee (\$)	Additional Costs/Comments	Proposed Fee (\$)	Approval Dates	Comments on the Changes
Stormwater Management Agreement in Lieu of Plan (Single Family Detached)			\$150	/ 2016	This will mirror the existing fee for an E&S Agreement In Lieu of Plan which is also \$150. Since the new SWM regulations took effect in 2014, the City is now required to obtain an Agreement in Lieu of SWM Plan for certain single family detached residential dwellings. This fee will help cover the administrative cost for processing the application, conducting inspections and enforcing regulations. "City Sec. 10.10(a) VA Sec. 62.1-44.15:28(5)"
Request for Exception to Stormwater Management Plan Requirements	\$100	City Code 10-56		5-Jun-06	
Review of Proposed Public Dedication of Stormwater Management Facilities	\$100			5-Jun-06	
Review of Mitigation Plan for Development within a Stream Buffer	\$150			5-Jun-06	
Approval of a Conservation Plan	\$150	City Code 10-23		5-Jun-06	
Inspection fee following Notice to Comply for E&S and/or SWM	\$100			6/16/2008 / 2016	Clarified that this is an inspection fee and added SWM since new stormwater regulations now require regular SMW inspections as well as E&S.
Inspection fee following Stop Work Order for E&S and/or SWM	\$250			6/16/2008 / 2016	Clarified that this is an inspection fee and added SWM since new stormwater regulations now require regular SMW inspections as well as E&S.
<b>STREETS &amp; SIDEWALKS (CHAPTER 28)</b>					
Temporary Street Closings:				16-Jun-08	
Parking spaces	\$20	Per day, per on-street parking space utilized		June 5, 2006/June 16, 2008	
Portable Storage Container Parking Space	\$10	Per day, per on-street parking space utilized		/ 2016	Recommendation for a lower fee for this specific use of on street parking
Sidewalks	\$10	Per day, per sidewalk utilized		June 5, 2006/June 16, 2008	

**NDS Fee Schedule (Draft)**

<b>Type of Fee</b>	<b>Current Fee (\$)</b>	<b>Additional Costs/Comments</b>	<b>Proposed Fee (\$)</b>	<b>Approval Dates</b>	<b>Comments on the Changes</b>
Right of Way	\$50	Per day, per right of way utilized plus any fee required for the issuance of a permit under the building code to authorize the erection of any temporary structure(s).		June 5, 2006/June 16, 2008	
Vendor Stands:					
Assigned	\$1000/yr \$250/quarter	Varied depending on size and location		June 5, 2006/December 19, 2011/February 3, 2014	
Unassigned	\$800/yr \$200/quarter	Varied depending on size and location		June 5, 2006/December 19, 2011/February 3, 2014	
Payment Terms and Conditions, All Vendor Stands		All fees are non-refundable. If any annual fee is paid in full by January 15th each year, a \$50 discount will be allowed. Any annual fee may be paid in equal quarterly installments due on January 1, April 1, July 1, and October 1. A vendor shall pay only for quarter-year periods used, except a previous quarter payment is due to operate in the 4th quarter		June 5, 2006/February 3, 2014	
Outdoor Café Permits;					
Basic Permit Fee	\$125	Annually. 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.		5-Jun-06	
Additional Fee, Space Rental	\$5	per square foot of assigned space annually		June 5, 2006/February 3, 2014	
Winter Operations Fee		Removed as an option due to changes which allowed furniture to remain on the mall in the winter.		June 5, 2006/February 3, 2014	
Street/Alley Closing	\$100			7-Feb-05	
<b>SUBDIVISIONS (CHAPTER 29)</b>					
Vacation of Recorded Subdivision Plat Fee	\$150			6/5/2006/October 20, 2014	
Survey Layout Services 250 feet	\$100	\$100 for first 250 linear feet + \$10 for each additional 100 feet		June 5, 2006/June 16, 2008	

## NDS Fee Schedule (Draft)

Type of Fee	Current Fee (\$)	Additional Costs/Comments	Proposed Fee (\$)	Approval Dates	Comments on the Changes
Major Subdivision Plat Approvals: Preliminary	<del>\$1,330</del>	Plus \$20 per lot + <del>cost of newspaper notice</del>	\$500	June 5, 2006/June 16, 2008/ 2016	Decrease preliminary fees in acknowledgement that preliminary plats are voluntary. The fees should be broken into two different categories.
Major Subdivision Plat Approvals: Final	\$1,330	Plus \$20 per lot + <del>cost of newspaper notice</del>		June 5, 2006/June 16, 2008	
Amendment of Approved (Unrecorded) Major Subdivision Plat	\$100	Plus \$5 per lot + <del>cost of newspaper notice</del>		16-Jun-08	
Amendment of Approved (Unrecorded) Minor Subdivision Plat	\$100	Plus \$5 per lot		5-Jun-06	
Minor Subdivision Plat	\$250			20-Oct-14	
Boundary Line Adjustment	\$100	No new lots created		June 5, 2006/ Oct 20, 2014	
<b>ZONING (CHAPTER 34)</b>					
Zoning Text Amendment	\$840	\$1.00 per property owner entitled to notice under applicable mailing requirements + cost of newspaper notice		5-Jun-06	
Rezoning – PUD/Other	<del>\$2,000/\$1,500</del>	Mailing costs (\$1.00 per owner notice) + cost of newspaper notice	\$2,000	June 5, 2006/June 16, 2008/ 2016	New code requirements make all Rezoning request processes nearly identical.
<del>Special Permit – Nonresidential/Mixed Use</del>	<del>\$1,500</del>	<del>Mailing costs (\$1.00 per owner notice) + cost of newspaper notice</del>		<del>June 5, 2006/July 1, 2008/January 20, 2009/December 19, 2011</del>	
Special Permit – Residential/Nonresidential/Mixed Use	\$1,800	Mailing costs (\$1.00 per owner notice) + cost of newspaper notice		June 5, 2006/July 1, 2008/January 20, 2009/December 19, 2011 / 2016	SUP applications require the same processes so fees should be the same.
Special Permit - Family Day Home (6-12 Children)	\$500	Mailing costs (\$1.00 per owner notice) + cost of newspaper notice		/ 2016	The current cost for the SUP for this specific use is cost prohibitive and staff recommends this lower fee.
Site Plan – Preliminary Residential	<del>\$1,300</del>	<del>\$20 per dwelling unit</del>	\$500 (Administrative), \$750 (Commission Review)	June 5, 2006/July 1, 2008/January 20, 2009/December 19, 2011/ 2016	The Site Plan fees were set up to charge the most fees at the Preliminary stage. Since this is now optional due to the change in state code, the higher fees need to be charged for the mandatory plan (final site plan) This will reduce the preliminary fee requirement and simplify the calculations for the final plans.

## NDS Fee Schedule (Draft)

Type of Fee	Current Fee (\$)	Additional Costs/Comments	Proposed Fee (\$)	Approval Dates	Comments on the Changes
Site Plan – Preliminary Nonresidential (commercial only)		\$20 per 100 square feet of building area	\$500 (Administrative), \$750 (Commission Review)	June 5, 2006/July 1, 2008/January 20, 2009 / 2016	
<del>Development Plan – No Preliminary – Submission of final only Non – Residential (commercial only)</del>	<del>\$1200 + \$20/sq ft</del>			<del>20-Oct-14</del>	
<del>Development Plan – No Preliminary – Submission of final only Residential</del>	<del>\$1800 + \$20 per lot</del>			<del>20-Oct-14</del>	
<del>Development Plan – Final with Preliminary info (Admin Approval) (Old Site Plan – Final (Admin Approval))</del>	<del>\$500</del>			<del>June 5, 2006/July 1, 2008/January 20, 2009/December 19, 2011/October 20, 2014</del>	
<del>Development Plan – Final with Preliminary info (Commission Review) (Old Site Plan – Final (Commission review))</del>	<del>\$750</del>	<del>Includes mailing costs (\$1.00 per owner-notice) and cost of newspaper notice</del>		<del>June 5, 2006/January 20, 2009/December 19, 2011/October 20, 2014</del>	
<del>Development Plan – Mixed Use – With Preliminary Plan</del>	<del>\$1300+ \$20/unit +\$20/sf/100sf</del>			<del>20-Oct-14</del>	
<del>Development Plan – Mixed Use – No Preliminary Plan</del> <b>Final Site Plan</b>	<del>\$1800+ \$20/unit +\$20/sf/100sf</del>			<del>10/20/2014 / 2016</del>	
<del>Development Plan Amendment Fees (old Site Plan Amendment)</del>	<del>\$300</del>	<del>\$500 if circulation required</del>		<del>June 5, 2006/June 16, 2008/October 20, 2014 / 2016</del>	<del>Rename to match current code</del>
Special Site Plan Application Fees:		For site plans that do not fall into traditional site plan categories			
City Utility Work	\$500			19-Dec-11	
Other Utility Work	\$1,200			19-Dec-11	
Other Utility Work (No Impervious Surface)	\$900	(i.e. Meadowcreek Restoration-type projects)		19-Dec-11	
Provisional Use Permits	\$100			June 5, 2006/June 16, 2008	
Zoning Ordinance Waiver Request				16-Jun-08	
Single or Two Family Residential	\$50			16-Jun-08	
Other	\$250			16-Jun-08	
Critical Slope Waiver				16-Jun-08	
Single or Two Family Residential	\$75			16-Jun-08	
Other	\$500			16-Jun-08	



**NDS Fee Schedule (Draft)**

<b>Type of Fee</b>	<b>Current Fee (\$)</b>	<b>Additional Costs/Comments</b>	<b>Proposed Fee (\$)</b>	<b>Approval Dates</b>	<b>Comments on the Changes</b>
BZA – Appeal/Variance	\$100/\$250	Mailing costs (\$1.00 per owner notice) + cost of newspaper notice		June 5, 2006/June 16, 2008	
BAR Certificate of Appropriateness – New Construction/Other	\$375/\$125	Mailing costs incorporated in fee		June 5, 2006/June 16, 2008/December 19, 2011	
BAR Certificate of Appropriateness - Demolition of entire (contributing historic) building	\$125	currently charge the "other" fee	\$375	/ 2016	Application for COA for demolition of entire buildings require significant research and staff time similar to that of new construction.
BAR Certificate of Appropriateness – Staff/Administrative Approval	\$100			June 5, 2006/June 16, 2008	
BAR Certificate of Appropriateness - Appeals to City Council			\$125	/ 2016	BAR appeals require significant research and staff time.
ERB Certificate of Appropriateness – New Construction/Other	\$375/\$125	Mailing costs incorporated in fee		June 5, 2006/June 16, 2008/December 19, 2011	
ERB Certificate of Appropriateness – Staff/Administrative Approval	\$100			June 5, 2006/June 16, 2008	
Temporary Family Health Care Structure - Temporary Use Permit Fee	\$100	New use mandated by state law		16-Aug-10	
Portable Storage Container Permit	\$25	Free if located on a site for 15 or fewer days		5-Jun-06	
Temporary Use Permit	\$250			5-Jun-06	
Sign Permit	\$75			5-Jun-06	
Application for Approval of a Mall Side Street Sign (Wayfinding)	\$125			5-Jun-06	
Optional Comprehensive Sign Permit	\$250			June 5, 2006/June 16, 2008	
Zoning Compliance Letter - Single and two family	\$50		\$100	6/5/2006 / 2016	Creation of tiers for Zoning letters to better reflect work involved for research and drafting.
Zoning Compliance Letter - Multifamily Residential	\$50		\$150	/ 2016	
Zoning Compliance Letter - Mixed Use/Commercial	\$50		\$250	/ 2016	

**NDS Fee Schedule (Draft)**

<b>Type of Fee</b>	<b>Current Fee (\$)</b>	<b>Additional Costs/Comments</b>	<b>Proposed Fee (\$)</b>	<b>Approval Dates</b>	<b>Comments on the Changes</b>
<p>Flood Plain Development Permit - Letter of Map Amendment (LOMA) Letter of Map Revision (CLOMR, LOMR, CLOMR-F,LOMR-F)</p>			<p align="center">\$300 / \$500</p>	<p align="center">/ 2016</p>	<p>As a participating community of the National Floodplain Insurance Program (NFIP) a development permit is require to ensure that proposed development projects meet the federal requirements of the NFIP and the recently adopted floodplain ordinance in city code Chapter 34, Article II, Division I. This NFIP criteria is set forth within Title 44 Code of Federal Regulations, Subchapter B(Insurance and Hazard Mitigation), including the limitation, Part 60 (Criteria for Land Management and Use) , as defined by 44CFR59 and 44CFR60.3.</p>

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 1, 2016
Action Required:	Presentation of Report Only
Presenter:	Kathy McHugh, Housing Development Specialist
Staff Contacts:	Kathy McHugh, Housing Development Specialist
Title:	<b>Comprehensive Housing Analysis and Policy Recommendations</b>

**Background:**

On March 1, 2015, City Council approved the use of Charlottesville Affordable Housing Fund (CAHF) for use in preparing a Comprehensive Housing Analysis and Policy Recommendations for the City. The report was prepared using Rhodeside and Harwell (an on-call consultant with the City) and Robert Charles Lessor Company (RCLCO). Now that the report has been finalized, RCLCO has been asked to provide a brief presentation of their findings to City Council.

**Discussion:**

While the full report is available for review and will be made available on the City's website, due to the voluminous nature of the study, the attached PowerPoint is being used for the purposes of the Council presentation. The summary presentation provides base data, economic and demographic information, housing demand analysis, consumer research from low income and employee surveys, policy options, and other relevant information from the research to convey the findings and recommendations.

**Alignment with City Council's Vision and Strategic Plan:**

This agenda item aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options.

**Community Engagement:**

There has been citizen engagement throughout this project, with public meetings held as follows:

- July 16, 2014 – initial discussion with the Housing Advisory Committee (HAC)
- July 17, 2014 – joint meeting with City Council and the HAC

- August 20, 2014 – initial meeting of HAC Project Scoping Subcommittee
- October 15, 2014 – meeting between HAC Project Scoping Subcommittee & RCLCO
- November 19, 2014 – presentation of RCLCO proposal to the HAC
- March 1, 2015- Council approval of CAHF for housing study
- November 18, 2015 – RCLCO presented the draft report to the HAC and solicited comments

**Budgetary Impact:**

No additional funds are being requested. City Council originally approved \$62,000 for this effort.

**Recommendation:**

NA

**Alternatives:**

NA

**Attachments:**

RCLCO PowerPoint Presentation

# **Comprehensive Housing Analysis and Policy Recommendations**

## **City of Charlottesville, VA**

## Agenda

- Welcome, Goals, and Objectives
- Key Findings
- Policy Recommendations
- Questions and Discussion



## Practice Groups

- ▶ Public Strategies
- ▶ Community Development
- ▶ Urban Development
- ▶ Management Consulting
- ▶ Institutional Advisory

## Offices

- ▶ Washington, DC
- ▶ Los Angeles
- ▶ Austin
- ▶ Orlando

**RCLCO** is a land use economics firm delivering **real estate strategies, market intelligence, and implementation assistance**





## Expertise

- ▶ Planning and Design Support
- ▶ Economic Development
- ▶ Funding Public Investments
- ▶ Development Services
- ▶ Economic and Fiscal Impact
- ▶ Transit-Oriented Development

**PUBLIC STRATEGIES** answers questions concerning real estate, economics, finance and policy for our public sectors clients.



## Goals and Objectives

- Understanding of overall housing market in the City of Charlottesville
- Analysis of market barriers and other issues affecting affordable housing

### Objectives:

- Characterize existing and new supply
- Segment demand in City by housing type, age, tenure, and income
- Identify any mismatch between supply and demand
- Define the consumer, depth of market, and ideal housing for affordable and workforce housing
- Identify policy options to mitigate market barriers and achieve better housing outcomes

### Deliverables:

- Written report
- Detailed analytical appendix
- Consumer research findings

## Key Findings

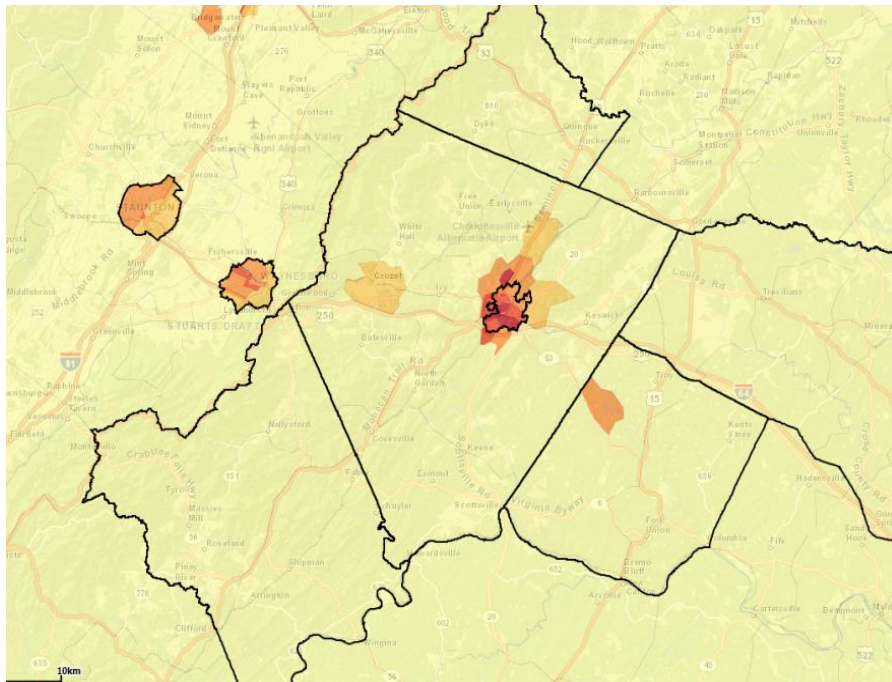
- Charlottesville is viewed as a highly desirable place to live
- Housing within the City is expensive to the lowest-income groups, and perceived as expensive by others
- Most households do not pay the full amount that they can afford in housing costs
- Most of Charlottesville's households are over age 55
  - Most households in the City have 1-2 people
- At an overall market level, the City has an undersupply of housing statistically affordable to households at the top (>120% AMI) and bottom (<50% AMI) of the market
- Workforce households face the most challenging trade-offs between housing and commute

## Key Findings

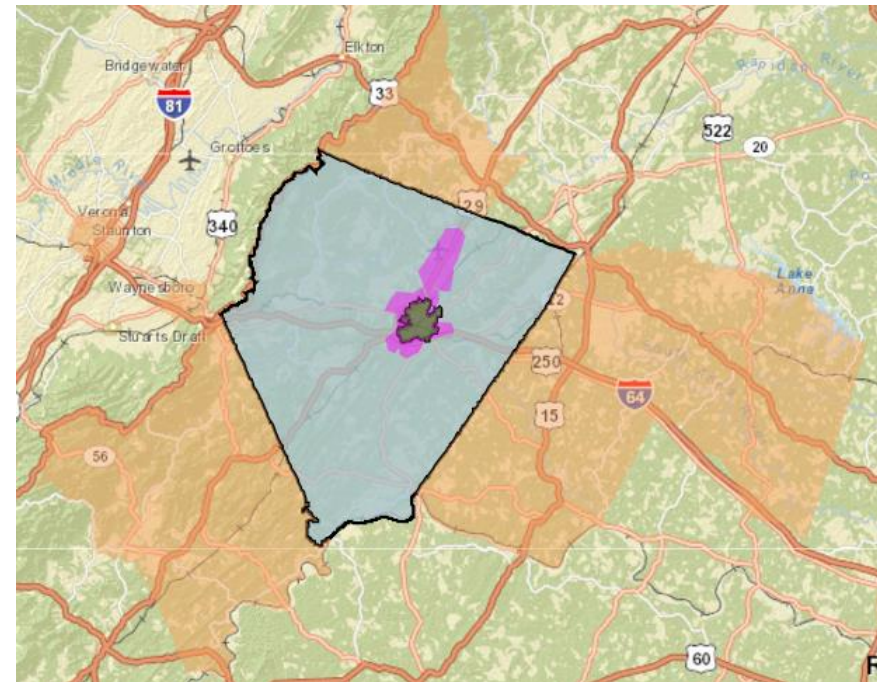
- Market should be able to provide appropriately-priced housing for majority of workforce consumers in the region
- Region should not be a supply-constrained market, but is behaving like one
- Two key factors create supply constraints in city boundaries and close-in areas:
  - Limited supply of land for new development** – both City’s small area and built-out character, and Albemarle County’s restrictive growth areas
  - Large affluent population** that desires City living and can afford to pay higher prices for housing compared to today.

# City of Charlottesville is Small in Area but Has a Larger Share of Region's Population

## Population Density by Census Tract



## Key Geographies Used in Analysis



▲ 2015 Population Density (Pop per Square Mile)



KEY		Share of Population	Share of Land Area
Dark Green	City of Charlottesville	16%	1%
Pink	Primary Market Area	32%	2%
Light Blue	Albemarle County	36%	38%
Light Orange	Charlottesville, VA Region	100%	100%

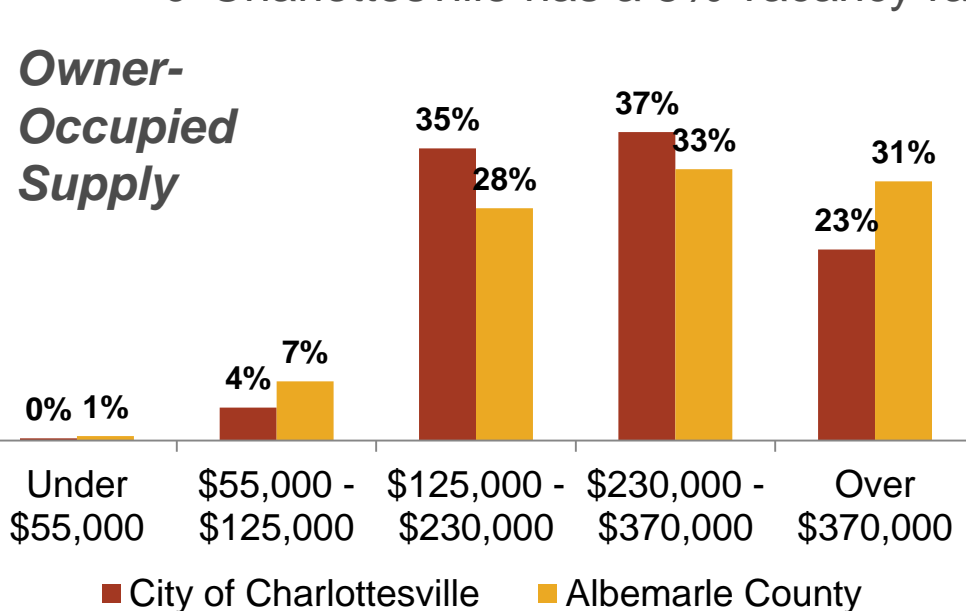
Source: Esri



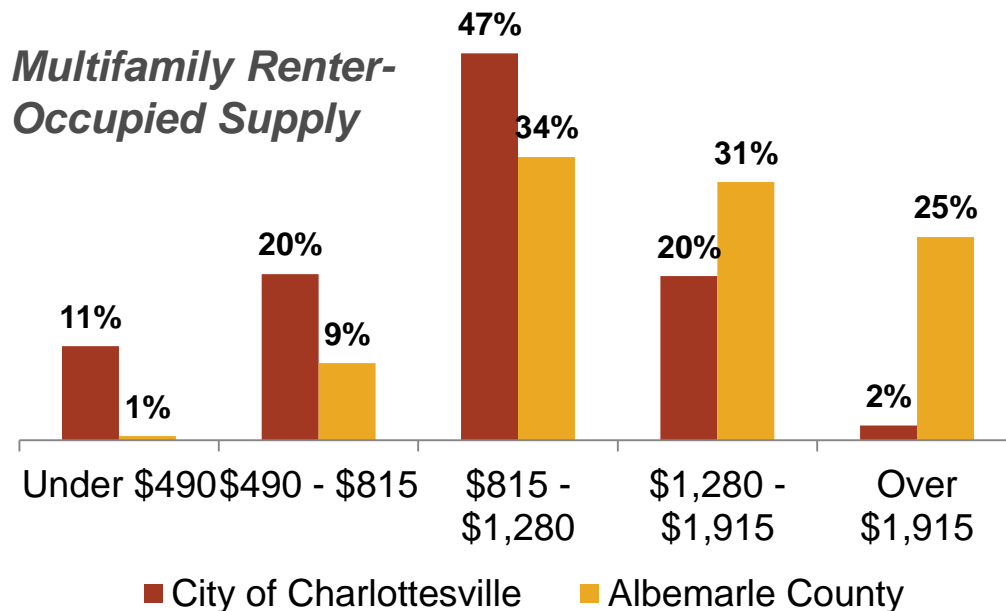
## Existing Housing Inventory Concentrated in Price/Rent Bands Affordable to Most Consumers

- Charlottesville has about 9% of the region's owner-occupied housing stock and 20% of the region's rental housing
- \$450,000 average new home price only affordable to households above 120% AMI
  - \$250,000 affordable to households just above 80% AMI
- Class A rental apartments in or near the City average rent: \$1,282 per month
  - Average rents in region are about 20% less than in City
  - Charlottesville has a 5% vacancy rate

### Owner-Occupied Supply



### Multifamily Renter-Occupied Supply

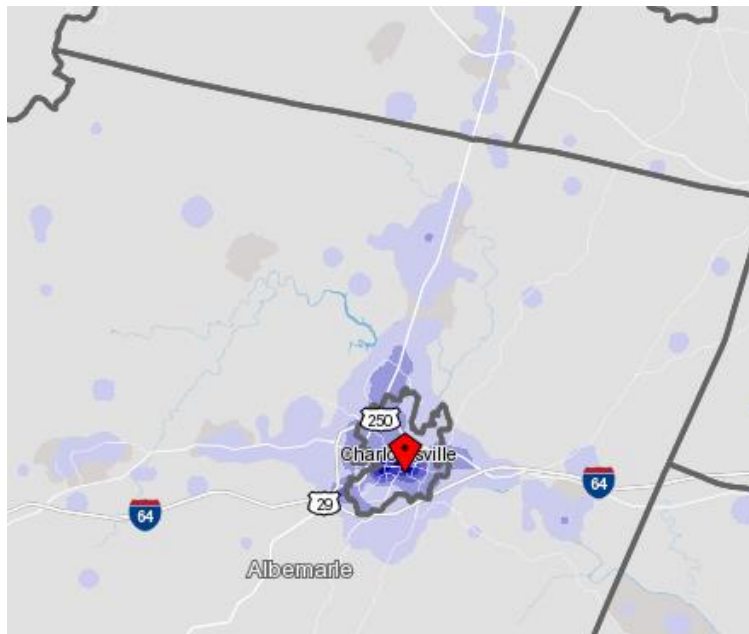


Source: City of Charlottesville; Virginia Housing Development Authority; ACS PUMS Data 2012-2013; U.S. Census ACS 2011-2013 3-year Data; RCLCO

# 48% of Charlottesville Employees Live Within 10 Miles of City

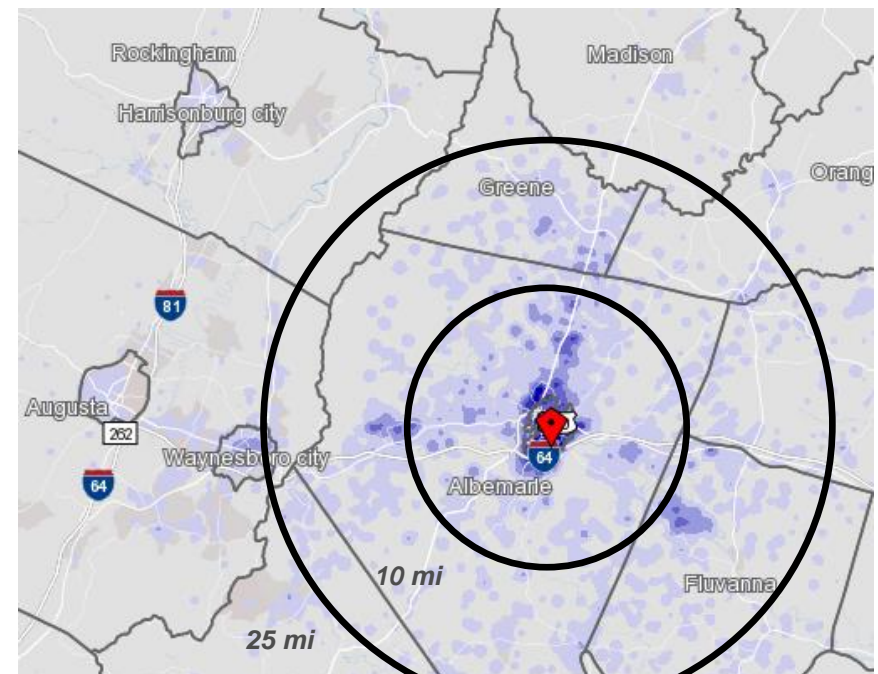
- City Residents mostly work in or near City
- City Employees more spread out – 74% within 25 miles

**Where Charlottesville Residents Work**



JOB COUNT BY DISTANCE		
Less than 10 Miles	10,637	58%
10 - 24 Miles	771	4%
25 - 50 Miles	980	5%
Greater than 50 Miles	5,943	32%
<b>TOTAL</b>	<b>18,331</b>	<b>100%</b>

**Where Charlottesville Employees Live**



JOB COUNT BY DISTANCE		
Less than 10 Miles	17,271	48%
10 - 24 Miles	9,175	26%
25 - 50 Miles	3,476	10%
Greater than 50 Miles	5,942	17%
<b>TOTAL</b>	<b>35,864</b>	<b>100%</b>

Note: Darker shading indicates higher population or employment density

## Affordable and Workforce Households Defined by Size and AMI

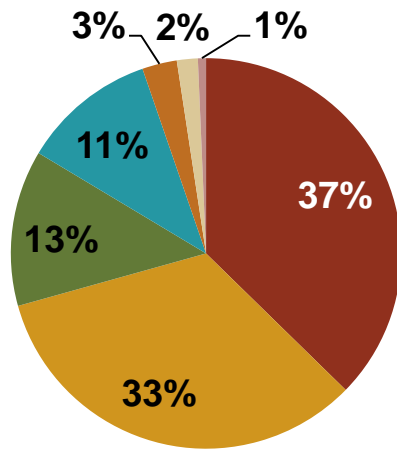
	30% AMI	50% AMI	80% AMI	120% AMI	200% AMI
1-Person	\$17,700	\$29,450	\$46,100	\$69,150	\$115,250
2-Person	\$20,200	\$33,650	\$52,650	\$78,975	\$131,625
3-Person	\$22,750	\$37,850	\$59,250	\$88,875	\$148,125
<b>4-Person</b>	<b>\$25,250</b>	<b>\$42,050</b>	<b>\$65,800</b>	<b>\$98,700</b>	<b>\$164,500</b>
5-Person	\$28,410	\$45,450	\$71,100	\$106,650	\$177,750
6-Person	\$32,570	\$48,800	\$76,350	\$114,525	\$190,875
7-Person	\$36,730	\$52,150	\$81,600	\$122,400	\$204,000

Source: Virginia Housing Development Authority

## Households are Small and Aging

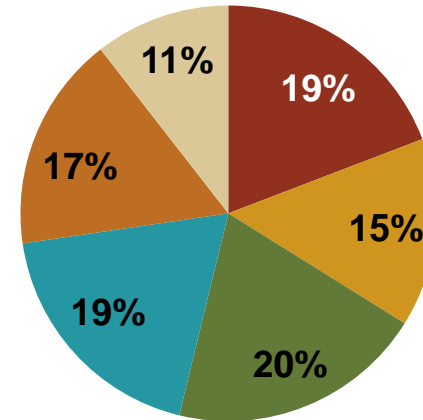
- Charlottesville’s non-student households:
  - Below 80% AMI: 54% of households
  - 80%-120%: 19% of households
  - Over 120%: 28% of households
- One and two person households comprise nearly 70% of all households

**Household Size**



- 1-person household
- 2-person household
- 3-person household
- 4-person household
- 5-person household
- 6-person household

**Households by AMI**



- Under 30% AMI
- 30% - 50% AMI
- 50% - 80% AMI
- 80% - 120% AMI
- 120% - 200% AMI
- Over 200% AMI

Source: Esri; 2013 American Community Survey 3-Year Estimates 2011-2013; ACS PUMS Data 2012-2013; RCLCO

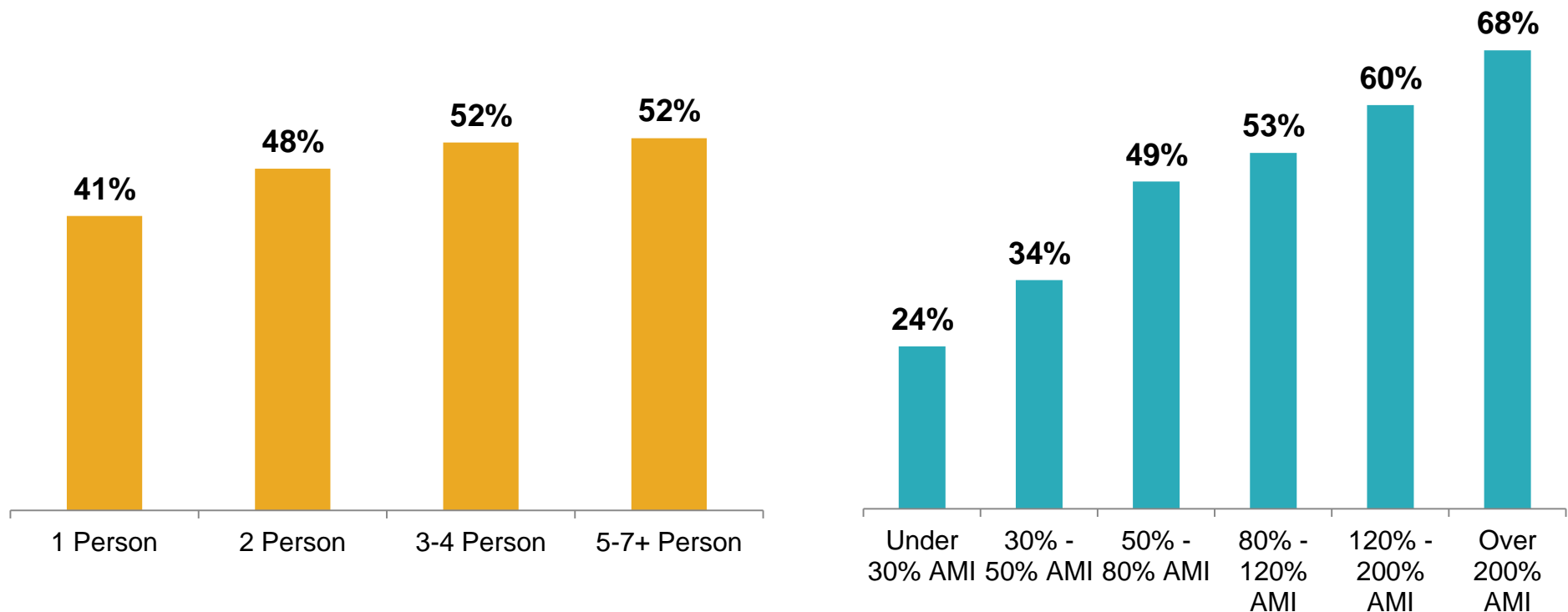


## Over 70% of Households Earning Under 50% AMI Rent, Compared to 53% of City Households

- In the City, 53% of households rent and 47% own their homes
- 59% of one person households rent and 52% of two person households rent

*% That Own by Household Size*

*% That Own by AMI*

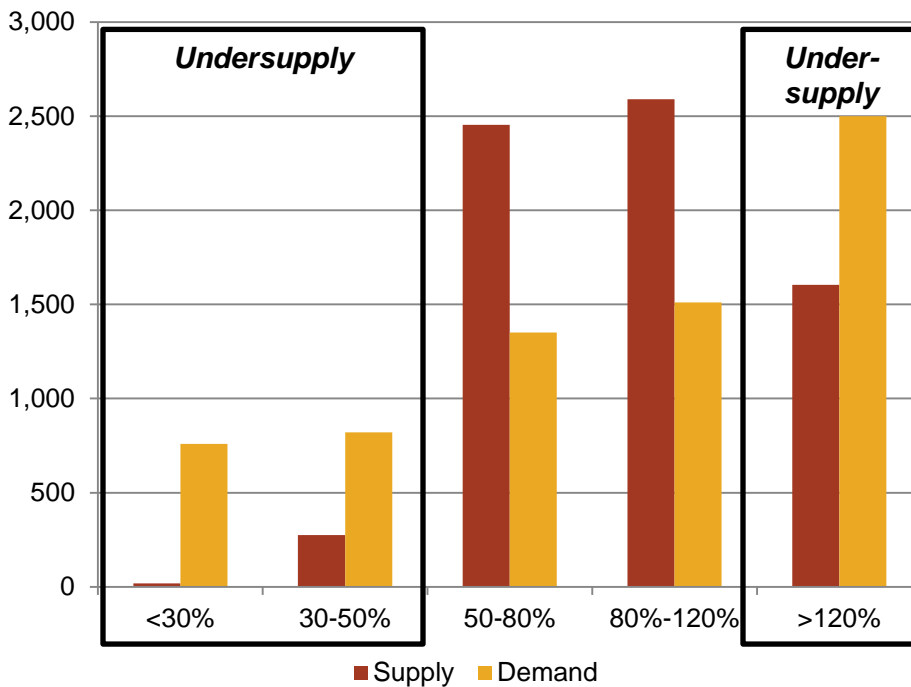


Source: Esri; 2013 American Community Survey 3-Year Estimates 2011-2013; ACS PUMS Data 2012-2013; RCLCO

# Undersupply for households earning >120% AMI and <50% AMI

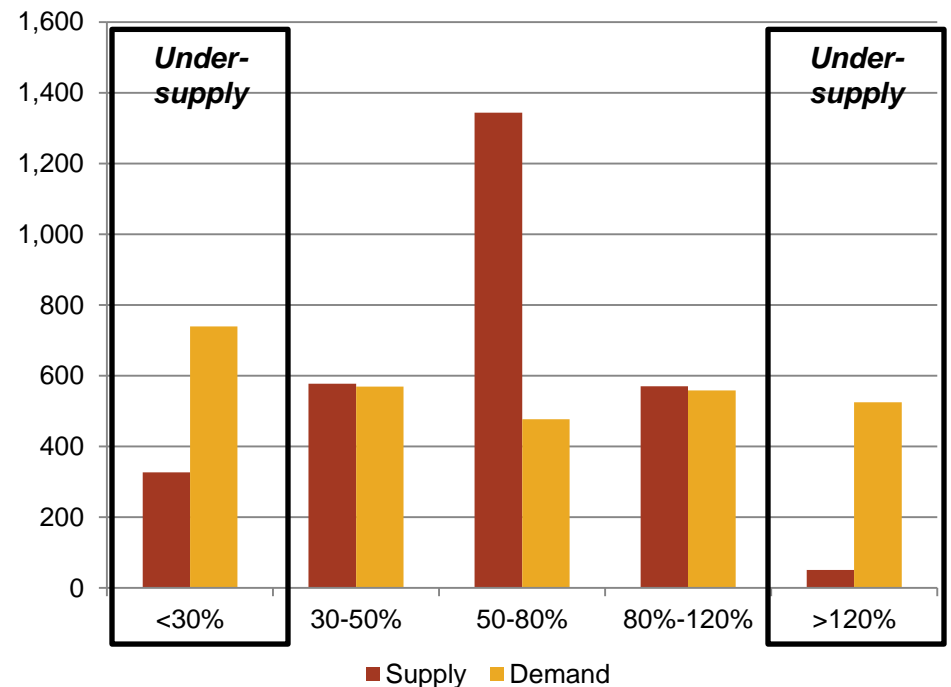
- The lowest income households are likely paying more than they can afford for housing and the highest income households are paying less than they can afford.

**Supply-Demand Comparison of Owner-Occupied Housing  
City of Charlottesville, VA; 2015**



AMI Band	Housing Value Range
<30%	Under \$55,000
30-50%	\$55,000 - \$125,000
50-80%	\$125,000 - \$230,000
80%-120%	\$230,000 - \$370,000
>120%	Over \$370,000

**Supply-Demand Comparison of Rental Housing  
City of Charlottesville, VA; 2015**



AMI Band	Rent Range
<30%	Under \$490
30-50%	\$490 - \$815
50-80%	\$815 - \$1,280
80%-120%	\$1,280 - \$1,915
>120%	Over \$1,915

Source: City of Charlottesville; CoStar; Virginia Housing Development Authority; ACS PUMS Data 2012-2013; U.S. Census ACS 2011-2013 3-year Data; RCLCO

# Key Market Segments: “Barbell” of Demand with Millennials and Boomers

- The deepest market segments are highly correlated with the type and price point of housing available in the City
- Young Singles and Couples are the only key market segment identified in the matrix that primarily rent their homes
  - Typically continue renting until they can afford their preferred housing
- Empty Nesters would like to downsize into smaller homes

MARKET SEGMENT	% OF CURRENT HOUSEHOLDS	NEED FOR DIFFERENT HOUSING	UNMET DEMAND TO LIVE IN CITY
Workforce Empty Nesters	8%	High	High
Working Mature Households	7%	Low	High
Young Singles and Couples	4%	High	High
Market Rate Mature Households	12%	Low	Medium
Downsizing Empty Nesters	9%	High	Medium
<b>TOTAL KEY MARKET SEGMENTS</b>	<b>41%</b>		

Source: 2012-2013 ACS PUMS Data; Charlottesville Consumer Research; RCLCO



# Key Findings in the Consumer Research

➤ Approximately 1,400 responses:

AMI	Share of Responses
Under 30% AMI	11%
30-50% AMI	9%
50-80% AMI	15%
80-120% AMI	23%
Over 120% AMI	41%

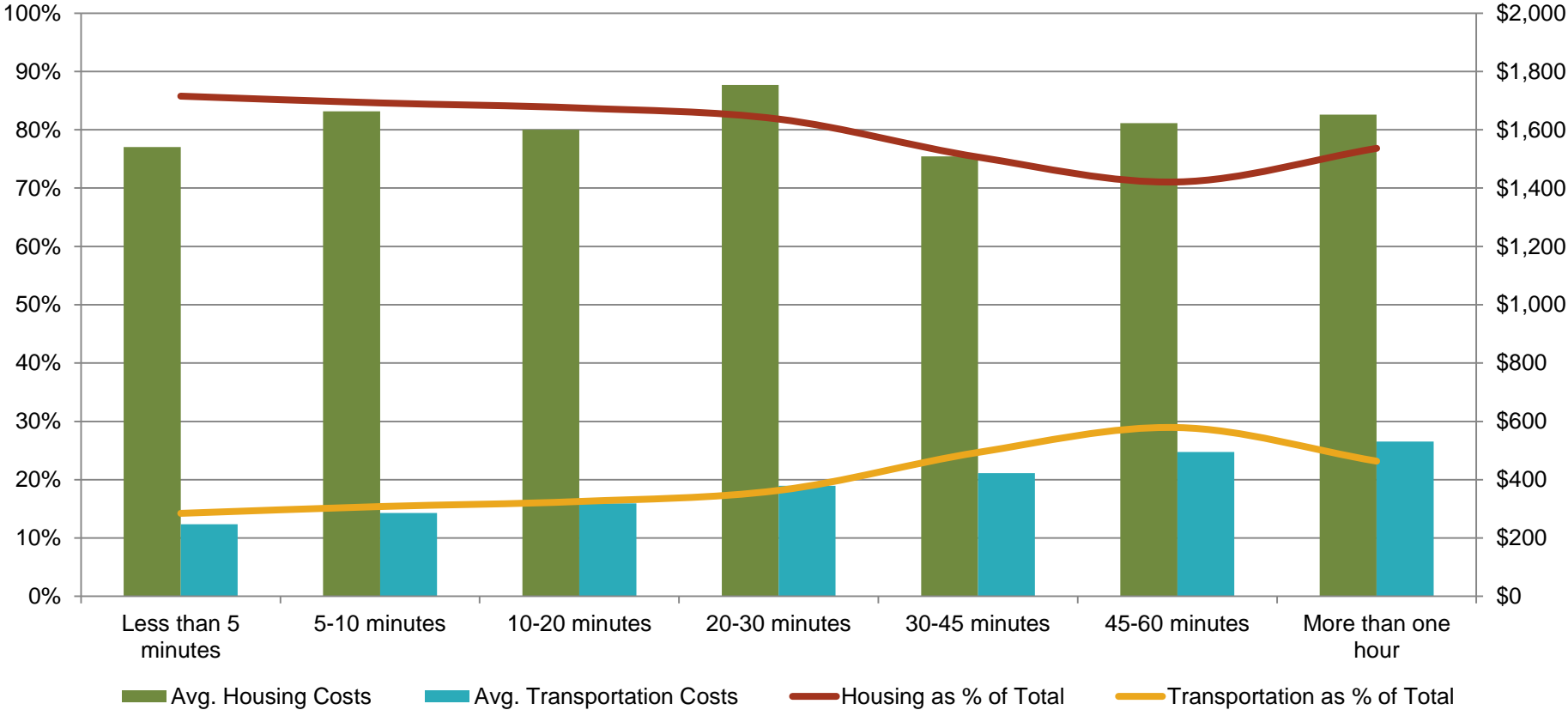
- The key factors influencing their next housing decision are location, housing type and size, and cost:
  - Age 18-34: Mostly renters today, and would like to own SFD eventually.
  - Age 35-54: Mostly owners today, but a large portion rent, largely in SFD homes. More of these households are interested in owning SFD.
  - Age 55+: Predominantly want a smaller home, and more would like a multifamily unit than a single-family



# Key Findings in Consumer Research

➤ Share of income spent on housing and commute costs is stable until commutes exceed 30 minutes, roughly the time it would take to commute from outside Albemarle County

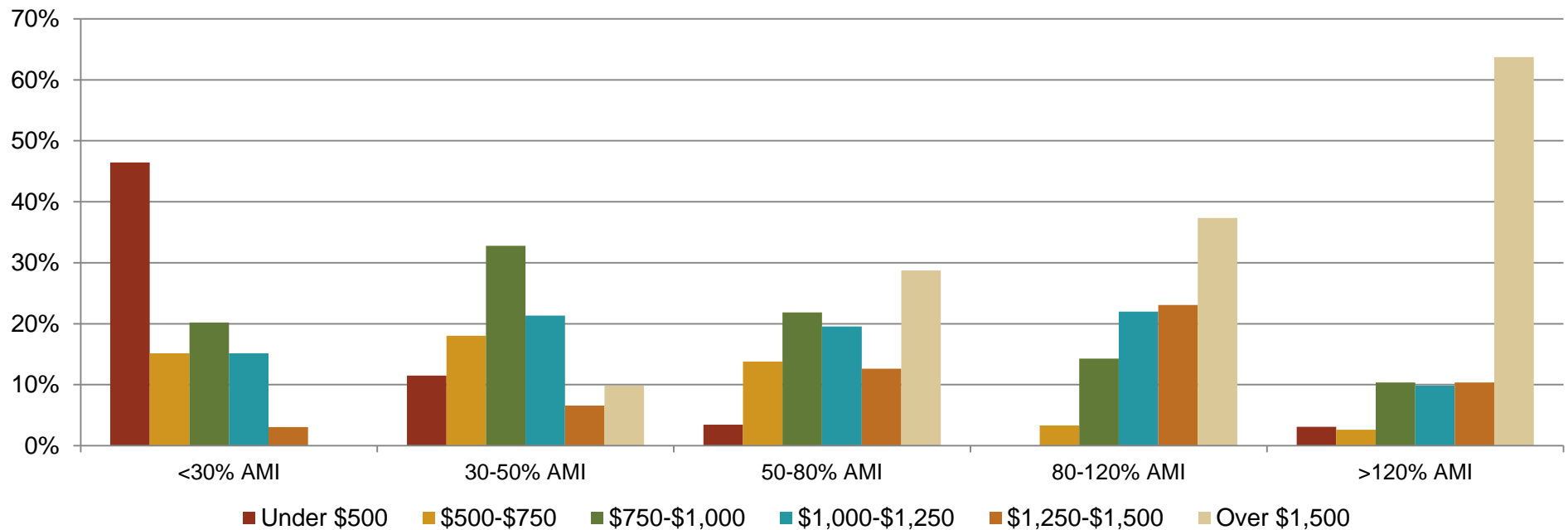
*Change in Percent Share of Housing and Transportation Costs by Commute Times  
City of Charlottesville, VA; 2015*



# Today, most households pay much less than they can statistically afford in total housing costs

- <30% AMI: about \$600 per month is maximum affordable
- 30-50% AMI: about \$900 per month is maximum affordable
- 50-80% AMI: about \$1,400 per month is maximum affordable
- 80-120% AMI: about \$2,000 per month is maximum affordable

**Surveyed Housing Cost Distribution by AMI Band**



Source: Charlottesville Consumer Research; RCLCO

## Policy Recommendations

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## Summary of Existing City Policy Options

- Density bonuses
- SIA reinvestment plan
- Allow higher building densities in mixed-use and R3 districts
- 2025 Goals for Affordable Housing
- Real estate tax abatement for eligible homeowners
- Affordable Dwelling Unit (ADU) ordinance



## Summary of Allowed City Policy Options

- Easy to Implement:
  - Improve infrastructure in distressed areas
  - Expand eligibility for existing real estate tax abatement program
- More Difficult to Implement:
  - Designate workforce housing as “affordable”
  - Increase suggested payment of cash in lieu when this option is chosen in lieu of providing ADUs for projects that trigger ADU Ordinance
  - Raise minimum residential building densities in mixed-use districts
  - Minimum FAR for commercial developments
  - TDR program between City and Albemarle County

## Summary of Short-Term Policy Recommendations

- Easy to Implement:
  - Pursue strategies in Strategic Investment Area plan
  - Define workforce housing as a separate “affordable income” group
  - Increase code, health, and safety enforcement for privately-managed low-income housing
  - Identify underutilized sites for new mixed-income housing
- More Difficult to Implement:
  - Increase minimum required building densities in mixed-use corridors
  - Redevelop public housing into mixed-use/mixed-income housing
  - Empower CRHA to behave more like Redevelopment Authority

## Summary of Longer-Term Policy Recommendations

- Does Not Require Enabling Legislation:
  - Work with Albemarle County to increase supply
  - Consider consolidating mixed-use zones into a singular category
  - Provide Broadband Internet to lower-income households
  - Create a formalized “Tenant Advocate” office
  - Provide financial incentives to offset the cost of structured parking for developers providing ADU
  - Expand marketing and outreach for housing subsidy programs and seek ways to streamline application process
- Requires Enabling Legislation:
  - Implement “right of first refusal” policy to preserve naturally occurring workforce housing
  - Require developers to provide a certain percentage of low-income units
  - Look at tax credits & subsidies to help workforce households purchase homes

# Lee Sobel, Principal

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

Agenda Date:	February 1, 2016
Action Required:	Resolution Adoption
Presenter:	Brian Haluska, Principal Planner, Neighborhood Development Services
Staff Contacts:	Brian Haluska, Principal Planner, Neighborhood Development Services
<b>Title:</b>	<b>SP15-00004 – 206 West Market Street</b>

**Background:**

Pete Caramanis of Royer, Caramanis and McDonough; agent for Biarritz, LLC has submitted an application seeking to operate a private club in a building located at 206 West Market Street. The Applicant states in its application that the club would be social in nature, and “is intended to welcome its members for social interaction, food service and the occasional private function.” The applicant’s supporting materials state specifically that the club as proposed is not a night club or dance club.

**Discussion:**

The Planning Commission held a joint public hearing at their January 12, 2016 meeting.

The topics of discussion that the Commission focused on at that meeting included:

- The potential for noise resulting from activities in the private club, especially the rooftop area.
- Concern that the description of the club submitted by the applicant would not carry over in the event of a change in ownership.

**Alignment with City Council Vision Areas and Strategic Plan:**

The City Council’s “Economic Sustainability” vision states that the City has “a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities.”

Goal 3 of the City Council’s Strategic Plan is to “Have a strong diversified economy” that contains the following goal: “Attract and cultivate a variety of new businesses”.

**Citizen Engagement:**

The Planning Commission held a joint public hearing on the Zoning Text Amendment at their January 12, 2016 meeting. Two persons spoke at the hearing, and mentioned their concerns about the noise that could be projected into the surrounding neighborhood from the top of the building. One speaker also mentioned that the presence of the club may require the City to evaluate the intersection of West Market Street and 2<sup>nd</sup> Street NW, as it was already difficult to navigate for pedestrians.

**Budgetary Impact:**

City staff does not anticipate any negative budgetary impact from the resolution.

**Recommendation:**

The Commission took the following action:

Ms. Keller moved to recommend to City Council that it should approve the proposed special use permit as requested in SP15-00004, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. The motion included a recommendation for the following conditions:

1. There shall be no audible noise, detectable vibration or odor beyond the confines of the building in which the club is located, including transmittal through vertical or horizontal party walls, between the hours of 1:00 a.m. and 8:00 a.m.
2. No outdoor amplification after 11:00 pm.
3. The uses shall be those that are within the general range described in the application.

Mr. Rosensweig seconded the motion. The Commission voted 5-2 to recommend approval. Commissioners Green and Dowell voted against the motion.

**Alternatives:**

City Council has several alternatives:

- (1) adopt the attached resolution;
- (2) by motion, deny approval of the attached resolution; or
- (3) by motion, defer action on the attached resolution.

**Attachment:**

- Staff Report
- Proposed Resolution

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

**APPLICATION FOR A SPECIAL USE PERMIT**

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

**DATE OF MEETING: January 11, 2016  
APPLICATION NUMBER: SP15-00004**

**Project Planner:** Brian Haluska, Principal Planner

**Presenter:** Brian Haluska, Principal Planner

**Date of Staff Report:** January 3, 2016

**Applicant:** Pete Caramanis of Royer, Caramanis and McDonough; agent for Biarritz, LLC

**Current Property Owners:** Biarritz, LLC (Real party/ parties in interest are Derek Sieg, Josh Rogers and Ben Pfinsgraff, who are the members of the LLC)

**Application Information**

**Property Tax Map/Parcel # and Street Addresses:**

Tax Map 33, Parcel 270: 206 West Market St.

**Total Square Footage/Acreage Site:** 0.103 acres

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

**Current Zoning Classification:** Downtown Corridor with Architectural Design Control District and Urban Core Parking Zone Overlays

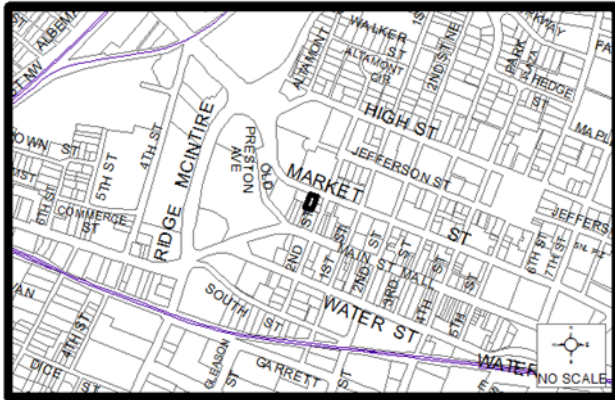
**Tax Status:** The City Treasurer's office confirms that the taxes for the properties were current as of the drafting of this report.

**Applicant's Request**

The applicant requests a special use permit to operate a private club in the existing building located on the site, as required by Zoning Ordinance Sec. 34-796.



## Vicinity Map



## Background/ Details of Proposal

The Applicant has submitted an application seeking to operate a private club in a building located at 206 West Market Street. The Applicant states in its application that the club would be social in nature, and “is intended to welcome its members for social interaction, food service and the occasional private function.” The applicant’s supporting materials state specifically that the club as proposed is not a night club or dance club.

**Date of Community Meeting:** January 5, 2016

**Location of Community Meeting:** 206 West Market Street

## Land Use and Comprehensive Plan

### **EXISTING LAND USE; ZONING AND LAND USE HISTORY:**

The property is currently used as a commercial building.

Section 34-541 of the City Code describes the purpose and intent of the Water Street Corridor zoning district:

“The intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground-floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities.”

**Zoning History:** In 1949, the property was zoned **B-1 Business**. In 1958, the property was zoned **B-3 Business**. In 1976, the property was zoned **B-4 Business**. In 1991, the property was zoned **B-4 Business**. In 2003, the property was rezoned to **Downtown Corridor**.

## **SURROUNDING LAND USES AND ZONING DISTRICTS**

**North:** Immediately north of the property is the McGuffey Art Center which is zoned Downtown Corridor with ADC District Overlay.

**South:** Immediately south of the property are multi-story structures that house a mix of uses. These properties are zoned Downtown Corridor with ADC District Overlay and front on the Downtown Mall.

**East:** Immediately adjacent to the east are multi-story mixed use buildings that front on West Market Street and 2<sup>nd</sup> Street SW. These properties are zoned Downtown Corridor with ADC district Overlay.

**West:** Immediately adjacent to the west is a one-story structure used for commercial purposes. Further west is the Vinegar Hill shopping center and theater. These properties are zoned Downtown Corridor with ADC district Overlay.

## **NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:**

Natural resources: The site does not have any notable natural resources. The portion of the site not built upon is paved and used for parking.

Cultural features: The applicant notes in their application that the structure was originally built as “Mentor Lodge” a social club serving the African-American residents of the Vinegar Hill neighborhood. According to the applicant, the building provided “a venue for dances, political meetings and music concerts for more than six decades.”

## **COMPREHENSIVE PLAN ANALYSIS:**

Specific items from the Comprehensive Plan that can be applied to the proposal are as follows:

### **Land Use**

- Enhance pedestrian connections between residences, commercial centers, public facilities and amenities and green spaces. (Land Use, 2.3)
- Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential area. Provide opportunities for nodes of activity to develop, particularly along mixed-use corridors. (Land Use, 3.2)

### **Economic Sustainability**

- Continue to encourage private sector developers to implement plans from the commercial corridor study. (Economic Sustainability, 6.6)

### **Historic Preservation and Urban Design**

- Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting and enhancing the distinct characteristics of each neighborhood. (Historic Preservation and Urban Design, 1.2)
- Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City. (Historic Preservation and Urban Design, 1.3)

### **Public and Other Comments Received**

#### **PUBLIC COMMENTS**

City staff has received no comments on this matter other than questions for information.

#### **COMMENTS/RECOMMENDATIONS OF THE BAR**

The Board of Architectural Review considered the Special Use Permit request at their meeting on December 15, 2015, and took the following action:

“Schwarz moved to find that the special use permit to allow a private club will not have an adverse impact of the North Downtown ADC District, and the BAR recommends approval of the special use permit, but the BAR is not making any determination as to the impact of the use. Mohr seconded. Motion passes (7-0).” The BAR approved a COA for additions to the building in November 2015.

#### **IMPACT ON CITY SERVICES:**

**Public Works (Water and Sewer):** The proposed modifications would not impact the water or sewer service to the proposed building.

**Public Works (Storm Drainage/Sewer):** The proposed modifications would not impact the drainage from the site.

### **Staff Analysis and Recommendation**

#### **ANALYSIS**

#### **Assessment of the Development as to its relation to public necessity, convenience, general welfare, or good zoning practice:**

The property proposed to be used under this request is centrally located within the City, and is adjacent to commercial uses. In staff’s opinion the proposed private club use would not be out of character for the downtown area, and would complement the existing uses adjacent and in proximity to the proposed use.

#### **Assessment of Specific Potential Impacts of the Proposed Development:**

**1. Massing and scale of the Project, taking into consideration existing conditions and conditions anticipated as a result of approved developments in the vicinity.**

The special use permit, as proposed, would not impact the massing and scale of the building.

**2. Traffic or parking congestion on adjacent streets.**

The proposed use would not impact the traffic or parking in an appreciable manner.

**3. Noise, lights, dust, odor, vibration**

The proposed use as described by the applicant would not cause any undue impact from noise, lights, dust, odor or vibration. Staff does, however, have a concern about the potential for a new owner to change the business model for the club in the future, and thus is recommending a condition that was previously imposed on a similar special use permit request for a private club in the downtown area, to address the potential noise impact.

**4. Displacement of existing residents or businesses**

The proposal would not displace any existing residents or businesses, as the building is currently vacant.

**5. Ability of existing community facilities in the area to handle additional residential density and/or commercial traffic**

The proposed use would not impact the residential density or commercial traffic in the area.

**6. Impact (positive or negative) on availability of affordable housing**

The proposed use would not impact the provision of affordable housing.

**RECOMMENDATION**

Staff feels the private club can be located at 206 West Market Street, and the impacts can be mitigated, and thus recommends the application be approved with the following conditions:

1. There shall be no audible noise, detectable vibration or odor beyond the confines of the building in which the club is located, including transmittal through vertical or horizontal party walls, between the hours of 1:00 a.m. and 8:00 a.m.

## **Attachments**

1. Copy of City Code Sections **34-157** (General Standards for Issuance) and **34-162** (Exceptions and modifications as conditions of permit)
2. Copy of City Code Section **34-541** (Mixed-Use Districts – Intent and Description)
3. Suggested Motions for your consideration
4. Application and Supporting documentation from the Applicant

## Attachment 1

### Sec. 34-157. General standards for issuance.

(a) In considering an application for a special use permit, the city council shall consider the following factors:

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
  - a. Traffic or parking congestion;
  - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
  - c. Displacement of existing residents or businesses;
  - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
  - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
  - f. Reduction in the availability of affordable housing in the neighborhood;
  - g. Impact on school population and facilities;
  - h. Destruction of or encroachment upon conservation or historic districts;
  - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
  - j. Massing and scale of project.
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

(b) Any resolution adopted by city council to grant a special use permit shall set forth any reasonable conditions which apply to the approval.

**Sec. 34-162. Exceptions and modifications as conditions of permit.**

(a) In reviewing an application for a special use permit, the city council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided:

(1) Such modification or exception will be in harmony with the purposes and intent of this division, the zoning district regulations under which such special use permit is being sought; and

(2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and

(3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.

(b) The planning commission, in making its recommendations to city council concerning any special use permit application, may include comments or recommendations regarding the advisability or effect of any modifications or exceptions.

(c) The resolution adopted by city council to grant any special use permit shall set forth any such modifications or exceptions which have been approved.

## **Attachment 2**

### **Sec. 34-541. Mixed use districts—Intent and description.**

- (1) *Downtown Corridor.* The intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground-floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities. Within the Downtown Corridor district the following streets shall have the designations indicated:

*Primary streets:* All streets are primary.

*Linking streets:* None.



### **Attachment 3**

#### **Approval without any conditions:**

I move to recommend approval of the proposed special use permit as requested in SP15-00004, because I find that approval of this request is required by the public necessity, convenience, general welfare or good zoning practice.

OR

#### **Approval with conditions:**

I move to recommend approval of the proposed special use permit as requested in SP15-00004, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the following conditions:

*[List desired conditions]*

#### **Denial Options:**

I move to recommend denial of this application for a special use permit.



# City of Charlottesville

## Application for Special Use Permit

Project Name: Common House

Address of Property: 206 West Market Street

Tax Map and Parcel Number(s): 330270000

Current Zoning District Classification: DH

Comprehensive Plan Land Use Designation: Mixed Use

Is this an amendment to an existing SUP? No

If "yes", provide the SUP #: \_\_\_\_\_

RECEIVED  
NOV 24 2015  
NEIGHBORHOOD  
DEVELOPMENT SERVICES

Applicant: Biarritz, LLC

Address: c/o Pete Caramanis, Esq., Royer, Caramanis & McDonough, 200-C Garrett St., 22902

Phone: 434-260-8767 Email: pcaramanis@rcmplc.com

Applicant's Role in the Development (check one):

Owner  Owner's Agent  Designer  Contract Purchaser

Owner of Record: Biarritz, LLC

Address: 5473 Gordonsville Road, Keswick, VA 22947

Phone: c/o Applicant above Email: c/o Applicant above

### Reason for Special Use Permit:

- Additional height: \_\_\_\_\_ feet
- Additional residential density: \_\_\_\_\_ units, or \_\_\_\_\_ units per acre
- Authorize specific land use (identify) Club, private
- Other purpose(s) (specify City Code section): \_\_\_\_\_

### (1) Applicant's and (2) Owner's Signatures

(1) Signature [Signature] Print Ben Plinsgraff Date 11/24/15

Applicant's (Circle One): LLC Member LLC Manager Corporate Officer (specify) \_\_\_\_\_  
Other (specify): \_\_\_\_\_

(2) Signature [Signature] Print Ben Plinsgraff Date 11/24/15

Owner's (Circle One): LLC Member LLC Manager Corporate Officer (specify) \_\_\_\_\_  
Other (specify): \_\_\_\_\_



# City of Charlottesville

## Pre-Application Meeting Verification

Project Name: 206 West Market Street

Pre-Application Meeting Date: October 22, 2015

Applicant's Representative: Pete Caramanis

Planner: Brian Haluska

Other City Officials in Attendance:

None

The following items will be required supplemental information for this application and must be submitted with the completed application package:

1. Rules and Regulations that club members will be subject to.

2. Potential conditions that the applicant will be willing to place on the club, including hours of operation, maximum occupancy, etc.

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

Planner Signature: \_\_\_\_\_

*Brian J Haluska*



# City of Charlottesville

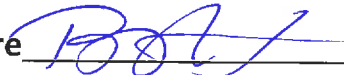
## Application Checklist

Project Name: Common House

### I certify that the following documentation is ATTACHED to this application:

- 34-158(a)(1): a site plan (ref. City Code 34-802(generally); 34-1083(communications facilities)
- 34-158(a)(3): Low-impact development (LID) methods worksheet (required for developments that include non-residential uses, and developments proposing 3 or more SFDs or TFDs)
- 34-158(a)(4): a building massing diagram, and building elevations (required for applications proposing alteration of a building height or footprint, or construction of any new building(s))
- 34-158(a)(5) and 34-12: affordable housing data. (i) how many (if any) existing dwelling units on the property are an "affordable dwelling unit" by the city's definitions? (ii) Will existing affordable units, or equivalent affordable units, remain following the development? (iii) What is the GFA of the project? GFA of residential uses? GFA of non-residential uses?
- 34-157(a)(1) Graphic materials that illustrate the context of the project, and a narrative statement as to compatibility with existing patterns of use and development
- 34-157(a)(2) Narrative statement: applicant's analysis of conformity with the Comprehensive Plan
- 34-157(a)(3) Narrative statement: compliance with applicable USBC provisions
- 34-157(a)(4) Narrative statement identifying and discussing any potential adverse impacts, as well as any measures included within the development plan, to mitigate those impacts
- 34-158(a)(6): other pertinent information (narrative, illustrative, etc.)
- All items noted on the Pre-Application Meeting Verification.

### Applicant

Signature  Print Ben Pfungraf Date 11/24/15

By Its: Manager

(For entities, specify: Officer, Member, Manager, Trustee, etc.)



# City of Charlottesville

## Community Meeting

Project Name: Common House

Section 34-41(c)(2) of the Code of the City of Charlottesville (adopted \_\_\_\_\_, 2015) requires applicants seeking rezonings and special use permits to hold a community meeting. The purpose of a community meeting is to provide citizens an opportunity to receive information about a proposed development, about applicable zoning procedures, about applicable provisions of the comprehensive plan, and to give citizens an opportunity to ask questions. **No application for a rezoning shall be placed on any agenda for a public hearing, until the required community meeting has been held and the director of neighborhood development services determines that the application is ready for final review through the formal public hearing process.**

By signing this document, the applicant acknowledges that it is responsible for the following, in connection to the community meeting required for this project:

1. Following consultation with the city, the applicant will establish a date, time and location for the community meeting. The applicant is responsible for reserving the location, and for all related costs.
2. The applicant will mail, by U.S. mail, first-class, postage pre-paid, a notice of the community meeting to a list of addresses provided by the City. The notice will be mailed at least 14 calendar days prior to the date of the community meeting. The applicant is responsible for the cost of the mailing. At least 7 calendar days prior to the meeting, the applicant will provide the city with an affidavit confirming that the mailing was timely completed.
3. The applicant will attend the community meeting and present the details of the proposed application. If the applicant is a business or other legal entity (as opposed to an individual) then the meeting shall be attended by a corporate officer, an LLC member or manager, or another individual who can speak for the entity that is the applicant. Additionally, the meeting shall be attended by any design professional or consultant who has prepared plans or drawings submitted with the application. The applicant shall be prepared to explain all of the details of the proposed development, and to answer questions from citizens.
4. Depending on the nature and complexity of the application, the City may designate a planner to attend the community meeting. Regardless of whether a planner attends, the City will provide the applicant with guidelines, procedures, materials and recommended topics for the applicant's use in conducting the community meeting.
5. On the date of the meeting, the applicant shall make records of attendance and shall also document that the meeting occurred through photographs, video, or other evidence satisfactory to the City. Records of attendance may include using the mailing list referred to in #1 as a sign-in sheet (requesting attendees to check off their name(s)) and may include a supplemental attendance sheet. The City will provide a format acceptable for use as the supplemental attendance sheet.

Applicant: Biarritz, LLC

By:

Signature [Handwritten Signature] Print Ben Plenshoff Date 11/24/15

Its: Manager (Officer, Member, Trustee, etc.)



# City of Charlottesville

## Owner's Authorizations

(Not Required)

### Right of Entry- Property Owner Permission

I, the undersigned, hereby grant the City of Charlottesville, its employees and officials, the right to enter the property that is the subject of this application, for the purpose of gathering information for the review of this Special Use Permit application.

Owner: Biarritz, LLC Date November 24, 2015

By (sign name):  Print Name: ~~Manatee~~ Ben Pingsgraff

Owner's: LLC Member  LLC Manager  Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_

### Owner's Agent

I, the undersigned, hereby certify that I have authorized the following named individual or entity to serve as my lawful agent, for the purpose of making application for this special use permit, and for all related purposes, including, without limitation: to make decisions and representations that will be binding upon my property and upon me, my successors and assigns.

Name of Individual Agent: \_\_\_\_\_

Name of Corporate or other legal entity authorized to serve as agent: \_\_\_\_\_

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

By (sign name): \_\_\_\_\_ Print Name: \_\_\_\_\_

Circle one:

Owner's: LLC Member  LLC Manager  Corporate Officer (specify): \_\_\_\_\_

Other (specific): \_\_\_\_\_



# City of Charlottesville

## Disclosure of Equitable Ownership

Section 34-8 of the Code of the City of Charlottesville requires that an applicant for a special use permit make complete disclosure of the equitable ownership "real parties in interest" of the real estate to be affected. Following below I have provided the names and addresses of each of the real parties in interest, including, without limitation: each stockholder or a corporation; each of the individual officers and directors of a corporation; each of the individual members of an LLC (limited liability companies, professional limited liability companies); the trustees and beneficiaries of a trust, etc. Where multiple corporations, companies or trusts are involved, identify real parties in interest for each entity listed.

Name Derek Sieg Address 206 W. Market St., Charlottesville, VA 22902

Name Josh Rogers Address 206 W. Market St., Charlottesville, VA 22902

Name Ben Pfinsgraff Address 206 W. Market St., Charlottesville, VA 22902

Name \_\_\_\_\_ Address \_\_\_\_\_

Attach additional sheets as needed.

**Note:** The requirement of listing names of stockholders does not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.

**Applicant:** Biarritz, LLC

**By:**

Signature  Print Ben Pfinsgraff Date 11/24/15

Its: Manager (Officer, Member, Trustee, etc.)





# City of Charlottesville

## Fee Schedule

Project Name: Common House

Application Type	Quantity	Fee	Subtotal
Special Use Permit (Residential)		\$ 1,500	
Special Use Permit (Mixed Use/Non-Residential)	1	\$ 1,800	\$1,800
Mailing Costs per letter		\$1 per letter	
Newspaper Notice		Payment Due Upon Invoice	
<b>TOTAL</b>			<b>\$1,800</b>

### Office Use Only

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_

Amount Received: \_\_\_\_\_ Date Paid \_\_\_\_\_ Received By: \_\_\_\_\_





# City of Charlottesville

## LID Checklist

Project Name: Common House

LID Measure	LID Checklist Points	Points
<b>Compensatory Plantings</b> (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	
<b>Pervious pavers</b> for parking and driveways with stone reservoir for storage of 0.5 inches of rainfall per impervious drainage area. Surface area must be >1,000 ft. <sup>2</sup> or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	
<b>Shared parking</b> (must have legally binding agreement) that eliminates >30% of on-site parking required.	5 points or 1 point for each 6% of parking surface eliminated.	
<b>Impervious Disconnection.</b> Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	
<b>Bioretention.</b> Percent of site treated must exceed 80%. Biofilter surface area must be ≥ 5% of impervious drainage area.	8 points or 1 point for each 10% of site treated.	
<b>Rain gardens.</b> All lots, rain garden surface area for each lot ≥ 200 ft. <sup>2</sup> .	8 points or 1 point for each 10% of lots treated.	
<b>Designed/constructed swales.</b> Percent of site treated must exceed 80%, achieve non-erosive velocities, and able to convey peak discharge from 10 year storm.	8 points or 1 point for each 10% of site treated.	
<b>Manufactured sand filters, filter vaults</b> (must provide filtering rather than just hydrodynamic). Percent of site treated must exceed 80%. Sizing and volume for water quality treatment based on manufacturer's criteria.	8 points or 1 point for each 10% of site treated.	
<b>Green rooftop</b> to treat ≥ 50% of roof area	8 points	
<b>Other LID practices</b> as approved by NDS Engineer.	TBD, not to exceed 8 points	
<b>Off-site contribution</b> to project in City's water quality management plan. This measure to be considered when on site constraints (space, environmentally sensitive areas, hazards) limit application of LID measures. Requires pre-approval by NDS Director.	5 points	
<b>Total Points</b>		

### Applicant's Signature

Signature  Print Ben Plinsgraff Date 11/24/15

## **Special Use Permit Application Attachment**

### **Project Name: Common House**

This special use permit application seeks to allow the use of “Club, private” for that property located at 206 W. Main St. in downtown Charlottesville. The type of “club” proposed at the location will be called “Common House” and will be a social club where individual members can meet to dine together or simply for personal connection sometimes lost in the days of online social media. Interestingly, the property at 206 W. Main St. was originally built as “Mentor Lodge,” a thriving social club serving the then largely African-American neighborhood of Vinegar Hill and providing a venue for dances, political meetings and music concerts for more than six decades.

Common House will be a members-only club and will have rules and regulations internally called the “Common Law,” which, among other things, require members to be good neighbors by “(1) being quiet when leaving the House or when in the surrounding neighborhood, (2) minimizing noise when outside or on any terrace, and (3) avoiding honking, loud music or excessive engine or vehicle noise while arriving or departing the Club.” The Club will not be a “club” in the “nightclub” or “dance club” sense, and, therefore, will not present some of the noise and other concerns that the word “club” may bring to mind.

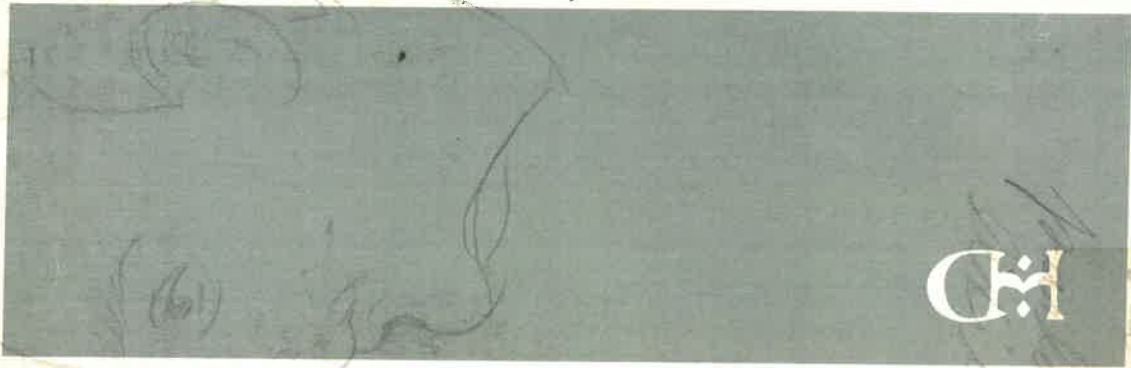
Common House, as planned, will include a banquet hall, lounge, tea room, library, bridge room, billiard room, bars, kitchen, office, rooftop terrace and restrooms. It is intended to welcome its members for social interaction, food service and the occasional private function. Attached to this application are the following documents which provide further information on the proposed operations of the Club:

- An introduction letter from the club to prospective members;
- A booklet with information about the Club and its member benefits;
- A “Common Law” booklet setting forth the Rules and Regulations of the Club; and
- Excerpts from the Club’s prospectus

Also, attached hereto is a copy of the site plan for the Club property. Any and all renovations and construction associated with the Club or on the Club property will conform to USBC and other applicable codes and ordinances. The Comprehensive Plan designation for this property is “Mixed Use,” and the proposed Club would certainly be consistent with that vision. Specifically, the Comprehensive Plan states that the Mixed Use land use is intended to “establish a mix of uses within walking distance of residential neighborhoods that will enhance opportunities for small group interaction throughout Charlottesville.” The Club is within walking distance of many

Charlottesville neighborhoods and is specifically intended to promote small group interaction in the downtown area.

Common House would be a welcome addition to the historic downtown, reviving the spirit of the social club first established at its proposed location and providing an opportunity for valuable and vibrant social interaction within the City. We believe there will be little concern related to this proposed use, but the Applicant would be willing to accept an approval condition that requires it to always maintain the "Respecting Neighbors" part of its rules and regulations and to restrict its hours to those listed on the attached "Common Law" booklet. The Applicant respectfully requests that the Planning Commission and City Council approve the special use permit allowing a private club use at 206 W. Market St.



An introduction to the concept:

Common House is a real social network.

We are a contemporary social club—not a country club and not a website—built to meet the substantial and growing desire in our culture for true, meaningful connection with like-minded people of all stripes. We are a brick and mortar establishment, highly curated in every respect, organizing a rich palate of social activity and experiences for our members, designed to inspire creativity and promote engagement.

People join Common House because they are passionate about the things they think and do, are committed to making a difference, and want to be members of a community with others who are similarly disposed.

The services we will offer our members and their guests will include a diverse program of workshops and lectures led by leading makers and doers in our community and beyond, a communal workspace, a stripped-down and intimate music series featuring traveling and local acts, organized and unorganized parlor games—particularly bridge and chess leagues—and all-day service of well-crafted food and drink.

We will charge our members an initiation fee followed by monthly dues for unlimited use of the club during regular business hours. Additionally, we will charge fees to host and cater special events for both members and non-members in our signature event space, Vinegar Hall.

We believe bringing the skilled and active people of Charlottesville together more often and in one common place can only make our community stronger and more vibrant, and we will build Common House in an effort to do just that.

Thank you for considering investment in Common House. If you have any questions concerning the prospectus or anything else, please contact Ben Pfinsgraff (ben@commonhouse1.com).

Sincerely,

Ben Pfinsgraff

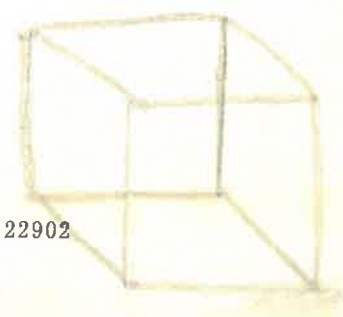
Derek Sieg

Josh Rogers

• COMMON HOUSE •

206 West Market Street Charlottesville, VA 22902

PRINTED IN U.S.A.



544 50

Common House

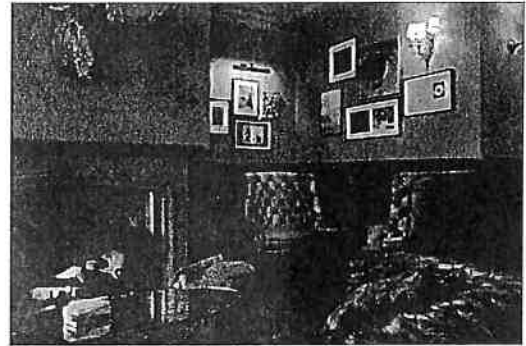
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### 3) BUSINESS OVERVIEW

#### *Business Overview*

Common House will begin at 206 West Market Street, which was purchased by Derek and Josh in 2013. Coincidentally, 206 West Market Street was originally built in 1913 as Mentor Lodge, a vibrant social club serving the Vinegar Hill community in Charlottesville for decades. Mentor Lodge was one of many social clubs in the city at that time, clubs that offered a place to congregate, socialize, dance, and find inspiration from fellow residents. Common House draws on that historical role of the social club in defining its own place in the community, seeking to create a space where people from the creative classes of art and commerce can come together to eat, drink, and thrive in a stimulating and well-curated environment. Our focus will be to create a comfortable, generous space combining interesting architecture and tasteful, relaxed furnishings that elicit a 'home away from home' atmosphere for our members and their guests.

- The ~7,000 square feet will include a bar, a restaurant, back-of-house services, a roof deck, and a rentable event space (Vinegar Hall) that will double as a co-work space during week days. The restaurant will have capacity for comfortable seating of 80 members on the main level and 40 members on the roof-top terrace. The bar will have capacity of 20 members. The lower level event/co-work space will seat up to 60 guests comfortably.
- The primary membership ("House Member") entails an initiation fee and monthly dues that individuals pay in order to have unlimited use of the club's facilities during regular business hours. Members are permitted to bring up to 3 guests without prior notice. If notification is given in advance, members can bring additional guests to enjoy the club.
- Common House sells breakfast, lunch, and dinner, all prepared in house by an expertly trained staff. Everything from specialty handmade cocktails to local beer and wine is available from the bar. Meals can be taken anytime and anywhere in the club, as determined by the member.
- Membership also includes special programming, such as our Common Knowledge Series and Bridge Room Sessions. Common Knowledge is an ongoing series of seminars led by local craftsman and notable persons on topics ranging from "Whole Hog Butchery," with a feast to follow, to "Home Craft Brewing" and accompanying local beer tasting. Bridge Room Sessions are private shows where visiting musicians play pop-up, stripped-down sets for members in our Bridge Room, the smallest venue in town.



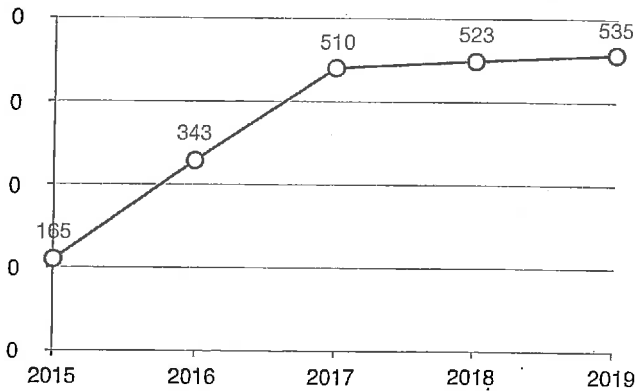
- Common House expects to form a multitude of reciprocal partnerships both in communities in which we operate and elsewhere. This could include discounts at hotels and local businesses, access to athletic facilities, other private clubs, events, etc.

The company will make profits from the following revenue streams:

- Membership dues and initiation fees revenue
- Restaurant food and beverage revenue
- Events food and beverage revenue

### Common House - Charlottesville

Projected Charlottesville In-Town Membership



## 6) PROPOSED BUILD-OUT

### *The Building*

Common House is a full-service social club occupying a historic two-story building at 206 West Market Street. The ~7,000 square feet will include a bar, restaurant, roof-top terrace, back-of-house services, and a rentable event space that will double as a co-work space during weekdays.

The building was originally built as Mentor Lodge, a thriving social club serving the then largely African American neighborhood of Vinegar Hill and providing a venue for dances, political meetings and music concerts for more than six decades.

After thirty years of miscellaneous uses, the building is returning to a legacy of shaping social activity in Charlottesville and beyond.



In addition to a rich and relevant past, the building's location at the corner of Market and 2nd streets situates the club close enough to the bustling Downtown Mall retail, restaurant and entertainment activity to be supremely convenient but also just out of the spotlight where members can enjoy a certain amount of privacy while visiting the club. The only notable membership clubs serving the area, Farmington Country Club and Keswick Club, are 13 and 16 minute drives from downtown, respectively. Common House will be the only club

in walking distance to Charlottesville's major downtown attractions.

### *Renovations*

The building will be renovated in such a way as to offer an informal yet utterly stylish environment for our members to use as something of a home-away-from-home, a place where one always feels comfortable and welcome while either relaxing, refreshing or conducting business. The spaces will be designed to please the tastes of a discerning membership and inspire creativity and social activity.

An important reason for us in choosing the building at 206 West Market was its intimate historical relationship with Charlottesville, having been woven into the city's social fabric for more than a century, and its brick walls, tin ceilings, and general sense of scale create a space which is unmistakably authentic. With our renovations we intend to breathe a contemporary vitality into the historical soul of the building, creating something that is both

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classic and future-bound, something to give the building the feeling of having always been here yet alive and bright-eyed.

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**GENERAL NOTES**

- Site plan prepared by Clark Gathright, P.E.
- Boundary, property and general information from site plan by Roger Ray & Associates, dated Nov. 12, 2013, File #305022373
- This topographic survey was completed under the direct and responsible charge of Brian S. Ray from an actual ground survey, made under the supervision of Roger Ray, Professional Engineer, No. 30188, State of North Carolina, dated 12/20/10, and that the said work was approved and sealed by the State Board of Professional Engineers, Architects and Surveyors, No. 19326, dated 12/20/10.
- All work within the City right-of-way will require the following permits:
  - Street and/or curb or roadway excavation permit provided by Public Works Section, File # - telephone number 970-3800.
  - Temporary Street Closure permit provided by City Traffic Engineering, telephone number 970-3182.

- Plan, by and at every construction the contractor shall be responsible for obtaining all necessary permits, including all necessary professional and technical inspections as follows:
  - Water use by Public Works - telephone number 970-3800.
  - Sanitary Sewer by Public Utilities - telephone number 970-3800.
  - Stormwater, storm structures, etc. by City Engineer - telephone number 970-3182.
  - Excavation measures by City Engineering Administrator - telephone number 970-3182.
- The contractor shall be responsible for obtaining the following professional technical services for the work of excavation, street closure, and utility relocation at the expense of the contractor, unless otherwise noted throughout the course of the project:
  - Excavation & Re-locate contact, EAC zoning Admin, 970-3182
  - Sanitary Sewer Allow, Public Utilities 970-3800
  - Public Works Allow, Public Utilities 970-3800
  - Street Closures, Public Services 970-3182
  - Other Public ROW, City Engineer 970-3182
- There are no underground utilities, wetlands, or other bodies of water depicted on or near this site.
- The site is not within a 100-year floodplain.
- This project will not be phased.
- No areas will be disturbed or removed for public use.
- No wetland, wetlands, or substitution requests are anticipated.

**CONCRETE, METALS & SUREMENTS**

- Every concrete to be cast shall be tested for compressive strength in accordance with ASTM C39. The contractor shall provide a test report for every concrete placement.
- The concrete shall be placed within the specified tolerances of location, quantity and volume of concrete. The contractor shall provide a test report for every concrete placement. The contractor shall be responsible for the proper curing of concrete. The contractor shall provide a test report for every concrete placement.
- When the work consists of grading, the existing surface shall be graded and prepared for the concrete. The contractor shall provide a test report for every concrete placement.
- Concrete shall not be placed on any surface which is not prepared for it. The contractor shall provide a test report for every concrete placement.
- Concrete shall not be placed on any surface which is not prepared for it. The contractor shall provide a test report for every concrete placement.
- Concrete shall not be placed on any surface which is not prepared for it. The contractor shall provide a test report for every concrete placement.

**COMMON HOUSE**  
Charlottesville, Virginia  
SITE PLAN AMENDMENT

**Project Notes**

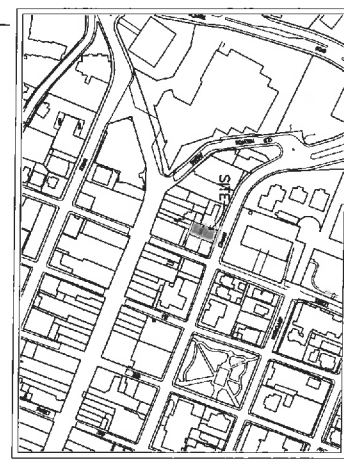
Owner/Developer:  
4242 Underhill Rd.  
Winchester, VA 22604  
Toll Map #: Project - T-1, 33 Parcel 270  
Site Area: Project 2696.45 SF (0.103 AC)  
Zoning: D-1H  
Existing Conditions & Demolition: See Sheet C-1.0  
Excavating: Two (2) foot by 12 foot concrete  
foundations, 24 foot by 24 foot concrete  
foundations, Zoning Problem, Storm structure, New  
Excavate Foundations  
Footings: None  
Slab: None  
Other: None

**Site & Utility Notes**

Water: Existing domestic lateral  
Sanitary: Existing lateral, re-locate if in contact with footings  
Storm: No detention required.  
Site Lighting - None proposed. Existing street lights and utility lighting on adjacent buildings.

**Excavation**

Excavation in Urban Center Zoning Zone, no parking required.  
No on-street parking will be proposed.  
The excavation per lot, 5th 5th.  
Depth: 5'-0" to 12'-0" SF.  
Lot 1: 1250 SF, Lot 2: 1250 SF, Lot 3: 1250 SF, Lot 4: 1250 SF, Lot 5: 1250 SF, Lot 6: 1250 SF, Lot 7: 1250 SF, Lot 8: 1250 SF, Lot 9: 1250 SF, Lot 10: 1250 SF, Lot 11: 1250 SF, Lot 12: 1250 SF, Lot 13: 1250 SF, Lot 14: 1250 SF, Lot 15: 1250 SF, Lot 16: 1250 SF, Lot 17: 1250 SF, Lot 18: 1250 SF, Lot 19: 1250 SF, Lot 20: 1250 SF, Lot 21: 1250 SF, Lot 22: 1250 SF, Lot 23: 1250 SF, Lot 24: 1250 SF, Lot 25: 1250 SF, Lot 26: 1250 SF, Lot 27: 1250 SF, Lot 28: 1250 SF, Lot 29: 1250 SF, Lot 30: 1250 SF, Lot 31: 1250 SF, Lot 32: 1250 SF, Lot 33: 1250 SF, Lot 34: 1250 SF, Lot 35: 1250 SF, Lot 36: 1250 SF, Lot 37: 1250 SF, Lot 38: 1250 SF, Lot 39: 1250 SF, Lot 40: 1250 SF, Lot 41: 1250 SF, Lot 42: 1250 SF, Lot 43: 1250 SF, Lot 44: 1250 SF, Lot 45: 1250 SF, Lot 46: 1250 SF, Lot 47: 1250 SF, Lot 48: 1250 SF, Lot 49: 1250 SF, Lot 50: 1250 SF, Lot 51: 1250 SF, Lot 52: 1250 SF, Lot 53: 1250 SF, Lot 54: 1250 SF, Lot 55: 1250 SF, Lot 56: 1250 SF, Lot 57: 1250 SF, Lot 58: 1250 SF, Lot 59: 1250 SF, Lot 60: 1250 SF, Lot 61: 1250 SF, Lot 62: 1250 SF, Lot 63: 1250 SF, Lot 64: 1250 SF, Lot 65: 1250 SF, Lot 66: 1250 SF, Lot 67: 1250 SF, Lot 68: 1250 SF, Lot 69: 1250 SF, Lot 70: 1250 SF, Lot 71: 1250 SF, Lot 72: 1250 SF, Lot 73: 1250 SF, Lot 74: 1250 SF, Lot 75: 1250 SF, Lot 76: 1250 SF, Lot 77: 1250 SF, Lot 78: 1250 SF, Lot 79: 1250 SF, Lot 80: 1250 SF, Lot 81: 1250 SF, Lot 82: 1250 SF, Lot 83: 1250 SF, Lot 84: 1250 SF, Lot 85: 1250 SF, Lot 86: 1250 SF, Lot 87: 1250 SF, Lot 88: 1250 SF, Lot 89: 1250 SF, Lot 90: 1250 SF, Lot 91: 1250 SF, Lot 92: 1250 SF, Lot 93: 1250 SF, Lot 94: 1250 SF, Lot 95: 1250 SF, Lot 96: 1250 SF, Lot 97: 1250 SF, Lot 98: 1250 SF, Lot 99: 1250 SF, Lot 100: 1250 SF.



**Underfooting**  
Existing street base  
Two (2) Over-Reinforced  
100% canopy required  
Building footprint over canopy spans over a reinforced concrete canopy (see sheet C-1.0) which is located within a 100' canopy required.  
City - 1450 SF  
-Overlaid Access - 2200 SF  
-Subtotal - 0 SF  
Total - 1250 SF  
100% Canopy Required - 125 SF  
Canopy Provided - 825 SF

**Signature**

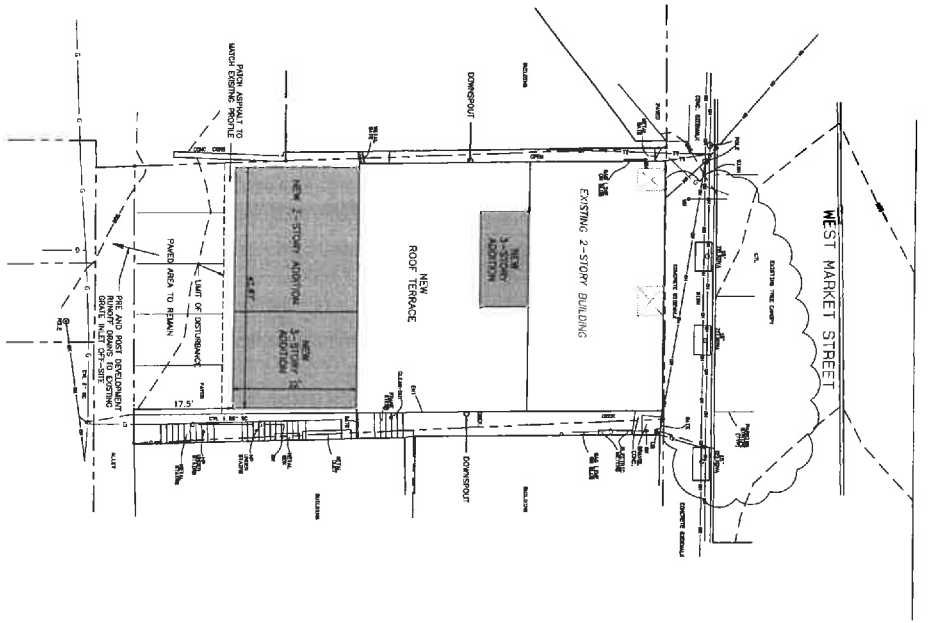
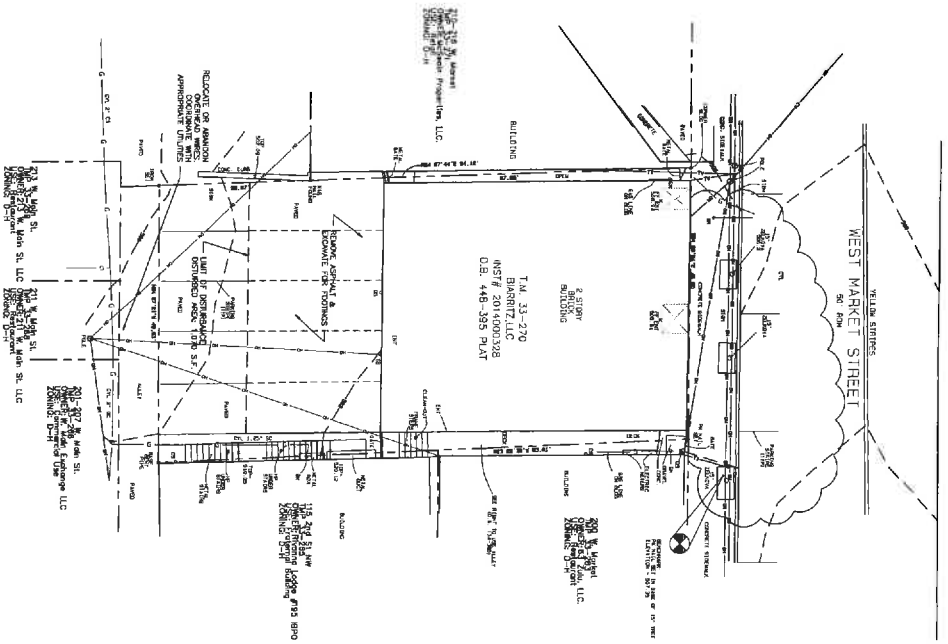
1 T-1.0 TITLE SHEET  
2 C-1.0 EXISTING CONDITIONS & DEMOLITION PLAN & SITE PLAN

DWG  
11-24-15  
DRAWING NUMBER  
T-1.0  
SHEET 1 OF 2

**COMMON HOUSE**  
T.M. 33 Parcel 270  
206 W. Market St., Charlottesville, VA  
TITLE SHEET



B. Clark Gathright, LLC  
100 10th St. NE Suite 200  
Charlottesville, Virginia 22902



1. EXISTING CONDITIONS & DEMOLITION PLAN

2. SITE PLAN



	<b>B. Clark Gathright, LLC</b> 100 10th St. NE Suite 200 CHARLOTTESVILLE, VIRGINIA 22802	
	<b>COMMON HOUSE</b> T.M. 33 Parcel 270 206 W. Market St., Charlottesville, VA EXISTING CONDITIONS & DEMOLITION PLAN & SITE PLAN	
REVISIONS DATE 11-24-15 DRAWING NUMBER <b>C-1.0</b> SHEET 2 OF 2		

**Base Information**

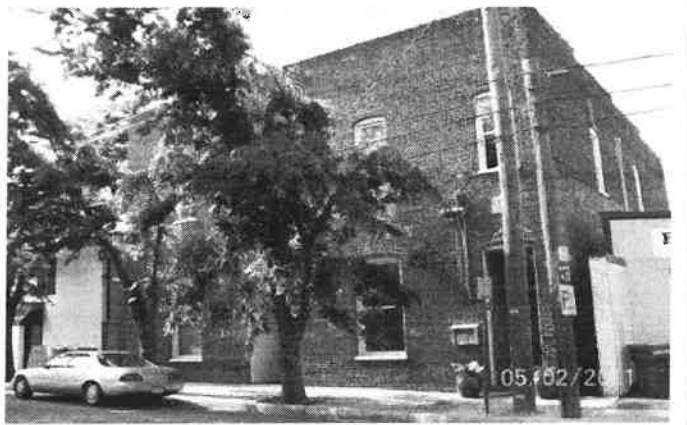
<b>Parcel Number:</b>	330270000	<b>Current Owner:</b>	BIARRITZ, LLC
<b>State Code:</b>	4.0 Comm. & Ind.	<b>Attention:</b>	DEREK SIEG
<b>Tax Type:</b>	Taxable	<b>Owner Address:</b>	5473 GORDONSVILLE RD
<b>Zone:</b>	DH	<b>Owner City State:</b>	KESWICK VA
<b>Appraiser:</b>	JD	<b>Owner Zip Code:</b>	22947
<b>Acreage:</b>	0.1030		
<b>Asmt Reason:</b>	General Reassessment		
<b>Legal:</b>	LOT		

**Additional Data**

<b>Elementary School Zone:</b>	330270000
<b>Voting Precinct:</b>	4.0 Comm. & Ind.
<b>Neighborhood:</b>	Taxable

**Stormwater Utility Information**

<b>Impervious Area:</b>	9
<b>Billing Units:</b>	4,441 sq. ft.
<b>Projected Stormwater Utility Annual Fee:</b>	\$129.60

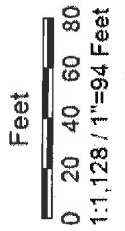
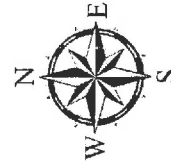


**Commercial Details**

<b>Use Code:</b>	Office Building
<b>Year Built:</b>	1913
<b>Gross Area:</b>	4772
<b>Story Height:</b>	12.00
<b>No. of Stories:</b>	2.00

**Legend**

- Parcels
- Addresses
- City Limits



**Title: Parcels**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Charlottesville is not responsible for its accuracy or how current it may be.*

**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
TO ALLOW USE OF A BUILDING LOCATED AT  
206 WEST MARKET STREET TO BE USED AS A “PRIVATE CLUB”**

**WHEREAS**, pursuant to Biarritz, LLC (“Applicant”) has requested City Council to approve a special use permit pursuant to City Code §34-796, to authorize the use of the building located at 206 West Market Street (“Subject Property”), within the “Downtown” Mixed Use Corridor zoning district, to be used as a non-residential (general/ miscellaneous commercial) use referred to within the city’s zoning ordinance as a “private club”; and

**WHEREAS**, the specific use requested by the Applicant is generally described within the Applicant’s November 24, 2015 application materials (“Application Materials”) as follows: a social club open only to members and their invited guests, where individuals from the creative classes of art and commerce can meet to dine together or simply to gather in-person to connect, with rules and regulations requiring members to be good neighbors by (1) being quiet when leaving the house or within the surrounding neighborhood, (2) minimizing noise when outside or on any terrace, and (3) avoiding honking, loud music or excessive engine or vehicle noise while arriving or departing the club. The club will not be a “club” in the “nightclub” or “dance club” sense. The club may include a banquet hall/ restaurant (serving breakfast, lunch and/or dinner), lounge, tea room, library, bridge room, billiard room, communal workspace (which will also serve as rentable “event space”), bars (offering alcohol for consumption), kitchen, office, rooftop terrace and restrooms. The private social club is intended to welcome members for social interaction, food service and the occasional private function (the club will, for a fee, host and cater private events within the “event space” to members or nonmembers). Programmed activities offered to members within the club will include programs of workshops and lectures, music series, and parlor games; 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 by the Planning Commission on January 12, 2016, the Commission voted to recommend that Council approve the requested special use permit, and recommended certain conditions for Council’s consideration; and

**WHEREAS**, following a joint public hearing, duly advertised and conducted by the City Council on January 12, 2016, and upon consideration of the Planning Commission’s recommendation as well as the factors set forth within Sec. 34-157 of the City’s Zoning Ordinance, this Council finds and determines that granting the 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, pursuant to City Code §34-796, a special use permit is hereby approved and granted to authorize the use of the building located at 206 West Main Street to be used as a private social club, subject to the following conditions:

1. The use of the Subject Property shall be as generally described in the Application Materials; and
2. There shall be no audible noise, detectable vibration, or odor beyond the confines of the Subject Property, including transmittal through vertical or horizontal party walls, between the hours of 1:00 a.m. and 8:00 a.m. every day.
3. There shall be no use of any sound amplification device(s) outdoors (including, without limitation, on the roof terrace) after 11:00 p.m. every day.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 1, 2016
Action Required:	Make a determination to either uphold or overturn the decision of the Board of Architectural Review (BAR)
Presenter:	Mary Joy Scala, Preservation & Design Planner, Department of Neighborhood Development Services (NDS) Melanie Miller, Chair, BAR Carl Schwarz, Architect and Member, BAR
Staff Contacts:	Mary Joy Scala, Preservation & Design Planner, Department of NDS Alex Ikefuna, Director, NDS
Title:	<b>200 W Main Street - Appeal of BAR decision to deny darkly tinted glass at Violet Crown Cinema</b>

**Background:**

The format for an appeal of a BAR decision is: (1) staff report; (2) applicant's presentation; and (3) the BAR's position presented by the Chair of the BAR, Ms. Miller. Staff also asked Mr. Schwarz, an architect on the BAR, to attend, due to the technical nature of the appeal.

The zoning ordinance requires that an applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR....In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria [standards for review] set forth within section 34-276 or 34-278 [ATTACHMENT 1. Criteria], as applicable, and any other information, factors, or opinions it deems relevant to the application.

When Violet Crown Cinema completed their renovation of the former Regal Theater on the Downtown Mall, in the Downtown Architectural Design Control (ADC) District, in September 2015 [ATTACHMENT 2. Current photos], staff determined that seven items (including the darkly tinted glass) were not constructed in compliance with the drawings that had been submitted by a local architect, Mike Stoneking, and approved by the BAR in March 2014 [ATTACHMENT A. Original BAR-approved submittal]. Following the BAR approval, Violet Crown Cinema had subsequently hired a different architectural firm, TK Architects, from St. Louis, MO, who made changes to the construction drawings without first requesting further BAR approval.

When an unapproved material is installed, the applicant is notified of the zoning violation, and they are asked to make application for the substitute material after-the-fact. If the BAR fails to approve the new material, then the original approval stands.

To correct the zoning violation, Violet Crown Cinema then made application to the BAR to have the changes approved. On October 20, 2015 the BAR approved some of the changes as built, but asked for modifications to others. On December 15, 2015 the BAR voted unanimously (8-0) to deny the design change to darkly tinted glass [ATTACHMENT 3. BAR action letter and staff report], which they further clarified must be clear glass with a Visible Light Transmittance (VLT) in the upper 60's or above, and that a specification is needed. The glass originally specified and approved was "Clear [insulated] glass PPG Starfire or equal."

On December 29, 2015, an appeal of the BAR's decision was filed on behalf of Violet Crown Cinema, LLC. Their request is to permit the darkly tinted glass storefront to remain as installed. [ATTACHMENT B. Applicant's appeal]

### **Discussion:**

The BAR denied the darkly tinted glass because it does not meet the design guidelines. The pertinent Architectural Design Control (ADC) District Design Guidelines for New Construction and Additions state:

#### *I. WINDOWS and DOORS*

*5. Darkly tinted mirrored glass is not an appropriate material for windows in new buildings within the historic districts.*

*9. Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.*

#### *K. STREET-LEVEL DESIGN*

*1. Street level facades of all building types, whether commercial, office, or institutional, should not have blank walls; they should provide visual interest to the passing pedestrian.*

*3. Keep the ground level facades(s) of new retail commercial buildings at least eighty percent transparent up to a level of ten feet.*

The BAR has consistently adhered to these guidelines that specify clear glass in historic districts. Some buildings on the Mall do have tinted glass, such as the Omni Hotel, which was built prior to adoption of the 1985 Downtown ADC District regulations. Most energy efficient glass has a slight tint. However, there are no examples of tinted glass on the Mall that are as extremely dark as the Violet Crown Theater.

The applicant states that the originally-approved clear glass did not meet energy code requirements. However, glass certainly does not have to be darkly tinted in order to be energy efficient. There are many examples of recently approved buildings, such as the Market Plaza and the Cherry Avenue Marriott, that have specified energy efficient, clear glass. In addition, the



Violet Crown Theater was not required to meet the 2008 energy code since under the Building Code the theater renovations were considered to be a rehabilitation, not new construction.

The applicant should have requested BAR approval before changing the approved design and materials. This process was correctly followed by the contractor, Martin Horn, who contacted staff in April 2015 regarding changing the brick manufacturer and color. The BAR members visited the site to compare the two brick samples, and approved the substitution before the new brick was ordered.

**Alignment with City Council’s Vision and Strategic Plan:**

Upholding the BAR’s decision aligns with Council’s vision for *Charlottesville Arts and Culture*: Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

**Community Engagement:**

The abutting owners were required to be notified of the application. No public comment has been received.

**Budgetary Impact:**

None.

**Recommendation:**

Staff recommends that City Council should uphold the BAR’s decision. The Design Guidelines are very specific regarding the appropriateness of clear glass and transparent storefronts, and the inappropriateness of darkly tinted glass, and the BAR has consistently adhered to these guidelines. The solution is to replace the darkly tinted glass with energy efficient, clear glass that is appropriate to the theater’s prominent location on Charlottesville’s historic Downtown Mall.

**Alternatives:**

City Council may either uphold or overturn the BAR’s decision. If City Council overturns the BAR’s decision, then the darkly tinted glass may remain. However, failure to uphold the BAR’s decision would (1) create uncertainty about guidelines that are very important to the character of a historic district; (2) send a message to other applicants that they may disregard the BAR’s decisions, and may install the material and design of their choice without consequence, and (3) allow an anomalous building material in a prominent location in the Downtown ADC district.

**Attachments:**

Word documents

1. Criteria [Standards for Review] set forth within Zoning Ordinance Section 34-276
2. Current photos
3. BAR action letter and staff report from December 15, 2015 BAR meeting

PDF documents

- A. Original BAR-approved submittal, March 2014, including day and night renderings and specification sheet for clear glass
- B. Applicant's appeal

## **ATTACHMENT 1**

### **Criteria [Standards for Review] set forth within Zoning Ordinance Section 34-276**

#### **Section 34-276. Standards for Review of Construction and Alterations.**

The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to section 34-275 above:

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) The effect of the proposed change on the historic district neighborhood;*
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (7) When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020, et seq. shall be applied; and*
- (8) Any applicable provisions of the City's Design Guidelines.*

**ATTACHMENT 2**  
**Current photos**











## **ATTACHMENT 3**

### **BAR action letter and staff report from December 15, 2015 BAR meeting**

**From:** Scala, Mary Joy  
**Sent:** Tuesday, December 22, 2015 11:21 AM  
**To:** Bill Banowsky (bill@carolinacinemas.com)  
**Cc:** 'Veronica Koltuniak'; 'Robert Crane'; 'Patrick Carpenter'; 'Jack Horn, Jr.'  
**Subject:** BAR Action Dec 15, 2015 - 200 W Main Street

December 22, 2015

William S. Banowsky Jr.  
1613 W. 5<sup>th</sup> Street  
Austin, Texas 78703

#### **RE: Certificate of Appropriateness Application**

BAR 15-10-04  
200 West Main Street  
Tax Parcel 280010000  
William S Banowsky, Jr, Owner/Violet Crown Cinema Charlottesville, LLC, Applicant  
Change to approve new materials

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on December 15, 2015. The following action was taken:

#### **Miller moved to find that the BAR approves the following changes as submitted:**

- **the additional trim on the Marquee to address scale issues;**
- **the additional 4 movie posters to the left of the entrance door and the moved mechanical equipment box;**
- **the transom on the east side of the building to match the door height transom on the front.**

**In addition, Miller moved to find that the BAR denies the following design changes, so that the original approved design must be built:**

- **the change to class tinting must be clear glass with a VLT in the upper 60's or above, and a specification is needed;**
- **defer the change to the Hardie panels to be determined after samples are submitted and reviewed.**

**Schwartz seconded. Motion passes (8-0).**

In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals, including the grounds for an appeal, the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions the applicant deems relevant to the application, should be directed to Paige Barfield, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

Please let me know when you have the Hardie samples ready to be viewed by the BAR.  
If you have any questions, please contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
December 15, 2015**



**Certificate of Appropriateness Application (deferred from October)**

BAR 15-10-04

200 West Main Street

Tax Parcel 280010000

William S Banowsky, Jr, Owner/Violet Crown Cinema Charlottesville, LLC, Applicant

Change to approve new materials

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**Background**

200 West Main Street is a contributing structure in the Downtown ADC district. The site was originally occupied by two commercial structures, Leggett and Sears, which were combined for use by the Regal Cinema in 1996. Although the façade was completely rebuilt at the time, the Regal Cinema still expressed the idea of the two buildings with different parapet heights.

September 26, 1995 - The BAR approved COA for Regal Six Cinema. The original brick under the Woolworth's building was to be preserved, with brick veneer used on the west end of the façade.

June 14, 1996 - The BAR held a discussion regarding a revised design because the theater was under construction and not being built as approved. The older façade had been demolished, and Dry-vit was being used instead of brick.

June 18, 1996 - The BAR disapproved the latest submitted plans dated June 17, 1996, because they are not in keeping with the original approved plans and not in keeping with the historic character of Downtown and surrounding buildings in design, materials, details and fenestration....The BAR asked for a stop-work order.

June 18, 1996 - A BAR Subcommittee met and agreed upon principles to guide the resolution of the project. Regarding the West Main Street façade: To use brick as the primary material and not stucco...there needs to be some articulation the reflect the second story character of this area...the front should still have windows and doors at the street level...the importance of careful detailing of the front façade so that the building is honest and compatible with the use and character of the area.

June 27, 1996 - The BAR approved with conditions a concept plan, with revisions to return to the BAR.

July 3, 1996 - The BAR approved a revised design.

February 18, 2014 - (preliminary discussion) The consensus was that the BAR really liked the proposed design, except the glass canopy over the patio.

March 18, 2014 - The BAR approved (6-0) the new façade as submitted, and with the following modifications: the 1996 façade is determined to be non-contributing and may be demolished; the wood soffit material shall be submitted to staff for approval; programmable LED white lighting is approved, with color lighting for special events subject to (on-site) approval.

April 2015 - Administrative approval (after consulting BAR) for Belden Brick #661 to replace original brick (Calstar light gray) with matching mortar, horizontal joints raked ¼" deep, and vertical joints tooled flush with brick face.



October 20, 2015- Miller moved to find that the following proposed design changes satisfy the BAR's criteria and are compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the following changes as submitted:

1. The entry doors on the west side, at the center at the restaurant, and at the entrance are approved as built ;
2. The window wall system which has been changed to storefront is approved as built with an exception to be detailed on the east side on our not-approved list;
3. Movie poster holders are approved as installed;
4. Purple sign lighting as installed.

In addition, Miller moved to find that the following proposed design changes *do not* satisfy the BAR's criteria and *are not* compatible with this property and other properties in the Downtown ADC District, and that **the BAR *did not* approve the following changes [as built] with revisions to come back to a future meeting. The BAR's intent was to handle the items "not approved" not as a denial, but as a deferral until the December meeting.**

1. **The Hardie panels – the BAR requests a change in finish with higher contrast, different texture, and much lighter [color];**
2. **The marquee depth – the BAR wants to see alternative trim or other detailing in order to lighten the appearance ;**
3. **The [tinted] glass shall be a clear glass;**
4. **The smaller transom on the east side lower window shall be revised [to match upper window];**
5. **More information in the form of a rendering for the request for paint color on 2<sup>nd</sup> Street.**

### **Application**

The applicant has returned as requested with additional information regarding proposed design changes at the new Violet Crown Cinema theater.

1. The applicant has submitted a color chip for *Sherwin Williams Accessible Beige* to paint the Hardies panels a lighter color. Sheen is unspecified.
2. A drip edge was added to the bottom of the marquee to match coping at the top.
3. The applicant has not proposed a clear glass.
4. The transom issue can be corrected with fourteen week lead time.
5. The applicant has decided not to paint the existing painted brick on the Second Street facade.

### **Criteria, Standards and Guidelines**

#### **Review Criteria Generally**

*Sec. 34-284(b) of the City Code states that,*

*In considering a particular application the BAR shall approve the application unless it finds:*

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and*
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.*

## **Pertinent Standards for Review of Construction and Alterations include:**

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) The effect of the proposed change on the historic district neighborhood;*
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (8) Any applicable provisions of the City's Design Guidelines.*

## **Pertinent Design Review Guidelines for New Construction and Additions**

### **F. SCALE**

*Height and width also create scale, the relationship between the size of a building and the size of a person. Scale can also be defined as the relationship of the size of a building to neighboring buildings and of a building to its site. The design features of a building can reinforce a human scale or can create a monumental scale. In Charlottesville, there is a variety of scale. For instance, an institutional building like a church or library may have monumental scale due to its steeple or entry portico, while a more human scale may be created by a storefront in a neighboring commercial building.*

- 1. Provide features on new construction that reinforce the scale and character of the surrounding area, whether human or monumental. Include elements such as storefronts, vertical and horizontal divisions, upper story windows, and decorative features.*
- 2. As an exception, new institutional or governmental buildings may be more appropriate on a monumental scale depending on their function and their site conditions.*

### **I. WINDOWS & DOORS**

- 1. The rhythm, patterns, and ratio of solids (walls) and voids (windows and doors) of new buildings should relate to and be compatible with adjacent historic facades.
  - a. The majority of existing buildings in Charlottesville's historic districts have a higher proportion of wall area than void area except at the storefront level.*
  - b. In the West Main Street corridor in particular, new buildings should reinforce this traditional proportion.**
- 2. The size and proportion, or the ratio of width to height, of window and door openings on new buildings' primary facades should be similar and compatible with those on surrounding historic facades.
  - a. The proportions of the upper floor windows of most of Charlottesville's historic buildings are more vertical than horizontal.*
  - b. Glass storefronts would generally have more horizontal proportions than upper floor openings.**
- 3. Traditionally designed openings generally are recessed on masonry buildings and have a raised surround on frame buildings. New construction should follow these methods in the historic districts as opposed to designing openings that are flush with the rest of the wall.*
- 4. Many entrances of Charlottesville's historic buildings have special features such as transoms, sidelights, and decorative elements framing the openings. Consideration should be given to incorporating such elements in new construction.*

5. **Darkly tinted or mirrored glass is not an appropriate material for windows in new buildings within the historic districts.**
6. *If small-paned windows are used, they should have true divided lights or simulated divided lights with permanently affixed interior and exterior muntin bars and integral spacer bars between the panes of glass.*
7. *Avoid designing false windows in new construction.*
8. *Appropriate material for new windows depends upon the context of the building within a historic district, and the design of the proposed building. Sustainable materials such as wood, aluminum-clad wood, solid fiberglass, and metal windows are preferred for new construction. Vinyl windows are discouraged.*
9. **Glass shall be clear. Opaque spandrel glass or translucent glass may be approved by the BAR for specific applications.**

#### K. STREET-LEVEL DESIGN

1. *Street level facades of all building types, whether commercial, office, or institutional, should not have blank walls; they should provide visual interest to the passing pedestrian.*
2. *When designing new storefronts or elements for storefronts, conform to the general configuration of traditional storefronts depending on the context of the sub-area. New structures do offer the opportunity for more contemporary storefront designs.*
3. *Keep the ground level facades(s) of new retail commercial buildings at least eighty percent transparent up to a level of ten feet.*
4. *Include doors in all storefronts to reinforce street level vitality.*
5. *Articulate the bays of institutional or office buildings to provide visual interest.*
6. *Institutional buildings, such as city halls, libraries, and post offices, generally do not have storefronts, but their street levels should provide visual interest and display space or first floor windows should be integrated into the design.*
7. *Office buildings should provide windows or other visual interest at street level.*
8. *Neighborhood transitional buildings in general should not have transparent first floors, and the design and size of their façade openings should relate more to neighboring residential structures.*
9. *Along West Main Street, secondary (rear) facades should also include features to relate appropriately to any adjacent residential areas.*
10. *Any parking structures facing on important streets or on pedestrian routes must have storefronts, display windows, or other forms of visual relief on the first floors of these elevations.*
11. *A parking garage vehicular entrance/exit opening should be diminished in scale, and located off to the side to the degree possible.*

#### L. FOUNDATION and CORNICE

*Facades generally have a three-part composition: a foundation or base that responds at the pedestrian or street level, the middle section, and the cap or cornice that terminates the mass and addresses how the building meets the sky. Solid masonry foundations are common for both residential and commercial buildings. Masonry piers, most often of brick, support many porches.*

1. *Distinguish the foundation from the rest of the structure through the use of different materials, patterns, or textures.*
2. *Respect the height, contrast of materials, and textures of foundations on surrounding historic buildings.*
3. *If used, cornices should be in proportion to the rest of the building.*
4. *Wood or metal cornices are preferred. The use of iron may be appropriate where the location is not immediately adjacent to pedestrians.*

#### M. MATERIALS & TEXTURES

1. *The selection of materials and textures for a new building should be compatible with and complementary to neighboring buildings.*

2. In order to strengthen the traditional image of the residential areas of the historic districts, brick, stucco, and wood siding are the most appropriate materials for new buildings.
3. In commercial/office areas, brick is generally the most appropriate material for new structures. "Thin set" brick is not permitted. Stone is more commonly used for site walls than buildings.
4. Large-scale, multi-lot buildings, whose primary facades have been divided into different bays and planes to relate to existing neighboring buildings, can have varied materials, shades, and textures.
5. Synthetic siding and trim, including, vinyl and aluminum, are not historic cladding materials in the historic districts, and their use should be avoided.
6. Cementitious siding, such as HardiPlank boards and panels, are appropriate.
7. Concrete or metal panels may be appropriate.
8. Metal storefronts in clear or bronze are appropriate.
9. The use of Exterior Insulation and Finish Systems (EIFS) is discouraged but may be approved on items such as gables where it cannot be seen or damaged. It requires careful design of the location of control joints.
10. The use of fiberglass-reinforced plastic is discouraged. If used, it must be painted.
11. All exterior trim woodwork, decking and flooring must be painted, or may be stained solid if not visible from public right-of-way.

#### O. DETAILS & DECORATION

*The details and decoration of Charlottesville's historic buildings vary tremendously with the different styles, periods, and types. Such details include cornices, roof overhang, chimneys, lintels, sills, brackets, brick patterns, shutters, entrance decoration, and porch elements.*

*The important factor to recognize is that many of the older buildings in the districts have decoration and noticeable details. Also, many of the buildings were simply constructed, often without architects and on limited budgets that precluded costly specialized building features.*

*At the same time, some of Charlottesville's more recent commercial historic structures have minimal architectural decoration. It is a challenge to create new designs that use historic details successfully. One extreme is to simply copy the complete design of a historic building and the other is to "paste on" historic details on a modern unadorned design. Neither solution is appropriate for designing architecture that relates to its historic context and yet still reads as a contemporary building. More successful new buildings may take their clues from historic images and reintroduce and reinterpret designs of traditional decorative elements or may have a modernist approach in which details and decoration are minimal.*

1. Building detail and ornamentation should be consistent with and related to the architecture of the surrounding context and district.
2. The mass of larger buildings may be reduced using articulated design details.
3. Pedestrian scale may be reinforced with details.

#### **Pertinent Design Review Guidelines for Rehabilitations**

##### C. WINDOWS

15. Do not use tinted or mirrored glass on major facades of the building.

#### **Discussion and Recommendations**

October 2015 - Apparently the local architect that obtained approval for the design was replaced with a firm, TK Architects, from St. Louis. Changes were made to the design without seeking BAR approval.

The staff report for the March 2014 approval noted: This is a prominent intersection with the 2<sup>nd</sup> Street vehicular crossing ... The design could reinterpret, but should respect, the traditional

character, scale, orientation, materials and colors of the surrounding buildings on the Downtown Mall.

The BAR should discuss and determine if the following changes are appropriate. If not, the approved design would stand:

1. Hardie panels with aluminum channel joints.
2. Egress door design.
3. Marquee depth.
4. Clear finish aluminum window system.
5. Darkly tinted glass.
6. Two pairs of aluminum and glass doors.

The BAR should also review the proposed paint color change to the existing painted bricks walls and service doors and window sash.

The March 2014 BAR approval included a condition that programmable LED white lighting is approved, with color lighting for special events subject to (on-site) approval. The BAR may want to choose a time to preview the colored lighting.

**December 2015 – In staff opinion,**

- 1. The lighter paint color is appropriate. Staff is unsure how the texture could be made to look smoother like the original ceramic panels; perhaps a semi-gloss sheen would do that.**
- 2. The marquee scale issue has been addressed with the added trim.**
- 3. The applicant’s argument that the building code requires darkly tinted glass is incorrect because this addition is considered a rehabilitation rather than new construction , according to the Building Code Official, so is not subject to the 2009 Energy Code. Staff has provided the architect with specific examples of clear glass products that may be appropriate. The applicant should replace the tinted glass with clear glass per the ADC District Design Guidelines.**
- 4. The applicant said the transom issue can be corrected with fourteen week lead time. Staff advised the applicant to order the new transom. The applicant has been notified that the zoning violation must be corrected sixty days following BAR approval.**
- 5. The applicant is not required to repaint the existing painted brick wall.**

**Suggested Motion**

Having considered the standards set forth within the City Code, including City Design Guidelines for New Construction, I move to find that the following proposed design changes satisfy the BAR’s criteria and are compatible with this property and other properties in the Downtown ADC District, and that the BAR approves the following changes as submitted:

.....  
.....

In addition, I move to find that the following proposed design changes *do not* satisfy the BAR’s criteria and *are not* compatible with this property and other properties in the Downtown ADC District, and that the BAR denies the following changes so that the original approved design must be built:

.....  
.....

**ATTACHMENT A.**

**Original BAR-approved submittal, March 2014, including day and night renderings  
and specification sheet for clear glass**

# **Violet Crown Cinema**

**200 West Main Street Charlottesville, Virginia**

**Violet Crown Cinema 434 West 2nd Street Austin, Texas 78701**

**Domiteaux + Baggett Architects 4603 West Lovers Lane Dallas, Texas 75209**

**Verokolt Interior Design 2808 Pickwick Lane Austin, Texas, 78746**

**Stoneking von Storch Architects 300 West Main Street Charlottesville, Virginia 22902**

## Contents:

Project Description

Drawing A1

Drawing A2

Drawing Notes

Exterior Rendering- Day

Exterior Rendering- Night

Specification cut sheets

Material Samples



## Project Description:

### History:

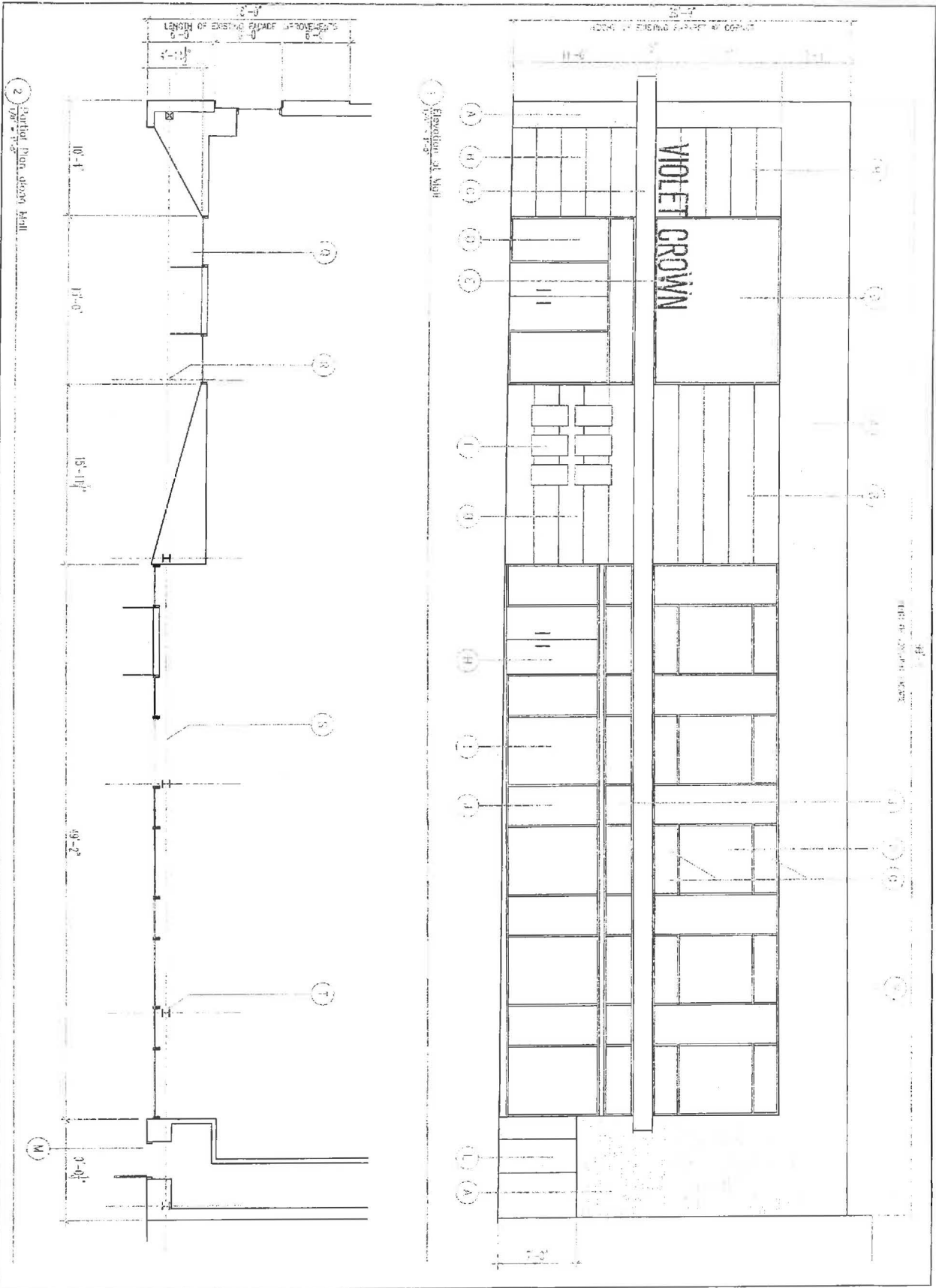
In 1996 this property was converted from its then use as a Leggett store to the Regal Theater. In the 1960's the Leggett design had been reconfigured from the facades previously in place into a single, unified front. The design was consistent with the adjacent properties of the Woolworths and Roses stores. This mid-century approach included a more monolithic aesthetic which used a broad application of materials across the entire property- at both stories. In the case of Woolworth and Roses, the upper level was clad in a single applied "panel"- metal for Woolworths and brick for Roses. The Leggett was similar. In all three cases the lower level was separated from the upper storey using a full width flat canopy typical of this era. The ground levels were primarily glass storefronts. These designs represented a departure from the preceding facades for all three buildings and established trends we still see on the Mall. These evolutions include modifications to all three 1960's facades. The Woolworths building was later renovated to the current Caspari store. Here the full width expression is maintained. Rather than returning to identifying the buildings that once occupied that block, Caspari expressed a new, more modern version, like the one that Woolworth's had employed. A metal skin and flat canopy are primary features. Similarly, the York Place renovation sought to continue the expression of a full-width idea as had Roses. The Regal extended that idea with its all brick design.

### Proposal:

This renovation continues to use the property as a movie theater. The project includes six theaters and a restaurant, the latter of which will be positioned along the Mall at the western portion of the building. Our design also maintains the unified, property-wide approach previously used. The façades once in place prior to the Regal project are gone. Reviving them seems both unnecessary and inconsistent with recent historical trends. We've made numerous design references to the mid-century designs as well as to other ideas in place on the Mall. There is an emphasis on the full-width expression, using brick and glass as the primary materials. We propose large sections of glass, ceramic building panels and other materials currently used on successful Mall renovations. Our approach to the marquee is atypical. Understanding that marquees are invited for theaters, we suggest a new interpretation. Rather than the expected approach used by the Regal or Paramount we show an elongated version reminiscent of the building-wide canopies of previously referenced buildings. This more modern approach seems fitting to this design and affords a fresh view of this feature.

One departure from the ADC guidelines is the apportioning of glass between the two stories. The guidelines suggest it is better that the lower storey be more open than the upper. While we respect that notion, we offer a different solution. Here we have a two-storey space behind the façade. As a theater, there seems to be an argument that such a space should be celebrated. It is not an office building on the second floor, nor residences. Perhaps the façade should not pretend to be such. Moreover, rather than the closed, cold feeling provided by the current façade, we suggest one that invites views into, and from within, the space- at both "stories". We imagine people walking by looking into the illuminated, vaulted interior taking delight in the street presence afforded by a more open design. With second floor access to the theater spaces this is even more important. Visitors on the mezzanine will be able to see the Mall and vice versa.

Our every intent is to make a facade that respects the integrity of the Mall while creating a crisp and modern contribution to its fabric.



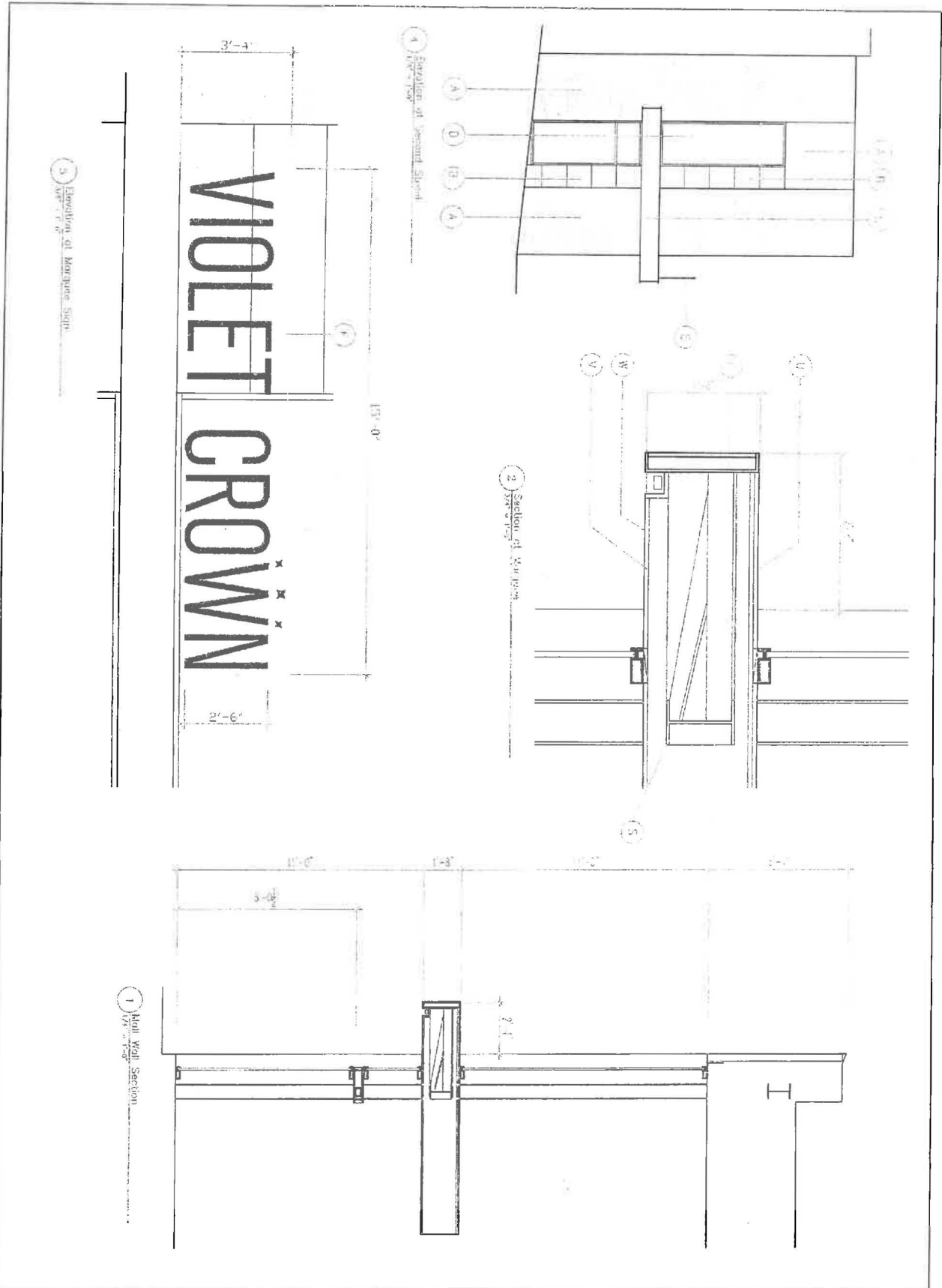
# Violet Crown Cinema

February 25, 2014

A1

200 West Main Street Charlottesville, Virginia

Stoneking/ von Storch Architects | Domiteaux + Baggett Architects | Verokolt Interior Design



# Violet Crown Cinema

200 West Main Street Charlottesville, Virginia

Stoneking/ von Storch Architects | Domiteaux + Baggett Architects | Verokolt Interior Design

February 25, 2014

A2

**Drawing Notes:** The following reference key note labels on drafted plans, elevations and sections.

- A. New face brick to replace existing face brick. In same plane as former. Calstar Light Gray, Norman size (2 ¼"high x12"long). All horizontal joints raked 1/4 deep, all vertical joint tooled flush with brick face. Type N mortar, color - to match brick.
- B. Ceramic Panels; Lea Ceramiche, Slimtech, color Soft Sand.
- C. Marquee face: Resysta panels, stained to match Resysta color FVG C02.
- D. Tubelite 300 series aluminum window wall system, or equal. Mullions prefinished to match Sherwin Williams, SW 7069 - Iron Ore, Satin. Clear insulated glass PPG Starfire or equal. Butt-glazed glass where mullions not shown.
- E. Marquee signage; Letters silk screened in white on frameless 1" tempered glass cantilevered from marquee. Glass is 15'-0" long by 3'-4" tall, PPG Starfire (or equal) coated with repellent similar or equal to BalcoNano. Letters are 30" tall. Total sign is less than 50 square feet. Letters to be illuminated from below using Elemental Koloris LED. Programmable, to be used as white for all but approved special occasions where color effects might be used, such as the Film Festival. All lighting will be dark-sky compliant.
- F. Movie posters: Surface mounted aluminum-framed glass faced-poster boxes similar to existing.
- G. Not Used.
- H. Clear glass doors, offset pivot, frameless with stainless steel pulls/ hardware.
- I. Clear insulated glass PPG Starfire or equal.
- J. Clear insulated glass PPG Starfire or equal.
- K. Clear insulated glass PPG Starfire or equal.
- L. Ceramic Panels; Lea Ceramiche, Slimtech, Basaltina color Stone Project. Arranged to conceal egress door.
- M. Existing egress door to remain, along with existing exit access corridor.
- N. Clear insulated glass PPG Starfire or equal. Butt-glazed glass where mullions not shown.
- O. Clear insulated glass PPG Starfire or equal. Butt-glazed glass where mullions not shown.
- P. Existing parapet to be lowered to height shown. Entire length of new parapet to receive prefinished gravel stop/ drip edge, Sherwin Williams, SW 7069 - Iron Ore, Satin Finish.
- Q. New brick pavers to match Mall pavers.
- R. Existing steel column to be removed. New beam to span across recessed entry area, within Marquee ledge.
- S. New steel beam in Marquee ledge, within building interior. New steel horizontal steel support at canopy level- also within building interior, concealed in canopy.
- T. Existing steel column to remain, within building interior.
- U. Zinc, flat-lock roofing.
- V. Marquee soffit: Resysta panels, stained to match Resysta color FVG C02.
- W. LED Marquee down lighting. Elemental Koloris LED. Programmable, to be used as white for all but approved special occasions where color effects might be used, such as the Film Festival. All lighting will be dark-sky compliant.







 domiteaux  
baggett architects

# **Violet Crown Cinema**

**200 West Main Street Charlottesville, Virginia**

**Specification cut Sheets**



### STARPHIRE<sup>®</sup> Ultra-Clear Glass

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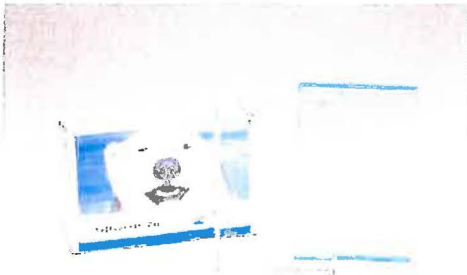
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P.O. Box 2057  
Charlottesville, Virginia 22902

December 29, 2015

**By Hand Delivery**

Charlottesville City Council  
c/o Ms. Paige Barfield, Clerk of Council  
605 East Main Street  
Charlottesville, VA 22902

Dear Members of Council

Re: Appeal of Denial of Certificate of Appropriateness Application  
200 West Main Street  
Tax Parcel 280010000  
Violet Crown Cinema Charlottesville LLC, Applicant

Dear Members of Council:

Please accept this letter as notice of appeal of the denial by the Charlottesville Board of Architectural Review ("BAR") on December 15, 2015 of a request by Violet Crown Cinema Charlottesville LLC ("Violet Crown") for a change in the approved glass for the storefront of the Violet Crown Cinema.

**Background**

This appeal arises out of the mistaken installation of tinted glass in the storefront of the Violet Crown Cinema. Violet Crown's submission for a Certificate of Appropriateness in March 2014 (copy attached as Exhibit A), prepared by its architects, specified "clear [insulated] glass PPG Starfire or equal" in the doors and storefront windows (see Exhibit A, pg. 6, items H, I, J, K, N, O). This submission was approved by the BAR (copy attached as Exhibit B) and a Certificate of Appropriateness ("COA") was issued. Violet Crown subsequently engaged TK Architects ("TK"), an architectural firm specializing in cinema and entertainment architecture to complete the design of the cinema. TK determined that the glass specified for the storefront did not meet the requirements of the Virginia Energy Conservation Code effective May 1, 2008.

TK was not aware of the BAR design guidelines suggesting use of clear glass on Downtown Mall. TK changed the specification to Solarban 70XL (2) Solargray + Clear, the product which was ultimately installed, without the knowledge of Violet Crown. Violet Crown was not aware of the specification of non-conforming glass until the installation had been

completed and a complaint was submitted to the BAR by a nearby property owner. The mistake was made in good faith, because TK was not aware of the clear glass requirement in the design guidelines, and Violet Crown was not aware of the change in the specification.

Violet Crown recognizes that the glass installed was not in conformity with the BAR Design Guidelines, or the original façade proposal on which the COA was issued. Violet Crown fully intended to comply with the terms of the COA, and believed it was in compliance with the terms of the COA when the non-conforming glass was installed.

*The Cost to Replace the Tinted Glass*

Violet Crown's builder has estimated that the cost to replace the tinted glass will be approximately \$50,000.

*Basis for This Appeal*

Violet Crown respectfully requests that the request for amendment of the Certificate of Appropriateness to permit the glass storefront to remain as installed be granted, on the following grounds:

1. The original approved design did not satisfy the requirement of the Virginia Energy Code that glass on commercial construction have a 0.40 or less "U-factor" (see Exhibit C). (The U-factor is the measure of heat loss or gain through the glass surface. The U-factor for an open window would be at or near 1.00, and the U-factor for a perfectly insulated surface would be 0.00.) The U-factor for the clear Starphire glass specified is 0.47 winter and 0.50 summer. The U-factor for the Solarban Solar Gray glass utilized is 0.28 winter and 0.26 summer, a highly material difference. This issue contributed to the subsequent inadvertent specification of tinted glass. While there may have been other choices that would have met the requirement and been approved by the BAR, TK was not aware of the design guideline regarding clear glass and did not seek the approval.
2. The glass installed is highly superior to clear glass in terms of energy efficiency in every measurable category, including both reduction of solar energy transmission and simple insulating value (see Exhibit D). This factor is made more significant by the large glass area of the storefront. The savings in energy costs, fuel consumption and greenhouse gas emissions argue powerfully in favor of use of the tinted glass.
3. The financial and environmental cost of replacement and disposal of the existing glass is not justifiable in light of the other factors involved. The direct cost of replacement is estimated to be in excess of \$50,000. The replaced glass can likely not be salvaged, and will need to be disposed of at further financial and environmental cost.

4. The extremely high usage of the Violet Crown over the pre-Christmas weekend period (approximately 12,700 patrons visited the theater to see Star Wars) demonstrates that patrons are not deterred or confused by the existing glass.
5. Based on the Architect's count, 17 facades on the mall have tinted glass. Among these is the large glass front on the Omni Hotel, located across the Downtown Mall and immediately to the west of the Violet Crown.
6. Our understanding is that the BAR prefers clear glass on mall storefronts so the public can see activity inside during the daytime. While activity inside the Violet Crown can be seen from the Downtown Mall in the daytime, the Violet Crown believes that the more significant time for its operations is nighttime, when the glass actually appears clear.

Violet Crown reserves the right to supplement this submission if additional information becomes available.

Respectfully submitted,

LENHART PETTIT PC



David H. Pettit

DHP/kb  
Enclosures (exhibits)

cc: Violet Crown Cinema Charlottesville LLC *(by email w/encl)*

EXHIBIT B  
BAR Actions March 13, 2014

**BAR ACTIONS**



**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
Regular Meeting  
March 18, 2014 - 5:30 p.m.  
City Council Chambers - City Hall**

Welcome to this Regular Monthly Meeting of the Charlottesville Board of Architectural Review (BAR). After presentations by staff and the applicant, members of the public will be allowed 2 opportunities to speak. The Chair will ask if anyone from the public has questions of the applicant in an attempt to understand the project. After questions are closed, the Chair will ask if anyone from the public has comments. Members of the public will have up to 3 minutes per person to comment. Comments should be limited to the exterior design of the building and site. Comments will not be allowed as to the appropriateness of the project, or about the interior design or uses of the project, etc. Thank you for participating.

**Members present: Miller (Chair), Mohr (Vice-Chair), Osteen, Schwarz, DeLoach (left early), Knott (arrived late). Members absent: Hogg, Sarafin, Graves.**

**PLEASE NOTE THE TIMES GIVEN ARE APPROXIMATE AND ARE INTENDED TO BE A GUIDE. THE ACTUAL MEETING MAY BE LONGER OR SHORTER.**

- 5:30 A. Matters from the public not on the agenda (please limit to 5 minutes) None**
- B. Consent Agenda** (Note: Any consent agenda item may be pulled and moved to the regular agenda if a BAR member wishes to discuss it, or if any member of the public is present to comment on it. Pulled minutes will be discussed at the end of the agenda, but pulled applications will be discussed at the beginning.)
- 1. Minutes** December 17, 2013 and February 18, 2014 **Minutes approved (5-0) on consent agenda.**
  - 2. Certificate of Appropriateness Application**  
BAR 14-03-01  
501 2<sup>nd</sup> Street NE  
Tax Parcel 330019100  
Susanna Nicholson, Owner and Applicant  
Remove Red Maple tree and replace with American Holly
  - 3. Certificate of Appropriateness Application**  
BAR 14-03-02  
503 2<sup>nd</sup> Street NE  
Tax Parcel 330019200  
Frank and Judith Mueller, Owners and Applicants  
Remove Willow Oak tree

**The BAR pulled items # 2 and 3 from consent agenda and approved (5-0) the removal of the red maple to be replaced with a small species tree of the owner's choice; and approved the removal of the willow oak, as submitted.**

**C. Projects in Non-Compliance - No Report**

- 5:40 D. Preliminary Discussions**
- 4. Preliminary Discussion**  
BAR 14-03-06  
201 E Market Street  
City of Charlottesville and County of Albemarle, Owner/  
Grimm & Parker Architects, Applicant



Tax Parcel 330196000  
Replace Jefferson Madison Regional Library windows

**Discussion only- no action. The BAR suggested finding a different option other than replacing all the windows.**

**E. Deferred or Previously Considered Items**

**Knott arrived during discussion of the next item.**

- 6:00**            **5. Certificate of Appropriateness Application (preliminary discussion Feb 2014)**  
BAR 14-02-03  
200 W Main Street  
Tax Parcel 280010000  
William S Banowsky, Jr, Owner/Violet Crown Cinema Charlottesville, LLC, Applicant  
Demolish mall façade; add new façade

**The BAR approved (6-0) the new façade as submitted, and with the following modifications: the 1996 façade is determined to be non-contributing and may be demolished; the wood soffit material shall be submitted to staff for approval; programmable LED white lighting is approved, with color lighting for special events subject to (on-site) approval.**

**DeLoach left the meeting.**

- 6:20**            **6. Certificate of Appropriateness Application (matters from public Feb 2014)**  
BAR 14-03-03  
Tax Parcel 330220000  
310 E Market Street  
Aaron Burr, LLC, Owner/ Claudine Wispelwey, Applicant  
Courtyard Renovation

**The BAR approved (5-0) the renovation as submitted, subject to BAR review of the final fence and gate design by email.**

- 6:40**            **7. Certificate of Appropriateness Application (approval Feb 2014)**  
BAR 14-02-01  
17 Elliewood Avenue  
Tax Parcel 090089000  
CKW, LLC, Owner/ Matthew McClellan, Applicant  
Retail Upfit - Country Club Prep

**The BAR approved (5-0) the proposed new retail upfit changes to shutters, conversion of door to window in the shed addition, and changes to sidelight on main entrance, but not the changes to the two window openings.**

- 7:00**            **8. Certificate of Appropriateness Application (preliminary discussion Jan 2014; Approval of massing/site Feb 2014)**  
BAR 13-11-04  
1002-06 W Main Street and 118 11<sup>th</sup> St SW  
Tax Parcel 280068000 and 280070000  
University Station, LLC & The Ivy Land Trust, Owners/  
Campus Acquisitions Holdings, LLC, Applicant  
New construction - 1000 W Main Street - Details

**The BAR approved (5-0) the following details: materials to include recycled cementitious panels, terra cotta, board-formed concrete base, window arrangement and design, lighting as submitted, picket and glass railings, landscaping to be reviewed by email, and conceptually approved per staff comments the comprehensive signage plan for future consideration.**

- 7:30**            **9. Certificate of Appropriateness Application**  
BAR 14-03-05  
500 Court Square  
Court Square Condo Association, Owner/ Chris Weatherford, Applicant  
Tax Parcel 530096000

Change baluster material

**The BAR approved (5-0) the change in baluster material from painted copper to fiberglass as submitted.**

- 7:50            10.    Certificate of Appropriateness Application (deferred Jan 2012)**  
BAR 14-04-07  
608 Preston Place  
Tax Parcel 050108000  
Psi Chapter of Sigma Chi Fraternity House Corp, Owner/  
John Matthews, Applicant  
Sigma Chi Renovations and Addition

**The BAR approved (5-0) the renovations and addition as submitted, with bollards added to protect hedges, and option to use a metal roof over the additions.**

**F.        New Items**

- 8:20            11.    Certificate of Appropriateness Application**  
BAR 14-03-04  
852 W Main Street  
Tax Parcel 300003000  
Charlottesville Properties I, LLC, Owner/ Greenberg Farrow, Applicant  
Restaurant Upfit – World of Beer

**The BAR accepted(5-0) the applicant's deferral request. Some issues are curved retaining wall and wide stair; no pergola next to building; 5 Japanese Maple trees as shown on landscape plan, or 3 larger ones; need distressed wood sample; perhaps move blade sign to stair entrance; reduce sizes of wall and blade signs; accommodate street tree.**

**8:50        G.        Other Business**

- 12.        PLACE Task Force update – Tim Mohr        PLACE heard presentation of Belmont Bridge. Another presentation planned at Tom Tom festival in Belmont. Only the organizational/transparency subcommittee has met to date. W Main Street subcommittee to meet soon.**

- 9:00        H.        Adjournment 11:05 p.m.**

EXHIBIT C  
VIRGINIA ENERGY CONSERVATION CODE

COMMERCIAL ENERGY EFFICIENCY

**TABLE 502.2(2)  
METAL BUILDING ASSEMBLY DESCRIPTIONS**

ROOFS	DESCRIPTION	REFERENCE
R-19 + R-10	<p>Filled cavity roof.</p> <p>Thermal blocks are a minimum, R-5 of rigid insulation, which extends 1 in. beyond the width of the purlin on each side, perpendicular to the purlin.</p> <p>This construction is R-10 insulation batts draped perpendicularly over the purlins, with enough looseness to allow R-19 batt to be laid above it, parallel to the purlins. Thermal blocks are then placed above the purlin/batt, and the roof deck is secured to the purlins. In the metal building industry, this is known as the "sag and bag" insulation system.</p>	ASHRAE/IESNA 90.1 Table A2.3
R-19	<p>Standing seam with single insulation layer.</p> <p>Thermal blocks are a minimum R-5 of rigid insulation, which extends 1 in. beyond the width of the purlin on each side, perpendicular to the purlin.</p> <p>This construction R-19 insulation batts draped perpendicularly over the purlins. Thermal blocks are then placed above the purlin/batt, and the roof deck is secured to the purlins.</p>	ASHRAE/IESNA 90.1 Table A2.3
<b>Walls</b>		
R-13	<p>Single insulation layer</p> <p>The first layer of R-13 insulation batts is installed continuously perpendicular to the girts and is compressed as the metal skin is attached to the girts.</p>	ASHRAE/IESNA 90.1 Table A3.2
R-13 + R-13	<p>Double insulation layer</p> <p>The first layer of R-13 insulation batts is installed continuously perpendicular to the girts, and is compressed as the metal skin is attached to the girts. The second layer of R-13 insulation batts is installed within the framing cavity.</p>	ASHRAE/IESNA 90.1 Table A3.2

For SI: 1 inch = 25.4 mm.

**502.2.7 Opaque doors.** Opaque doors (doors having less than 50 percent glass area) shall meet the applicable requirements for doors as specified in Table 502.2(1) and be considered as part of the gross area of above-grade walls that are part of the building envelope.

**502.3 Fenestration. (Prescriptive).** Fenestration shall comply with Table 502.3.

**502.3.1 Maximum area.** The vertical fenestration area (not including opaque doors) shall not exceed the percentage of the gross wall area specified in Table 502.3. The skylight area shall not exceed the percentage of the gross roof area specified in Table 502.3.

**502.3.2 Maximum U-factor and SHGC.** For vertical fenestration, the maximum U-factor and solar heat gain coefficient (SHGC) shall be as specified in Table 502.3, based on the window projection factor. For skylights, the maximum U-factor and solar heat gain coefficient (SHGC) shall be as specified in Table 502.3.

The window projection factor shall be determined in accordance with Equation 5-1.

$$PF = A/B \quad \text{(Equation 5-1)}$$

where:

*PF* = Projection factor (decimal).

*A* = Distance measured horizontally from the furthest continuous extremity of any overhang, eave or permanently attached shading device to the vertical surface of the glazing.

*B* = Distance measured vertically from the bottom of the glazing to the underside of the overhang, eave or permanently attached shading device.

Where different windows or glass doors have different *PF* values, they shall each be evaluated separately, or an area-weighted *PF* value shall be calculated and used for all windows and glass doors.

**502.4 Air leakage. (Mandatory).**

**502.4.1 Window and door assemblies.** The air leakage of window and sliding or swinging door assemblies that are part of the building envelope shall be determined in accordance with AAMA/WDMA/CSA 101/I.S.2/A440, or NFRC 400 by an accredited, independent laboratory, and

**COMMERCIAL ENERGY EFFICIENCY**

labeled and certified by the manufacturer and shall not exceed the values in Section 402.4.2.

**Exception:** Site-constructed windows and doors that are weatherstripped or sealed in accordance with Section 502.4.3.

**502.4.2 Curtain wall, storefront glazing and commercial entrance doors.** Curtain wall, storefront glazing and commercial-glazed swinging entrance doors and revolving doors shall be tested for air leakage at 1.57 pounds per square foot (psf) (75 Pa) in accordance with ASTM E 283. For curtain walls and storefront glazing, the maximum air leakage rate shall be 0.3 cubic foot per minute per square foot (cfm/ft<sup>2</sup>) (5.5 m<sup>3</sup>/h × m<sup>2</sup>) of fenestration area. For commercial glazed swinging entrance doors and revolving doors, the maximum air leakage rate shall be 1.00 cfm/ft<sup>2</sup> (18.3 m<sup>3</sup>/h × m<sup>2</sup>) of door area when tested in accordance with ASTM E 283.

**502.4.3 Sealing of the building envelope.** Openings and penetrations in the building envelope shall be sealed with caulking materials or closed with gasketing systems compatible with the construction materials and location. Joints and seams shall be sealed in the same manner or taped or

covered with a moisture vapor-permeable wrapping material. Sealing materials spanning joints between construction materials shall allow for expansion and contraction of the construction materials.

**502.4.4 Outdoor air intakes and exhaust openings.** Stair and elevator shaft vents and other outdoor air intakes and exhaust openings integral to the building envelope shall be equipped with not less than a Class I motorized, leakage-rated damper with a maximum leakage rate of 4 cfm per square foot (6.8 L/s · C m<sup>2</sup>) at 1.0 inch water gauge (w.g.) (1250 Pa) when tested in accordance with AMCA 500D.

**Exception:** Gravity (nonmotorized) dampers are permitted to be used in buildings less than three stories in height above grade.

**502.4.5 Loading dock weatherseals.** Cargo doors and loading dock doors shall be equipped with weatherseals to restrict infiltration when vehicles are parked in the doorway.

**502.4.6 Vestibules.** A door that separates conditioned space from the exterior shall be protected with an enclosed vestibule, with all doors opening into and out of the vestibule equipped with self-closing devices. Vestibules shall be designed so that in passing through the vestibule it is not

**TABLE 502.3  
BUILDING ENVELOPE REQUIREMENTS: FENESTRATION**

Climate Zone	1	2	3	4 except Marine	5 and Marine 4	6	7	8
<b>Vertical Fenestration (40% maximum of above-grade wall)</b>								
<b>U-Factor</b>								
<b>Framing materials other than metal with or without metal reinforcement or cladding</b>								
U-Factor	1.20	0.75	0.65	0.40	0.35	0.35	0.35	0.35
<b>Metal framing with or without thermal break</b>								
Curtain Wall/Storefront U-Factor	1.20	0.70	0.60	0.50	0.45	0.45	0.45	0.45
Entrance Door U-Factor	1.20	1.10	0.90	0.85	0.80	0.80	0.80	0.80
All Other U-Factor <sup>a</sup>	1.20	0.75	0.65	0.55	0.55	0.55	0.50	0.50
<b>SHGC-All Frame Types</b>								
SHGC: PF < 0.25	0.25	0.25	0.25	0.40	0.40	0.40	NR	NR
SHGC: 0.25 ≤ PF < 0.5	0.33	0.33	0.33	NR	NR	NR	NR	NR
SHGC: PF ≥ 0.5	0.40	0.40	0.40	NR	NR	NR	NR	NR
<b>Skylights (3% maximum)</b>								
<b>Glass</b>								
U-Factor	1.60	1.05	0.90	0.60	0.60	0.60	0.60	0.60
SHGC	0.40	0.40	0.40	0.40	0.40	0.40	NR	NR
<b>Plastic</b>								
U-Factor	1.90	1.90	1.30	1.30	1.30	0.90	0.90	0.60
SHGC	0.35	0.35	0.35	0.62	0.62	0.62	NR	NR

NR = No requirement.

PF = Projection factor (See Section 502.3.2)

a. All others includes operable windows, fixed windows and non-entrance doors.



**EXHIBIT D**  
**PPG Architectural Glass Performance**



**PPG ARCHITECTURAL GLASS PERFORMANCE**  
 Comparisons for One-Inch Insulating Glass Units





# One-Inch Insulating Glass Unit Comparisons with PPG Glass

Insulating Glass Unit Performance Comparisons 1-inch (25mm) units with 1/2-inch (13mm) air fill and two 1/4-inch (6mm) lites; interior lite clear unless otherwise noted

Outdoor Lite: Coating if Any (Surface) Glass	Glass Type +	Indoor Lite: Coating if Any (Surface) Glass	Transmittance <sup>2</sup>			Reflectance <sup>2</sup>		(BTU/hr·ft <sup>2</sup> ·F) NFRC U-Value <sup>3</sup>		U-Value <sup>4</sup> EN 673 (W/m <sup>2</sup> ·°C)	Shading Coeffi- cient <sup>5</sup>	Solar Heat Gain Coeffi- cient <sup>6</sup>	Light to Solar Gain (LSG) <sup>7</sup>
			Ultra- violet %	Visible %	Total Solar Energy %	Exterior Light %	Interior Light %	Winter Night- time	Summer Day- time				
<b>Uncoated</b>													
	CLEAR Glass + Clear		50	79	61	15	15	0.47	0.50	2.8	0.81	0.70	1.13
	STARPHIRE® + STARPHIRE		77	84	80	15	15	0.47	0.50	2.8	0.94	0.82	1.02
	SOLEXIA® + Clear		25	69	39	13	15	0.47	0.50	2.8	0.57	0.50	1.38
	ATLANTICA® + Clear		13	60	29	11	14	0.47	0.50	2.8	0.47	0.41	1.46
	AZURIA® + Clear		34	61	28	11	14	0.47	0.50	2.8	0.45	0.39	1.56
	PACIFICA® + Clear		12	38	23	7	13	0.47	0.50	2.8	0.41	0.36	1.06
	SOLARBLUE® + Clear		25	50	37	9	13	0.47	0.50	2.8	0.56	0.49	1.02
	SOLARBRONZE® + Clear		21	47	39	8	13	0.47	0.50	2.8	0.59	0.51	0.92
	OPTIGRAY® + Clear		27	56	41	10	13	0.47	0.50	2.8	0.60	0.52	1.08
	SOLARGRAY® + Clear		20	40	33	7	13	0.47	0.50	2.8	0.53	0.46	0.87
	GRAYLITE® II + Clear		2	8	7	4	12	0.47	0.50	2.8	0.25	0.22	0.36
<b>Coated</b>													
<b>SUNGATE 100 Low-E Glass</b>													
	SUNGATE 400 (2) Clear + Clear		28	76	51	14	14	0.32	0.31	1.8	0.69	0.60	1.27
	SUNGATE 400 (2) STARPHIRE + STARPHIRE		39	80	65	14	14	0.32	0.31	1.8	0.78	0.68	1.18
	CLEAR + SUNGATE 400 (3) Clear		28	76	51	14	14	0.32	0.31	1.8	0.73	0.63	1.21
	SOLEXIA + SUNGATE 400 (3) Clear		15	66	33	11	13	0.32	0.31	1.8	0.50	0.44	1.50
	ATLANTICA + SUNGATE 400 (3) Clear		8	58	25	10	12	0.32	0.31	1.8	0.40	0.35	1.66
	AZURIA + SUNGATE 400 (3) Clear		20	59	25	10	12	0.32	0.31	1.8	0.39	0.34	1.74
	PACIFICA + SUNGATE 400 (3) Clear		7	37	19	7	11	0.32	0.31	1.8	0.34	0.30	1.23
	SOLARBLUE + SUNGATE 400 (3) Clear		15	48	31	8	12	0.32	0.31	1.8	0.49	0.42	1.14
	SOLARBRONZE + SUNGATE 400 (3) Clear		12	46	32	8	12	0.32	0.31	1.8	0.50	0.44	1.05
	SOLARGRAY + SUNGATE 400 (3) Clear		12	38	27	7	12	0.32	0.31	1.8	0.44	0.39	0.97
	OPTIGRAY + SUNGATE 400 (3) Clear		16	54	34	9	12	0.32	0.31	1.8	0.52	0.46	1.17
	GRAYLITE II + SUNGATE 400 (3) Clear		1	8	5	4	11	0.32	0.31	1.8	0.17	0.15	0.53
<b>SOLARBAN 60 Low-E Glass</b>													
	SOLARBAN 60 (2) Clear + Clear		18	70	34	11	12	0.29	0.27	1.6	0.45	0.39	1.79
	SOLARBAN 60 (2) STARPHIRE + STARPHIRE		24	74	39	11	12	0.29	0.27	1.6	0.48	0.41	1.80
	SOLARBAN 60 (2) SOLEXIA + Clear		10	61	25	9	12	0.29	0.27	1.6	0.37	0.32	1.91
	SOLARBAN 60 (2) ATLANTICA + Clear		5	53	20	8	11	0.29	0.27	1.6	0.32	0.27	1.96
	SOLARBAN 60 (2) AZURIA + Clear		13	54	21	8	11	0.29	0.27	1.6	0.32	0.28	1.93
	SOLARBAN 60 (2) PACIFICA + Clear		5	34	15	6	10	0.29	0.27	1.6	0.26	0.22	1.55
	SOLARBAN 60 (2) SOLARBLUE + Clear		10	45	21	7	11	0.29	0.27	1.6	0.33	0.28	1.61
	SOLARBAN 60 (2) SOLARBRONZE + Clear		8	42	21	7	11	0.29	0.27	1.6	0.32	0.28	1.50
	SOLARBAN 60 (2) OPTIGRAY + Clear		10	50	23	8	11	0.29	0.27	1.6	0.35	0.30	1.67
	SOLARBAN 60 (2) SOLARGRAY + Clear		8	35	18	6	10	0.29	0.27	1.6	0.29	0.25	1.40
	SOLEXIA + SOLARBAN 60 (3) Clear		10	61	25	10	10	0.29	0.27	1.6	0.42	0.37	1.65
	ATLANTICA + SOLARBAN 60 (3) Clear		5	53	20	9	10	0.29	0.27	1.6	0.36	0.31	1.71
	AZURIA + SOLARBAN 60 (3) Clear		13	54	21	9	10	0.29	0.27	1.6	0.36	0.31	1.74
	PACIFICA + SOLARBAN 60 (3) Clear		5	34	15	6	9	0.29	0.27	1.6	0.29	0.25	1.36
	SOLARBLUE + SOLARBAN 60 (3) Clear		10	45	21	7	9	0.29	0.27	1.6	0.38	0.33	1.36
	SOLARBRONZE + SOLARBAN 60 (3) Clear		8	42	21	7	9	0.29	0.27	1.6	0.37	0.32	1.31
	OPTIGRAY + SOLARBAN 60 (3) Clear		10	50	23	8	9	0.29	0.27	1.6	0.40	0.35	1.43
	SOLARGRAY + SOLARBAN 60 (3) Clear		8	35	18	7	9	0.29	0.27	1.6	0.33	0.29	1.21
	GRAYLITE II + SOLARBAN 60 (3) Clear		1	7	4	4	8	0.29	0.27	1.6	0.14	0.13	0.54
<b>SOLARBAN 67 Low-E Glass</b>													
	SOLARBAN 67 (2) CLEAR + Clear		11	54	24	19	16	0.29	0.27	1.6	0.33	0.29	1.86
	SOLARBAN 67 (2) STARPHIRE + STARPHIRE		15	57	28	20	16	0.29	0.27	1.6	0.34	0.30	1.90
	SOLARBAN 67 (2) SOLEXIA + Clear		6	47	19	16	16	0.29	0.27	1.6	0.29	0.25	1.88
	SOLARBAN 67 (2) ATLANTICA + Clear		3	41	15	13	16	0.29	0.27	1.6	0.26	0.22	1.86
	SOLARBAN 67 (2) AZURIA + Clear		8	42	16	13	16	0.29	0.27	1.6	0.26	0.23	1.83
	SOLARBAN 67 (2) OPTIBLUE + Clear		8	39	19	12	15	0.29	0.27	1.6	0.28	0.25	1.56
	SOLARBAN 67 (2) PACIFICA + Clear		3	26	11	8	15	0.29	0.27	1.6	0.21	0.19	1.37
	SOLARBAN 67 (2) SOLARBLUE + Clear		6	34	16	10	15	0.29	0.27	1.6	0.26	0.22	1.55
	SOLARBAN 67 (2) SOLARBRONZE + Clear		5	32	15	10	15	0.29	0.27	1.6	0.25	0.22	1.45
	SOLARBAN 67 (2) SOLARGRAY + Clear		5	27	13	8	15	0.29	0.27	1.6	0.23	0.20	1.35
	SOLARBAN 67 (2) OPTIGRAY + Clear		6	38	17	12	15	0.29	0.27	1.6	0.27	0.24	1.58
	ATLANTICA + SOLARBAN 67 (3) Clear		3	41	15	11	18	0.29	0.27	1.6	0.33	0.29	1.41
	AZURIA + SOLARBAN 67 (3) Clear		8	42	16	11	18	0.29	0.27	1.6	0.33	0.29	1.45
	PACIFICA + SOLARBAN 67 (3) Clear		3	26	11	7	18	0.29	0.27	1.6	0.27	0.23	1.13
	SOLARBLUE + SOLARBAN 67 (3) Clear		6	34	16	9	18	0.29	0.27	1.6	0.34	0.30	1.13
	SOLARBRONZE + SOLARBAN 67 (3) Clear		5	32	15	9	18	0.29	0.27	1.6	0.33	0.29	1.10
	OPTIGRAY + SOLARBAN 67 (3) Clear		6	38	17	10	18	0.29	0.27	1.6	0.36	0.32	1.19
	SOLARGRAY + SOLARBAN 67 (3) Clear		5	27	13	8	18	0.29	0.27	1.6	0.30	0.26	1.04
	GRAYLITE II + SOLARBAN 67 (3) Clear		0	5	3	4	18	0.29	0.27	1.6	0.14	0.12	0.42

# One-Inch Insulating Glass Unit Comparisons with PPG Glass

Insulating Glass Unit Performance Comparisons 1-inch (25mm) units with 1/2-inch (13mm) air fill and two 1/4-inch (6mm) lites; interior lite clear unless otherwise noted

Outdoor Lite: Coating if Any (Surface) Glass	Glass Type +	Indoor Lite: Coating if Any (Surface) Glass	Transmittance <sup>2</sup>			Reflectance <sup>2</sup>		(BTU/hr•ft <sup>2</sup> •F) NFRC U-Value <sup>3</sup>		U-Value <sup>4</sup> (W/m <sup>2</sup> •°C)	Shading Coefficient <sup>5</sup>	Solar Heat Gain Coefficient <sup>6</sup>	Light to Solar Gain (LSG) <sup>7</sup>
			Ultra- violet %	Visible %	Total Solar Energy %	Exterior Light %	Interior Light %	Winter Night- time	Summer Day- time				
<b>Coated</b>													
<b>SOLARBAN 70XL Solar Control Low E Glass</b>													
	SOLARBAN 70XL (2) + Clear		6	64	25	12	13	0.28	0.26	1.5	0.32	0.27	2.37
	SOLARBAN 70XL (2) SOLEXIA + Clear		4	58	21	10	13	0.28	0.26	1.5	0.31	0.27	2.15
	SOLARBAN 70XL (2) ATLANTICA + Clear		2	51	17	9	12	0.28	0.26	1.5	0.28	0.24	2.13
	SOLARBAN 70XL (2) AZURIA + Clear		5	52	18	9	12	0.28	0.26	1.5	0.29	0.25	2.08
	SOLARBAN 70XL (2) PACIFICA + Clear		2	32	12	6	12	0.28	0.26	1.5	0.22	0.19	1.68
	SOLARBAN 70XL (2) SOLARBLUE + Clear		4	42	17	8	12	0.28	0.26	1.5	0.26	0.23	1.83
	SOLARBAN 70XL (2) SOLARBRONZE + Clear		3	40	15	7	12	0.28	0.26	1.5	0.25	0.21	1.90
	SOLARBAN 70XL (2) OPTIGRAY + Clear		4	47	18	8	12	0.28	0.26	1.5	0.28	0.24	1.96
	SOLARBAN 70XL (2) SOLARGRAY + Clear		3	34	13	6	12	0.28	0.26	1.5	0.23	0.20	1.70
	SOLEXIA + SOLARBAN 70XL (3)		3	56	20	11	12	0.28	0.26	1.5	0.37	0.32	1.75
	ATLANTICA + SOLARBAN 70XL (3)		2	49	17	10	11	0.28	0.26	1.5	0.32	0.28	1.75
	AZURIA + SOLARBAN 70XL (3)		4	49	17	9	11	0.28	0.26	1.5	0.33	0.29	1.69
	PACIFICA + SOLARBAN 70XL (3)		2	31	12	6	10	0.28	0.26	1.5	0.26	0.22	1.41
	SOLARBLUE + SOLARBAN 70XL (3)		3	40	16	8	11	0.28	0.26	1.5	0.32	0.27	1.48
	SOLARBRONZE + SOLARBAN 70XL (3)		3	38	15	8	11	0.28	0.26	1.5	0.30	0.26	1.46
	OPTIGRAY + SOLARBAN 70XL (3)		3	45	17	9	11	0.28	0.26	1.5	0.33	0.29	1.55
	SOLARGRAY + SOLARBAN 70XL (3)		2	32	13	7	11	0.28	0.26	1.5	0.27	0.24	1.33
	GRAYLITE II + SOLARBAN 70XL (3)		0	6	3	4	10	0.28	0.26	1.5	0.13	0.11	0.55
<b>SOLARBAN 72 Solar Control Low E Glass</b>													
	SOLARBAN 72 (2) STARPHIRE <sup>††</sup>		9	71	28	13	13	0.29	0.27	1.5	0.34	0.30	2.37
<b>SOLARBAN 75 Solar Control Low E Glass</b>													
	SOLARBAN z50 (2) OPTIBLUE + Clear		14	51	25	8	11	0.29	0.27	1.6	0.36	0.32	1.59
	SOLARBAN z50 (2) OPTIBLUE + OPTIBLUE		11	37	20	7	8	0.29	0.27	1.6	0.35	0.31	1.19
<b>SOLARBAN 775 Solar Control Low E Glass</b>													
	SOLARBAN z75 (2) OPTIBLUE + Clear		6	48	19	9	12	0.28	0.26	1.5	0.28	0.24	2.00
<b>SOLARBAN R100 Solar Control Low E Glass</b>													
	SOLARBAN R100 (2) + Clear		12	42	19	32	14	0.29	0.27	1.6	0.27	0.23	1.83
	SOLARBAN R100 (2) STARPHIRE + STARPHIRE		16	44	21	33	14	0.29	0.27	1.6	0.27	0.23	1.91
	SOLARBAN R100 (2) SOLEXIA + Clear		6	36	15	25	13	0.29	0.27	1.6	0.24	0.21	1.71
	SOLARBAN R100 (2) ATLANTICA + Clear		3	32	12	20	13	0.29	0.27	1.6	0.22	0.19	1.68
	SOLARBAN R100 (2) AZURIA + Clear		8	32	12	21	13	0.29	0.27	1.6	0.22	0.19	1.68
	SOLARBAN R100 (2) OPTIBLUE + Clear		8	30	14	19	13	0.29	0.27	1.6	0.23	0.20	1.50
	SOLARBAN R100 (2) PACIFICA + Clear		3	20	9	11	13	0.29	0.27	1.6	0.19	0.16	1.25
	SOLARBAN R100 (2) SOLARBLUE + Clear		6	26	12	15	13	0.29	0.27	1.6	0.22	0.19	1.37
	SOLARBAN R100 (2) SOLARBRONZE + Clear		5	25	11	15	13	0.29	0.27	1.6	0.21	0.18	1.39
	SOLARBAN R100 (2) OPTIGRAY + Clear		6	29	13	18	13	0.29	0.27	1.6	0.22	0.20	1.45
	SOLARBAN R100 (2) SOLARGRAY + Clear		5	21	10	12	13	0.29	0.27	1.6	0.19	0.17	1.24



# One-Inch Insulating Glass Unit Comparisons with PPG Glass

Insulating Glass Unit Performance Comparisons 1-inch (25mm) units with 1/2-inch (13mm) air fill and two 1/4-inch (6mm) lites; interior lite clear unless otherwise noted													
Outdoor Lite: Coating if Any (Surface) Glass	Glass Type +	Indoor Lite: Coating if Any (Surface) Glass	Transmittance <sup>2</sup>			Reflectance <sup>2</sup>		(BTU/hr•ft <sup>2</sup> •F) NFRC U-Value <sup>3</sup>		U-Value <sup>4</sup> EN 673 (W/m <sup>2</sup> °C)	Shading Coefficient <sup>5</sup>	Solar Heat Gain Coefficient <sup>6</sup>	Light to Solar Gain (LSG) <sup>7</sup>
			Ultra-violet %	Visible %	Total Solar Energy %	Exterior Light %	Interior Light %	Winter Night- time	Summer Day- time				
<b>Coated</b>													
<b>VISTACOOL</b> Subtly Reflective Glass													
	VISTACOOL (2)	AZURIA + Clear	29	47	22	21	32	0.47	0.50	2.8	0.39	0.34	1.38
	VISTACOOL (2)	PACIFICA + Clear	10	29	19	11	31	0.47	0.50	2.8	0.37	0.32	0.91
<b>SOLARCOOL</b> Reflective Glass													
	SOLARCOOL (1)	SOLEXIA + Clear	7	27	18	37	27	0.47	0.50	2.8	0.32	0.28	0.96
	SOLARCOOL (2)	SOLEXIA + Clear	7	27	19	24	38	0.47	0.50	2.8	0.36	0.31	0.87
	SOLARCOOL (1)	AZURIA + Clear	10	23	11	37	24	0.47	0.50	2.8	0.25	0.21	1.10
	SOLARCOOL (2)	AZURIA + Clear	10	24	12	20	38	0.47	0.50	2.8	0.29	0.25	0.96
	SOLARCOOL (1)	PACIFICA + Clear	4	14	10	36	17	0.47	0.50	2.8	0.24	0.21	0.67
	SOLARCOOL (2)	PACIFICA + Clear	4	15	11	10	38	0.47	0.50	2.8	0.29	0.25	0.60
	SOLARCOOL (1)	SOLARBLUE + Clear	7	19	19	37	20	0.47	0.50	2.8	0.33	0.29	0.66
	SOLARCOOL (2)	SOLARBLUE + Clear	7	20	19	15	38	0.47	0.50	2.8	0.37	0.32	0.63
	SOLARCOOL (1)	SOLARBRONZE + Clear	6	18	21	37	19	0.47	0.50	2.8	0.35	0.31	0.58
	SOLARCOOL (2)	SOLARBRONZE + Clear	6	19	21	14	38	0.47	0.50	2.8	0.40	0.34	0.56
	SOLARCOOL (1)	SOLARGRAY + Clear	6	15	17	36	17	0.47	0.50	2.8	0.32	0.28	0.54
	SOLARCOOL (2)	SOLARGRAY + Clear	6	16	18	11	38	0.47	0.50	2.8	0.36	0.32	0.50
<b>VISTACOOL and SOLARCOOL with SOLARBAN 60 Solar Control Low-E (3)</b>													
	VISTACOOL (2)	AZURIA + SOLARBAN 60 (3) Clear	11	42	16	20	24	0.29	0.27	1.6	0.30	0.26	1.62
	VISTACOOL (2)	PACIFICA + SOLARBAN 60 (3) Clear	4	26	12	11	23	0.29	0.27	1.6	0.25	0.21	1.24
	SOLARCOOL (2)	PACIFICA + SOLARBAN 60 (3) Clear	2	13	6	10	29	0.29	0.27	1.6	0.17	0.15	0.87
	SOLARCOOL (2)	SOLEXIA + SOLARBAN 60 (3) Clear	3	24	10	24	29	0.29	0.27	1.6	0.22	0.19	1.26
	SOLARCOOL (2)	AZURIA + SOLARBAN 60 (3) Clear	4	21	8	19	29	0.29	0.27	1.6	0.19	0.17	1.24
	SOLARCOOL (2)	SOLARBLUE + SOLARBAN 60 (3) Clear	3	17	9	14	29	0.29	0.27	1.6	0.21	0.18	0.94
	SOLARCOOL (2)	SOLARBRONZE + SOLARBAN 60 (3) Clear	2	17	9	14	29	0.29	0.27	1.6	0.21	0.18	0.94
	SOLARCOOL (2)	SOLARGRAY + SOLARBAN 60 (3) Clear	2	14	8	11	29	0.29	0.27	1.6	0.20	0.17	0.82
<b>VISTACOOL and SOLARCOOL with SOLARBAN 70XL Solar Control Low-E (3)</b>													
	VISTACOOL (2)	AZURIA + SOLARBAN 70XL (3)	4	38	14	21	23	0.28	0.26	1.5	0.27	0.24	1.58
	VISTACOOL (2)	PACIFICA + SOLARBAN 70XL (3)	1	24	9	11	22	0.28	0.26	1.5	0.22	0.19	1.26
	SOLARCOOL (2)	SOLEXIA + SOLARBAN 70XL (3)	1	22	8	24	27	0.28	0.26	1.5	0.20	0.17	1.29
	SOLARCOOL (2)	AZURIA + SOLARBAN 70XL (3)	1	19	6	19	27	0.28	0.26	1.5	0.18	0.15	1.27
	SOLARCOOL (2)	PACIFICA + SOLARBAN 70XL (3)	1	12	4	10	27	0.28	0.26	1.5	0.15	0.13	0.92
	SOLARCOOL (2)	SOLARBLUE + SOLARBAN 70XL (3)	1	16	6	14	27	0.28	0.26	1.5	0.18	0.15	1.07
	SOLARCOOL (2)	SOLARBRONZE + SOLARBAN 70XL (3)	1	15	6	14	27	0.28	0.26	1.5	0.17	0.15	1.00
	SOLARCOOL (2)	SOLARGRAY + SOLARBAN 70XL (3)	1	13	5	11	27	0.28	0.26	1.5	0.16	0.14	0.93

All performance data calculated using LBNL Window 6.3 software, except European U-value, which is calculated using WinDat version 3.0.1 software. For detailed information on the methodologies used to calculate the aesthetic and performance values in this table, please visit [www.ppgideascape.com](http://www.ppgideascape.com) or request our Architectural Glass Catalog.

- † **Solarban 70XL** for annealed applications is applied to **Starphire** glass; heat treated applications will require either clear or **Starphire** glass depending on manufacturing process.
- †† **Solarban 72 Starphire** data based on using **Starphire** glass for both interior and exterior lites.
- ††† **Optiblu** is a unique substrate by PPG designed specifically for **Solarban 250** and **Solarban 275** glasses.
- 1. Data is based on center of glass performance of representative factory production samples. Actual values may vary due to the production process and manufacturing tolerances. All tabulated data is based on NFRC methodology using the LBNL Window 6.3 software. Variations from previously published data are due to minor changes in the LBNL Window 6.3 software versus Version 5.2.
- 2. Transmittance and Reflectance values based on spectrophotometric measurements and energy distribution of solar radiation.
- 3. U-value is the overall coefficient of heat transmittance or heat flow measured in BTU/hr. • ft<sup>2</sup> • °F. Lower U-values indicate better insulating performance.
- 4. European U-value is the overall coefficient of heat transmittance or heat flow measured in Watts/m<sup>2</sup> • °C, and is calculated using WinDat WIS version 3.0.1 software.
- 5. Shading coefficient is the ratio of the total amount of solar energy that passes through a glass relative to 1/8-inch (3.0mm) thick clear glass under the same design conditions. It includes both solar energy transmitted directly plus any absorbed solar energy re-radiated and convected. Lower shading coefficient values indicate better performance in reducing solar heat gain.
- 6. Solar heat gain coefficient (SHGC) represents the solar heat gain through the glass relative to the incident solar radiation. It is equal to 86% of the shading coefficient.
- 7. Light-to-solar gain (LSG) ratio is the ratio of visible light transmittance to solar heat gain coefficient.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 1, 2016
Action Required:	Make a determination to either uphold or overturn the decision of the Board of Architectural Review (BAR)
Presenter:	Mary Joy Scala, Preservation & Design Planner, Department of Neighborhood Development Services (NDS) Melanie Miller, Chair, BAR
Staff Contacts:	Mary Joy Scala, Preservation & Design Planner, Department of NDS Alex Ikefuna, Director, NDS
Title:	<b>1600 Grady Avenue - Appeal of BAR decision to deny removal of two trees at Preston Court Apartments</b>

**Background:**

The format for an appeal of a BAR decision is: (1) staff report; (2) applicants' presentation; and (3) the BAR's position presented by the Chair of the BAR, Ms. Miller.

The zoning ordinance requires that an applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR....In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria [standards for review] set forth within section 34-276 or 34-278 [ATTACHMENT 1. Criteria], as applicable, and any other information, factors, or opinions it deems relevant to the application.

1600 Grady Avenue (Preston Court Apartments) was built in 1928 and designed by Stanislaw Makielski. It is individually listed on the National Register of Historic Places, and is a contributing structure in the Rugby Road-University Circle-Venable Neighborhood Architectural Design Control (ADC) District. There are nine large trees on the property that surround the building on three street frontages [ATTACHMENT A. Tree location map]. (There are an additional five trees in front of the building, but they are off the property, within the Grady Avenue right-of-way.)

Since 2012 the property owner has requested, at different times, to demolish seven of the nine trees in order to correct an ongoing water infiltration problem in the basement. The attached chronology [ATTACHMENT B. Chronology] lists the BAR meeting dates and actions. The BAR has approved only the removal of one Poplar tree, in November 2012, to allow completion

of waterproofing. The most recent request was on December 15, 2015, to remove two trees, an Ash #3 in front of the building, and a Magnolia #2 on the west side [ATTACHMENT 2. BAR action letter and staff report]. The BAR denied the request and the applicant appealed the decision. [ATTACHMENT C. Applicant's appeal]

### **Discussion:**

The BAR agrees with the applicant that the building is very important to maintain and preserve, but the BAR also thinks the surrounding landscaping contributes to the character of the property and the historic district.

The BAR denied the applicant's recent request to remove two trees because the applicant has not provided a grading and landscape plan that the BAR has repeatedly requested since 2012. The BAR needs assurance that, if the trees are removed, the water infiltration issue will actually be resolved. They also want to see the trees replaced, preferably with large shade trees. They have also previously requested a conservation plan to ensure that the remaining trees will be protected and cared for.

In addition to needing BAR approval for the removal of large trees in a historic district, the applicant may need a site plan amendment if new storm drainage is proposed, and to confirm that tree canopy requirements in R-3 zoning are being met.

Staff and the BAR Chair met on site with the applicant in 2014, in an effort to resolve the impasse, but the applicant has chosen not to submit any additional requested information.

### **Alignment with City Council's Vision and Strategic Plan:**

Upholding the BAR's decision aligns with Council's vision for *Charlottesville Arts and Culture*: Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources; and for *A Green City*: Charlottesville citizens live in a community with a vibrant urban forest, tree-lined streets, and lush green neighborhoods.. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

### **Community Engagement:**

The abutting owners were required to be notified of the application. No public comment has been received.

### **Budgetary Impact:**

None.

### **Recommendation:**

The BAR expressed willingness in 2013 to allow removal of the Ash #3 and Magnolia #2, but they first wanted to see a grading and landscape plan (including how drainage will be addressed). In staff opinion, the issue is not whether the trees can be removed, but what the plan is going forward to replace the removed trees and to protect the remaining trees. Staff recommendation is to allow removal of the two trees, but to first require a professionally-prepared grading and landscape plan to be approved by the BAR, as the BAR requested.

### **Alternatives:**

Staff recommendation is to allow the removal of the two trees conditioned upon the applicant first obtaining BAR approval of a professionally-prepared grading and landscaping plan.

Another alternative would be for City Council to uphold the BAR's decision to not allow the removal of the two trees. The applicant would have to re-apply to the BAR before proceeding.

A third alternative would be to allow the removal of the two trees without further involving the BAR, but subject to confirmation by the zoning administrator and the planner if other approvals would be required, based on the scope of the project. This alternative would ensure that minimal zoning regulations are met, but may not ensure protection of the building and site.

### **Attachments:**

#### Word documents

1. Criteria [Standards for Review] set forth within Zoning Ordinance Section 34-276 and Section 34-278
2. BAR action letter and staff report from December 15, 2015 BAR meeting

#### PDF documents

- A. Tree location map
- B. Chronology
- C. Applicant's appeal

## **ATTACHMENT 1**

### **Criteria [Standards for Review] set forth within Zoning Ordinance Sections 34-276 and 34-278**

#### **Section 34-276. Standards for Review of Construction and Alterations.**

The following features and factors shall be considered in determining the appropriateness of proposed construction, reconstruction, alteration or restoration of buildings or structures pursuant to section 34-275 above:

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) The effect of the proposed change on the historic district neighborhood;*
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (7) When reviewing any proposed sign as part of an application under consideration, the standards set forth within Article IX, sections 34-1020, et seq. shall be applied; and*
- (8) Any applicable provisions of the City's Design Guidelines.*

#### **Sec. 34-278. Standards for Considering Demolitions.**

The following factors shall be considered in determining whether or not to permit the moving, removing, encapsulation or demolition, in whole or in part, of a contributing structure or protected property:

- (a) The historic, architectural or cultural significance, if any, of the specific structure or property, including, without limitation:*
  - (1) The age of the structure or property;*
  - (2) Whether it has been designated a National Historic Landmark, listed on the National Register of Historic Places, or listed on the Virginia Landmarks Register;*
  - (3) Whether, and to what extent, the building or structure is associated with an historic person, architect or master craftsman, or with an historic event;*
  - (4) Whether the building or structure, or any of its features, represent an infrequent or the first or last remaining example within the city of a particular architectural style or feature;*
  - (5) Whether the building or structure is of such old or distinctive design, texture or material that it could not be reproduced, or could be reproduced only with great difficulty; and*
  - (6) The degree to which distinguishing characteristics, qualities, features or materials remain;*
- (b) Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within an existing major design control district, or is one of a group of properties within such a district whose concentration or continuity possesses greater significance than many of its component buildings and structures.*



- (c) *The overall condition and structural integrity of the building or structure, as indicated by studies prepared by a qualified professional engineer and provided by the applicant or other information provided to the board;*
- (d) *Whether, and to what extent, the applicant proposes means, methods or plans for moving, removing or demolishing the structure or property that preserves portions, features or materials that are significant to the property's historic, architectural or cultural value; and*
- (e) *Any applicable provisions of the city's design guidelines (see [section 34-288\(6\)](#)).*

## **ATTACHMENT 2**

### **BAR action letter and staff report from December 15, 2015 BAR meeting**

**From:** Scala, Mary Joy  
**Sent:** Tuesday, December 22, 2015 11:29 AM  
**To:** lynnhall.w.ward@gmail.com; 'CenturyLink Customer '  
**Subject:** BAR Action- December 15, 2015 - 1600 Grady Avenue

December 22, 2015

Lynn-Hall Ward  
1600 Grady Avenue  
Charlottesville, VA 22903

#### **RE: Certificate of Appropriateness Application**

BAR 15-12-04  
1600 Grady Avenue  
Tax Parcel 034091000  
Preston Court Limited Partnership, Applicant/Lynn-Hall Ward, Owner  
Removal of magnolia tree (west side of building), and an ash tree (south side).

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on December 15, 2015. The following action was taken:

**Knott moved to find that the BAR denies the proposed removal of two trees (Ash and Magnolia) as submitted. DeLoach seconded. Motion passes (8-0).**

In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals, including the grounds for an appeal, the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions the applicant deems relevant to the application, should be directed to Paige Barfield, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902. If you have any questions, please contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,  
Mary Joy Scala, AICP  
Preservation and Design Planner

**CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
December 15, 2015**



**Certificate of Appropriateness**

BAR 15-12-04

1600 Grady Avenue

Tax Parcel 034091000

Preston Court Limited Partnership, Applicant/Lynn-Hall Ward, Owner

Removal of magnolia tree and an ash tree

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**Background**

1600 Grady Avenue (Preston Court Apartments) was built in 1928 and designed by Stanislaw Makielski. It is individually listed on the National Register and is a contributing structure in the Rugby Road-University Circle-Venable Neighborhood ADC District.

September 18, 2012 - The BAR accepted (6-0) the applicant's (Lynn Hall Ward and Barbara Lucas) request for deferral of request to remove six trees (3 magnolias and 3 poplars) intended to correct an ongoing water infiltration problem in the basement.

The BAR asked for spot elevations; show how drainage will make the fall from the foundation area to the storm drain or daylight; show a conservation plan for the Beech and Pecan trees.

November 2012 - The BAR allowed staff to administratively approve removal of one Poplar tree to allow completion of the waterproofing of the building, with the removal of the other five trees to come back to the BAR. The BAR stated their intent to require the care and protection of the Pecan, Ash, and Beech trees, and replacement of the six trees to be removed. They noted the replacement trees should be big trees, and Poplars are especially suited to the site.

June 18, 2013 - Barbara Lucas spoke under *Matters from the public not on the agenda*, and asked to remove a large Ash tree from 1600 Grady Avenue, in order to correct a problem with root infiltration in a sanitary sewer line. The BAR consensus was not to allow the tree to be removed. The applicant was advised to follow the regular BAR application procedure, to prepare a plan and a more compelling submittal.

November 19, 2013 - Discussion (no action) : Willingness to allow removal of two remaining Poplars, Ash, and Magnolia #2 on the west side, but first need to show the BAR a grading and landscape plan [including how drainage will be addressed] informed by tree planting in aerial photo of 1937 (large shade trees); look at saving other Magnolias on sides; prefer post and chain fence, but want to see final.

May 6, 2014 - Staff and the BAR Chair met on site with applicant.

August 19, 2014- The BAR denied (7-0) the application as submitted because the applicant did not submit the requested grading and landscape plan.

## **Application**

The applicant is requesting the removal of two trees: one magnolia tree on the west side and an ash tree on the south side of the building. Staff has requested additional information such as pictures of the two trees to be removed, landscape, and grading plans. However, the applicant has not provided the additional information for the application.

## **Criteria, Standards and Guidelines**

### **Review Criteria Generally**

*Sec. 34-284(b) of the City Code states that,*

*In considering a particular application the BAR shall approve the application unless it finds:*

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and*
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.*

### **Pertinent Standards for Review of Construction and Alterations include:**

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) The effect of the proposed change on the historic district neighborhood;*
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (8) Any applicable provisions of the City's Design Guidelines.*

### **Pertinent Guidelines for Site Design include:**

#### **P. 2.3 Plantings**

- 1) Encourage the maintenance and planting of large trees on private property along the streetfronts, which contribute to the "avenue" effect.*
- 2) Generally, use trees and plants that are compatible with the existing plantings in the neighborhood.*
- 3) Use trees and plants that are indigenous to the area.*
- 4) Retain existing trees and plants that help define the character of the district.*
- 5) Replace diseased or dead plants with like or similar species if appropriate.*
- 6) When constructing new buildings, identify and take care to protect significant existing trees and other plantings.*
- 7) Choose ground cover plantings that are compatible with adjacent sites, existing site conditions, and the character of the building.*

- 8) *Select mulching and edging materials carefully and do not use plastic edgings, lava, crushed rock, unnaturally colored mulch or other historically unsuitable materials.*

### **Discussion and Recommendations**

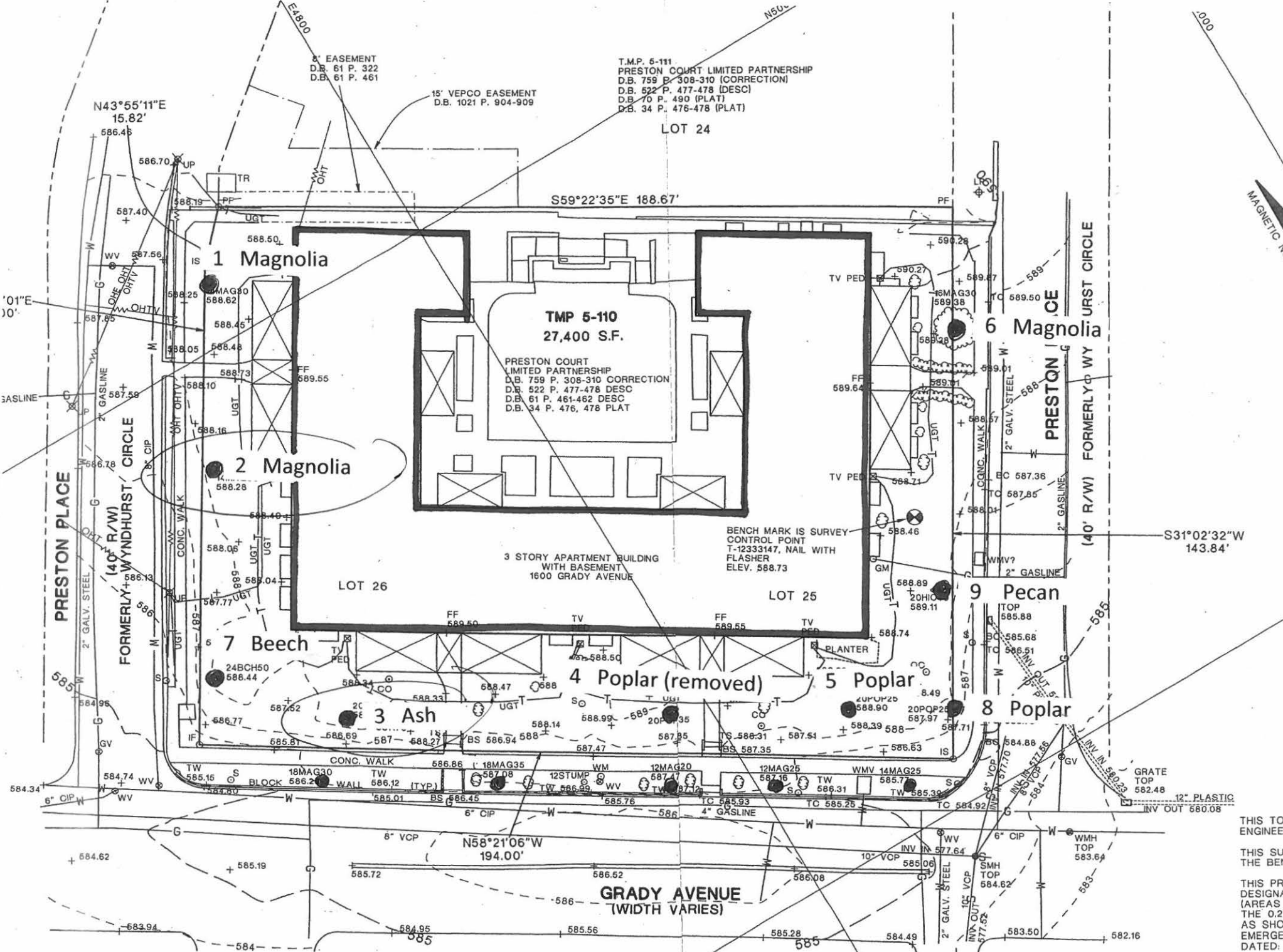
The property owner is unwilling to have a grading/drainage plan prepared. Even if the BAR was willing to approve removal of the two trees, the R-3 zoning requires certain plans to be approved before tree removal and grading may occur.

Staff suggests that the BAR vote either yes or no on the two trees, and allow the application to move to the next step in the process. If yes, then staff will inform the Neighborhood Planner that the applicant may apply for a site plan amendment. If no, the applicant can appeal to City Council.

### **Suggested Motions**

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design, I move to find that the proposed removal of two trees (Ash and Magnolia) does not satisfy the BAR's criteria and is not compatible with this property and other properties in the Rugby Road-University Circle-Venable Neighborhood ADC District, and that the BAR denies the application as submitted.

**ATTACHMENT A**  
**Tree location map**



T.M.P. 5-111  
 PRESTON COURT LIMITED PARTNERSHIP  
 D.B. 759 P. 308-310 (CORRECTION)  
 D.B. 522 P. 477-478 (DESC)  
 D.B. 70 P. 490 (PLAT)  
 D.B. 34 P. 476-478 (PLAT)

15' VEPCO EASEMENT  
 D.B. 1021 P. 904-909

5' EASEMENT  
 D.B. 61 P. 322  
 D.B. 61 P. 461

PRESTON COURT  
 LIMITED PARTNERSHIP  
 D.B. 759 P. 308-310 CORRECTION  
 D.B. 522 P. 477-478 DESC  
 D.B. 61 P. 461-462 DESC  
 D.B. 34 P. 476, 478 PLAT

3 STORY APARTMENT BUILDING  
 WITH BASEMENT  
 1600 GRADY AVENUE

BENCH MARK IS SURVEY  
 CONTROL POINT  
 T-12333147, NAIL WITH  
 FLASHER  
 ELEV. 588.73

GRADY AVENUE  
 (WIDTH VARIES)

N43°55'11"E  
 15.82'

S59°22'35"E 188.67'

S31°02'32"W  
 143.84'

N58°21'06"W  
 194.00'

MAGNETIC NO.

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 MAP, TC  
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**ATTACHMENT B**  
**Chronology**

*1600 Grady Avenue (Preston Court Apartments) was built in 1928 and designed by Stanislaw Makielski. It is individually listed on the National Register and is a contributing structure in the Rugby Road-University Circle-Venable Neighborhood ADC District.*

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The BAR asked for spot elevations; show how drainage will make the fall from the foundation area to the storm drain or daylight; show a conservation plan for the Beech and Pecan trees.

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[At this point Maurice Jones asked me for an update, which I sent him on June 20, 2013.]

November 19, 2013 – Discussion (no action) : Willingness to allow removal of two remaining Poplars, Ash, and Magnolia #2 on the west side, but first need to show the BAR a grading and landscape plan [including how drainage will be addressed] informed by tree planting in aerial photo of 1937 (large shade trees); look at saving other Magnolias on sides; prefer post and chain fence, but want to see final.

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There was no appeal and there have been no further requests.



MEMO TO: Maurice Jones  
FROM: Mary Joy Scala  
DATE: June 20, 2013  
RE: 1600 Grady Avenue Tree Removal Request

### Background

In September 2012, Lynn Hall Ward and Barbara Lucas came to the BAR meeting to request removal of 6 trees (3 magnolias and 3 poplars) from the Preston Court Apartments to correct an ongoing water infiltration problem in the basement (staff report attached). **The applicant deferred because the BAR wanted to see a plan** for how storm drainage would be handled/tied into the City main:

*The Board is truly not convinced that the removal of the trees will solve the problem. They do feel that there are technical solutions that should be looked at. They feel the trees have been abused over the years and if pruning was done correctly the problem would have been prevented. They feel the applicant has not presented enough information and would suggest a deferral. The BAR asked for spot elevations; show how drainage will make the fall from the foundation area to the storm drain or daylight; show a conservation plan for the Beech and Pecan trees.*

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*Staff asked if the BAR would allow **administrative approval of removal of one poplar tree at 1600 Grady Avenue, with the removal of the other 5 trees to come back to the BAR. They agreed, and stated their intent to require the care and protection of the Pecan, Ash, and Beech trees, and replacement of the six trees to be removed. They noted the replacement trees should be big trees, and Poplars are especially suited to the site.***

### Current Request

The property manager, Barbara Lucas, called last week and requested immediate removal of an Ash tree located on the left side of the property. This Ash tree was not included in the original request to remove six trees, and was specifically mentioned by their arborist as being in good health (arborist letter attached). Since the matter was deferred by the BAR in September 2012, no plan or additional information had been submitted.

Barbara Lucas indicated it was an emergency situation, so I suggested she could appear at the BAR meeting under "Matters Not on the Agenda" to have a short (5 minute) discussion. The BAR discussed the request briefly, and reiterated their previous request for a plan, and questioned whether it was a true emergency.

### City Council Appeal

Richard Harris in the City Attorney's office has confirmed that the request to remove one Ash tree at Preston Court Apartments may not be considered by City Council until it has been properly noticed and acted upon by the Board of Architectural Review (BAR).

Therefore, I called Barbara Lucas today and emailed Lynn Hall Ward (who has previously signed the applications as property owner) to inform them of this decision. I told them they could make application to the BAR for their July 16 meeting. If the BAR denies their request, then they could legally appeal to City Council.

**ATTACHMENT C**  
**Applicant's appeal**

PRESTON COURT LTD., 1600 Grady Avenue, Charlottesville, Virginia

---

Mailing Address: P.O. Box 485  
Ivy, Va. 22945

December 21, 2015

Ms. Paige Rice  
Clerk of the City Council  
P.O. Box 911  
Charlottesville, VA 22902

Dear Ms. Rice,

Having not received any written denial of our application, we must assume the grounds for that denial are the same as the grounds for the denial of August 19<sup>th</sup>. In that denial the grounds stipulated that we, the applicant, "did not submit the requested grading and landscape plan." The "requested grading and landscape plan" was not required inasmuch as less than 60,000 square feet were involved in the removal of the two (2) trees, nor would we be tapping into the city's stormwater disposal system.

We have been before BAR five (5) times. Our reason for coming before Council has to do with the conflict generated by the interest of BAR versus the interest of Preston Court Apartments. The interest of BAR has to do with trees, vegetation and soil. The interest of Preston Court Apartments has to do with a National Historic and Virginia Landmark structure. We are the present guardians of that structure and we take the burden quite seriously.

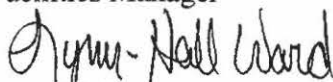
It was our hope in going before BAR that some compromise could be reached. However, none was achieved.

We come before Council as a last ditch effort to save Preston Court Apartments from further damage due to the invasion of these two (2) trees. It is our hope that Council will see fit to hear our petition.

Sincerely,



Barbara Lucas  
Facilities Manager



Lynn-Hall Ward  
General Partner

**From:** Scala, Mary Joy  
**Sent:** Tuesday, December 22, 2015 11:29 AM  
**To:** lynnhall.w.ward@gmail.com; 'CenturyLink Customer '  
**Subject:** BAR Action- December 15, 2015 - 1600 Grady Avenue

December 22, 2015

Lynn-Hall Ward  
1600 Grady Avenue  
Charlottesville, VA 22903

**RE: Certificate of Appropriateness Application**

BAR 15-12-04

1600 Grady Avenue

Tax Parcel 034091000

Preston Court Limited Partnership, Applicant/Lynn-Hall Ward, Owner

Removal of magnolia tree (west side of building), and an ash tree (south side).

Dear Applicant,

The above referenced project was discussed before a meeting of the City of Charlottesville Board of Architectural Review (BAR) on December 15, 2015. The following action was taken:

**Knott moved to find that the BAR denies the proposed removal of two trees (Ash and Magnolia) as submitted. DeLoach seconded. Motion passes (8-0).**

In accordance with Charlottesville City Code 34-285(b), this decision may be appealed to the City Council in writing within ten working days of the date of the decision. Written appeals, including the grounds for an appeal, the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions the applicant deems relevant to the application, should be directed to Paige Barfield, Clerk of the City Council, PO Box 911, Charlottesville, VA 22902.

If you have any questions, please contact me at 434-970-3130 or [scala@charlottesville.org](mailto:scala@charlottesville.org).

Sincerely yours,

Mary Joy Scala, AICP  
Preservation and Design Planner

**Mary Joy Scala, AICP**  
Preservation and Design Planner  
City of Charlottesville  
Department of Neighborhood Development Services  
City Hall – 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902  
Ph 434.970.3130 FAX 434.970.3359  
[scala@charlottesville.org](mailto:scala@charlottesville.org)

CITY OF CHARLOTTESVILLE  
BOARD OF ARCHITECTURAL REVIEW  
STAFF REPORT  
December 15, 2015



**Certificate of Appropriateness**

BAR 15-12-04

1600 Grady Avenue

Tax Parcel 034091000

Preston Court Limited Partnership, Applicant/Lynn-Hall Ward, Owner

Removal of magnolia tree and an ash tree

---

**Background**

1600 Grady Avenue (Preston Court Apartments) was built in 1928 and designed by Stanislaw Makielski. It is individually listed on the National Register and is a contributing structure in the Rugby Road-University Circle-Venable Neighborhood ADC District.

September 18, 2012 - The BAR accepted (6-0) the applicant's (Lynn Hall Ward and Barbara Lucas) request for deferral of request to remove six trees (3 magnolias and 3 poplars) intended to correct an ongoing water infiltration problem in the basement.

The BAR asked for spot elevations; show how drainage will make the fall from the foundation area to the storm drain or daylight; show a conservation plan for the Beech and Pecan trees.

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May 6, 2014 - Staff and the BAR Chair met on site with applicant.

August 19, 2014- The BAR denied (7-0) the application as submitted because the applicant did not submit the requested grading and landscape plan.

## Application

The applicant is requesting the removal of two trees: one magnolia tree on the west side and an ash tree on the south side of the building. Staff has requested additional information such as pictures of the two trees to be removed, landscape, and grading plans. However, the applicant has not provided the additional information for the application.

## Criteria, Standards and Guidelines

### **Review Criteria Generally**

*Sec. 34-284(b) of the City Code states that,*

*In considering a particular application the BAR shall approve the application unless it finds:*

- (1) That the proposal does not meet specific standards set forth within this division or applicable provisions of the Design Guidelines established by the board pursuant to Sec.34-288(6); and*
- (2) The proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located or the protected property that is the subject of the application.*

### **Pertinent Standards for Review of Construction and Alterations include:**

- (1) Whether the material, texture, color, height, scale, mass and placement of the proposed addition, modification or construction are visually and architecturally compatible with the site and the applicable design control district;*
- (2) The harmony of the proposed change in terms of overall proportion and the size and placement of entrances, windows, awnings, exterior stairs and signs;*
- (3) The Secretary of the Interior Standards for Rehabilitation set forth within the Code of Federal Regulations (36 C.F.R. §67.7(b)), as may be relevant;*
- (4) The effect of the proposed change on the historic district neighborhood;*
- (5) The impact of the proposed change on other protected features on the property, such as gardens, landscaping, fences, walls and walks;*
- (6) Whether the proposed method of construction, renovation or restoration could have an adverse impact on the structure or site, or adjacent buildings or structures;*
- (8) Any applicable provisions of the City's Design Guidelines.*

### **Pertinent Guidelines for Site Design include:**

#### **P. 2.3 Plantings**

- 1) Encourage the maintenance and planting of large trees on private property along the streetfronts, which contribute to the "avenue" effect.*
- 2) Generally, use trees and plants that are compatible with the existing plantings in the neighborhood.*
- 3) Use trees and plants that are indigenous to the area.*
- 4) Retain existing trees and plants that help define the character of the district.*
- 5) Replace diseased or dead plants with like or similar species if appropriate.*
- 6) When constructing new buildings, identify and take care to protect significant existing trees and other plantings.*
- 7) Choose ground cover plantings that are compatible with adjacent sites, existing site conditions, and the character of the building.*
- 8) Select mulching and edging materials carefully and do not use plastic edgings, lava, crushed rock, unnaturally colored mulch or other historically unsuitable materials.*

### **Discussion and Recommendations**

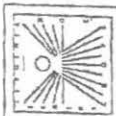
The property owner is unwilling to have a grading/drainage plan prepared. Even if the BAR was willing to approve removal of the two trees, the R-3 zoning requires certain plans to be approved before tree removal and grading may occur.

Staff suggests that the BAR vote either yes or no on the two trees, and allow the application to move to the next step in the process. If yes, then staff will inform the Neighborhood Planner that the applicant may apply for a site plan amendment. If no, the applicant can appeal to City Council.

### **Suggested Motions**

Having considered the standards set forth within the City Code, including City Design Guidelines for Site Design, I move to find that the proposed removal of two trees (Ash and Magnolia) does not satisfy the BAR's criteria and is not compatible with this property and other properties in the Rugby Road-University Circle-Venable Neighborhood ADC District, and that the BAR denies the application as submitted.



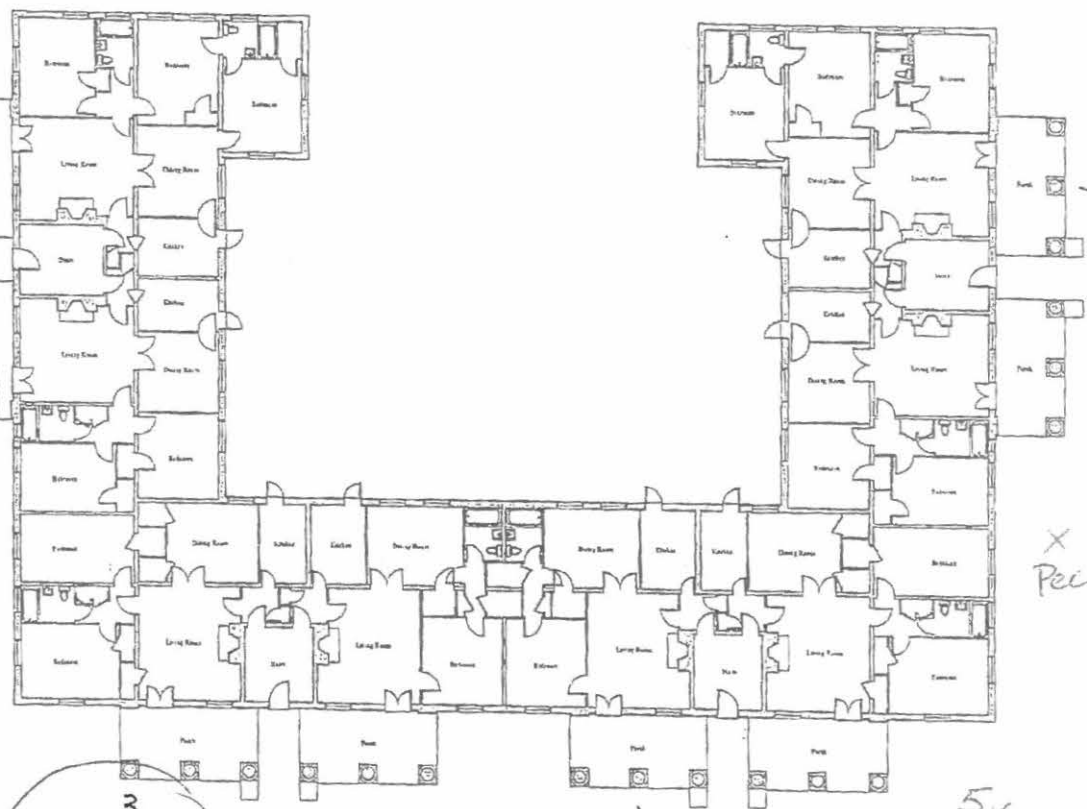


Preston Court Apartments  
Clinchco, VA

This plan has been prepared for the purpose of conveying the building to the contractor. It is not to be used for any other purpose. The contractor shall be responsible for the accuracy of the information shown on this plan and shall verify all dimensions and conditions before construction.

AS-2

4/8/14



Magnolia  
x

Magnolia  
x

Magnolia  
x

x  
Poplar

Beech  
x

Ash  
x  
3

Typical Floor Plan  
SCALE: 1/8" = 1'-0"

4x  
Poplar  
(removed)

5x  
poplar poplar

1. Magnolia
2. Magnolia
3. ~~Poplar~~ Ash
4. Poplar
5. Poplar
6. Magnolia





# BARTLETT TREE EXPERTS

1185 FIVE SPRINGS ROAD, CHARLOTTESVILLE, VA 22902-8785 • (434) 971-3020 • FAX (434) 971-1331

9/17/12

Preston Court Apartments  
1600 Grady Avenue  
Apt. 11  
Charlottesville, VA 22903

Gentlemen,

This letter is in reference to the existing trees at Preston Court Apartments, 1600 Grady Ave. I have been made aware of the moisture issues with the basement apartments and the options (or lack thereof) to repair these issues. My understanding of the engineers report is that removal of the trees and re-grading the topsoil to facilitate surface drainage is the best engineering option. I am not qualified to comment on this or other engineering solution, but will address the trees in question below.

There are 3 large tulip poplars at the right front of the building. Not only do these trees contribute to the water issue, but they have been severely topped in the recent past. This type of "pruning" is harmful to the tree and contributes to decay and future structural defects. This in addition to the decay present in the trees would lead me to recommend removal of the trees that would allow for re-grading in this area. At the left front of the building there is a healthy white ash and American beech. Both of these trees are in good condition and are valuable shade trees. If one of the trees must be removed to repair the drainage issue, I would remove the ash and grade to preserve the beech as it is a disease free native tree to our area.

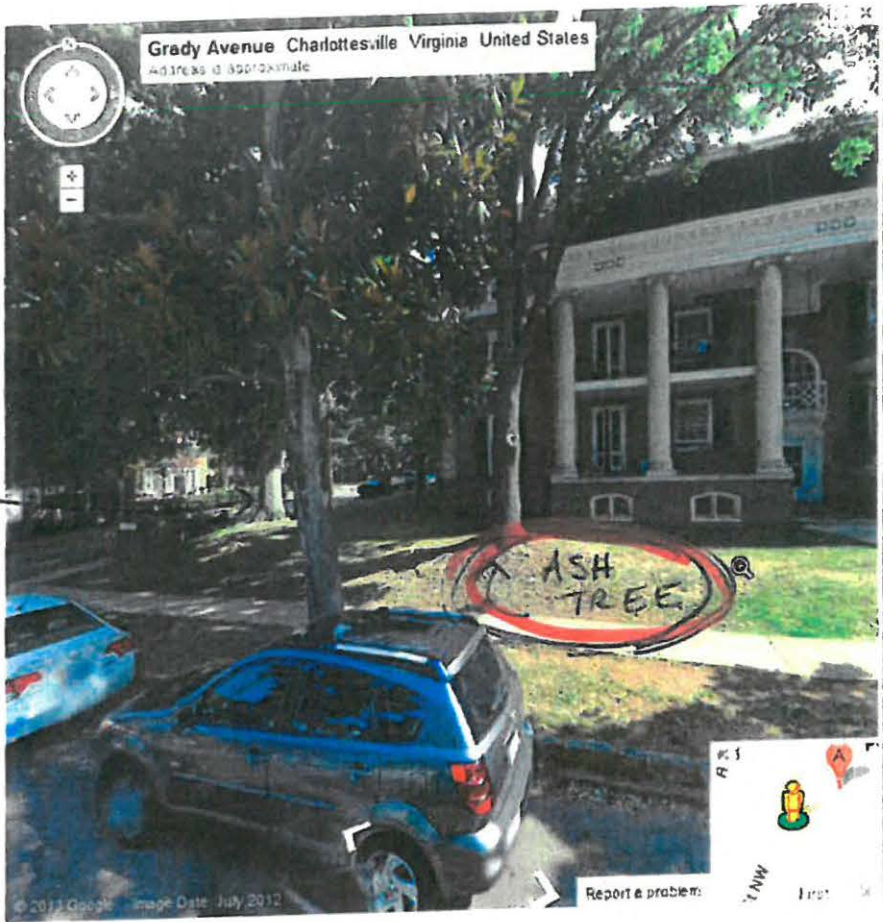
On the left side of the building there is a slowly declining Southern magnolia that could be removed to improve the grade/drainage in that area. This tree is not dying quickly, but is unlikely that it would survive in the long term. There is a healthy Southern magnolia at both the left and right rear of the building. Due to the grade surrounding the property in these areas re-grading to simply allow gravity to carry the water away from the building will not be sufficient. Hopefully a solution involving only root pruning of these trees can be found to help solve the moisture issue in this area. Finally there is a large Pecan on the right side of the building that is not a significant moisture concern. The basement rooms in this area are dedicated to mechanical services for the building and excess moisture in this area can be tolerated at this time. Should you have further questions or concerns, I am willing to meet on site to discuss the trees and options as needed.

Sincerely,

Michael Abbott  
Bartlett Tree Experts – Arborist and Local Manager  
ISA Board Certified Master Arborist  
MS in Forestry

THE P.A. BARTLETT TREE EXPERT COMPANY  
SCIENTIFIC TREE CARE SINCE 1907

Corporate Office: P.O. Box 3067, Stamford, Connecticut 06905-0067 • (203) 323-1131 FAX (203) 323-1120



BEECH  
TREE

ASH  
TREE

3 POPLARS →

© 2013 Google Image Date: July 2012

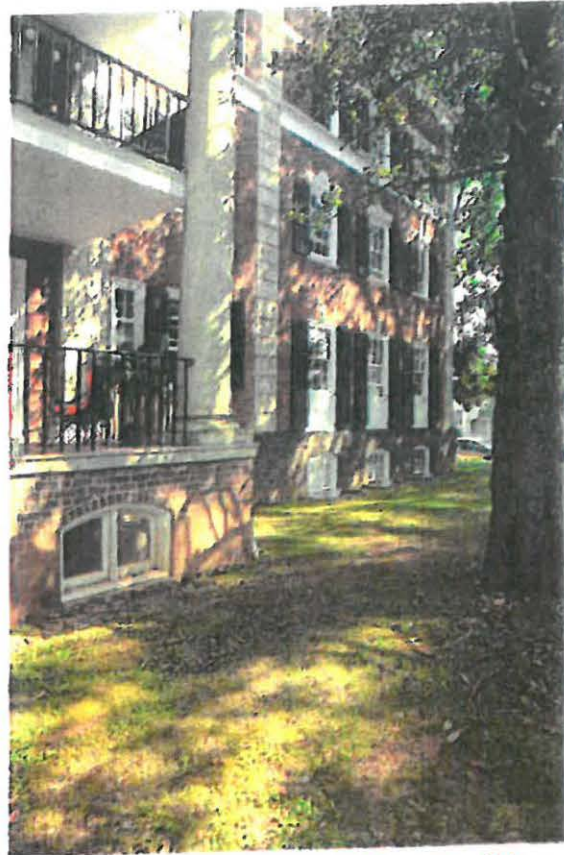
Report a problem

Report a problem

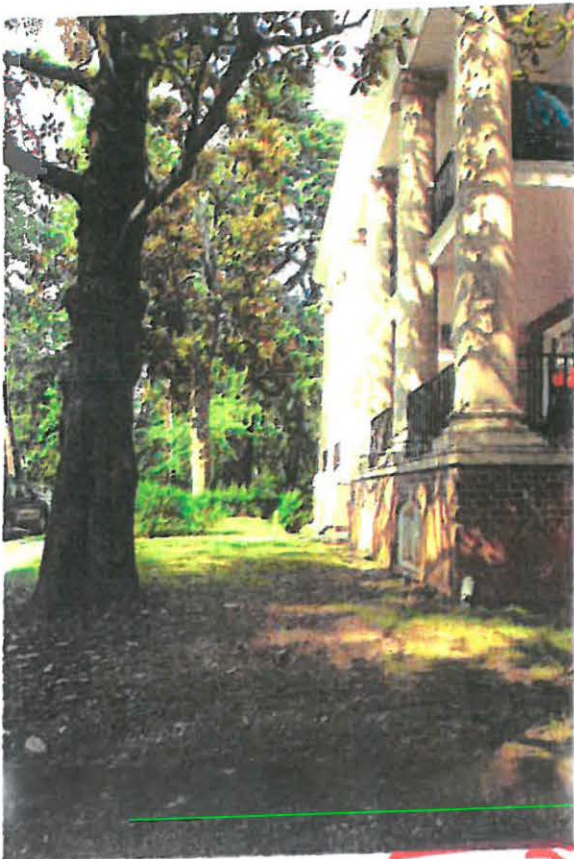




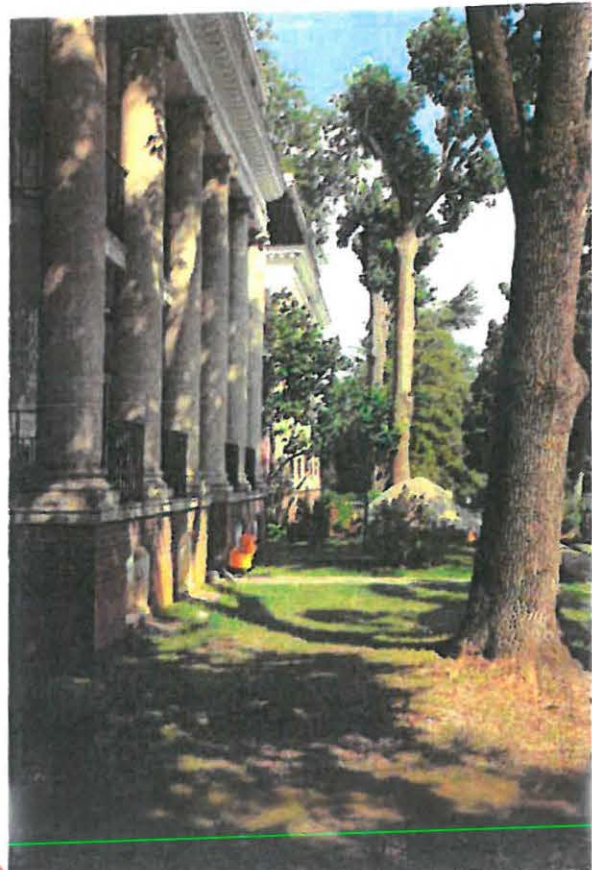
2 MAGNOLIAS ON PRESTON PL  
#1



2 MAGNOLIAS PRESTON PL  
#2



2 MAGNOLIAS PRESTON PL  
#1 and 2



ASH 3 POPLARS ON GRADY AVE  
# 3-4-5

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# Board of Architectural Review (BAR) Certificate of Appropriateness

Please Return To: City of Charlottesville  
Department of Neighborhood Development Services  
P.O. Box 911, City Hall  
Charlottesville, Virginia 22902  
Telephone (434) 970-3130 Fax (434) 970-3359

RECEIVED  
NEIGHBORHOOD  
DEVELOPMENT SERVICES

Please submit ten (10) copies of application form and all attachments.

For a new construction project, please include \$375 application fee. For all other projects requiring BAR approval, please include \$125 application fee. For projects that require only administrative approval, please include \$100 administrative fee. Make checks payable to the City of Charlottesville.

The BAR meets the third Tuesday of the month.

Deadline for submittals is Tuesday 3 weeks prior to next BAR meeting by 3:30 p.m.

Owner Name	<u>Lynn-Hall Ward</u>	Applicant Name	<u>Preston Court Limited Partnership</u>
Project Name/Description	<u>Tree removal</u>	Parcel Number	_____
Property Address	<u>11600 Brady Avenue</u>		

### Applicant Information

Address: 11600 Brady Avenue  
Charlottesville, VA 22903  
 Email: lyanhall@embarqmail.com  
 Phone: (W) 434-971-8015 (H) \_\_\_\_\_  
 FAX: \_\_\_\_\_

### Signature of Applicant

I hereby attest that the information I have provided is, to the best of my knowledge, correct. (Signature also denotes commitment to pay invoice for required mail notices.)

Lynn-Hall Ward 11/24/15  
 Signature Date  
Lynn-Hall Ward 11/24/15  
 Print Name Date

### Property Owner Information (if not applicant)

Address: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Phone: (W) \_\_\_\_\_ (H) \_\_\_\_\_  
 FAX: \_\_\_\_\_

### Property Owner Permission (if not applicant)

I have read this application and hereby give my consent to its submission.

Do you intend to apply for Federal or State Tax Credits for this project? No

Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Print Name \_\_\_\_\_ Date \_\_\_\_\_

Description of Proposed Work (attach separate narrative if necessary): \_\_\_\_\_

List All Attachments (see reverse side for submittal requirements):

Remove dying magnolia tree on west side of building.  
Remove poplar tree on south side of building.

### For Office Use Only

Received by: S. Barmore  
 Fee paid: 125<sup>00</sup> Cash/Ck. # 7654  
 Date Received: 11/24/2015

Approved/Disapproved by: \_\_\_\_\_

Date: \_\_\_\_\_

Conditions of approval: \_\_\_\_\_

P15-0194

## Scala, Mary Joy

---

**From:** Scala, Mary Joy  
**Sent:** Tuesday, December 01, 2015 8:42 AM  
**To:** 'CenturyLink Customer '; lynnhall.w.ward@gmail.com  
**Subject:** 1600 Grady BAR application

Lynn,

I received your application to remove two trees, but there was nothing else included. At a minimum I need current photos of the two trees so that the BAR members understand your request. Although I have copies of your previous applications, I'm sure you understand it is not my job to prepare your new application.

Previously the BAR expressed a willingness to allow removal of two remaining Poplars, Ash, and Magnolia #2 on the west side, but said you first need to show the BAR a grading and landscape plan [including how drainage will be addressed] informed by tree planting in aerial photo of 1937 (large shade trees).

Please be aware that, without a grading and landscape plan, the BAR may deny your request.

**Mary Joy Scala, AICP**  
Preservation and Design Planner  
City of Charlottesville  
Department of Neighborhood Development Services  
City Hall – 610 East Market Street  
P.O. Box 911  
Charlottesville, VA 22902  
Ph 434.970.3130 FAX 434.970.3359  
[scala@charlottesville.org](mailto:scala@charlottesville.org)

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 1, 2016
Action Required:	Approval of Resolution
Presenter:	Kathy McHugh, Housing Development Specialist
Staff Contacts:	Kathy McHugh, Housing Development Specialist
Title:	<b>Use of Charlottesville Affordable Housing Fund for Habitat Scattered Site Downpayment Assistance in Burnet Commons III – The Park</b>

**Background:**

On July 6, 2015, Council approved Charlottesville Affordable Housing Fund (CAHF) assistance of \$225,000 for Habitat for Humanity of Greater Charlottesville (Habitat) to support them in providing downpayment assistance to families (earning between 25% and 60% of Area Median Income) to help them purchase affordable homes in higher income or mixed income neighborhoods within the City of Charlottesville. This project is referred to as “Habitat Scattered Site Downpayment Assistance” herein.

In the course of implementing the Habitat Scattered Site Downpayment Assistance Project, Habitat requested approval for use of a portion of these funds in the mixed income development known as Burnet Commons III – The Park. Staff denied the request stating that the City had assumed that funds would not be used at this location because of a commitment made during the proposal phase that determined the outcome of the Request for Proposals (RFP) used to determine the sale of the former City-owned land at this location.

Specifically, on page 7 of the proposal responding to the RFP for the sale of the former landfill property on Elliott Avenue, the team led by Habitat and Southern Development Group, Inc. (Southern) proposed on December 14, 2011 that: “The team will not seek CHF funds for this project” (referring to the Charlottesville Affordable Housing Fund). The proposal went on to explain that Southern would turn over lots to Habitat and Region 10 (which subsequently declined the offer of a free lot) at no cost and that the market rate sales of homes on 26 lots would provide financial incentive for Southern to finance and perform the extensive site work necessary to bring the project on line.

**Discussion:**

In notifying Habitat of the issue associated with releasing payment, Dan Rosensweig responded in a letter dated January 7, 2016 (attached hereto) that while he acknowledged the original commitment in the proposal submitted by Habitat and Southern, that site cleanup and development costs had

increased and that coupled with a tightened lending market, Southern had asked Habitat to pay for the lots rather than gifting them as originally proposed. Subsequently, Habitat paid \$15,000/lot to Southern for each affordable housing lot to be developed at Burnet Commons III – The Park. Given that land cost had not been included in Habitat’s original pro-forma and plan to assist partner families, Habitat has now asked that the City allow CAHF assistance under the Habitat Scattered Site Downpayment Assistance Program to be used for properties located within the mixed income neighborhood known as Burnet Commons III – The Park. Further, if approved, Habitat would ask that they be able to utilize any future funds provided through CAHF at this location as well.

**Alignment with Council Vision Areas and Strategic Plan:**

Approval of this agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options.

**Community Engagement:**

There has not been any specific community engagement or public input on this request; however, a public hearing was held on April 16, 2012 to coincide with the first reading of the request to sell the Elliott parcels to Habitat and Southern.

**Budgetary Impact:**

The proposed project will not require any additional funds.

**Recommendation:**

Since the land purchase and development agreement is silent on this matter, only acknowledgement / agreement by Council is being requested herein. Further, since the project and the use of funds is consistent with achieving the 2025 housing goal and the City is a partner in Burnet III, staff recommends approval of the attached resolution.

**Alternatives:**

Council could elect not to approve this request or set a financial cap to the amount of assistance (perhaps based on the land cost); however, Habitat expenses and homeowner subsidy needs are such that cash flow and the ability to cover unexpected expenses creates operational hardships.

**Attachments:**

Habitat request dated January 7, 2016  
Resolution



Creating simple, decent, affordable housing  
in partnership with low-income families, volunteers  
and the communities of greater Charlottesville.

January 7<sup>th</sup>, 2016

Kathy McHugh, Housing Development Specialist  
Neighborhood Development Services  
P. O. Box 911 – 610 East Market Street  
Charlottesville, VA 22902

RE: City Account P-0672: July 6, 2015 Grant Agreement – DPA Project

Dear Ms. McHugh,

I am writing to update you on the progress of our partnership with the City to create scattered site and mixed income affordable homeownership opportunities for residents earning between 25% and 60% of area median income.

To date, we have closed on, are scheduled to close on, 10 Partner Family homes that have been supplemented by this partnership. We have therefore either drawn down or committed the entire \$225,000 allocation of down payment closing cost assistance to eligible home buyers. As per the agreement, all of the homes are either in intentional mixed income communities or are located in census tracts identified as upper income as per the map attached to the original application. A spreadsheet of the allocations is attached at the end of this letter.

Prior to making a formal request for release of the balance of the already-allocated funds however, I think it prudent to get a determination from City Council regarding the release of CAHF funds for use at *Burnet Commons III: The Park*.

As you know, *the Park* is a model collaboration among the City, Habitat and Southern Development to transform a long-time dumping ground into a mixed-income community in the Strategic Investment Area. As part of our agreement, Habitat and Southern Development worked together to remediate the site and execute the development as rezoned.

The Southern and Habitat team was chosen during a competitive RFP process via an application that was reviewed by a committee and recommended to Council. Council approved the partnership in 2012.

Among the reasons for the committee's recommendation were Habitat's and Southern's track record of success, site design that elevated the needs of pedestrians and bicyclists over the automobile by consolidating open space in a central park and minimizing road widths, the amount of affordable housing provided, the fact that Habitat is a homeownership and not a rental program, appreciation for the fact that Habitat is partnering with the CRHA to provide homeownership opportunities for long-time residents of public housing in the development and Habitat's model of including homeowners and community volunteers in the build.

One attractive feature of the proposal was also that, at the time, the team did not anticipate seeking any CHF (now CAHF) funding for the project. Original estimates suggested that

Southern Development would be able to develop the land pro bono while turning over lots to Habitat at no cost. However, as the project moved forward and prior to agreeing to a contract with the City, project expenses rose and changes in the financial world significantly tightened the lending market, imperiling the team's ability to obtain financing for land construction.

As such, Habitat agreed to pay \$15,000 per lot to allow the project to proceed. Compared to comparable City lot prices, often in excess of \$100,000, this was still a great deal. In general terms, however, Habitat's individual homes are sustainable financially when land costs are zeroed out. In other words, the average Partner Family mortgage is roughly equal to hard building costs. Every dollar spent on land therefore requires additional funding such as mortgage subsidy through down payment assistance.

For this reason, the stipulation that CHF funding wouldn't be requested did not survive into the contract. Nonetheless, although we aren't contractually bound to avoid requesting CAHF funding, we think it prudent to request a determination from Council that they are in favor of releasing the allocated money and/or whether they approve of us seeking further, similar down payment assistance at *the Park*.

*Burnet Commons III* is an uncommonly successful endeavor thus far. Six Habitat homeowners have moved in to their homes with another 12 homes under construction. Additionally, the creative design of the site has inspired market rate home sales, making *the Park* a unique, walkable, blended neighborhood. CAHF funds are critical to helping bring the project to completion and allow Habitat to move forward with its mission of eliminating local housing poverty.

Thank you very much for your consideration and please let me know if you need any additional information.

Sincerely,

Dan Rosensweig  
President and CEO

Last Name	First Name	Address	Used or allocated funds 225,000.00	Closing Month
Tyler	Deborah	114 Penick Court	35,251.26	September 2015
Turner/Childs	Jessica/Robert	116 Penick Court	3,000.00	September 2015
Woldemariam	Gashaw & Hiwot	115 Elliot Avenue	9,711.53	December 2015
Vay	Boaker & Hawa	123 Elliot Avenue	17,044.00	December 2015
Velasquez	Johanna	125 Elliot Avenue	17,044.00	December 2015
Paniagua	Uriel	121 Elliot Avenue	\$23,778.21	December 2015
Durrett	Kim	1412 Carlton Avenue #204	40,000.00	February 2016
Hassan	Khassim	1028 Martin Street	20,280.00	Summer 2016
Harris	Christina	546B Cleveland Avenue	1,591.00	Summer 2016
Turner	Phyllis	126 Penick Court	57,300.00	January 2016
<b>TOTALS</b>			225,000.00	Allocated/Used Funds
			0.00	Remaining Funds

**RESOLUTION**

**Use of Charlottesville Affordable Housing Fund (CAHF) by Habitat for Humanity of Greater Charlottesville to Assist Housing Units at Burnet Commons III – The Park**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that Habitat for Humanity of Greater Charlottesville is allowed to utilize Charlottesville Affordable Housing Fund proceeds (previously allocated and any future funds) for the purpose of assisting affordable housing units located at Burnet Commons III – The Park.