



CITY COUNCIL AGENDA
March 7, 2016

- 6:00 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**
Second Floor Conference Room (Boards and Commissions)
- 7:00 p.m.** **Regular Meeting**
Council Chambers
- CALL TO ORDER**
PLEDGE OF ALLEGIANCE
ROLL CALL
- AWARDS/RECOGNITIONS ANNOUNCEMENTS** GFOA Distinguished Budget Presentation Award for FY 2016; Red Cross Month; Festival of the Book; WVPT Children's Event
- MATTERS BY THE PUBLIC** Public comment provided for up to 12 speakers publicized at noon the day of the meeting (limit 3 minutes per speaker) and for an unlimited number of speakers 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.

CITY MANAGER 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 February 16
 - b. APPROPRIATION: [National Endowment for the Arts \(N.E.A.\) Our Town Grant – “Play the City” - \\$30,000 Match](#)
(2nd of 2 readings)
 - c. APPROPRIATION: [Department of Criminal Justice Services \(D.C.J.S.\) Byrne Special Fund Grant – \\$9,990](#)
(2nd of 2 readings)
 - d. APPROPRIATION: [Donations to Fire Department for Training and Safety Initiatives – \\$1,350](#) (2nd of 2 readings)
 - e. APPROPRIATION: [Proffer Payment for DGIF-Directed Stream Project on Moores Creek – \\$10,000](#)
(2nd of 2 readings)
 - f. APPROPRIATION: [Funds from C.A.T.E.C. to the C.A.T.E.C. – I.T. Networking Academy Project - \\$10,000](#)
(1st of 2 readings)
 - g. APPROPRIATION: [Department of Conservation and Recreation Trail Grant – \\$175,000](#) (1st of 2 readings)
 - h. APPROPRIATION: [Piedmont Workforce Network Incumbent Worker Training Matching Grant – \\$3,010](#)
(1st of 2 readings)
 - i. RESOLUTION: [Approval of tenant improvements at the Virginia Discovery Museum](#) (1st of 1 reading)
 - j. RESOLUTION: [Tax Payment Refund to St. Anne's Belfield School – \\$34,216.20](#) (1st of 1 reading)
 - k. RESOLUTION: [Request to VDOT for street maintenance funding](#) (1st of 1 reading)
 - l. ORDINANCE: [Easement to Cure Encroachment – Inn at Vinegar Hill Hotel](#) (2nd of 2 readings)
 - m. ORDINANCE: [Authorizing Conveyance of City-owned Land on Hillcrest Road to Covenant School](#)
(2nd of 2 readings)
 - n. ORDINANCE: [Closing, Vacating and Discontinuing Birdwood Lane Right of Way](#) (2nd of 2 readings)
 - o. ORDINANCE: [Ting Fiber, Inc. Telecommunications Franchise Renewal](#) (2nd of 2 readings)
- 2. REPORT** [School Board's Adopted FY 2017 Budget](#) -- 20 minutes
- 3. REPORT** [City Manager's Proposed FY 2017 Budget](#) -- 20 minutes
- 4. PUBLIC HEARING / RESOLUTIONS*** [CDBG Annual Action Plan and HOME Funds](#) -- 20 minutes
- Amendment to the 15-16 CDBG and HOME Annual Action Plan (1st of 1 reading)
 - Reprogramming of HOME Funds (1st of 1 reading)
 - Reprogramming of CDBG Funds (1st of 1 reading)
- 5. ORDINANCE*** [West Main Street Mixed Use Corridors Amendment](#) (1st of 2 readings) -- 40 minutes
- 6. RESOLUTION*** [SUP at 206 Market. Street – Common House](#) (1st of 1 reading) -- 20 minutes

OTHER BUSINESS
MATTERS BY THE PUBLIC

***ACTION NEEDED**

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

GUIDELINES FOR PUBLIC COMMENT

**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:	Approval of Match Appropriation (2nd reading)
Presenter:	Tierra Howard, Grants Coordinator, Neighborhood Development Services
Staff Contacts:	Tierra Howard, Grants Coordinator, Neighborhood Development Services
Title:	National Endowment for the Arts (N.E.A.) Our Town Grant – “Play the City” - \$30,000 Match

Background:

In January 2014, the City of Charlottesville and the Bridge Progressive Arts Initiative along with partners Piedmont Council for the Arts (P.C.A.), the University of Virginia School of Architecture, and other community partners, applied for funding through the National Endowment for the Arts (N.E.A.) “Our Town” grant for a project known as “Play the City”. The N.E.A. “Our Town” grant supports creative placemaking projects that contribute to the livability of communities and place the arts at their core.

The N.E.A. selected the City of Charlottesville as one of 66 2014 Our Town grant winners for “Play the City”. The project received \$50,000 towards the \$200,000 project focused on activating Charlottesville’s Strategic Investment Area (S.I.A.) through a series of workshops, public art installations, and festivals. On January 20th, 2015, Council approved the appropriation of the N.E.A. Our Town Grant of \$50,000 in addition to the City’s commitment of a \$30,000 cash match. The match funds are now being requested to complete the project.

Discussion:

“Play the City” focuses on engaging those living in the SIA to deeply understand their knowledge about the neighborhood, and then partner artists with the community to produce several artworks that respond to community concerns. For year two of “Play the City,” the Bridge P.A.I. will be utilizing the match funds for two projects:

Artist in Residence Project - Jennifer Tidwell - NO WAKE - In the Spring of 2016, Charlottesville-based theater and performance artist Jennifer Hoyt Tidwell will present the play NO WAKE as a series of multimedia public performances, collaborating with local artists and performers. As outlined in attachment two, City match funds totaling \$15,000 will go towards the project.

Cville Creates Project - During the fall of 2016, The Bridge P.A.I., U.V.A. Social

Entrepreneurship, Leadership Charlottesville, and partnership groups (neighborhood associations, non-profits, and local government) will begin a community listening and idea gathering campaign to develop a comprehensive list of residents' needs and neighborhood improvements. The Bridge and partners will meet with community groups and residents to engage the entire neighborhood. Once the ideas have been gathered, The Bridge P.A.I. will pair residents with city officials and students in the U.V.A. Batten School for Public Policy to refine these concepts into more comprehensive project proposals noting details, partnerships, and artists/designers necessary to bring the ideas to completion.

Once completed, the concepts will be publicly displayed throughout the community to inform residents and allow time for direct feedback. In April 2017, the completed project proposals will be presented for a public vote by residents within the specified S.I.A. neighborhoods. The projects gaining the most votes will receive funding. Three projects gaining the most votes will receive \$5,000 each in funding and will be implemented in the summer of 2017 with project completion by the end of the year. As outlined in attachment two, City match funds totaling \$15,000 will go towards the three projects.

Alignment with Council Vision Areas and Strategic Plan:

“Play the City” aligns directly with Council’s vision for **C’ville Arts and Culture**. Expected outcomes include improved services provided to Charlottesville residents as well as enhanced local quality of life and creative economic development initiatives. The project also will help realize the following Strategic Plan objectives: *2.6. Engage in robust and context sensitive urban planning; 5.1. Respect and nourish diversity; 5.2. Build collaborative partnerships; and 5.3. Promote community engagement.*

Community Engagement:

A large component of “Play the City” involves engaging with the residents of the S.I.A. area through a series of workshops and resident directed art installations. “Play the City” is the first time that residents not only participate in a planning effort, but also get to see their vision realized and developed into something tangible.

Budgetary Impact:

This will have an impact on the General Fund. The committed \$30,000 match will come from the City-wide Reserve.

Recommendation:

Staff recommends approval and appropriation of the match funds.

Alternatives:

If match funds are not appropriated, the remaining grant funds cannot be released and the project will not be completed to meet grant requirements.

Attachments:

Play the City Data Chart – Year One (Attachment 1)

Play the City Report and 2016 Project Details (Attachment 2)

APPROPRIATION
National Endowment for the Arts Our Town Grant for “Play the City”
\$30,000

WHEREAS, the City of Charlottesville appropriated a \$50,000 Our Town grant from the National Endowment for the Arts to support the implementation of project known as “Play the City” on January 20, 2015,

WHEREAS, the appropriation of January 20, 2015 specified the need to appropriate \$30,000 at a later date,

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

Revenues

\$30,000	Fund: 211	IO: 1900236	G/L: 498010
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Expenditures

\$30,000	Fund: 211	IO: 1900236	G/L: 599999
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Transfer

\$30,000	Fund: 105	CC: 1631001000	G/L: 561211
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Project	Objectives	# Events	Community Partners	# Served	Metrics	# Satisfied	Outcomes/Analysis
Push Play	Monthly platform for showing talent/skills of SIA residents	6	30 Local Artists, UVA Food Collaborative, IX Art Park, local vendors	Direct - 40, Indirect - 450	attendees	Did not survey	This is an ideal format for bringing people together and building community especially when organized by local residents. The audience was diverse with a constantly changing group of people. At present we are beginning to discuss ways to continue the project working with Friendship Court Residents, PHA, and IX. One major analysis is that many of the artist express a desire to see more opportunities like this for presenting and showing their work.
Memory Quilt	Used art to express what elementary students value in the community, intergenerational skill exchange	3	60 Clark Elementary Students, 3 teachers, 6 quilters, Paramount, Spudnuts	Direct - 69 Indirect - 220	Surveyed students before and after - asking questions about their knowledge of art, how they identify with their community, identifying as artists. Interviewed teachers and Quilters after the program.	69	This is a primary example of looking at a skill set that is based in SIA and finding ways to share it through intergenerational learning. What we learned from this is that there needs to be more opportunities for these types of exchanges between children and adults where local knowledge is shared and exchanged.
Rhyme & Design	Used students Hip Hop skills to develop branding (logos and taglines) for two businesses in the SIA.	1 week camp +	CIC, City of Promise, 7 local media consultants, two local business owners, 3 artists	Direct - 16 (4 youth, 7 consultants, 2 artists)	Design Skills, Public Speaking Skills, Hip Hop Skills, Overall Satisfaction	On a scale, Students noted some to significant improvement with all the skills that were used in the program. They were more confident with their abilities. Overall, all reported significant satisfaction.	This project was a pilot to show students how their skills (specifically hip hop) can be a tangible job skill. What we learned is that there needs to be more opportunities for students to use their creativity to build job skills that will be important in the 21st c. economy. The other thing that we came to understand is the need for graphic design skills at new local businesses. We are continuing to work with Bernard Hankins to see the program continue and connecting him with other organizations in town to create mentorships.
Waterwise	Researched importance of local watersheds and respond by creating street murals	1 month art/environment camp	Legal Aid Justice Center, 6th St Public Housing Residents, TJ Soil/Water Cons District, City Staff, Local Artists, Center for Urban Habitats	Direct - 15 (10 youth, 1 artist, 4 ecologists.) Indirect - Traffic/Pedestrians/Residents living along Monticello St. 1000+, Presentation at National Conference	Students knowledge of Environment, Students knowledge of art, Overall Satisfaction	Students expressed that they had greater knowledge of their environment - especially animals living in the creek. Their knowledge of art was good. Knowledge of neighborhood was unchanged. Overall all students said they were satisfied with program.	Waterwise is yet to be completed. We have designed the mural and temporarily installed it due to the fact that the selected site is going to under go construction. In the mean time, we are going to be surveying residents to hear their thoughts about the mural and its impact on the neighborhood. The Bridge has continued to work with the kids at 6th St through the Legal Aid Justice Center's youth leadership program.
Seeking the City	Photography camp to explore community through the eyes of students	1 week camp + event + further collaboration	Ashley Florence, Haven, City Park and Rec Staff, City of Promise	Direct - 16 (14 students, 1 City Staff, 2 artists). Indirectly - Video, Presentation at Youthnex, and continuation of project at other locals.	Expression through the arts, knowledge of city, photography skills	Of the students involved, 10 out of 12 said they would take the program again. Most agreed or strongly agreed that they increased their skills and knowledge.	What we learned from Seeking the City is that students can be leaders and with support have a lot to say about their community. At the same time, educational programs need to both provide skill training and modes of expression for youth to have a voice in their community. In the near future we will be distributing the map that they developed for youth throughout the community. In the summer of 2016, we hope to build on the program expanding its scale and impact as a one month program focused on art, design, and civic leadership. At present we are working with the UVA Curry School, the Young Women's Leadership Program, City of Promise, and the City Youth Council to help develop the program.
Art of Hair	Show the skills and knowledge in the neighborhood	2 month exhibition + 4 events	10 barbers or stylists along Garrett St. Photographer Keith Sprouse	Direct - 22 people (artist, barbers/stylist, clients) involved in the creation of the project. 230 visit the exhibition or attend an event over 2 months. Indirect - Cville Article and online engagement	Number of participants. Overall Satisfaction.	All those directly involved reported significant satisfaction.	Much like the Memory Quilt project, this effort focused on highlighting the knowledge and skills that are based in the SIA neighborhood. The program brought a diverse group together to talk and thinking about how hair cutting can be a form of art. It also created new linkages between people that while they work on the same street do not know each other. At present we will be pursuing funding from the Virginia Foundation for the Humanities to support development of a book about the project and expand it in partnership with VFH.
Community Engagement	Listen to Neighborhood	12 events - lemonade stand, door to door, surveys	The Bridge, UVA	Direct - 350+ responses Indirect - 3000+ (all those living in SIA) which we flyer'd multiple times.	Various - refer to poster	Various - refer to poster	There are a multitude of outcomes that came out of our efforts to engage and understand the community. Two primary ones are 1) There needs to be continual efforts to understand and document residents needs/knowledge. 2) We need to find ways to make the information that is gathered to become actionable so that residents feel their voices are being heard.
Concert Series	Music Festival	10	IX, WTJU	14500			
Total				19753			

Play the City Report and 2016 Project Details

Evaluation process as described in the grant application

With measurements seen as vital, a community survey will identify benchmarks for understanding residents' perspectives and their relationship to the SIA plans. Performance measures will be defined by 1) partnerships established as a result of the project, 2) the number of artists/community collaborations developed, 3) number of participants participating in workshops/events; 4) knowledge of the project via local and state media.

- 1) Partnerships
 - a) Artists - 65
 - b) Organizations - 18
 - c) Businesses - 17
- 2) Artist/Community Collaborations - 38 events, workshops, projects
- 3) Participants - 19753 (all workshops, events, projects)
- 4) Media - 13 (3 - national/international, 10 - local)

Community Survey - Due to the fact that we did not have a deep relationship with the community at the outset of the project, we used a multitude of creative community engagement and surveying techniques to understand the neighborhood.

2015 Responses

What do you do to be Creative?	What is important about the Neighborhood?	What is a thriving community?
music, art, sound design hair stylist think out loud!!! nature walks music write, dance write, dance, take photos look at colorful things I cook draw music, home studio I make a crafts I make good food rap, write, make beats model put on fashion shows challenge thinking anything! paint write, sing, teach coach lacrosse	diversity and energy walk-ability close to everything safety, sense of community knowing my neighbors food, good food!! the atmosphere and children unity my good friends we have a park quietness, very close knit diversity, positive growth the garden my friends friendship my friends we look after each other's kids	good people, helpful people autonomously interconnected good, fun, happy very family oriented inviting, reciprocity, diverse peaceful, caring, successful working together local commerce financially secure, independent working together a good community kind, working people unity, communication, positivity good, happy people healthy, hard working, kind people helpful people united, peaceful, safe kind, open minded, connected helpful people helpful kind people calm, steady, peaceful

freestyle dream play/make music think of deep ideas		safety, sense of community knowing my neighbors
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Summaries responses from Lemonade stand

Residents of the SIA said they'd like to see more cultural and creative events in their neighborhood, as well as green initiatives like recycling bins and anti-litter campaigns, but they don't want redevelopment to change the structure of their community. They're proud of how friendly their neighbors are and how supportive the community is of resident musicians and other artists. Better police relations, more equipment at parks and schools, and assistance for the elderly also came up as desired improvements.

Residents were excited to share what a friendly, quiet neighborhood they live in, with a wonderful park and talented local athletes. They believe in art in all its forms, including movement and dance, murals, and even small expressions like decorating mailboxes! They love getting creative with their families – parents, children, and grandparents alike – by knitting, writing short stories, painting, and designing clothes. They want to see the community improve with better bus service, more jobs, safer streets, more after school activities for kids, and better protection for the environment.

2016 Efforts

In upcoming year we are going to develop an SIA wide survey based on an arts based community development project taking outside of Cleveland, OH. We will be using the following format <http://citizenmetrics.com/collinwood>. This will continue to expand on our initial years findings. At the same time, we will complete evaluations for each the individual programs using the evaluation forms we developed as a part of Year 1 efforts. (An example of that form is available below)

Qualitative vs Quantitative results

As a part of Play the City we have been using both a quantitative and qualitative approach to assessing the impact of the project. We do this because each type of analysis provides a different perspective on the types of impacts that Play the City can make. In terms of quantitative assessment we are focused on tracking the amount of residents involved, looking for greater participation from a wider demographic. As for the qualitative data, we are trying to assess residents associations and perceptions of the neighborhood. At the same time understand the skills of those living in the SIA. This then was used to influence programs with the Art of Hair exhibition being an example.

Specific Questions

What did the people/children say that they needed, wanted or were concerned about?

As noted above - residents specific described the following as specific needs in the community.

Better police relations
More equipment at parks and schools
Assistance for the elderly
Better bus service
Jobs
Safer streets
After school activities for kids
Better protection for the environment

What were the overarching goals of Play the City?

As stated in the initial grant application the goal of Play the City are as follows -

- 1) Build trust and relationships within the community.
- 2) Amplify the voices of and empower SIA residents to take an active role in planned SIA developments.
- 3) Activate public space in ways that are meaningful to residents.
- 4) Bring awareness to resources so that residents can gain greater knowledge of their community.
- 5) Increase access to arts and culture for broader audiences.
- 6) Foster a sense of place and neighborhood identity in concert with SIA residents.

What were the results?

Specific details pertaining to the results of the program are noted both in the attached matrix document and also have been synthesized above based on the evaluation metrics set in the grant.

Responding to the overarching goals of Play the City, it has resulted in the following.

- 1) Development of understanding and relationships across cultural, racial, and economic boundaries.
- 2) It is still working to amplify the voices of residents, which is a primary focus of the second year with the community engagement project.
- 3) Working with residents in the neighborhood associations and public housing we have activated public spaces
- 4) We have highlighted the knowledge and skills of the neighborhood and through our partnerships have created greater access to resources
- 5) The core of the project has been its success with increasing access of the arts.
- 6) What we've learned about the SIA is that there is no unified voice around neighborhood identity. As a part of that we have focused on developing opportunities to bring people together.

Did Play the City meet expectations?

Based on the narrative that was approved and supported (below), Play the City has directly meet the expectations that were set forth. Of note, the primary focus of the project was not to impose a series of projects onto the neighborhood, but find ways to respond to neighborhood needs. The project used a flexible system that did not prescribe what was going to happen, but

listened to what residents wanted. This grass roots process is based on the work of Josh McManus and the Little Things Lab in Chattanooga, TN which focuses on doing small projects that then leads to larger impacts. <https://www.arts.gov/audio/josh-mcmanus>

In the initial year of the project, Play The City will center on a series of public workshops to catalyze and coalesce the SIA community. Focused on creative thinking, leadership development, healthy living, and community organizing, workshops will empower residents and enhance understanding of the area. Working with artists, historians, planners, and cultural geographers, residents will map neighborhood assets, building a robust awareness of the people, resources, and buildings. This will manifest in an oversized map quilt, designed and created with a local quilting group from an SIA-based public housing site and input from neighborhood residents. Using the quilt as a resource, residents will then participate in workshops to increase their hands-on understanding of urban planning and development. Implementing skills learned during community organizing workshops earlier in the project, residents will propose and construct alternative visions for the SIA, making visible their lived experience and engaging with the process to define the future of the neighborhood. Examples of this type of concept might be a urban gardening facility (increasing the impact of a successful community garden program in place within the SIA) that is also the site of a monthly film screening or an adventure playground that also serves as a music venue. Designer/resident collaborations will develop, design, and construct these visions. These will then be presented to local government and the city as a whole through public presentations, billboards, and banners.

Evaluation - Example

Program: Seeking The City

Thanks again for spending the week with us at The Bridge using art and design to engage the city. To help us make this project even better, we'd love to get a little feedback from you. Please answer the questions below.

Scale	strongly disagree	disagree	unsure	agree	strongly agree
Did you have fun this week?					
Do you feel able to express who you are through the arts?					
Did Seeking the City increase your knowledge, skills, and/or abilities?					
Do you see yourself as an artist?					
Do you know more about your city?					

I learned these skills this week - List 2

I will use these skills in the future to

I learned that Charlottesville . . .

What was most important to you about Seeking the City?

Would you recommend this program to a friend? Yes Maybe No

Should this program continue or should it have been longer? Yes Maybe No

2016 Program details with Budgets

CvilleCreates

Project Proposal

Charlottesville is a city undergoing significant change as it responds to future development with a desire to retain the historical, cultural, and social characteristics that have long made it unique. At the center of this dilemma is a desire to make sure that the City of Charlottesville becomes the city that residents all know it can become, a beautifully designed city responding to community needs. In response, The Bridge Progressive Arts Initiative has created a community engagement initiative that listens to the needs of local residents, have artists respond with projects that activate neighborhoods, and then allow residents to have a direct voice in deciding which projects get funded through a democratic voting process. The ultimate objective of this project is to use art and culture as a means for creative placemaking that leads to stronger neighborhoods, increased civic engagement, and a vibrant economy.

Project Description

This project emerges directly from the National Endowment for the Arts-funded Play the City project, a collaboration between The Bridge PAI, Piedmont Council for the Arts, the City of Charlottesville, and local residents. Play the City is focused on using art and culture as a way of magnifying the voices of those living in public and low-income housing in the neighborhood south of downtown Charlottesville; and allowing them to utilize their creativity, skills, and knowledge to define a vision for future urban development.

During the Fall of 2016, The Bridge PAI, UVA Social Entrepreneurship, Leadership Charlottesville, and partnership groups (neighborhood associations, non-profits, and local government) will begin a community listening and idea gathering campaign to develop a comprehensive list of residents' needs and neighborhood improvements. To accomplish this, The Bridge and partners will meet with specific community groups and residents in general to engage the entire neighborhood. Once these ideas have been gathered, The Bridge PAI will create a review team that includes residents and city staff to organize and focus these ideas into brief documents about local needs. Once defined, local/neighborhood artists and designer will be invited to respond to the documents by creating proposals for the neighborhood. Once completed, the proposals will be publicly displayed throughout the community to inform residents and allow time for direct feedback. In April of 2017 the completed proposals would be put forward for a public vote by residents living in the specified SIA neighborhoods. The 3 project gaining the most votes will receive \$5000 in funding and will be implemented in the Summer of 2017 with completion taking place by the end of the year.

The outcome of these efforts could take the form of neighborhood improvements, such as the rehabilitation of the Daughter of Mt. Zion Cemetery, the creation of programs that train youth to use hip hop as a means of developing design-career skills, or the creation of a series of murals that tell the history of the neighborhood. All will come directly from the expressed desires of local residents.

The project will meet the requirements and goals of the "Play the City" (NEA grant) by:

- Engaging residents through workshops and meetings to increase their hands-on understanding of the processes related to urban planning and development, allowing residents to implement skills learned through proposing and constructing alternative visions for the SIA, making visible their lived experience and engaging with the process to define the future of the neighborhood.
- Providing a foundation for innovative arts-related collaborations that will energize the area through art to define a new future and identity for the neighborhood
- Change the nature of discussions through community engagement and public participation
- Develop projects that will encourage a local sense of place and neighborhood identity

Outcomes

1. Increase civic engagement amongst residents within the SIA by engaging neighborhood associations, increasing civic knowledge, leadership development, and encouraging citizens to be involved in decision-making
2. Create stronger relationships between government, community organizations, and residents
3. Develop 3 art projects that will encourage a local sense of place and neighborhood identity
4. Foster innovative collaborations and partnerships
5. Inform City Council and Staff about specific needs in the SIA defined by residents
6. Greater understanding of the skills and knowledge in the SIA

Partnerships

City of Charlottesville

UVA Batten School of Public Policy

Piedmont Council for the Arts

Neighborhood Associations (Belmont, Fifeville, Ridge St.)

Charlottesville Redevelopment and Housing Association

Cville Tomorrow

Budget - CvilleCreates

Play the City – Year Two

Expenses			Income	
Admin	8000		Grants (ABRT, Kresge)	10000
Project Funds*	15000		Play the City - Committed	15000
Marketing	5000		CACF - Committed	10000
Events/Meetings	2000		Donor	3000
Printing	1500		In-kind - Committed	2000
Supplies	2000			
Documentation	3000			
Interns	2500			
PB Consult Fee	3000			
Total Expenses	45000		Total Income	45000

*Project funds, supported by the City provided matching grant funding, will go to support the three projects selected by residents for their neighborhood. Each project will receive \$5000 in funds and logistical/organizational support to see it implemented.

Public Artist Residency at the Bridge PAI

Jennifer Tidwell - NO WAKE

September 2015 to September 2016

Project Proposal

The Bridge is Charlottesville's creative hub, supporting art and design initiatives in the community that pushes cultural boundaries and directly impacts Charlottesville. Each year through its Public Artist program, The Bridge supports a local artist to create a work of art that engages the community through its production and presentation. For 2015-2016, The Bridge has selected Charlottesville-based theatre and performance artist Jennifer Hoyt Tidwell. In the spring of 2016, Jennifer will present a monthlong series of free public performances of a piece called NO WAKE at the IX building in downtown Charlottesville. This will consist of 3 public performances per week over 5 weeks. In addition, Jennifer is working with an accomplished team of artists and designers to create workshops that engage middle-school age children throughout the Charlottesville region.

NO WAKE explores the connection between personal and environmental denial, empathy and responsibility. NO WAKE is a light and dark epic concerning a widow whose grief is so enormous that she attempts to abandon her child and ends up causing a storm that tears their house from shore. As they are cast adrift they are faced with a series of challenges in order to survive and break down the walls of isolation between them. The performances will engage themes of responsibility, the paralysis of grief, the extent of denial, the challenge of empathy, and our relationships with the other. The production will encompass physical theater, performance installation, and filmmaking to attract a large, diverse audience to witness the free events.

Tidwell will construct NO WAKE as a collaboration with the local artist and performer communities, specifically PEP (Performers Exchange Project), composer Ted Coffey, artist Allyson Mellberg-Taylor, performer/teacher Sian Richards, screenwriter Martha Mendenhall, theatre artist Thadd McQuade, fight choreographer Marianne Kubik, dance choreographer Dinah Gray, and filmmakers Aaron Farrington and Stephen Thomas. Additionally, Tidwell will facilitate a series of three youth workshops to create props and scenery, allowing local residents to have a role in the project's construction. She will also engage young filmmakers from Light House in documenting and creating fictional films of the event.

Project Schedule

Before residency starts (June-August 2015)

Assembling team of collaborators
Fundraising

September/October/November 2015

Casting of actors and musicians
Beginning work with composer & choreographer
Script adaptation & shooting script
Pre-production and pre-rehearsal planning

November/December/January 2015-2016

Propmaking workshops at the Bridge
Work with children in juvenile detention
Casting call for extras, small crew roles

January/February/March 2016

Rehearsals & documentary shooting

March/April/May 2016

Performances/film production:

June/July/August/September 2016

Post-production editing
Presentation of very rough edit
Closing celebration

Program Goals

The Bridge is focused on creating opportunities that enhance the vibrancy of the community by bringing local artists and residents together. We do this because we believe that the arts are an important way to address local needs and celebrate the creative imagination of Charlottesville.

Our primary objective is for the city as a whole to recognize the value and importance of the arts. Whether through a social, economic, or cultural lens, we strive to show how the arts are core to a thriving city. The Public Artist program achieves these goals by placing an artist directly into the community to collaborate with local residents, businesses, and organizations.

At the same time, The Bridge is focused on investing in professional artistic projects. Through Public Artist, we make a significant financial and organizational contribution to seeing a major work of art realized in the city. This provides local artists with an unique opportunity dedicated to supporting their needs.

Budget

Expenses	Description	Budgeted \$
Personnel		
Public Artist / Director / Artistic Director	Jennifer Tidwell	\$10,000.00
Script Collaboration / Adaptation	Martha Mendenhall	\$2,000.00
Stage Manager & Line Producer	Lisa Eller	\$4,000.00
Lead Filmmaker 1	Aaron Farrington	\$4,000.00
Lead Filmmaker 2	Stephen Thomas	\$4,000.00
Asst. Director / Acting Coach	Sian Richards	\$2,000.00
Wave Bearer Choreographer (children's installation)	Dinah Gray	\$2,000.00
Dance-Fight Choreographer for theatre piece	Marianne Kubik	\$1,000.00
Composer / Recording of music & voiceover	Ted Coffey	\$2,000.00
Costumes	Allyson Mellberg-Taylor	\$2,000.00
Performers (7)		\$14,000.00
Technical Director, lighting design, sound engineer	Thadd	\$3,000.00
Other Expenses		
Materials & Misc	Fabric, hardware, etc.	\$3,000.00
Rehearsal space		InKind
Tent, tables and chair rental		\$5,000.00
Camera equipment rental	Camera(s) and lenses unless able to find for free	\$3,000.00
City licenses/permits/location fees	Serena to coordinate	\$500.00
Insurance rider	Necessary	\$800.00
Food/drink for tech rehearsals	Probably could get donated	\$500.00
Printing (scripts, schedules, contacts) & Supplies	Discounted through ALC?	\$500.00
	Total Expenses	\$63,300.00
Income	Sources	Budgeted

Cash		
Bridge (committed)	Play the City	\$15,000.00
Business Sponsors	Mall, Belmont & West Main Businesses	\$6,500.00
Private Donations (committed)	\$21,000 committed	\$210000
Grants	\$5,000 committed, \$3000 applied	\$8000
Earned Revenue (Ticket sales)	VIP tables/seats	\$12000.00
In Kind		
Rehearsal space	Kay Ferguson /inkind	\$0.00
Performance Venue	lx	\$0.00
	Total Income	\$63,500.00

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 16, 2016
Action Required:	Appropriate Grant Funds
Presenter:	Thomas von Hemert, Crisis Intervention Team Coordinator, Charlottesville Police Department
Staff Contacts:	Lieutenant. C. S. Sandridge, Charlottesville Police Department Sheriff James Brown, Charlottesville Sheriff's Office Maya Kumazawa, Budget & Management Analyst
Title:	Department of Criminal Justice Services (D.C.J.S.) Byrne Special Fund Grant- \$9,990

Background:

The Department of Criminal Justice Services has awarded the City of Charlottesville Crisis Intervention Team (C.I.T.) Program, a Byrne Special Fund Grant in the amount of \$9,490.00 with a \$500 local match required.

Discussion:

The Department of Criminal Justice Services has awarded a one-time Byrne Special Fund Grant to be used between January 1, 2016 and September 30, 2016. . These funds are to be used to bring a national speaker, Janine Driver, to the area for training that will benefit C.I.T. members, Law Enforcement, Rescue Squad, Fire Department, and other first responders. This training will provide verbal and non-verbal de-escalation techniques, communication and crisis negotiation skills, and reading body language techniques.

Alignment with Council Vision Areas and Strategic Plan:

This funding will support Goal 2 of the Strategic Plan, to be a safe, equitable, thriving, and beautiful community. This training aligns itself with the Objective 2.1, to provide an effective and equitable public safety system. The training will provide communication skills and other techniques. These are additional tools help to promote safe and favorable outcomes to difficult and often dangerous situations. In addition, the funding supports the Council Vision for a "Community of Mutual Respect."

Community Engagement:

N/A

Budgetary Impact:

The funds will be expensed and reimbursed to a Grants Fund. The matching \$500 funds will come from the C.I.T. operating budget.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

The alternative is to not approve this grant, consequently canceling the training.

Attachments:

N/A

APPROPRIATION

**Department of Criminal Justice Services, Byrne Special Fund Grant
Grant # 16-A3284BY11
\$9,990**

WHEREAS, the City of Charlottesville, through the Thomas Jefferson Area Crisis Intervention Team, has received from the Department of Criminal Justice Services, a Byrne Special Fund Grant, to be used for training.

WHEREAS, the grant award covers the period from period January 1, 2016 through September 30, 2016.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$9,990, received from the Department of Criminal Justice Services is hereby appropriated in the following manner:

Revenue

\$9,490	Fund: 209	Internal Order: 1900260	G/L: 430120 State/Fed Pass-Thru
\$ 500	Fund: 209	Internal Order: 1900260	G/L: 498010 Transfer from funds

Expenditure

\$9,990	Fund: 209	Internal Order: 1900260	G/L: 530010 Professional Services
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Transfer

\$500	Fund: 209	Internal Order: 1900225	G/L: 561209 Transfer to St Grant
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$9,490 from the Department of Criminal Justice Services.

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



Agenda Date:	February 16, 2016
Action Required:	Appropriation of Donations to Charlottesville Fire Department
Presenter:	Emily Pelliccia – Deputy Chief; Charlottesville Fire Department
Staff Contacts:	Emily Pelliccia – Deputy Chief; Charlottesville Fire Department
Title:	Donations for Training and Safety Initiatives - \$1,350

Background:

On occasion, the Charlottesville Fire Department receives unsolicited donations from companies and/or individuals. The department has received three such donations that total \$1,350. They are outlined below:

- 1) Peggy D. Berman (\$50)
- 2) Virginia Diodes, Inc. (\$1,000)
- 3) Charlottesville Area Community Foundation (\$300)

Discussion:

These funds will be utilized for training and safety initiatives for fire department personnel. In the coming months the Fire Department will be undertaking a major health and safety initiative to review our current practices for compliance with the National Fire Protection Agency's *Standard on Fire Department Occupational Safety and Health Program* (N.F.P.A. 1500). This review process will involve ensuring that our personnel have adequate physical fitness evaluation and training equipment. We have already identified certain pieces of equipment that are needed and these funds will be used to purchase that equipment.

Alignment with Council Vision Areas and Strategic Plan:

This request directly aligns with Goal 2 of the City's strategic plan to "be a safe, equitable, thriving community". Objective 2.1 is to "provide an effective and equitable public safety system" and as part of this the Fire Department has identified several specific measures aimed at protecting the lives

and health of Charlottesville Fire Fighters.

Community Engagement:

N/A

Budgetary Impact:

The funds will be appropriated into the Fire Department's operating budget in the General Fund.

Recommendation:

Staff recommends approval of this appropriation.

Alternatives:

The purpose of these donations is for the fire department to have benefit of these funds. The alternative to appropriating these funds is to return the funds to the individuals.

Attachments:

N/A

APPROPRIATION
Donations for Training and Safety Initiatives - \$1,350

- 1) Peggy D Berman (\$50)**
- 2) Virginia Diodes, Inc. (\$1,000)**
- 3) Charlottesville Area Community Foundation (\$300)**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$1,350, to be received as donations from the above donors, be appropriated in the following manner:

Revenues

\$1,350	Fund: 105	Internal Order: 2000115	G/L Account: 451999
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Expenditures - \$1,350

\$1,350	Fund: 105	Internal Order: 2000115	G/L Account: 599999
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CITY OF CHARLOTTESVILLE, VIRGINIA



Agenda Date:	Feb 16, 2016
Action Required:	Approval of Appropriation and Resolution
Presenter:	Kristel Riddervold, Environmental Sustainability Manager
Staff Contacts:	Kristel Riddervold, Environmental Sustainability Manager Lisa Robertson, Chief Deputy City Attorney
Title:	Proffer Appropriation and Donation to Stream Improvement Project - \$10,000

Background: The City of Charlottesville has received a payment of \$10,000 in accordance with a September 18, 2007 Proffer Statement for the Rialto Beach Planned Unit Development (PUD). The proffered development condition stated:

After final site plan approval, Owner/Applicant will pay up to \$10,000 towards Moore's Creek stream bank restoration within the Rialto Beach PUD, including the removal of the three bridge abutments within the existing right of way of Rialto Street, under the direction of the Virginia Department of Game and Inland Fisheries.

Discussion: Appropriation of these funds is consistent with the manner in which proffer payments are handled.

In September 2015, the Virginia Department of Game and Inland Fisheries issued a letter confirming the project need and basic plan, and informed us that they could bring additional funds to the project through a partnership approach. A local nonprofit watershed organization, the Rivanna Conservation Alliance (RCA), has been identified by the state as the eligible partner. Through a charitable contribution of the proffered funds to this local nonprofit, and based on an agreement provided to the City that the funds will be used by RCA solely for this project, the proffer money can be leveraged to achieve the desired outcome of stream improvements.

Alignment with City Council's Vision and Strategic Plan:

This request supports City Council's "Smart, Citizen-Focused Government" and "A Green City" visions. It contributes to the following goals/objectives in the City's Strategic Plan:

Goal 2: Be a safe, equitable, thriving and beautiful community
Objective 2.5. Provide natural and historic resources stewardship

Goal 4: Be a well-managed and successful organization
Objective 4.1: Align resources with the City's strategic plan.

Community Engagement: N/A

Budgetary Impact: The appropriation will enable these funds to be used to accomplish the project and will not negatively impact the Budget.

Recommendation: Staff recommends appropriation of the funds and approval of the accompanying Resolution.

Alternatives: If Council chooses not to proceed, the stream improvement cannot be pursued.

Attachments:

Appropriation

Resolution

APPROPRIATION

Proffer Payment for DGIF-Directed Stream Project on Moores Creek – \$10,000

WHEREAS, the current owner of the Rialto Beach PUD, Rialto Beach, LLC, has submitted a payment of \$10,000 in order to comply with the requirements of Proffer No. 2 of the proffered development conditions dated as of September 18, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$10,000 received from Rialto Beach, LLC is to be appropriated in the following manner:

Revenues - \$10,000

Fund: 631 Cost Center: 27110010000 G/L Account: 451999

Expenditures - \$10,000

Fund: 631 Cost Center: 27110010000 G/L Account: 530670

RESOLUTION

Donation to Support DGIF-Directed Stream Project on Moores Creek – \$10,000

WHEREAS, the City has received a payment in the sum of \$10,000, as a proffered development condition for the Rialto Beach Planned Unit Development, and

WHEREAS, the proffered development condition payment is to go towards a Moore's Creek stream bank restoration project, including the removal of the three bridge abutments within the existing right of way of Rialto Street, under the direction of the Virginia Department of Game and Inland Fisheries (DGIF) (the "Project"), and

WHEREAS, DGIF has confirmed its availability to undertake the Project, has established a proposed plan to accomplish the Project, and, is willing and able to contribute state funding for the Project if an eligible partner participates at the local level; and

WHEREAS, Rivanna Conservation Alliance (RCA) is a 501(c)(3) nonprofit watershed organization, a charitable institution whose mission includes providing services to citizens of the City of Charlottesville, and which has been created to provide the Charlottesville community with a set of tools and programs specifically designed to help clean and protect the Rivanna River and its tributaries, and RCA is prepared to work in partnership with DGIF to complete the Project, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that a charitable donation is hereby made to the Rivanna Conservation Alliance, in the amount of \$10,000 payable from cash proffer money received by the City and appropriated this same date to the Gas Fund, Environmental Sustainability Cost Center. The donation is made to support the Project described within this Resolution, and RCA will, upon request by the City, provide documentation reasonably necessary to confirm that the donation will be used to fund the Project; and

BE IT FURTHER RESOLVED that the City Manager is authorized to sign any applications, permits or other documents necessary to allow the Project to proceed.

[Passed on Feb. 16, 2016]

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



Agenda Date:	Match 7, 2016
Action Required:	Approve Appropriation of Funds
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:	Appropriation of Funds from C.A.T.E.C. to the C.A.T.E.C. – I.T. Networking Academy Project - \$10,000

Background: The City of Charlottesville has received a second check from the Charlottesville Albemarle Technical Education Center (C.A.T.E.C.) in the amount of \$10,000 to be used for design services associated with proposed facility renovations to accommodate the upcoming C.A.T.E.C. I.T. Networking Academy.

Discussion: The City of Charlottesville Facilities Development Division is overseeing the C.A.T.E.C. – I.T. Networking Academy Project. V.M.D.O. Architects was contracted to design the project and preliminary design is nearly complete.

Initial funding for this project is from the City’s Government Lump Sum account and the \$10,000 check from C.A.T.E.C. will replenish these funds.

Alignment with Council Vision Areas and Strategic Plan: This project supports City Council’s “Smart, Citizen-Focus 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 City’s strategic plan”.

Community Engagement: N/A

Budgetary Impact: The funds will be appropriated into the C.A.T.E.C. – I.T. Networking Academy Project Account in the Capital Improvement Program Fund (P-00881-09).

Recommendation: Staff recommends approval and appropriation of the funds.

Alternatives: N/A

Attachments: N/A

APPROPRIATION.

**Appropriation of Funds from C.A.T.E.C. to the C.A.T.E.C. – I.T. Networking Academy
Project Account: \$10,000**

WHEREAS, C.A.T.E.C. has made a contribution to the C.A.T.E.C. – I.T. Networking Academy Project in the amount of \$10,000 originating from C.A.T.E.C.’s Contingency Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that \$10,000 from C.A.T.E.C. is to be appropriated in the following manner:

Revenues - \$10,000

Fund: 426 Funded Program: CP-016 (P-00881-09) G/L Account: 432900

Expenditures - \$10,000

Fund: 426 Funded Program: CP-016 (P-00881-09) G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	March 7, 2016
Action Required:	Appropriation
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation Brian Daly, Parks and Recreation Maya Kumazawa, Budget and Management Analyst
Title:	Department of Conservation and Recreation Recreational Trail Grant for Construction of Meadow Creek Bridges - \$175,000

Background:

The City of Charlottesville, through Parks and Recreation, has received an award from the Virginia Department of Conservation and Recreation in the amount of \$140,000 to assist with efforts to construct two bicycle and pedestrian bridges over Meadow Creek. The City will match this project in the amount of \$35,000 from the Meadow Creek Valley Master Plan Implementation Fund for a total appropriation of \$175,000.

Discussion:

The City of Charlottesville has completed a bicycle, pedestrian and trail master plan that includes a bike/pedestrian commuter trail along Meadow Creek between Greenbrier Park and Meadow Creek Gardens. The portion near Brandywine Drive and the Senior Center requires construction of two bridges. The City applied for and has been awarded the funding to assist with design and construction of the bridges.

Alignment with City Council's Vision and Strategic Plan:

Construction of these trail bridges will further council goals of being a Connected City and a Green City by providing a critical bicycle and pedestrian trail portion of the developing greenway system, which will reduce dependence on automotive travel and associated pollution. Additionally, this project supports Strategic Plan Goal 2: Be a safe, equitable, thriving and beautiful community.

Community Engagement:

The bicycle, pedestrian and trail master plan and the Meadow Creek Valley Park Master Plan were developed with multiple public meetings and were both approved by City Council.

Budgetary Impact:

There is no impact on the General Fund. Grant award is for \$140,000, with a local match of \$35,000 from P-00817 the Meadow Creek Valley Master Plan Implementation fund which makes the total appropriation \$175,000.

Recommendation:

Staff recommends appropriation of grant funds.

Alternatives:

If grants funds are not appropriated, the Parks Department will need to find another source for the money, or make a CIP request through the general fund, and the project will be delayed by at least one year. Without assistance from this grant program, more local dollars will have to be expended in order to construct the trail, leaving less money for other improvements to the park.

Attachments:

Grant award letter from Virginia Department of Conservation and Recreation

APPROPRIATION

**DCR Recreational Trails Grant for Construction of Trail bridges over Meadow Creek
\$175,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$140,000 from the Virginia Department of Conservation and Recreation to construct two bicycle and pedestrian bridges along Meadow Creek; and

WHEREAS, the City will match this grant in the amount of \$35,000 which will come from the Meadow Creek Valley Master Plan Implementation fund (P-00817) account.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$175,000 is hereby appropriated in the following manner:

Revenue

\$140,000	Fund: 426	WBS: P-00891	G/L Account: 430120
\$ 35,000	Fund: 426	WBS: P-00891	G/L Account: 498010

Expenditures

\$175,000	Fund: 426	WBS: P-00891	G/L Account: 599999
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Transfer From

\$35,000	Fund: 426	WBS: P-00817	G/L Account: 561426
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$140,000 from the Virginia Department of Conservation and Recreation.

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



Agenda Date:	March 7, 2016
Action Required:	Appropriation of Grant Funds
Presenter:	Hollie Lee, Chief of Workforce Development Strategies
Staff Contacts:	Hollie Lee, Chief of Workforce Development Strategies Juwhan Lee, Assistant Transit Manager - Operations
Title:	Piedmont Workforce Network Incumbent Worker Training Grant for Charlottesville Area Transit (CAT) Customer Service Training - \$3,010

Background:

The City of Charlottesville, through the Office of Economic Development (OED) and in partnership with Charlottesville Area Transit (CAT) has received a matching grant up to \$1,505 from Piedmont Workforce Network (PWN) in order to provide workforce development training to 85 incumbent Transit Operators. The grant requires a 1:1 match of local/employer dollars, with funding being used for an initial phase of customer service training that will allow CAT to train up its existing staff, thus improving rider satisfaction and overall transit operations. It is proposed that funding from CAT's operating budget, specifically funds allocated for in-service training, be used to provide the match up to \$1,505. CAT is required to pay the training provider (Piedmont Virginia Community College (PVCC)) for the entire cost of training (\$3,010) upon completion of training and then request reimbursement for 50 percent of the training cost (\$1,505) from PWN.

Discussion:

In July 2013, the City's Strategic Action Team on Workforce Development (SAT) issued a report to City Council entitled, *Growing Opportunity: A Path to Self-Sufficiency*. Since this time, numerous initiatives have been undertaken to help low-income residents achieve self-sufficiency by increasing assets (training and education) and reducing barriers (childcare, transportation, housing, etc.) related to employment. In recent months, the City's workforce development efforts have expanded to include a focus on local employers and ensuring that their incumbent/existing employees have the knowledge, skills, and abilities that they need to be successful on the job and strengthen business operations.

As a local employer and primary partner in the GO Driver pre-employment training program that trains City residents to become bus drivers, CAT recently expressed an interest to the OED in having in-service training for its Transit Operators focusing on customer service. CAT strives to offer excellent customer service to all of its riders, but in recent months, the number of customer complaints has increased, thus prompting a need for driver retraining. As a result, the OED worked with CAT staff to submit an application to PWN for an incumbent worker training matching grant to

help subsidize the cost of training. This application has been approved by PWN and an award letter has been given to the City.

The OED also worked with CAT to engage PVCC and develop a customer service training curriculum based on the same curriculum that is currently being used in GO Driver, as CAT drivers who have gone through this training tend to offer better customer service to riders and receive fewer customer complaints. This training will consist of seven, two and half hour customer service workshops on Saturdays and Sundays between February 21, 2016 and March 13, 2016. Each workshop will be comprised of approximately 15 to 17 incumbent bus drivers (about 85 drivers in total), with different individuals in each session. Content will include topics such as: Focus on Customer Service Success, Benefits of Excellent Service, Professionalism under Pressure, and Dealing with Difficult Customers. The format for the class will be interactive, with real life scenarios based on actual customer complaints (provided by CAT management) and role playing.

Alignment with Council Vision Areas and Strategic Plan:

This effort supports City Council's "Economic Sustainability" vision and aligns directly with the SAT's *Growing Opportunity* report that was approved by City Council in 2013.

It also contributes to the following goals and objectives in the City's Strategic Plan:

Goal 4: Be a well-managed and successful organization

- Objective 4.2: Maintain strong fiscal policies
- Objective 4.3: Recruit and cultivate quality employees

Goal 3: Have a strong diversified economy

- Objective 3.1: Develop a quality workforce

Goal 1: Enhance the self-sufficiency of our residents

- Objective 1.1: Promote education and training

It aligns with Chapter 3 on Economic Sustainability in the Comprehensive Plan, and more specifically Goal 6, which focuses on workforce development and being an effective partner in creating a well-prepared and successful workforce.

Community Engagement:

Like practically all of the City's workforce development initiatives, this effort requires partnerships with numerous community partners, specifically Piedmont Workforce Network, which is providing the matching grant and Piedmont Virginia Community College, which is providing the customer service training. Additionally, the end result of this incumbent worker training will be of great benefit to the community, which will have an improved rider experience.

Budgetary Impact:

The required match of \$1,505 will come from already budgeted education and training funds in the CAT's operating budget.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grant funds are not appropriated, more City dollars will have to be used to pay for the customer service training.

Attachments:

- Incumbent Worker Training Funds Application
- Incumbent Worker Training Funds Award Letter from PWN

APPROPRIATION
Piedmont Workforce Network Incumbent Worker Training Matching Grant
\$3,010

WHEREAS, the City of Charlottesville has received federal pass-through funds from the Workforce Development Act administered by Piedmont Workforce in the amount of \$1,505, and a 50% in-kind local match is also required provided by Charlottesville Area Transit through operating funds; and

WHEREAS, the funds will be used to support workforce development training programs; and

WHEREAS, the grant award covers the period from February 19, 2016 through March 17, 2016;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$3,010 is hereby appropriated in the following manner:

Revenue – \$1,505

\$1,505 Fund: 245 IO: 2200006 G/L: 432080 Rev Other Local Gov.

Expenditures - \$3,010

\$3,010 Fund: 245 IO: 2200006 G/L: 530210 Education & Training

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,505 from Piedmont Workforce.



Piedmont Workforce Network
Incumbent Worker Training Funds Application

Section 1: Company Information

Parent or Corporate Name of Applying Company (As Listed on IRS W9 Form):		City of Charlottesville			
Physical Address:	610 E. Market Street				
City:	Charlottesville	State:	VA	Zip:	22902
P.O. Box Address:	P.O. Box 911				
City:	Charlottesville	State:	VA	Zip:	22902
Company Name, if Different:	Charlottesville Area Transit				
Physical Address:	1545 Avon Street Ext.				
City:	Charlottesville	State:	VA	Zip:	22902
P.O. Box Address:					
City:		State:		Zip:	

Company Contact:	Juwhan Lee	Title:	Assistant Transit Manager - Operations
Phone:	434-970-3892	Email:	leej@charlottesville.org

Federal I.D. No.:	54-6001202	Date Business Began in Area:	1975
Number of Full-Time Workers:	61	Number of Part-Time Workers:	41
Tax Status of Business:	<input type="checkbox"/> For-Profit <input type="checkbox"/> Not-For-Profit (Designation) <input checked="" type="checkbox"/> Other: Government		
Legal Structure of Business:	<input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Corporation <input checked="" type="checkbox"/> Government		
Is your company current on all Federal, State of Virginia, County, City and Local Tax Obligations?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Is your company receiving and/or applying for other public training funds?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, explain:		
Does your company have an equal opportunity/non-discrimination policy in place?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is your company subject to a collective bargaining agreement?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<i>If yes, and if union represented employees will be participating in the training activities of this program, it is required that consent be obtained from the representing union to collect the eligibility data from the employees PRIOR to funding approval.</i>		
Is your company willing to provide project outcome information to the Piedmont Workforce Network?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
This company is: (check all applicable)	<input type="checkbox"/> Native-American Owned <input type="checkbox"/> African-American Owned <input type="checkbox"/> Hispanic-American Owned	<input type="checkbox"/> Asian-American Owned <input type="checkbox"/> Woman Owned <input type="checkbox"/> Other Minority Owned _____
Please provide a brief description of your business, product(s), and/or service(s): CAT is the primary provider of general public fixed-route transit services in the Charlottesville, VA region. CAT currently provides 12 daytime local fixed bus routes and four evening local fixed bus routes, all of which are open to the public. Service is provided seven days per week, with most services operating on weekdays and Saturdays beginning around 6:30 AM and ending between around 6:00 PM and 11:30 PM. CAT also operates limited Sunday service on its two highest ridership routes, Route 7 and the Free Trolley, which connect some of the area's strongest commercial and employment destinations between downtown, the University of Virginia (UVA), and along Route 29. CAT's fixed-route services are complemented by those of University Transit Services (UTS), which provides primarily fixed-route services in the vicinity of UVA, and JAUNT, Inc., which provides demand-responsive service within the Charlottesville region, including CAT's ADA complementary paratransit services, as well as several fixed routes.		

Section 2: Training Funds Requested

Training Funds Requested:	\$1,505.00
Number of Employees to be Trained:	85
Proposed Training Start Date:	Sunday, February 21, 2016
Anticipated Training End Date: <i>(Maximum of 12 months from proposed start date)</i>	Sunday, March 13, 2016

Section 3: Training Provider Information

(attach additional sheets, if necessary)

Training Provider(s) will be:	<input checked="" type="checkbox"/> Public Training Institution <input type="checkbox"/> Private Training Institution <input type="checkbox"/> Company Instructor	
Training will be Delivered:	<input checked="" type="checkbox"/> On-site at the Business <input type="checkbox"/> At the Training Institution <input type="checkbox"/> At a Remote Location	
Training Provider:	Piedmont Virginia Community College Workforce Services	
Contact Name:	Kathy Reid	Phone: 434-961-5330
Physical Address:	501 College Drive	
City:	Charlottesville	State: VA Zip: 22902

Section 4: Training Project Information

Provide a brief description of the anticipated training project. Please be sure to include the following information in your description:

CAT strives to offer excellent customer service to all of its riders. In recent months however, the number of customer complaints has increased, thus prompting a need for driver retraining. CAT recently purchased a customer service training curriculum that it would like to begin rolling out in the coming months. The proposed customer service training through PVCC for permanent and relief transit operators (i.e., bus drivers) will help set the foundation for this curriculum.

This training will consist of seven, two and half hour customer service workshops on Saturdays and Sundays between February 21, 2016 and March 13, 2016. (Session times are below.) Each workshop will be comprised of approximately 15 to 17 incumbent bus drivers (about 85 drivers in total), with different individuals in each session. The starting wage for a CAT bus driver is \$15.18 per hour. Content will include topics such as: Focus on Customer Service Success, Benefits of Excellent Service, Professionalism under Pressure, and Dealing with Difficult Customers. The format for the class will be interactive, with real life scenarios based on actual customer complaints (provided by CAT management) and role playing. This is based on curriculum that is currently being used in the City's Growing Opportunity (GO) workforce development training programs. On average, CAT drivers who have gone through this training (GO Driver) tend to offer better customer service to riders, receiving fewer customer complaints.

Sunday, February 21 st	Saturday, February 27 th	Sunday, February 28 th	Sunday, March 13 th
10:00am – 12:30pm 1:00pm – 3:30pm	10:00am – 12:30pm	10:00am – 12:30pm 1:00pm – 3:30pm	10:00am – 12:30pm 1:00pm – 3:30pm

Outcomes of the training that will be tracked by CAT include:

- # of transit operators completing training and receiving a certificate of completion from PVCC
- Decrease in customer complaints by 5%
- Launch of CAT customer service curriculum by July 1, 2016

Section 5: Training Program Budget

This section must be completed to show use of proposed training funds and employer match contributions. **Please provide specified training information and itemize completely.**

A. Budget Category	B. Requested Funds	C. Employer Contribution	Sub-Total (B+C)
Non-Company Instructor Fees or Tuition Costs			
PVCC Customer Service	\$1,505.00	\$1,505.00	\$3,010
Training (\$430/2.5 hr training session – 7 sessions total)			
Training Related Rentals (facilities, equipment, tools, etc.)			
Onsite at CAT			\$0.00
Materials/Supplies/Textbooks			
Included in PVCC Training Costs			\$0.00
Other Costs (Describe)			
None			\$0.00
Training Equipment Purchase			
None	Incumbent Worker Training Funds Cannot be Used		\$0.00
Travel/Food/Lodging For Instructor(s) Only			
None			\$0.00
Trainee Wages (Including Benefits)			
85 Transit Operators @ \$15.18/hour for 2.5 Hours of Training	Incumbent Worker Training Funds Cannot be Used	\$3,225.75	\$3,225.75

Section 6: Incumbent Worker Training Assistance

Indicate which condition would be addressed by the application.
 (Check all that apply; at least one must be identified for funding consideration)

	Declining Sales
	Supply Chain Issues
	Adverse industry market trends
	Changes in management behavior or ownership
X	Phasing out certain function, introducing new functions/lines that require worker retraining
X	Required skill changes that would otherwise require downsizing, layoffs, etc. if not addressed

Section 7: Training Plans

Please indicate what employees will learn as a result of the training to be provided to include subject area(s), number of hours of training each, etc.

The proposed training will consist of seven, two and a half hour customer service workshops on Saturdays and Sundays between February 21, 2016 and March 13, 2016. Each workshop will be comprised of approximately 15 to 17 incumbent bus drivers (about 85 drivers in total), with different individuals in each session. Content will include topics such as: Focus on Customer Service Success, Benefits of Excellent Service, Professionalism under Pressure, and Dealing with Difficult Customers. The format for the class will be interactive, with real life scenarios based on actual customer complaints (provided by CAT management) and role playing. This is based on curriculum that is currently being used in the City's Growing Opportunity (GO) workforce development training programs. On average, CAT drivers who have gone through this training (GO Driver) tend to offer better customer service to riders, receiving fewer customer complaints.

Signature and Certification

By my signature, I verify the information in this application is accurate to the best of my knowledge and I have the authority to submit this application on behalf of the named employer.

Signature:		Date:	02/16/2016
Name:	Juwhan Lee		
Phone/email:	leej@charlottesville.org		

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



Agenda Date:	March 7, 2016.
Action Required:	Approval of Resolution Authorizing Interior Renovations to Virginia Discovery Museum Building.
Presenter:	Christopher V. Cullinan, Director of Finance.
Staff Contacts:	Lance Stewart, Assistant Public Works Director. Leslie Beauregard, Assistant City Manager.
Title:	Virginia Discovery Museum Interior Renovations, 524 E. Main Street.

Background:

The City of Charlottesville owns the property at 524 E. Main Street on the Downtown Mall. The City leases this property to the Virginia Discovery Museum (VDM). The current lease expires on June 30, 2016 (“Current Lease”). (Staff and VDM plan to return to Council in May or early June 2016, to request Council’s consideration of a lease for a new term of July 1, 2016 through June 30, 2021).

In celebration of its 25th Anniversary, VDM received a \$35,000 grant from the Building Goodness Foundation to update flooring, ceiling, lighting and paint in the front gallery space. These improvements to the Museum will increase the impact of the entire front gallery through new exhibits and programming. In addition, Bama Works Fund of Dave Matthews Band has generously donated \$24,000 to develop a Sound and Music Studio in the small program room in the back gallery. These efforts are essential to support the Museum’s mission to foster intellectual curiosity and development for all children in the community. Due to the extensive nature of the renovations, the museum would be closed to the public during construction.

The Current Lease contemplates that VDM may make improvements and alterations to the premises; however, it specifies that “*Any alterations, additions and improvements to the Premises must be approved by Landlord prior to the commencement of construction....*” The purpose of this agenda item is to establish a process by which VDM may obtain the City’s approval. The renovations would be completed during the month of April.

Discussion:

Attached is a resolution that would empower the City Manager to approve the final details of the proposed renovations.

Alignment with Council Vision Areas and Strategic Plan:

This request supports Goals 3.4 (Promote Tourism) and 5.2 (Build Collaborative Partnerships).

Budgetary Impact:

This proposal has no adverse impact on the City’s finances.

Recommendation:

Staff recommends approval of the attached Resolution.

Alternatives:

Council may decline to allow the requested improvements, or may propose alternative terms and conditions of approval.

Attachments:

Proposed Resolution.

RESOLUTION
Authorizing Interior Renovations to Virginia Discovery Museum Building

WHEREAS, the Virginia Discovery Museum (“Museum”) is located at 524 E. Main Street, a property owned by the City of Charlottesville (“Premises”); and

WHEREAS, the Premises are leased to the Virginia Discovery Museum, Inc. (“Tenant”) by the City (“Landlord”), pursuant to a written lease made between the parties as of April 8, 2011 (“Lease”); and

WHEREAS, the Tenant proposes certain interior alterations and renovations of the Premises, and seeks to obtain the Landlord’s approval prior to commencement of construction, as required by Section 3 of the Lease;

NOW THEREFORE, BE IT RESOLVED by the Charlottesville City Council that the City Manager is hereby authorized to act on behalf of the Landlord to approve the details of Tenant’s proposed interior alterations, additions and improvements, subject to the following:

1. The improvements shall not involve changes to any structural building elements.
2. Tenant shall submit its proposed plans for such alterations, additions and improvements to the City Manager or his designee, for review prior to submitting any such plans to the building official.
3. As a condition of approval, the City Manager, or his designee, may direct such changes to the scope of work and drawings which, in his sole discretion, are necessary for the protection of the City’s interest in the Premises.
4. Following receipt of the City Manager’s approval, the Tenant may submit the approved plans to the building official as part of a building permit application.
5. In addition to any inspection(s) required or performed by the City’s building official, an employee of the City’s Public Works Department shall have the authority to inspect the Tenant’s work in progress for deviations from the approved construction plans.
6. The Tenant shall notify the City’s Public Works Department in the event of unforeseen circumstances which may require deviation from the approved construction plans, or that may threaten the health or safety of occupants. The City shall review proposed solutions, and the City Manager must approve any subsequent alteration to the scope of work.

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



Agenda Date:	March 7, 2016
Action Required:	Approval of Refund of Tax Payment
Presenter:	Jason Vandever, City Treasurer
Staff Contacts:	Jason Vandever, City Treasurer Todd Divers, Commissioner of the Revenue
Title:	Refund of Tax Payment to St. Anne's Belfield School

Background:

In November of 2015 St. Anne's Belfield School requested a review of the taxable status of its vehicles garaged in the City of Charlottesville. The Commissioner of the Revenue reviewed the account and relevant state statutes and determined that the property is exempt under Article X, Section 6(a)(4), which exempts "property owned by...institution of learning not conducted for profit, so long as such property is primarily used for literacy, scientific, or educational purposes." The Commissioner's exoneration results in the refund of taxes for 2012-2015 paid by the school.

Discussion:

City Code requires Council approval for any tax refunds resulting from an erroneous assessment in excess of \$2,500 (City Code Sec. 30-6b). Payment of interest is required in accordance with Code of Virginia 58.1-3918. The refund has been approved for presentment to Council by the City Attorney, Commissioner of the Revenue, and City Treasurer.

Alignment with City Council's Vision and Strategic Plan:

n/a

Community Engagement:

n/a

Budgetary Impact:

The refund will reduce current year Personal Property Tax revenue by \$31,014.86 (GL 400010) and Interest revenue by \$3,201.34 (GL 400120), for a total revenue reduction of \$34,216.20.

Recommendation:

Approval of the refund.

Alternatives:

n/a

Attachments:

Tax and Interest Calculation
Council Resolution

Refund Interest Calculation- St. Anne's Belfield School							
<u>Payment</u>	<u>Paid</u>	<u>Today</u>	<u>Months</u>	<u>Rate</u>	<u>Annualized Refund</u>	<u>Payment Made</u>	<u>Refund Due</u>
2015 2nd half	\$ 4,717.12	2/5/2016	2	10.00%	\$ 471.71	\$ 4,717.12	\$ 78.62
2015 1st half	\$ 4,054.27	2/5/2016	8	10.00%	\$ 405.43	\$ 4,054.27	\$ 270.28
2014 2nd half	\$ 4,023.32	2/5/2016	14	10.00%	\$ 402.33	\$ 4,023.32	\$ 469.39
2014 1st half	\$ 3,704.14	2/5/2016	20	10.00%	\$ 370.41	\$ 3,704.14	\$ 617.36
2013 2nd Half	\$ 3,971.03	2/5/2016	26	10.00%	\$ 397.10	\$ 3,971.03	\$ 860.39
2013 1st Half	\$ 3,394.88	2/5/2016	32	10.00%	\$ 339.49	\$ 3,394.88	\$ 905.30
2012 2nd Half	\$ 3,575.05	2/5/2016	38	10.00%	\$ 357.51	\$ 3,575.05	\$ 1,132.10
2012 1st Half	\$ 3,575.05	2/5/2016	44	10.00%	\$ 357.51	\$ 3,575.05	\$ 1,310.85
Interest Refund Due							\$ 3,201.34

Interest Refund	\$ 3,201.34
Tax Refund	\$ 31,014.86
Total Refund	\$ 34,216.20

RESOLUTION
AUTHORIZING REFUND TO ST. ANNE’S BELFIELD SCHOOL
OF PERSONAL PROPERTY TAXES PAID FOR 2012-2015

WHEREAS, the personal property for St. Anne’s Belfield (the “Property”) was erroneously assessed for calendar years 2012-2015; and

WHEREAS, the personal property taxes for the Property for the calendar years 2012-2015 were paid on time and as billed; and

WHEREAS, the City Commissioner of the Revenue has certified that the personal property tax assessments for 2012-2015 was erroneous as a result of tax exempt property being reported as taxable, and determined that St. Anne’s Belfield School, owner of the Property, is due a refund of \$31,014.86 plus interest in the amount of \$3,201.34; and

WHEREAS, City Code Section 30-6(b) requires City Council approval for any tax refund exceeding \$2,500.00, and payment of interest is required in accordance with Virginia Code Section 58.1-3918; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Council hereby authorizes the City Treasurer to issue a refund of \$34,216.20, representing \$31,014.86 in overpaid taxes and \$3,201.34 in interest, payable to St. Anne’s Belfield School.

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



Agenda Date:	March 7, 2016
Action Required:	Passage of Resolution to VDOT for street maintenance funding
Presenter:	Marty Silman, City Engineer
Staff Contacts:	Marty Silman, City Engineer
Title:	Resolution request to VDOT for street maintenance funding

Background: The City of Charlottesville maintains all publicly accepted streets within the City limits and receives annual maintenance payments from VDOT for those streets that are also accepted by VDOT.

Discussion: Staff is undergoing an effort to identify any streets that have not formally been accepted by VDOT into their maintenance payment system. One requirement is that the City Council must pass a resolution requesting that VDOT accept a street(s) into their system for maintenance funding. The attached resolution indicates the streets which are being requested for VDOT acceptance at this time. Resolution is due to VDOT by April 1st, 2016.

Budgetary Impact: If the streets meet minimum VDOT criteria, they may be accepted into VDOT's inventory and the City will receive maintenance payments on an annual basis. This additional funding will offset the costs associated with maintaining City streets.

Recommendation: Staff recommends passing the resolution so that the City can continue to pursue VDOT acceptance for maintenance funding of streets that are not currently in the VDOT inventory.

Attachments: Resolution

**RESOLUTION
MAINTENANCE PAYMENTS FOR CITY STREETS**

WHEREAS, it is necessary that a resolution be adopted by the City of Charlottesville Council requesting the Virginia Department of Transportation to accept streets in the City of Charlottesville for maintenance payments, namely the following:

1. Amherst Commons (0.0648 miles) from Amherst Street cul-de-sac to dead end
2. Bing Lane (0.0809 miles) from Rainier Road to Rainier Road
3. Brookwood Lane (0.0405 miles) from Brookwood Drive to Raymond Road
4. Hillsdale Drive (0.1091 miles) from Hydraulic Road to dead end
5. Kelsey Court (0.0449 miles) from Madison Avenue to dead end
6. Keystone Place (0.0549 miles) from Linden Avenue to cul-de-sac
7. Locust Lane (.0559 miles) from Locust Lane to end of road
8. Morris Paul Court (0.0095 miles) from Westerly Avenue to cul-de-sac
9. Rainier Road (0.4687 miles) from Cherry Ave to intersection with itself including loop at SW corner
10. Riverdale Drive (0.0871 miles) from East High Street to Willow Drive
11. Roy's Place (0.1009 miles) from Rougemont Avenue to end of road
12. Tripper Court (0.0449 miles) from Madison Avenue to dead end
13. East Water Street (0.3507 Miles) from 10th Street NE to Carlton Road

WHEREAS, the Virginia Department of Transportation has agreed to accept these streets, or portions thereof, into the State system of roadways, and

WHEREAS, said streets have a total centerline length of 1.7380 miles;

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Charlottesville, Virginia, this 7th day of March 2016, that the Virginia Department of Transportation be, and hereby is, requested to accept these streets and authorize maintenance payments on a lane mile basis.

ADOPTED this 7th day of March, 2016.

Paige Rice, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 16, 2016
Action Required:	Approval of Ordinance (1 st reading)
Presenter:	S. Craig Brown, City Attorney
Staff Contacts:	Lisa A. Robertson, Chief Deputy City Attorney
Title:	Easement to Cure Encroachment – Inn at Vinegar Hill Hotel

Background: The Inn at Vinegar Hill, LLC is close to completion of construction of a hotel at the intersection of West Main Street and Ridge-McIntire Road. It was recently discovered that the building footprint on the Ridge-McIntire side encroaches into the City right-of-way (sidewalk area) approximately 3 inches for a distance of approximately 24 feet, as shown on the attached plat. The owner has asked the City to grant a permanent easement to resolve the encroachment issue, thereby allowing them to obtain a certificate of occupancy for the hotel when construction is complete.

Discussion: The City Engineer and the Neighborhood Development Services staff have reviewed the plat and have no objection to granting the proposed easement. The encroachment of the building does not affect the use of the sidewalk along the building, and does not have any other detrimental impact on the City's use of the right-of-way.

Alignment with Council Vision Areas and Strategic Plan: Approval of this item aligns with the City Council Vision for Economic Sustainability, and supports Goal 3 of the Strategic Plan by supporting a new local business.

Community Engagement: In accordance with Virginia Code Sec. 15.2-1800(B), a public hearing will be held to give the public an opportunity to comment on the proposed conveyance of the easement.

Budgetary Impact: There is no budgetary impact. The property owner is paying all expenses incurred in preparing the deed of easement and the plat.

Recommendation: Staff recommends approval of the ordinance to grant the easement.

Attachments:

- Request letter from Owner
- Ordinance
- Deed of Easement with Plat attached

WILLIAMS MULLEN

Direct Dial: 434.951.5709
vlong@williamsmullen.com

February 9, 2016

The Honorable Mayor Mike Signer
The Honorable Charlottesville City Council Members
605 East Main Street
Charlottesville, VA 22902

Re: Marriott Residence Inn Hotel at 315 W. Main Street

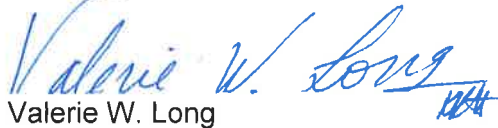
The Honorable Mayor Signer and Members of City Council:

On behalf of our client The Inn at Vinegar Hill, LLC, the owner and developer of the Marriott Residence Inn Hotel under construction at 315 W. Main Street (the "Owner"), we have worked with the City Attorney's office on a proposed Deed of Easement between the City and the Owner that would permit a minor encroachment of a three-inch portion of the building into the sidewalk along Ridge McIntire Road. Given the extremely small size of the encroachment, and that it does not have a material impact on the use of the sidewalk, we respectfully request the Council's consideration and approval of the proposed Easement.

As the final elements of the construction of the hotel are completed in the coming weeks, the Owner looks forward to providing additional lodging opportunities for visitors and guests to our City in the heart of downtown.

Thank you for your consideration of this request. Should you have any questions, or if there is any additional information that I can provide in connection with the request, please do not hesitate to contact me at 951-5709.

Sincerely,


Valerie W. Long

cc: Charles H. Wendell, The Inn at Vinegar Hill, LLC

30274751_1.docx



**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF A PERMANENT EASEMENT
TO INN AT VINEGAR HILL, LLC ACROSS THE
PUBLIC RIGHT-OF-WAY ON RIDGE-McINTIRE ROAD**

WHEREAS, the Inn at Vinegar Hill, LLC has requested this Council to grant a permanent easement, as shown on the attached plat, across public right-of-way on Ridge-McIntire Road to cure an existing encroachment of the hotel building located at the intersection of West Main Street and Ridge-McIntire Road (Tax Map Parcel 320198000); and

WHEREAS, the Director of Neighborhood Development Services and the City Engineer have reviewed the plat showing the encroachment area, and determined there is no apparent detrimental effect of the encroachment into the City right-of-way, and recommend approval of the request to grant the easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held on February 16, 2016, to give the public an opportunity to comment on the possible conveyance of said easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of easement, in form approved by the City Attorney, granting the above-described easement to the Inn at Vinegar Hill, LLC.

*Prepared by: Valerie W. Long, Esq.
Williams Mullen, PC
321 East Main Street, Suite 400
Charlottesville, VA 22902*

*Return to:
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902
Tax Map Reference No. 320198000*

DEED OF EASEMENT

THIS DEED OF EASEMENT is made as of this _____ day of February, 2016, by the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, Grantor, and **THE INN AT VINEGAR HILL, LLC**, a Virginia limited liability company, Grantee.

WITNESSETH

WHEREAS, the Grantee is the owner of the following described tract or parcel of land lying and being situate in the City of Charlottesville, being more particularly described on Exhibit A, attached hereto and by this reference incorporated herein, and having a street address of 315 West Main Street (the "Hotel Property").

WHEREAS, the Grantor is the owner of certain public right-of-way adjacent to the Hotel Property, identified as Ridge McIntire Road; and

WHEREAS, the Grantee obtained the City's approval of a site plan authorizing development of the Hotel Property, and a building permit authorizing the construction of a building immediately adjacent to the right-of-way along Ridge McIntire Road (the "Building"), and the construction of the Building is nearly complete; and

WHEREAS, Grantee has determined that a portion of the Building, comprising a total of 2.81 square feet, encroaches 0.24' over the property line of the Hotel Property into the public right-of-way along Ridge McIntire Road, in the area shown as "Building Encroachment Easement" on the plat prepared by Lincoln Surveying entitled "Plat Showing Building Encroachment Easement, Tax Map 32, Parcel 198, Along Ridge McIntire Road, Charlottesville, Virginia," which plat is dated February 3, 2016, and is attached hereto and incorporated herein (the "Plat"); and

WHEREAS, the Grantor has agreed to convey a permanent easement to the Grantee to permit the minor encroachment of the Building into the public right-of-way as shown on the Plat in perpetuity, subject to the provisions of Virginia Code Sec. 15.2-2009;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, Grantor does hereby GRANT and CONVEY unto the Grantee a perpetual building encroachment easement for the area shown as “Building Encroachment Easement” on the Plat. The easement shall run with the land described herein as the Hotel Property, and shall be binding on Grantor, its successors and assigns.

This deed is exempt from state recordation taxes imposed by Virginia Code Section 58.1-802 pursuant to Virginia Code Section 58.1-811(C)(3).

By ordinance approved on _____, 2016, the Charlottesville City Council authorized the Mayor to execute on behalf of the City this deed conveying the above-described easement.

[SIGNATURE PAGE FOLLOWS]

WITNESS the following signatures and seals:

Grantor: **CITY OF CHARLOTTESVILLE, VIRGINIA**

By: _____
Michael Signer, Mayor

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City and State, on this ____ day of _____, 2016, by Michael Signer, Mayor of the City of Charlottesville, Virginia.

Notary Public

Registration #: _____

My commission expires: _____

Grantee: **THE INN AT VINEGAR HILL, LLC**

By: _____
Charles H. Wendell, Manager

STATE OF _____
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City/County and State, on this _____ day of _____, 2016, by Charles H. Wendell, as Manager, on behalf of The Inn at Vinegar Hill, LLC.

Notary Public

Registration #: _____
My commission expires: _____

Approved as to Form:

Lisa A. Robertson, Chief Deputy City Attorney

EXHIBIT A

PROPERTY DESCRIPTION

ALL THAT PIECE OR PARCEL OF LAND CONTAINING 1.124 ACRES OF LAND LYING IN THE CITY OF CHARLOTTESVILLE, VIRGINIA AND MORE PARTICULARLY SHOWN ON PLAT ENTITLED "PLAT SHOWING BOUNDARY LINE ADJUSTMENT OF THE LANDS OF THE MOONEY WEST MAIN STREET, LLC TAX MAP PARCELS 32-199, 32-198, & 32-197 STARR HILL AREA OF CITY OF CHARLOTTESVILLE, VIRGINIA", PREPARED BY TIMMONS GROUP, DATED MAY 8, 2013, A COPY OF WHICH PLAT IS ATTACHED TO THAT CERTAIN DEED FROM THE MOONEY WEST MAIN STREET, LLC, TO THE INN AT VINEGAR HILL, LLC, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHARLOTTESVILLE, VIRGINIA, AS INSTRUMENT NUMBER 201304835, THE METES AND BOUNDS OF WHICH ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWEST CORNER OF RIDGE McINTIRE ROAD AND WEST MAIN STREET, SAID POINT BEING THE TRUE AND ACTUAL POINT OF BEGINNING;

THENCE, ALONG THE NORTHERN LINE OF WEST MAIN STREET, S 80°46'49" W, 50.87 FEET TO A POINT;

THENCE, CONTINUING ALONG SAID NORTHERN LINE, S 85°31'54" W, 132.60' FEET TO A POINT;

THENCE, CONTINUING ALONG SAID NORTHERN LINE, N 74°23'56" W, 48.62 FEET TO A POINT;

THENCE, LEAVING SAID NORTHERN LINE OF WEST MAIN STREET, N 17°01'40" E, 103.19 FEET TO A POINT;

THENCE, N 16°28'25" E, 60.00 FEET TO A POINT;

THENCE, N 71°54'01" W, 100.27 FEET TO A POINT ON THE EASTERN LINE OF 4TH STREET;

THENCE, ALONG SAID EASTERN LINE, N 16°15'34" E, 68.99 FEET TO A POINT;

THENCE, LEAVING SAID EASTERN LINE, S 73°43'21" E, 274.05 FEET TO A POINT

THENCE, S 01°41'34" W, 171.44 FEET TO A POINT TO THE TRUE AND ACTUAL POINT OF BEGINNING AND CONTAINING 48,975 SQ. FT. OR 1.124 ACRES OF LAND.

IT BEING THE SAME PROPERTY CONVEYED TO THE INN AT VINEGAR HILL, LLC, BY THE DEED AFORESAID.

**PLAT SHOWING BUILDING ENCROACHMENT EASEMENT
TAX MAP 32 PARCEL 198
ALONG RIDGE McINTIRE ROAD
CHARLOTTESVILLE, VIRGINIA
SCALE: 1" = 30' FEBRUARY 3, 2016**

TITLE REFERENCES:

TMP: 32-198
THE INN AT VINEGAR HILL, LLC
INST.# 2013004835
INST.# 2013004833
INST.# 2013004834
INST.# 2013004836 PEDESTRIAN EASEMENT
INST.# 2013004837 STORM WATER AGREEMENT
INST.# 2014000499 SHORING ENCROACHMENT
INST.# 2014003107 VEPCO
D.B. 315 P. 61
D.B. 292 P. 174

OWNER'S APPROVAL

CONVEYANCE OF THE EASEMENT SHOWN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS AND TRUSTEES. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNED _____ DATE _____

I HEREBY CERTIFY THAT THIS EASEMENT PLAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED LANDSCAPE ARCHITECTS AND INTERIOR DESIGNERS. I ALSO CERTIFY THAT THE BOUNDARY SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.

TMP 32-198 IS ZONED: DH (DOWNTOWN HOTEL)

TMP 32-198 IS IN THE CARVER VOTING PRECINCT.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

SOME EASEMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.

NOTARY PUBLIC:

STATE OF _____
CITY/COUNTY OF _____
THE FOREGOING WAS ACKNOWLEDGED
BEFORE ME THIS ____ DAY OF _____
20__ BY _____

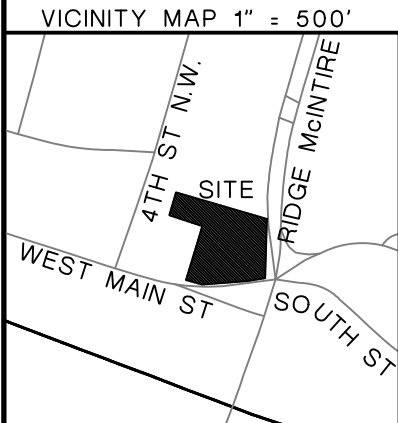
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

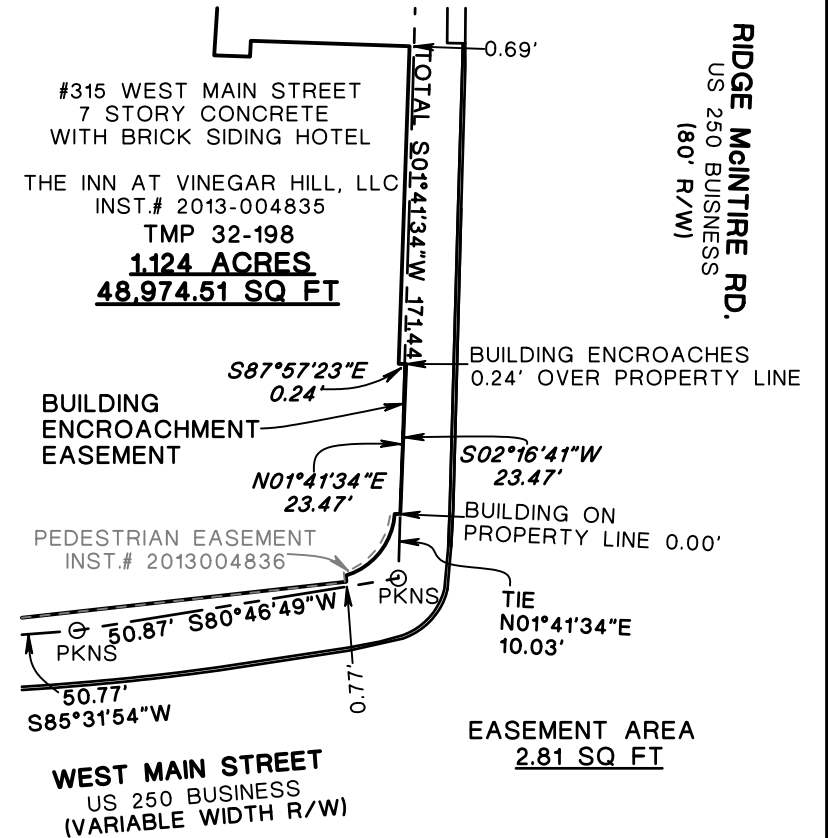
CITY APPROVALS:

SECRETARY OF THE PLANNING COMMISSION _____ DATE _____

CHAIRMAN OF THE PLANNING COMMISSION _____ DATE _____



RECORD NORTH
INST.#2013004835



RIDGE McINTIRE RD.
US 250 BUSINESS
(80' R/W)



Innovation. Integrity. Vision.

632 BERKMAR CIRCLE
CHARLOTTESVILLE, VIRGINIA 22901
OFFICE: 434-974-1417
FAX: 434-974-1776
www.lincolnsurveying.com

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CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA

Agenda Date:	February 16, 2016
Action Required:	Public Hearing and First Reading of Ordinance
Staff Contacts:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Presenter:	Jeanette Janiczek, Urban Construction Initiative Program Manager
Title:	Conveyance of City-owned Residue Land (820 Hillcrest Road) and Birdwood Lane to Covenant School

Background: During project development of the McIntire Road Interchange, the City attempted to minimize the right of way impacts on both the surrounding public parkland and private property owners while balancing the needs and goals of the project.

Several property owners were approached for partial acquisitions and easements. One such property owner was Covenant School, from whom the City acquired 7,358 square feet of fee simple right of way, two permanent drainage easements containing 5,265 square feet, and three temporary construction easements of 6,096 square feet. The Covenant School had been previously identified as a historic property eligible for the National Register and was discussed throughout the Section 106 process, which sought to avoid, minimize and mitigate impacts to historic resources by a federal project.

Discussion: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires agencies to "...make every reasonable effort to acquire expeditiously real property by negotiation" – to reach a mutually agreed upon compensation of property and rights acquired from a private property owner and agency. During negotiations, Covenant School requested that:

(1) The residue (approximately 7,055 square feet) of 820 Hillcrest Road, acquired by the City for the project ("Residue Land"), be transferred to Covenant at the end of the project, in addition to the original just compensation offer of \$64,463.00. Using the appraisal for Covenant School, the square foot value is calculated to be \$3.50 per square foot so the estimated value equals \$24,692 for the Residue Land. The Residue Land is surrounded by Covenant School property on three sides and faces the Route 250 Bypass. The Residue Land cannot be accessed safely from the Route 250 Bypass.

(2) The City deed Birdwood Lane (an access road into the Covenant property) to Covenant. Birdwood Lane was created in 1935 by subdivision plat as a public street serving 4 residential lots and allowing access to the tract of land owned by the Albemarle County School Board (McIntire School). In the 1980's all of the properties surrounding Birdwood Lane were combined and/or subdivided and ultimately conveyed to Covenant School, Inc. Covenant School has asked the City to close public access to Birdwood Lane through a Deed of Vacation, which would give Covenant School ownership as the only adjoining property owner.

Community Engagement: Though no community engagement has been held specific to this request by Covenant School, there has been significant engagement throughout the project planning and construction – including Section 106 coordination. In accordance with Virginia Code Sec. 15.2-1800(B), a public hearing is required to give the public an opportunity to comment on the proposed conveyances.

Alignment with City Council’s Vision and Strategic Plan: Approval of this agenda item upholds the City’s commitment to create “a connected community” by improving upon our existing transportation infrastructure, and supports Goal 2.5 of the Strategic Plan (*Provide natural and historic resources stewardship*).

Budgetary Impact: Maintenance responsibilities and liability exposure would decrease. The subject lands to be conveyed currently are not taxable and won’t be taxable after conveyance since Covenant School is a non-profit organization.

Recommendation: The requested conveyance of land to Covenant School was integral to reaching an amicable agreement on the acquisition of right-of-way and easements for the McIntire Road Interchange project. Conveyance of the land will improve the visibility of Covenant School, and contribute to the presence of a historic resource within the community, consistent with Section 106 guidelines to mitigate impacts of a federal transportation project. Staff recommends approval of the ordinance to convey the Residue Land to Covenant, and approval of the ordinance authorizing the Mayor to sign a Deed of Vacation for Birdwood Lane.

Attachments:

Compensation Agreement with Covenant School dated June 6, 2012
Location Drawing
Proposed Ordinance and Deed of Quitclaim (Residue Land)
Proposed Ordinance and Deed of Vacation (Birdwood Lane)

COMPENSATION AGREEMENT

Route 250 By-Pass Interchange at McIntire Road Transportation Improvement Project City of Charlottesville, VA

Property Owner(s): The Covenant School, Inc.
Mailing Address: 1000 Birdwood Road, Charlottesville, Virginia 22903
Tax Map No.(s): 450007000
Project Parcel No(s): 005

Reference is made to the Deed dated June 6, 2012, between Grantor (Property Owner) and the City of Charlottesville, Virginia, a municipal corporation of the Commonwealth of Virginia, Grantee, (City), a copy of which is attached to this Compensation Agreement (Agreement), and made a part hereof.

It is understood and agreed by the Property Owner that payment in the amount of \$90,000.00 shall be paid by the City as full and complete compensation for the rights described in the Deed (Compensation). Compensation shall be paid within thirty (30) days from the date the Deed is recorded in the public records. Recording is contingent upon City, its agents or assigns, obtaining releases and other documents as necessary to insure that clear title to the rights under the Deed, satisfactory to the City, is conveyed. Property Owner agrees to cooperate in obtaining necessary release(s) from lien holders, however, all processing fees for said release(s) shall be paid for by the City.

Further, immediately upon execution of Agreement and Deed and acceptance of City by signature affixed below, Property Owner grants to the City, its agents or assigns, permission to enter the property described above for all purposes related to construction within the areas described in the Deed and as shown on the plat and plan sheets.

Additionally, upon acceptance by the City, the Property Owner will be provided a fully executed copy of this Agreement within a reasonable amount of time, but no later than delivery of Compensation. *If not accepted, the Property Owner will be notified in writing.*

The terms of this agreement shall extend to and be binding upon the parties, and the successors and assigns of the parties hereto.

1. The City will compensate The Covenant School, Inc. \$64,463, which is the original offer based on the appraisal prepared by Mr. David G. Lane, SRA, dated Feb. 15, 2012 and furnished you on April 18, 2012.
2. The City will deed the Garrison residue to the Covenant School, this is in addition to the consideration for the rights of ways The Covenant School, Inc. would be conveying for the highway project.
3. The City will clear the Garrison residue of all vegetation and debris (if any), grade it to blend with the surrounding School property on all three sides and re-seed the residue. The Covenant School will grant a temporary construction easement to the City giving adequate working space to properly accomplish the work.
4. In addition to the Garrison residue, the City will deed Birdwood Court to The Covenant. Since this road would no longer belong to the City, this will eliminate problems the school may encounter if it should want to make changes with respect to entrance to the school or possible parking configuration, etc. in the future.

5. In our meeting, one of the requests the School had was for the City to provide a safety barrier along the School's frontage on Rte. 250. Therefore the City will, as part of a negotiated agreement, construct a guard rail along the entire frontage of Rte. 250 in front of the school. The Covenant School will grant a temporary construction easement to the City giving adequate working space to properly accomplish the work.
6. The Covenant School will agree to grant a 10 foot ^{wide} temporary construction easement along the west side of Hillcrest Road to accommodate the proposed construction of a sidewalk along Hillcrest Road. This is not a part of the Rte. 250/McIntire road project but, hopefully, this separate sidewalk improvement will be constructed simultaneously with the highway project or within a close timeframe. The City will replace any fence damaged by the sidewalk work with new, in kind fence. The City also commits to only using the TCE when school is out on summer break.
7. City agrees to remove any trees within the limits of disturbance during construction whose roots are damaged during construction
8. In order to reach an agreement with The Covenant School, the City is offering additional \$25,537 compensation i. e. Original offer - \$64,463 + additional settlement compensation (\$25,537) = Total cash settlement - \$90,000.

WITNESS the following signature and seals of all Property Owner made pursuant to due authority:

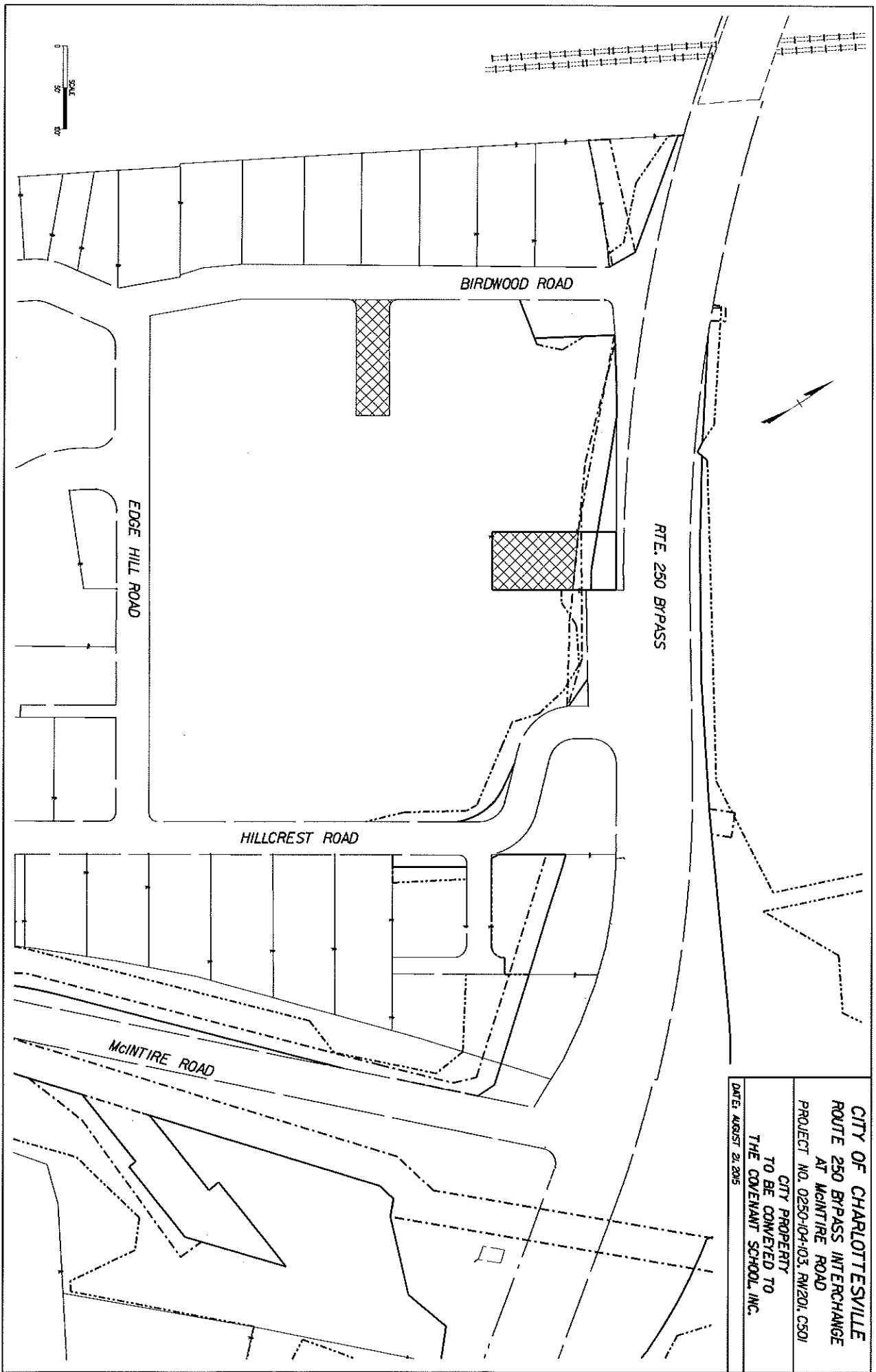
PROPERTY OWNER:

THE COVENANT SCHOOL, INC.

By: *Troy D. Anderson* (SEAL) Date: 6th 6/5/2012
 Name Printed: Troy D. Anderson
 Title: Chair, Covenant School Board of Directors

City of Charlottesville, Virginia

By: *Jeanette Jones* (SEAL) Date: 6/1/12
 Name Printed: Jeanette Jones
 Title: ICL Program Manager



CITY OF CHARLOTTEVILLE
ROUTE 250 BYPASS INTERCHANGE
AT MCINTIRE ROAD
PROJECT NO. 0250-104-103, RW201, CS01
CITY PROPERTY
TO BE CONVERTED TO
THE COVENANT SCHOOL, INC.
DATE: AUGUST 21, 2005

**AN ORDINANCE
AUTHORIZING THE CONVEYANCE OF
CITY-OWNED LAND ON HILLCREST ROAD
TO THE COVENANT SCHOOL, INC.**

WHEREAS, the City of Charlottesville is the owner of land currently designated as Parcel 6 on City Real Estate Tax Map 45, acquired by the City as part of right-of-way acquisition for the McIntire Road Interchange project (hereinafter the “Property”); and

WHEREAS, the Property faces the 250 Bypass and is otherwise surrounded by The Covenant School, Inc. (“Covenant”) property, and has a value of approximately \$24,692.00; and

WHEREAS, Covenant has requested the City to convey the Property so it can be combined with the parcel currently owned by Covenant (Tax Map Parcel 450007000) and operated as the Covenant School, an historic property; and

WHEREAS, Covenant School, Inc. conveyed land, utility easements, and construction easements to the City for fair market value as part of the right-of-way acquisition process for the McIntire Road Interchange project, and requested acquisition of the residue Property at that time; and

WHEREAS, in accordance with Virginia Code Section 15.2-1800(B), a public hearing was held on February 16, 2016 to give the public an opportunity to comment on the proposed conveyance of City land as requested by Covenant;

WHEREAS, Public Utilities has reviewed the request and has no objection to the conveyance, since all existing City utility lines across the Property are protected by easements of record; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia that the Mayor is authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to convey said Property to The Covenant School, Inc., designated as Parcel 6 on City Real Estate Tax Map 45. The City Attorney is hereby authorized to take additional actions, as may be necessary to effect the closing of said property conveyance.

Prepared by Lisa A. Robertson (VSB #32486)
Charlottesville City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902
Tax Map and Parcel Number: 450006000 (820 Hillcrest Rd)

***This deed is exempt from state and local recordation taxes imposed by
Va. Code Sec. 58.1-802 pursuant to Va. Code Sec. 58.1-811(C)(4)***

THIS QUITCLAIM DEED, made and entered into this _____ day of _____, 2016, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia ("City"), **GRANTOR**, and **THE COVENANT SCHOOL, INC.**, a Virginia non-stock corporation, whose address is 1000 Birdwood Road, Charlottesville, Virginia 22903, **GRANTEE**.

WITNESSETH:

WHEREAS, the **GRANTOR** is the owner of real property located in the City of Charlottesville and designated as Parcel 6 on City Real Estate Tax Map 45, hereinafter referred to as the "Property"; and

WHEREAS, the Property is the remainder portion of land acquired by the City for construction of McIntire Road Interchange near the Route 250 Bypass, acquired from Garrison Real Estate, LLC by deed dated March 19, 2012, of record in the Charlottesville Circuit Court Clerk's Office as Instrument #2012001103;

NOW, THEREFORE, **GRANTOR** does hereby **REMISE, RELEASE** and forever **QUITCLAIM** unto the **GRANTEE**, its successors in title and assigns, any and all right, title and interest the City possesses in and to the following described real estate, to-wit:

All that certain parcel of land, containing _____ square feet, more or less, labeled as " _____ " on a plat prepared by _____ dated _____, 2016, attached hereto and made a part hereof.

IN WITNESS WHEREOF, the City of Charlottesville has caused this deed to be executed by its Mayor, pursuant to an ordinance approved by City Council on _____, 2016.

WITNESS the following signatures and seals.

GRANTOR: **CITY OF CHARLOTTESVILLE, VIRGINIA**

By: _____
A. Michael Signer

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

The foregoing Quitclaim Deed was acknowledged before me by A. Michael Signer, Mayor of the City of Charlottesville, Virginia, on this _____ day of _____, 2016.

Notary Public
Registration #: _____

GRANTEE:

THE COVENANT SCHOOL, INC.

By: _____

Title: _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____,
2016 by _____, on behalf of The Covenant School, Inc.,
GRANTEE.

Notary Public

My commission expires: _____

Registration #: _____

**AN ORDINANCE
CLOSING, VACATING AND DISCONTINUING
BIRDWOOD LANE RIGHT OF WAY**

WHEREAS, The Covenant School, Inc. (hereinafter “Covenant”), owner of property at 1000 Birdwood Road, designated as Parcel 7 on City Real Estate Tax Map 45, has requested the City to close and vacate Birdwood Lane, approximately 40 feet wide and 130 feet long (hereinafter “Subject Right of Way”), located adjacent to the above-described Covenant property on its northern, eastern and southern sides; and

WHEREAS, the Subject Right of Way was platted in 1935 as part of the Colonial Heights Subdivision, but was never formally accepted by the City as part of the City’s public street system; and

WHEREAS, Covenant is the only property owner adjoining the Subject Right of Way; and,

WHEREAS, following notice to the public pursuant to Virginia Code §15.2-2272, a public hearing by the City Council was held on February 16, 2016, and comments from City staff and the public were made and heard; and,

WHEREAS, after consideration of the factors set forth within the City Street Closing Policy, adopted by Council on February 7, 2005, this Council finds and determines that Covenant’s request should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the City hereby CLOSES, VACATES and DISCONTINUES the above-described Birdwood Lane right-of-way, and the Mayor is hereby authorized to execute a Deed of Vacation on behalf of the City, in form approved by the City Attorney.

BE IT FURTHER ORDAINED that unless an appeal from Council’s enactment of this ordinance is made to the Charlottesville Circuit Court within thirty (30) days of the date of adoption, the Clerk of the Council shall send a certified copy of this ordinance to the Clerk of the Circuit Court for recordation in the current street closing book.

Prepared by Lisa A. Robertson (VSB #32486)
Parcel ID: To be added to Tax Map Parcel 450007000
Assessed Value: \$0
Consideration: \$1.00

*This deed is exempt from recordation taxes imposed by Va. Code Sec. 58.1-802,
pursuant to Va. Code Sec. 58.1-811(C)(4)*

DEED OF VACATION

THIS DEED OF VACATION is dated this _____ day of _____,
2016, by the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation (“City”) and political subdivision of the Commonwealth of Virginia, hereinafter “**GRANTOR**”; and **THE COVENANT SCHOOL, INC.**, “**GRANTEE**”, a Virginia non-stock corporation, whose address is 1000 Birdwood Road, Charlottesville, VA 22901.

WITNESSETH:

WHEREAS, a right-of-way for a 40’ wide street named Birdwood Lane was created by, and shown on, the Colonial Heights subdivision plat dated December 1935, prepared by Hugh F. Simms, entitled "Map of Colonial Heights Situated in the City of Charlottesville Va, the Property of E.D. Hundley, Jr.", of record in the Charlottesville Circuit Court Clerk’s Office in Deed Book 88, Pages 38-41; and

WHEREAS, The Covenant School, Inc. has requested the vacation of Birdwood Lane as a public right-of-way, as it is the sole owner of all property with access on Birdwood Lane; and

WHEREAS, on _____, 2016 City Council adopted an ordinance closing, vacating and discontinuing Birdwood Lane because there is no public benefit in keeping Birdwood Lane as a public right-of-way; now, therefore,

FOR AND IN CONSIDERATION of the Sum of One Dollar (\$1.00), cash in hand paid, receipt and sufficiency of which are hereby acknowledged, GRANTOR does hereby CLOSE, VACATE, RELEASE, QUITCLAIM, AND DISCONTINUE AS A PUBLIC RIGHT OF WAY in the City of Charlottesville, and CONVEY unto the GRANTEE, the following described property (the "Property"):

ALL that certain right-of-way known as Birdwood Lane, forty feet (40') in width, which right of way borders on Birdwood Road to the west and continues a distance of 130 feet to its termination on the eastern portion of the property at 1000 Birdwood Road (Tax Map Parcel 450007000); being shown on various plats of record, including the plat dated October 10, 1986, last revised December 10, 1986, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 489, Pages 52-53; said right-of-way shall be COMBINED WITH AND ADDED TO City of Charlottesville Tax Map Parcel 450007000, currently owned by Grantee.

This conveyance is made expressly subject to all easements, conditions, restrictions, reservations, and other matters contained in duly recorded deeds, plats, and other instruments constituting constructive notice in the chain of title to the property hereby conveyed, which have not expired by limitation of time contained therein or have not otherwise become ineffective.

[SIGNATURES AND NOTARY BLOCKS ON FOLLOWING PAGES]

By ordinance adopted _____, 2016, the Mayor of the City of Charlottesville was authorized to sign this deed on behalf of the City of Charlottesville.

WITNESS the following signatures and seals:

CITY OF CHARLOTTESVILLE, VIRGINIA,
a municipal corporation

By: _____ (SEAL)
A. Michael Signer, Mayor

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE:

The foregoing Deed of Vacation was acknowledged before me this _____ day of _____, 2016, by A. Michael Signer, as Mayor of the City of Charlottesville, Virginia.

Notary Public

My Commission Expires: _____
Notary Registration No.: _____

APPROVED AS TO FORM:
Office of the City Attorney

By: _____

Title: _____

GRANTEE:

THE COVENANT SCHOOL, INC.

BY: _____

Title: _____

COMMONWEALTH OF VIRGINIA

CITY OF CHARLOTTESVILLE:

The foregoing Deed of Vacation was acknowledged before me this _____ day of _____, 2016, by _____, on behalf of The Covenant School, Inc., a Virginia non-stock corporation.

Notary Public

My Commission Expires: _____

Notary Registration No.: _____

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 16, 2016
Action Required:	Ordinance Approval (Consent Agenda – 1 st of 2 readings)
Presenter:	S. Craig Brown, City Attorney
Staff Contacts:	Andrew Gore, Assistant City Attorney
Title:	Ting Fiber, Inc. Telecommunications Franchise Renewal

Background: Ting Fiber, Inc. (“Ting”), successor to Fiber Roads, LLC, has requested a renewal of its current franchise to maintain its existing fiber lines and equipment. The locations of these existing lines are reflected on the attached map. Ting is not seeking to install additional telecommunications lines at this time.

Discussion: The proposed franchise ordinance contains the same terms as the model telecommunications franchise ordinance developed by the City Attorney’s Office and used in other franchises granted by the City. The purpose of the franchise will not change. In accordance with the franchise terms, Ting is prepared to comply with the bonding and insurance requirements set forth in the agreement.

Budgetary Impact: The proposed franchise has no anticipated budget impact. However, the franchise agreement reserves the right to impose a public right-of-way use fee as allowed by Virginia law through the passage of an ordinance providing for such fee. Previously, Council has declined to adopt such a fee.

Recommendation: Approve the renewal of the franchise agreement.

Alternatives: Council may decline to adopt the ordinance and decline to renew the franchise agreement with Ting.

Attachment: Proposed Ting Franchise Agreement Ordinance

Approved by City Council on _____

**TING FIBER, INC.
TELECOMMUNICATIONS FRANCHISE**

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**AN ORDINANCE
GRANTING A TELECOMMUNICATIONS FRANCHISE TO
TING FIBER, INC., ITS SUCCESSORS AND ASSIGNS
TO USE THE STREETS AND OTHER PUBLIC PLACES
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
FOR ITS POLE, WIRES, CONDUITS, CABLES AND FIXTURES,
FOR A PERIOD OF FIVE (5) YEARS**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, that Ting Fiber, Inc. (the “Company”), its successors and assigns, is hereby granted a telecommunications franchise for a period of five (5) years from the effective date hereof be and is hereby authorized and empowered to erect, maintain and operate certain telephone lines and associated equipment, including posts, poles, cables, wires and all other necessary overhead or underground apparatus and associated equipment on, over, along, in, under and through the streets, alleys, highways and other public places of the City of Charlottesville, Virginia (the “City”) as its business may from time to time require; provided that:

ARTICLE I

SECTION 101 PURPOSE AND SCOPE

To provide for the health, safety and welfare of its citizens and to ensure the integrity of its roads and streets and the appropriate use of the Public Rights-of-Way, the City strives to keep the right-of-way under its jurisdiction in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this Ordinance relating to a telecommunications right-of-way franchise and administration. This Ordinance imposes regulation on the placement and maintenance of Facilities and equipment owned by the Company currently within the City’s Public Rights-of-Way or to be placed therein at some future time. The Ordinance is intended to complement, and not replace, the regulatory roles of both state and federal agencies. Under this Ordinance, when excavating and obstructing the Public Rights-of-Way, the Company will bear financial responsibility for their work to the extent provided herein. Finally, this Ordinance provides for recovery of the City’s reasonable out-of-pocket costs related to the Company’s use of the Public Rights-of-Way, subject to the terms and conditions herein.

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY

This Ordinance granting a telecommunications franchise is created to manage and regulate the Company’s use of the City’s Public Rights-of-Way along city roads pursuant to the authority granted to the City under Sections 15.2-2015, 56-460, and 56-462(A) of the Virginia Code and other applicable state and federal statutory, administrative and common law.

This Ordinance and any right, privilege or obligation of the City or Company hereunder, shall be interpreted consistently with state and federal statutory, administrative and common law, and such statutory, administrative or common law shall govern in the case of conflict. This Ordinance shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce other general ordinances necessary to protect the health, safety, and welfare of the public.

SECTION 103 DEFINITIONS

103.1 CITY means the City of Charlottesville, Virginia, a municipal corporation.

103.2 COMPANY means Ting Fiber, Inc., including its successors and assigns.

103.3 DIRECTOR means the Director of Public Works for the City of Charlottesville.

103.4 FACILITY means any tangible asset in the Public Rights-of-Way required to provide utility service, which includes but is not limited to: cable television, electric, natural gas, telecommunications, water, sanitary sewer and storm sewer services.

103.5 PATCH means a method of pavement replacement that is temporary in nature.

103.6 PAVEMENT means any type of improved surface that is within the Public Rights-of-Way including but not limited to any improved surface constructed with bricks, pavers, bituminous, concrete, aggregate, or gravel or some combination thereof.

103.7 PUBLIC RIGHTS-OF-WAY or PROW means the area on, below, or above a public roadway, highway, street, cartway, bicycle lane, and public sidewalk in which the City has an interest, included other dedicated rights-of-way for travel purposes and utility easements of the City, paved or otherwise. This definition does not include a state highway system regulated pursuant to the direction of the Commonwealth Transportation Board.

ARTICLE II

SECTION 201 INITIAL INSTALLATION

The initial installation of equipment, lines, cables or other Facilities by the Company shall be a mixture of overhead and underground in Public Rights-of-Way as depicted in Exhibit A, attached hereto, and as may have been or may hereafter be modified, and incorporated by reference.

SECTION 202 SUBSEQUENT INSTALLATION

202.1 SUBSEQUENT INSTALLATION MADE PURSUANT TO AN APPROVED PROW PLAN:

Additional Facilities installed within the PROW may be placed overhead or underground pursuant to an approved request by the Company made pursuant to Article III, and in accordance with such generally applicable ordinances or regulations governing such

installations that have been adopted by the City from time to time.

202.2 GENERAL PREFERENCE FOR UNDERGROUND FACILITIES: As a matter of policy, the City prefers that the installation of any Facility within the PROW occur underground. Notwithstanding this preference, the City recognizes that in some circumstances the placement of Facilities underground may not be appropriate.

202.3 INSTALLATION OF OVERHEAD FACILITIES: Where a subsequent PROW plan is approved for overhead installation, the Company shall use its existing Facilities, or those of another utility where available. If the PROW plan calls for overhead installation and existing Facilities cannot accommodate the proposed installation, the Company will clearly indicate in the PROW plan its intended placement of new Facilities for the Director's review and consideration pursuant to Article III.

202.4 FUTURE ORDINANCES: Nothing herein shall be construed to limit the authority of the city to adopt an ordinance that will restrict the placement of overhead lines for all utilities using the PROW within a defined area of the City.

202.5 CONDITIONS FOR RELOCATING UNDERGROUND: The Company agrees that if, at some future time, the telephone and other utility lines on the posts, poles, and other overhead apparatus upon which the Company has placed some or all of its Facilities in the City's PROWs are relocated underground, the Company will also, at such time, relocate its Facilities on those posts, poles, and other overhead apparatus underground at its expense. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 203 INSPECTION BY THE CITY

The Company shall make the work-site available to the City and to all others as authorized by law for inspection at all reasonable times, during the execution of, and upon completion of, all work conducted pursuant to this Ordinance.

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION

At the time of inspection, or any other time as necessary, the City may order the immediate cessation and correction of any work within the Public Rights-of-Way which poses a serious threat to the life, health, safety or well-being of the public.

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS

In general, all posts, poles, wires, cables and conduits which the Company places within the Public Rights-of-Way pursuant to this Ordinance shall in no way permanently obstruct or

interfere with public travel or the ordinary use of, or the safety and convenience of persons traveling through, on, or over, the Public Rights-of-Way within the City of Charlottesville.

SECTION 206 OBSTRUCTION OF THE PROW

Generally, any obstruction of the PROW is limited to the manner clearly specified within an approved PROW plan.

206.1 REMOVAL OF OBSTRUCTIONS: Obstructions of the PROW not authorized by an approved PROW plan shall be promptly removed by the Company upon receipt of notice from the City. The City's notice of the Obstruction will include a specified reasonable amount of time determined by the Director for the Company's removal of the obstruction, given the location of the obstruction and its potential for an adverse effect on the public's safety and the public's use of the PROW. If the Company has not removed its obstruction from the PROW within the time designated within the notice, the City, at its election, will make such removal and the Company shall pay to the City its reasonable costs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the removal and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to administrative, overhead mobilization, material, labor, and equipment related to removing the obstruction.

206.2 NO OBSTRUCTION OF WATER: The Company shall not obstruct the PROW in a manner that interferes with the natural free and clear passage of water through the gutters, culverts, ditches tiles or other waterway.

206.3 PARKING, LOADING AND UNLOADING OF VEHICLES SHALL NOT OBSTRUCT THE PROW: Private vehicles of those doing work for the Company in the PROW must be parked in a manner that conforms to the City's applicable parking regulations. The loading or unloading of trucks must be done in a manner that will not obstruct normal traffic within the PROW, or jeopardize the safety of the public who use the PROW.

ARTICLE III

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY

The Director is the principal City official responsible for the administration of this Ordinance granting a telecommunications franchise to the Company and any of its PROW Plans. The Director may delegate any or all of the duties hereunder to an authorized representative.

SECTION 302 SUBMISSION OF PROW PLAN

At least thirty (30) days before beginning any installation, removal or relocation of underground or overhead Facilities, the Company shall submit detailed plans of the proposed action to the Director for his or her review and approval, which approval shall not unreasonably be withheld, conditioned, or delayed.

SECTION 303 GOOD CAUSE EXCEPTION

303.1 WAIVER: The Director, in his or her sole judgment, is authorized to waive the thirty (30) day requirement in Section 302 for good cause shown.

303.2 EMERGENCY WORK: The Company shall immediately notify the Director of any event regarding its facilities that it considers to be an emergency. The Company will proceed to take whatever actions are necessary to respond to the emergency, or as directed by the Director.

If the City becomes aware of an emergency regarding the Company's facilities, the City will attempt to contact the Company's emergency representative as indicated in Section 1202. In any event, the City shall take whatever action it deemed necessary by the Director to make an appropriate and reasonable response to the emergency. The costs associated with the City's respond shall be borne by the person whose facilities occasioned the emergency.

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR

304.1 DECISION: The Director, or his or her authorized representative, shall, within thirty (30) days, either approve the Company's plans for proposed action as described in Section 302 or inform the Company of the reasons for disapproval. The Company shall designate a responsible contact person with whom officials of the Department of Public Works can communicate on all matters relating to equipment installation and maintenance.

304.2 APPEAL: Upon written request within thirty (30) days of the Director's decision, the Company may have the denial of a PROW Plan reviewed by the City Manager. The City Manager will schedule its review of the Director's decision within forty-five (45) days of receipt of such a request. A decision by the City Manager will be in writing and supported by written findings establishing the reasonableness of its decision.

SECTION 305 MAPPING DATA

Upon completion of each project within the Public Rights-of-Way pursuant to this Ordinance, the Company shall provide to the City such information necessary to maintain its records, including but not limited to:

- (a) location and elevation of the mains, cables, conduits, switches, and related equipment and other Facilities owned by the Company located in the PROW, with the location based on (i) offsets from property lines, distances from the centerline of the Public Rights-of-Way, and curb lines; (ii) coordinates derived from the coordinate system being used by the City; or (iii) any other system agreed upon by the Company and the City;
- (b) the outer dimensions of such Facilities; and
- (c) a description of above ground appurtenances.

ARTICLE IV

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS

Obtaining this telecommunications franchise shall in no way relieve the Company of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any applicable state or federal rule, law or regulation. The Company shall comply with and fulfill all generally applicable laws and regulations, including ordinances, regulations and requirements of the City, regarding excavations and any other work in or affecting the Public Rights-of-Way. The Company shall perform all work in conformance with all applicable codes and established rules and regulations, and it is responsible for all work conducted by the Company, another entity or person acting on its behalf pursuant to this Ordinance in the Public Rights-of-Way.

ARTICLE V

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY

Upon written notice from the Director of a planned and authorized improvement or alteration of City sidewalks, streets or other property, or of a proposed relocation of any City-owned utilities that necessitate relocation of some or all of the Facilities owned by the Company and lines to accommodate same, the Company shall relocate at its own expense any such Facilities within one hundred eighty (180) days of receipt of the notice. At Company's request, the City may consent to a longer period, such consent not to be unreasonably or discriminatorily withheld, conditioned or delayed. Notwithstanding the foregoing, the City shall reimburse Company for any such relocation expense if such reimbursement is required by Section 56-468.2 of the Code of Virginia, or other applicable law.

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION

502.1 RESTORATION STANDARD: Where the Company disturbs or damages the Public Rights-of-Way, the Director shall have the authority to determine the manner and extent of the

restoration of the Public Rights-of-Way, and may do so in written procedures of general application or on a case-by-case basis. In exercising this authority, the Director will consult with any state or federal standards for rights-of-way restoration and shall be further guided by the following considerations:

- (a) the number, size, depth and duration of the excavations, disruptions or damage to the Public Rights-of-Way;
- (b) the traffic volume carried by the Public Rights-of-Way; the character of the neighborhood surrounding the right-of-way;
- (c) the pre-excavation condition of the Public Rights-of-Way and its remaining life expectancy;
- (d) the relative cost of the method of restoration to the Company balanced against the prevention of an accelerated deterioration of the right-of-way resulting from the excavation, disturbance or damage to the Public Rights-of-Way; and
- (e) the likelihood that the particular method of restoration would be effective in slowing the depreciation of the Public Rights-of-Way that would otherwise take place.

502.2 TEMPORARY SURFACING: The Company shall perform temporary surfacing patching and restoration including, backfill, compaction, and landscaping according to standards determined by, and with the materials determined by, the Director.

502.3 TIMING: After any excavation by the Company pursuant to this Ordinance, the patching and restoration of the Public Rights-of-Way must be completed promptly and in a manner determined by the Director.

502.4 GUARANTEES: The Company guarantees its restoration work and shall maintain it for twenty-four (24) months following its completion. The previous statement notwithstanding, the Company will guarantee and maintain plantings and turf for twelve (12) months. During these maintenance periods, the Company shall, upon notification by the City, correct all restoration work to the extent necessary, using the method determined by the Director. Such work shall be completed after receipt of notice from the Director, within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure. Notwithstanding the foregoing, the Company's guarantees set forth hereunder concerning restoration and maintenance, shall not apply to the extent another company, franchisee, licensee, permittee, other entity or person, or the City disturbs or damages the same area, or a portion thereof, of the Public Rights-of-Way.

502.5 DUTY TO CORRECT DEFECTS: The Company shall correct defects in patching, or restoration performed by it or its agents. Upon notification from the City, the Company shall correct all restoration work to the extent necessary, using the method determined by

the Director. Such work shall be completed after receipt of the notice from the Director within a reasonably prompt period, with consideration given for days during which work cannot be done because of circumstances constituting force majeure.

502.6 FAILURE TO RESTORE: If the Company fails to restore the Public Rights-of-Way in the manner and to the condition required by the Director pursuant to Section 502.5, or fails to satisfactorily and timely complete all restoration required by the Director pursuant to the foregoing, the City shall notify the Company in writing of the specific alleged failure or failures and shall allow the Company at least ten (10) days from receipt of the notice to cure the failure or failures, or to respond with a plan to cure. In the event that the Company fails to cure, or fails to respond to the City's notice as provided above, the City may, at its election, perform the necessary work and the Company shall pay to the City its reasonable costs for such restoration within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within the thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such restoration.

502.7 DAMAGE TO OTHER FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY: The Company shall be responsible for the cost of repairing any Facilities existing within the Public Rights-of-Way that it or the Facilities owned by the Company damage. If the Company damages the City's Facilities within the Public Rights-of-Way, such as, but not limited to, culverts, road surfaces, curbs and gutters, or tile lines, the Company shall correct the damage within a prompt period after receiving written notification from the City. If the Company does not correct the City's damaged Facilities pursuant to the foregoing, the City may make such repairs as necessary and charge all of the reasonable costs of such repairs within thirty (30) days of billing accompanied by an itemized statement of the City's reasonable costs. If payment is not received by the City within such thirty (30) day period, the City Attorney may bring an action to recover the reasonable costs of the restoration and reasonable attorney's fees in a court of competent jurisdiction pursuant to Section 56-467 of the Virginia Code. Reasonable costs may include, but are not limited to, administrative, overhead mobilization, material, labor, and equipment related to such repair.

502.8 DIRECTOR'S STANDARD: All determinations to be made by the Director with respect to the manner and extent of restoration, patching, repairing and similar activities under the franchise granted by this Ordinance, shall be reasonable and shall not be unreasonably conditioned, withheld, or delayed. The Company may request additional time to complete restoration, patching, repair, or other similar work as required under the franchise granted by this Ordinance, and the Director shall not unreasonably withhold, condition, or delay consent to such requests.

ARTICLE VI

SECTION 601 INDEMNIFICATION AND LIABILITY

601.1 SCOPE OF INDEMNIFICATION: Subject to the following, the Company agrees and binds itself to indemnify, keep and hold the City Council members, officials and its employees free and harmless from liability on account of injury or damage to persons, firms or corporations or property growing out of or directly or indirectly resulting from:

- (a) the Company's use of the streets, alleys, highways, sidewalks, rights-of-way and other public places of the City pursuant to the franchise granted by this Ordinance;
- (b) the acquisition, erection, installation, maintenance, repair, operation and use of any poles, wires, cables, conduits, lines, manholes, facilities and equipment by the Company, its authorized agents, subagents, employees, contractors or subcontractors; or
- (c) the exercise of any right granted by or under the franchise granted by this Ordinance or the failure, refusal or neglect of the Company to perform any duty imposed upon or assumed by the Company by or under the franchise granted by this Ordinance.

601.2 DUTY TO INDEMNIFY, DEFEND AND HOLD HARMLESS: If a suit arising out of subsection (a), (b), (c) of Section 601.1, claiming such injury, death, or damage shall be brought or threatened against the City, either independently or jointly with the Company, the Company will defend, indemnify and hold the City harmless in any such suit, at the cost of the Company, provided that the City promptly provides written notice of the commencement or threatened commencement of the action or proceeding involving a claim in respect of which the City will seek indemnification hereunder. The Company shall be entitled to have sole control over the defense through counsel of its own choosing and over settlement of such claim provided that the Company must obtain the prior written approval of City of any settlement of such claims against the City, which approval shall not be unreasonably withheld or delayed more than thirty (30) days. If, in such a suit, a final judgment is obtained against the City, either independently or jointly with the Company, the Company will pay the judgment, including all reasonable costs, and will hold the City harmless therefrom.

SECTION 602 WAIVER BY THE CITY

The City waives the applicability of these indemnification provisions in their entirety if it:

- (a) elects to conduct its own defense against such claim;

- (b) fails to give prompt notice to the Company of any such claim such that the Company's ability to defend against such claim is compromised;
- (c) denies approval of a settlement of such claim for which the Company seeks approval; or
- (d) fails to approve or deny a settlement of such claim within thirty (30) days of the Company seeking approval.

SECTION 603 INSURANCE

603.1 The Company shall also maintain in force a comprehensive general liability policy in a form satisfactory to the City Attorney, which at minimum must provide:

- (a) verification that an insurance policy has been issued to the Company by an insurance company licensed to do business in the State of Virginia, or a form of self insurance acceptable to the City Attorney;
- (b) verification that the Company is insured against claims for personal injury, including death, as well as claims for property damage arising out of (i) the use and occupancy of the Public Rights-of-Way by the Company, its agents, employees and permittees, and (ii) placement and use of Facilities owned by the Company in the Public Rights-of-Way by the Company, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground Facilities and collapse of property;
- (c) verification that the City Attorney will be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;
- (d) verification that comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the City Attorney in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Ordinance; and
- (e) verification that the policy has a combined single limit coverage of not less than two million dollars (\$2,000,000).

The policy shall include the City as an additional insured party, and the Company shall provide the City Attorney with a certificate of such coverage before beginning installation of any lines, cable or equipment.

603.2 The Company shall also require similar indemnification and insurance coverage from any contractor working on its behalf in the public right-of-way.

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS

Nothing herein contained shall be construed to render the Company liable for or obligated to indemnify the City, its agents, or employees, for the negligence or intentional acts of the City, its Council members, its agents or employees, or a permittee of the City.

ARTICLE VII

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND

Prior to the Effective Date of this Ordinance, the Company has deposited with the City a Performance Bond made payable to the City in the amount of twenty-five thousand dollars (\$25,000). The bond shall be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. The Performance Bond shall be maintained at this amount through the term of this Agreement.

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND

At any time during the Term, the City may, acting reasonably, require or permit the Company to change the amount of the Performance Bond if the City finds that new risk or other factors exist that reasonably necessitate or justify a change in the amount of the Performance Bond. Such new factors may include, but not be limited to, such matters as:

- (a) material changes in the net worth of the Company;
- (b) changes in the identity of the Company that would require the prior written consent of the City;
- (c) material changes in the amount and location of Facilities owned by the Company;
- (d) the Company's recent record of compliance with the terms and conditions of this Ordinance; and
- (e) material changes in the amount and nature of construction or other activities to be performed by the Company pursuant to this Ordinance.

SECTION 703 PURPOSE OF PERFORMANCE BOND

The Performance Bond shall serve as security for:

- (a) the faithful performance by the Company of all terms, conditions and obligations of this Ordinance;

- (b) any expenditure, damage or loss incurred by the City occasioned by the Company's failure to comply with all rules, regulations, orders, permits and other directives of the City issued pursuant to this Ordinance;
- (c) payment of compensation required by this Ordinance;
- (d) the payment of premiums for the liability insurance required pursuant to this Ordinance ;
- (e) the removal of Facilities owned by the Company from the Streets at the termination of the Ordinance, at the election of the City, pursuant to this Ordinance;
- (f) any loss or damage to the Streets or any property of the City during the installation, operation, upgrade, repair or removal of Facilities by the Company;
- (g) the payment of any other amounts that become due to the City pursuant to this Ordinance or law;
- (h) the timely renewal of any letter of credit that constitutes the Performance Bond; and
- (i) any other costs, loss or damage incurred by the City as a result of the Company's failure to perform its obligations pursuant to this Ordinance.

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE

704.1 FEE OR PENALTY: The Company shall be subject to a fee or a penalty for violation of this Ordinance as provided for in applicable law.

704.2 APPEAL: The Company may, upon written request within thirty (30) days of the City's decision to assess a fee or penalty and for reasons of good cause, ask the City to reconsider its imposition of a fee or penalty pursuant to this Ordinance unless another period is provided for in applicable law. The City shall schedule its review of such request to be held within forty-five (45) days of receipt of such request from the Company. The City's decision on the Company's appeal shall be in writing and supported by written findings establishing the reasonableness of the City's decision. During the pendency of the appeal before the City or any subsequent appeal thereafter, the Company shall place any such fee or penalty in an interest-bearing escrow account. Nothing herein shall limit the Company's right to challenge such assessment or the City's decision on appeal, in a court of competent jurisdiction.

ARTICLE VIII

SECTION 801 COMPENSATION/PROW USE FEE.

The City reserves the right to impose at any time on the Company consistent with Section 253(c) of the Communications Act of 1934, as amended:

- (a) a PROW Use Fee in accordance with Section 56-468.1(G) of the Code of Virginia, and/or
- (b) any other fee or payment that the City may lawfully impose for the occupation and use of the Streets.

The Company shall be obligated to remit the PROW Use Fee and any other lawful fee enacted by the City, so long as the City provides the Company and all other affected certificated providers of local telecommunications service appropriate notice of the PROW Use Fee as required by Section 56-468.1(G) of the Code of Virginia. If the PROW Use Fee is eliminated, discontinued, preempted or otherwise is declared or becomes invalid, the Company and the City shall negotiate in good faith to determine fair and reasonable compensation to the City for use of the Streets by the Company for Telecommunications.

SECTION 802 RESERVED

SECTION 803 NO CREDITS OR DEDUCTIONS

The compensation and other payments to be made pursuant to Article VIII: (a) shall not be deemed to be in the nature of a tax, and (b) except as may be otherwise provided by Section 56-468.1 of the Code of Virginia, shall be in addition to any and all taxes or other fees or charges that the Company shall be required to pay to the City or to any state or federal agency or authority, all of which shall be separate and distinct obligations of the Company.

SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS, INTEREST ON LATE PAYMENTS

(1) If any payment required by this Ordinance is not actually received by the City on or before the applicable date fixed in this Ordinance, or (2), in the event the City adopts an ordinance imposing a PROW Use Fee, if such Fee has been received by the Company from its customers, and has not been actually received by the City on or before the applicable date fixed in this Ordinance or thirty (30) days after receipt of the PROW Use Fee from its customers, whichever is later, then the Company shall pay interest thereon, to the extent permitted by law, from the due date to the date paid at a rate equal to the rate of interest then charged by the City for late payments of real estate taxes.

ARTICLE IX

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS

The City reserves the right by ordinance or resolution to establish any reasonable regulations for the convenience, safety, health and protection of its inhabitants under its police powers, consistent with state and federal law. The rights herein granted are subject to the exercise of such police powers as the same now are or may hereafter be conferred upon the City. Without

limitation as to the generality of the foregoing the City reserves the full scope of its power to require by ordinance substitution of underground service for overhead service, or the transfer of overhead service from the front to the rear of property whenever reasonable in all areas in the City and with such contributions or at such rates as may be allowed by law.

Notwithstanding anything herein to the contrary, nothing herein shall be construed to extend, limit or otherwise modify the authority of the City preserved under Sections 253 (b) and (c) of the Communications Act of 1934, as amended. Nothing herein shall be construed to limit, modify, abridge or extend the rights of the Company under the Communications Act of 1934, as amended.

SECTION 902 SEVERABILITY

If any portion of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ARTICLE X

SECTION 1001 MAINTENANCE OBLIGATION

The Company will maintain the poles, wires, cable, conduits, lines, manholes, equipment and other Facilities it owns within the City's PROW in good order and operating condition throughout the term of the franchise granted by this Ordinance.

SECTION 1002 TREE TRIMMING

Should the Company install any overhead lines, it shall have the authority to trim trees upon or overhanging the streets, alleys, walkways or Public Rights-of-Way to prevent the branches of such trees from interfering with its lines or other Facilities. However, all such trimmings shall be performed in a safe and orderly manner under the general direction of the Director of Public Works or his or her designee and in compliance with the pruning standards of the National Arborists Association as currently in effect.

ARTICLE XI

SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE

The term of the franchise granted by this Ordinance shall be for a period of five (5) years from the effective date of this Ordinance.

SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE

If the Company wishes to maintain its equipment within the City and to continue the operation of the system beyond the term of the franchise granted by this Ordinance, it shall give written notice to the City at least one hundred twenty (120) days before expiration of the franchise granted by this Ordinance, stating that it wishes to apply for a new franchise. Such application shall include a report of the location of the Facilities owned by the Company within the City's PROW, and a statement as to whether the Company has complied with the provisions of this Ordinance.

SECTION 1103 OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING

Upon a timely request by the Company prior to the expiration of its initial franchise, the Company shall be permitted to continue operations of the Facilities owned by the Company within the City under the terms of the franchise granted by this Ordinance until the City acts. Nothing herein shall be construed to grant the Company a perpetual franchise interest.

ARTICLE XII

SECTION 1201 NOTICE

All notices, except for in cases of emergencies, required pursuant to the franchise granted by this Ordinance shall be in writing and shall be mailed or delivered to the following address:

To the Company:

Ting Fiber, Inc.
Attn: Adam Eisner
321 East Main St, Ste 200
Charlottesville, VA 22902

To the City:

City of Charlottesville
Attn: City Manager
605 East Main Street
Charlottesville, VA 22902

With a copy to:

Casey Lide
Baller Herbst Stokes & Lide, P.C.
2014 P St NW, Suite 200
Washington, D.C. 20036

With a copy to:

S. Craig Brown, City Attorney
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

All correspondences shall be by registered mail, certified mail or regular mail with return receipt requested; and shall be deemed delivered when received or refused by the addressee. Each Party may change its address above by like notice.

SECTION 1202 EMERGENCY NOTIFICATION

Notices required pursuant to Section 303.2 shall be made orally and by facsimile to the following:

To the Company:

Adam Eisner
Director of Networks,
Ting Internet
(416) 535-0123 x1282
(office)
(416) 432-4353 (mobile)
adam@ting.com

To the City:

Gas Dispatchers
(434) 970-3800 (office)
Emergency (434)293-9164 (leaks)
(434) 970-3817 (facsimile)

Director of Public Works
(434) 970-3301 (office)
(434) 970-3817 (facsimile)

SECTION 1203 REGISTRATION OF DATA

The Company, including any subleasee or assigns, must keep on record with the City the following information:

- (a) Name, address and e-mail address if applicable, and telephone and facsimile numbers;
- (b) Name, address and e-mail address if applicable, and telephone and facsimile numbers of a local representative that is available for consultation at all times. This information must include how to contact the local representative in an emergency; and
- (c) A certificate of insurance as required under Article VI, Section 603 of this telecommunications franchise, and a copy of the insurance policy.

The Company shall keep update all of the above information with the City within fifteen (15) days following its knowledge of any change.

ARTICLE XIII

SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE

The franchise granted by this Ordinance may be terminated:

- (a) by the Company, at its election and without cause, by written notice to the City at least sixty (60) days prior to the effective date of such termination; or
- (b) by either the Company or the City, after thirty (30) days written notice to the other party of the occurrence or existence of a default of the franchise granted by this Ordinance, if the defaulting party fails to cure or commence good faith efforts to cure, such default within sixty (60) days after delivery of such notice.

Notwithstanding the provisions of this Section, the terms and conditions of the franchise granted by this Ordinance pertaining to indemnification shall survive a termination under this Section.

ARTICLE XIV

SECTION 1401 REMOVAL OF FACILITIES FROM THE PUBLIC RIGHTS-OF-WAY

The Company shall remove all Facilities owned by the Company from the streets, alleys and public places of the City at the expense of the Company within six (6) months after the termination, abandonment, or expiration of this franchise granted by this Ordinance, or by such reasonable time to be prescribed by the City Council, whichever is later. No such removal will be required while any renewal requests as provided for in Section 1102 and Section 1103, are pending before the City. If such renewal request is denied, the six (6) month period provided above shall commence on the date of denial or expiration, whichever is later. The City reserves the right to waive this requirement, as provided for in Section 1402 herein. The City shall grant the Company access to the Public Rights-of-Way in order to remove its telecommunications Facilities owned by the Company pursuant to this paragraph.

SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY

The telecommunications Facilities owned by the Company may be abandoned without removal upon request by the Company and approval by the City. This Section survives the expiration or termination of this franchise granted by this Ordinance.

ARTICLE XV

SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT

The franchise granted by this Ordinance shall not be assigned or transferred without the expressed written approval of the City, which shall not be unreasonably or discriminatorily conditioned, withheld or delayed.

In addition, the City agrees that nothing in this Ordinance shall be construed to require Company to obtain approval from the City in order to lease any Facilities owned by the Company or any portion thereof in, on, or above the PROW, or grant an indefeasible right of use (“IRU”) in the Facilities owned by the Company, or any portion thereof, to any entity or person. The lease or grant of an IRU in such Facilities owned by the Company, or any portion or combination thereof, shall not be construed as the assignment or transfer of any franchise rights granted under this Ordinance.

SECTION 1502 SUCCESSORS AND ASSIGNS

Notwithstanding Section 1501, the Company may assign, transfer, or sublet its rights, without the consent of the City, to any person or entity that controls, is controlled by or is under common control with the Company, any company or entity with which or into which the Company may merge or consolidate, to any lender of the Company provided the City is advised of the action prior to enactment. Any successor(s) of the Company shall be entitled to all rights and privileges of this franchise granted by this Ordinance and shall be subject to all the provisions, obligations, stipulations and penalties herein prescribed.

ARTICLE XVI

SECTION 1601 NONEXCLUSIVE FRANCHISE

Nothing in the franchise granted by this Ordinance shall be construed to mean that this is an exclusive franchise, as the City Council reserves the right to grant additional telecommunications franchises to other parties.

ARTICLE XVII

SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES

Subject to the foregoing, any waiver of the franchise granted by this Ordinance or any of its provisions shall be effective and binding upon the Parties only if it is made in writing and duly signed by the Parties.

SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED

If either Party fails to enforce any right or remedy available under the franchise granted by this Ordinance, that failure shall not be construed as a waiver of any right or remedy with respect to any breach or failure by the other Party. Nothing herein shall be construed as a waiver of any

rights, privileges or obligations of the City or the Company, nor constitute a waiver of any remedies available at equity or at law.

ARTICLE XVIII

SECTION 1801 NO DISCRIMINATION

The Company’s rights, privileges and obligations under the franchise granted by this Ordinance shall be no less favorable than those granted by the City to any other telecommunications provider and shall not be interpreted by the City in a less favorable manner with respect to any other similarly situated entity or person or user of the City’s Public Rights-of-Way.

ARTICLE XIX

SECTION 1901 FORCE MAJEURE

Neither the Company nor the City shall be liable for any delay or failure in performance of any part of the franchise granted by this Ordinance from any cause beyond its control and without its fault or negligence including, without limitation, acts of nature, acts of civil or military authority, government regulations embargoes, epidemics, terrorist acts, riots insurrections, fires, explosions, earthquakes, nuclear accidents, floods, work stoppages, equipment failure, power blackouts, volcanic action, other major environmental disturbances, or unusually severe weather conditions.

ARTICLE XX

SECTION 2001 EFFECTIVE DATE

This Ordinance shall be effective upon its passage.

Adopted by the Council of the City of Charlottesville on the ____ day of _____, 20__.

Paige Rice, Clerk of Council

[Signature Page Follows]

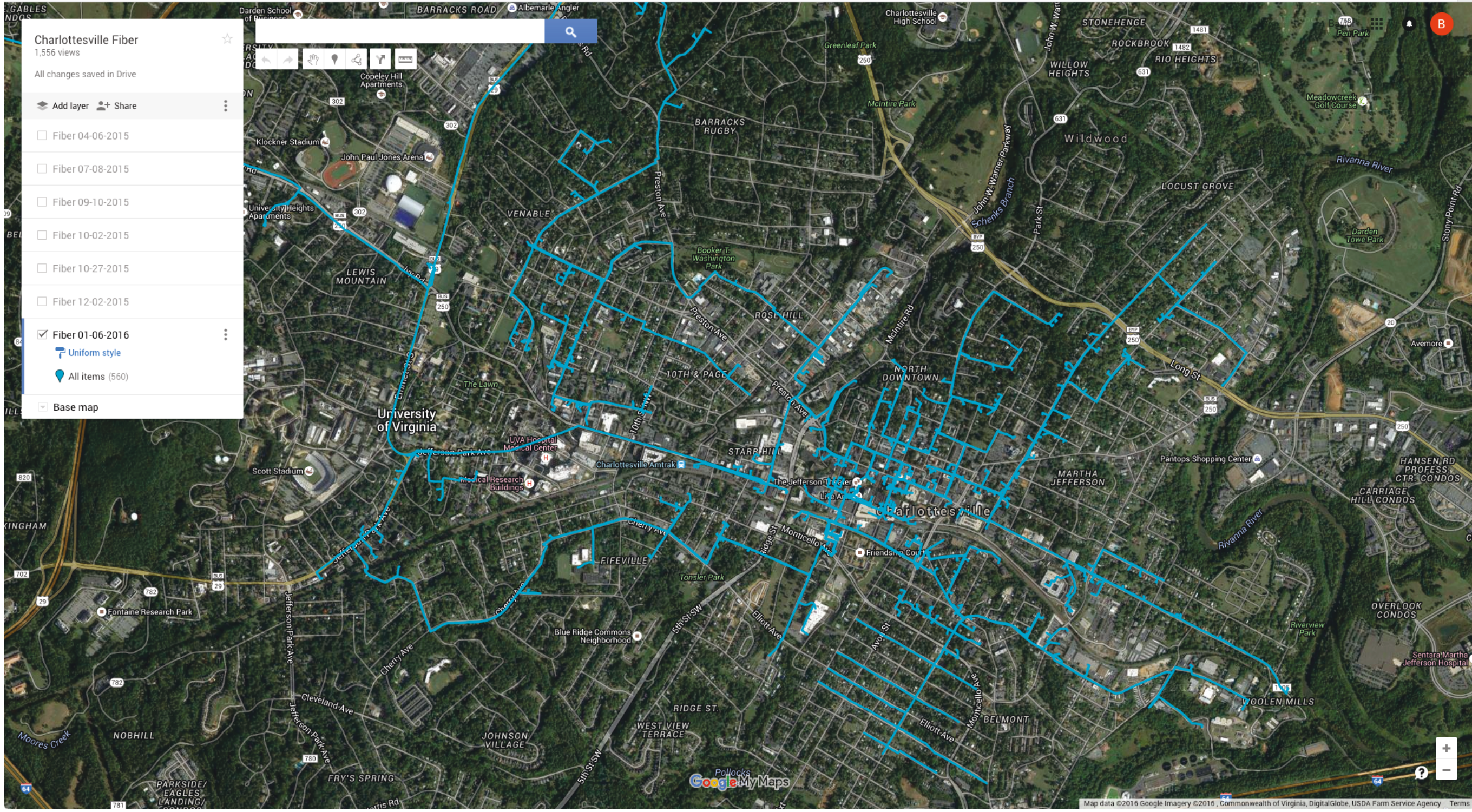
ACCEPTED: This Franchise is accepted, and we agree to be bound by its terms and conditions.

Ting Fiber, Inc.

Date: _____, 2016

By: _____

Its: _____



Charlottesville Fiber
1,556 views

All changes saved in Drive

Add layer **Share**

- Fiber 04-06-2015
- Fiber 07-08-2015
- Fiber 09-10-2015
- Fiber 10-02-2015
- Fiber 10-27-2015
- Fiber 12-02-2015
- Fiber 01-06-2016**
 - [Uniform style](#)
 - [All items \(560\)](#)

Base map

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



Agenda Date:	March 7, 2016
Action Required:	None
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager Ryan Davidson, Sr. Budget and Management Analyst Maya Kumazawa, Budget and Management Analyst
Title:	Presentation – City Manager’s Proposed FY 2017 Budget

Background:

At the first Council meeting in March of each year, the City Manager formally presents the proposed budget to City Council and the public. This is followed by a series of public hearings, worksessions, a community budget forum and a final vote on the budget no later than April 15th. This item begins the FY 2017 budget discussions and deliberations.

Discussion:

The total General Fund Budget for FY 2017 is proposed to be **\$161,871,784**, a **3.50%** increase over FY 2016. The proposed budget also includes a \$20.4M Capital Improvement Program budget in FY 2017.

Community Engagement:

There are several opportunities for the community to provide input into the budget. In addition, a few minutes are reserved at the end of each Budget Worksession for public comment:

Council Budget Worksession	March 10, 2016 – 5:00PM City Space Meeting Room
Council Budget Worksession	March 15, 2016 – 5:00PM City Space Meeting Room
First Public Hearing - Tax Levy and Proposed Budget	March 21, 2016 – 7:00PM Council Chambers
Community Budget Forum	March 23, 2016 – 7:00PM City Space Meeting Room
Council Budget Worksession	March 31, 2016 – 5:00PM City Space Meeting Room

Second Public Hearing and First Budget Reading	April 4, 2016 – 7:00PM Council Chambers
Council Budget Worksession	April 7, 2016 – 5:00PM City Space Meeting Room
Second Reading and Budget Adoption	April 12, 2015 – 5:30PM City Hall - Second Floor Conference Room

Alignment with City Council’s Vision and Strategic Plan:

The proposed budget aligns with Council’s Vision and the Strategic Plan, detailed in the budget document and supplemental material.

Budgetary Impact:

The presentation alone has no budgetary impact.

Recommendation:

N/A

Alternatives:

N/A

Attachments:

The City’s proposed budget document and materials for the budget worksessions are posted at www.charlottesville.org/budget.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	March 7, 2016
Action Required:	Approval
Presenter:	Tierra Howard, Grants Coordinator, NDS
Staff Contacts:	Tierra Howard, Grants Coordinator, NDS
Title:	Amendment to 15-16 CDBG and HOME Annual Action Plan

Background:

CRHA had previously been awarded HOME Investment Partnership (HOME) funds in FYs 06-07, and 11-12 for down payment/closing cost assistance. On October 21, 2015, the City terminated the 06-07 and 11-12 HOME grant agreements with CRHA and recaptured a total of \$65,400 in HOME funds due to lack of implementation and due diligence to carry out the programs in a timely manner.

In addition to the reprogrammed funds, the City received \$40,000 in program income in 2015 for HOME. Since program income is required to be applied to current projects before applying entitlement funds, the program income freed up entitlement funds to be applied to future HOME projects.

Monticello Area Action Agency (MACAA) was awarded CDBG funds totaling \$200,000 in FY 15-16 to purchase a house to serve as a transitional shelter for homeless families. Due to challenges with identifying a property within the City that meets the outcomes of the project, is affordable, and identifying a property that does not trigger the Uniform Relocation Act, staff is proposing to provide MACAA with an additional \$10,000 in hopes that MACAA can acquire a property and meet the required outcomes and assist the City with meeting the required HUD timeliness requirements within the April 2016 timeframe.

The City's Department of Social Services (CDSS) Career Training project was initially set-up to assist only VIEW clients. DSS has requested to change the initial proposal to allow for the CDBG funds to benefit a larger range of CDSS clients including SNAP participants.

These 3 changes to the current action plan are needed to facilitate the expenditure of funds in a timely manner.

Discussion:

To meet HUD requirements, both the reprogrammed funds and the program income funds must be formally committed by July 30, 2016. Due to the commitment deadline, staff incorporated the availability of reprogrammed funds and the program income into the FY 16-17 CDBG/HOME Request for Proposal process to expedite the commitment and expenditure of funds. As a result, the CDBG Task Force made a recommendation to fund Habitat for Humanity with the reprogrammed funds and program income for a total of \$105,400 to go towards down payment assistance activities based upon Habitat's proposal to assist 12 homebuyers within the commitment deadline.

Down payment assistance is an eligible activity under HOME, meets a council priority, and is consistent with the Consolidated Plan. In order for the use of funds to be committed and expended with HUD deadlines, City Council needs to approve the change and the 15-17 Annual Action Plan needs to be amended to incorporate this use of funds.

In the best interest of the City's CDBG Program, staff recommends that the City assist MACAA in acquiring a property within the timeframe by providing additional funds in the amount of \$10,000 (or half the amount over \$200k) to go towards MACAA's efforts to acquire a single-family residential property within the limited timeframe. Due to a large amount of funds wrapped up into one project (\$200,000), the City will not meet its spending deadline and the City will be in jeopardy of losing CDBG funding if MACAA does not acquire a property by the required timeframe. Staff recommends a \$10,000 reduction in the 10th & Page Project as a result of providing MACAA with an additional \$10,000 to assist with its acquisition efforts. The 10th & Page project came in under the expected bid amount and 10th & Page has an additional year as a Priority Neighborhood in fiscal year 16-17. Overall, staff believes that there is a sufficient amount of funds available in the 10th & Page project to transfer the minimal amount of funds to the MACAA project.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for **Quality Housing Opportunities for All**. Expected outcomes include access to affordable housing. The project also will help realize the following Strategic Plan objective: *1.3. Increase affordable housing options.*

Community Engagement:

A request for proposals was held for housing projects. As required by the Citizen Participation Plan, applications received were reviewed by the CDBG Task Force. A 15-day public comment period was also held. The CDBG Task Force reviewed and provided support for the MACAA recommendation. As required by the Citizen Participation Plan, a 15-day public comment period was held.

Budgetary Impact:

The proposed change to the HOME program does not alter the amounts of funds (nor alter the match required as it has already been accounted for).

The proposed change to the CDBG program is a transfer of funds from one project to another project where one project will increase in funds and one project will be decreased in the amount

of \$10,000. There will be no budgetary impact for the DSS Career Training project.

Recommendation:

The CDBG Task Force recommends approval of the action plan amendment and appropriation of reprogrammed funds for the HOME. Staff, with the support of the CDBG Task Force recommends approval of the action plan amendment appropriation of reprogrammed funds for the CDBG program.

Alternatives:

If the HOME and CDBG funds are not reprogrammed and appropriated, the City will not meet the HUD HOME/CDBG project commitment/timeliness deadline and will lose the funds.

Attachments:

FY 15-16 Action Plan Amendment
FY 15-16 Action Plan Amendment Resolution

FY 15-16 Action Plan
Amendment to Amend Existing HOME Project
Public Comments accepted February 9 through February 23, 2016.

AP-35 PROJECTS

Amending Existing Project

An existing project will be amended to use additional HOME funds for down payment assistance totaling \$105,400. This project will help meet the annual goal of ‘assist first-time homebuyers’ and the priority need of ‘high costs of home purchase’ by providing affordable housing for families through Habitat for Humanity. The project is expected to help at least 12 low-mod people.

Citizen Participation

This amendment to the Action Plan was made available for public comment for 15 days, February 9 through February 23, 2016.

The following notice appeared in the Daily Progress on Monday, February 8, 2016.

NOTICE OF PUBLIC COMMENT PERIOD
DRAFT AMENDMENT TO 2015-2016 ACTION PLAN OF THE CONSOLIDATED PLAN FOR THE
CITY OF CHARLOTTESVILLE AND THE
THOMAS JEFFERSON PLANNING DISTRICT COMMISSION
15-DAY COMMENT PERIOD: 2-9-16 through 2-23-16

The City of Charlottesville and the Thomas Jefferson Planning District Commission invite public comment on the Draft Amendment to the Action Plan to provide further details on changes to HOME Activities in the City of Charlottesville. HOME funds will now be used for Habitat for Humanity down payment assistance activities. Public Hearings will be held at the following times and locations: Charlottesville City Council, Monday, March 7, 2016 at 7:00pm in City Council Chambers, 605 East Main Street. Copies and additional information may be obtained at <https://www.charlottesville.org/index.aspx?page=827> or by contacting Ms. Tierra Howard, City of Charlottesville, at (434) 970-3093. Reasonable accommodations for persons with disabilities and non-English speakers will be provided if requested.

FY 15-16 Action Plan
Amendment to Amend Existing HOME Project
Public Comments accepted February 20 through March 5, 2016.

AP-35 PROJECTS

Amending Existing Projects

An existing project (Department of Social Services Career Training) will be amended to include training for SNAP Participants. Also, an existing project (MACAA Hope House Acquisition) will be amended to add additional funds for acquisition totaling \$10,000 to assist in acquiring one unit of housing for homeless persons to serve as a transitional shelter for homeless families. The 10th & Page Priority Neighborhood project will be amended to decrease funds totaling \$10,000.

Citizen Participation

This amendment to the Action Plan was made available for public comment for 15 days, February 20 through March 5, 2016.

The following notice appeared in the Daily Progress on Friday, February 19, 2016.

NOTICE OF PUBLIC COMMENT PERIOD
DRAFT AMENDMENT TO 2015-2016 ACTION PLAN OF THE CONSOLIDATED PLAN FOR THE
CITY OF CHARLOTTESVILLE AND THE
THOMAS JEFFERSON PLANNING DISTRICT COMMISSION
15-DAY COMMENT PERIOD: 2-20-16 through 3-5-16

The City of Charlottesville and the Thomas Jefferson Planning District Commission invite public comment on the Draft Amendment to the Action Plan to provide further details on changes to CDBG activities in the City of Charlottesville. CDBG activities for the Department of Social Services (DSS) Career Training Program will be amended to include training for SNAP participants. MACAA's CDBG budget for the Hope House Acquisition project will be amended to increase funding in the amount of \$10,000 and the 10th & Page streetscape improvement project will be amended to decrease funding in the amount of \$10,000. Public Hearings will be held at the following times and locations: Charlottesville City Council, Monday, March 7, 2016 at 7:00pm in City Council Chambers, 605 East Main Street. Copies and additional information may be obtained at <https://www.charlottesville.org/index.aspx?page=827> or by contacting Ms. Tierra Howard, City of Charlottesville, at (434) 970-3093. Reasonable accommodations for persons with disabilities and non-English speakers will be provided if requested.

**A RESOLUTION
AMENDING THE CITY OF CHARLOTTESVILLE'S
FY 15-16 ANNUAL ACTION PLAN**

WHEREAS, the City of Charlottesville must submit Annual Action Plans to the Department of Housing and Urban Development describing the use of Community Development Block Grant and HOME Investment funds; and

WHEREAS, the City of Charlottesville has determined that an existing HOME and CDBG project originally described in the FY 15-16 Annual Action Plans has been amended;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the FY 15-16 Annual Action Plan be amended as follows:

FY 15-16 Action Plan - HOME funds totaling \$105,400 now awarded to Habitat for Humanity for Down payment Assistance. CDBG funds totaling \$10,000 will be added to the MACAA Hope House Acquisition project and funds totaling \$10,000 will be deducted from the 10th& Page Priority Neighborhood project. The (Department of Social Services Career Training) will be amended to include training for SNAP Participants.

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



Agenda Date:	March 7, 2016
Action Required:	Approval
Presenter:	Tierra Howard, Grants Coordinator, NDS
Staff Contacts:	Tierra Howard, Grants Coordinator, NDS
Title:	Reprogramming of HOME and CDBG funds

Background:

CRHA had previously been awarded HOME Investment Partnership (HOME) funds in FYs 06-07, and 11-12 for down payment/closing cost assistance. On October 21, 2015, the City terminated the 06-07 and 11-12 HOME grant agreements with CRHA and recaptured a total of \$65,400 in HOME funds due to lack of implementation and due diligence to carry out the programs in a timely manner.

In addition to the reprogrammed funds, the City received \$40,000 in program income in 2015. Since program income is required to be applied to current projects before applying entitlement funds, the program income freed up entitlement funds to be applied to future HOME projects.

Monticello Area Action Agency (MACAA) was awarded CDBG funds totaling \$200,000 in FY 15-16 to purchase a house to serve as a transitional shelter for homeless families. Due to challenges with identifying a property within the City that meets the outcomes of the project, is affordable, and identifying a property that does not trigger the Uniform Relocation Act, staff is proposing to provide MACAA with an additional \$10,000 in hopes that MACAA can acquire a property and meet the required outcomes and assist the City with meeting the required HUD timeliness requirements within the April 2016 timeframe.

Discussion:

To meet HUD requirements, both the reprogrammed funds and the program income funds must be formally committed by July 30, 2016. Due to the commitment deadline, staff incorporated the availability of reprogrammed funds and the program income into the FY 16-17 CDBG/HOME Request for Proposal process to expedite the commitment and expenditure of funds. As a result, the CDBG Task Force made a recommendation to fund Habitat for Humanity with the reprogrammed funds and program income for a total of \$105,400 to go towards down payment assistance activities based upon Habitat's proposal to assist 12 homebuyers within the commitment deadline.

Down payment assistance is an eligible activity under HOME, meets a council priority, and is

consistent with the Consolidated Plan. In order for the use of funds to be committed and expended with HUD deadlines, City Council needs to approve the change and the 15-16 Annual Action Plan needs to be amended to incorporate this use of funds.

In the best interest of the City's CDBG Program, staff recommends that the City assist MACAA in acquiring a property within the timeframe by providing additional funds in the amount of \$10,000 (or half the amount over \$200k) to go towards MACAA's efforts to acquire a single-family residential property within the limited timeframe. Due to a large amount of funds wrapped up into one project (\$200,000), the City will not meet its spending deadline and the City will be in jeopardy of losing CDBG funding if MACAA does not acquire a property by the required timeframe. Staff recommends a \$10,000 reduction in the 10th & Page Project as a result of providing MACAA with an additional \$10,000 to assist with its acquisition efforts. The 10th & Page project came in under the expected bid amount and 10th & Page has an additional year as a Priority Neighborhood in fiscal year 16-17. Overall, staff believes that there is a sufficient amount of funds available in the 10th & Page project to transfer the minimal amount of funds to the MACAA project.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for **Quality Housing Opportunities for All**. Expected outcomes include access to affordable housing. The project also will help realize the following Strategic Plan objective: *1.3. Increase affordable housing options.*

Community Engagement:

A request for proposals was held for housing projects. As required by the Citizen Participation Plan, applications received were reviewed by the CDBG Task Force. A 15-day public comment period was also held. The CDBG Task Force reviewed and provided support for the MACAA recommendation. As required by the Citizen Participation Plan, a 15-day public comment period was held.

Budgetary Impact:

This proposed change does not alter the amounts of funds (nor alter the match required as it has already been accounted for). The proposed change to the CDBG program is a transfer of funds from one project to another project where one project will increase in funds and one project will be decreased in the amount of \$10,000. There will be no budgetary impact for the DSS Career Training project.

Recommendation:

Staff recommends approval of the reprogramming of \$105,400 to come from the recaptured funds from CRHA and the funds made available through program income to be used by Habitat for Humanity to provide down payment assistance. Staff, with the support of the CDBG Task Force recommends approval of the action plan amendment appropriation of reprogrammed funds for the CDBG program.

Alternatives:

If the HOME and CDBG funds are not reprogrammed and appropriated, the City will not meet the HUD HOME/CDBG project commitment/timeliness deadline and will lose the funds.

Attachments:

Appropriation (HOME)

Appropriation (CDBG)

**RESOLUTION
AMENDMENT TO HOME ACCOUNT
Reprogramming of Funds for Habitat for Humanity Down payment Assistance**

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in HOME Investment Partnership (HOME) funds for downpayment assistance; and

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in HOME funds for the purpose of down payment assistance; and

WHEREAS, these funds have been recaptured due to lack of implementation and due diligence to carry out the programs in a timely manner, these funds are now needed for costs associated with other down payment assistance programs and need to be reprogrammed for the use, and therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the HOME funds are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby transferred to the respective accounts shown as follows:

Program Year	Account Code	Purpose	Proposed Revised Reduction	Proposed Revised Addition	Proposed Revised Appropriation
06-07	1900063	CRHA – Down payment Assist.	\$8,558		
06-07	1900078	CRHA – HOP	\$9,592		
11-12	1900165	CRHA – HOP	\$31,500		
11-12	1900165	CRHA – Down payment Assist.	\$15,750		
12-13	1900184*	AHIP – Homeowner Rehab	\$33,133.34		
11-12	1900167*	AHIP – Homeowner Rehab	\$1,631.00		
15-16	1900249*	PHA – Down payment Assist.	\$5235.66		
15-16	1900262	Habitat for Humanity – Down payment Assist.		\$105,400	\$105,400
		TOTALS:	\$105,400	\$105,400	\$105,400

*Indicates the accounts in which program income was applied which freed up entitlement funds. Includes program income does not require additional local match.

**RESOLUTION
AMENDMENT TO CDBG ACCOUNT
Reprogramming of Funds for MACAA Hope House Acquisition Project and 10th & Page
Priority Neighborhood Project**

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in Community Development Block Grant (CDBG) funds for MACAA Hope House acquisition and 10th & Page Priority Neighborhood projects; and

WHEREAS, Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in CDBG funds for the purpose of acquisition and streetscape improvements; and

WHEREAS, these funds are now needed for costs associated with the MACAA Hope House acquisition project and need to be reprogrammed for the use, and therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that appropriations made to the following expenditure accounts in the CDBG funds are hereby reduced or increased by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby transferred to the respective accounts shown as follows:

Program Year	Account Code	Purpose	Proposed Revised Reduction	Proposed Revised Addition	Proposed Revised Appropriation
15-16	P-00001-05-10	MACAA Hope House Acquisition		\$10,000	\$10,000
15-16	P-00001-05-06	10 th & Page Priority Neighborhood	\$10,000		
		TOTALS:	\$10,000	\$10,000	\$10,000

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CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date:	March 7, 2016
Action Required:	Ordinance Adoption
Presenter:	Carrie Rainey, City Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, City Planner, Neighborhood Development Services
Title:	West Main Street Mixed-Use Corridors Amendment

Background:

West Main Street is a dynamic corridor that is experiencing an influx of new development and redevelopment/revitalization of existing structures. Over the past few years, there have been a number of development projects both proposed and constructed along West Main Street, particularly west of the Bridge. Many of these developments have been designed to maximize height and bulk. Of the developments constructed along the corridor, many have been perceived by the public as too large, too tall, lacking in open spaces and character, and not compatible with adjacent streets and neighborhoods.

West Main Street is an Architectural Design Control District (ADC) due to its unique architectural and historic value. All properties are subject to review by the Board of Architectural Review (BAR) for any exterior construction, reconstruction, alteration, or restoration (see Section 34-275- *Certificates of appropriateness; construction and alterations* of the City Code of Ordinances for more information). In addition, no contributing structure may be demolished without BAR approval, *see* City Code 34-277. The BAR makes its decisions in accordance with guidelines established by City Council (“ADC Guidelines”). The current ADC Guidelines were last updated on December 2, 2013, Under the proposed zoning amendments, review by the BAR will remain as it is today. **Please note, however, that the Planning Commission strongly encourages that Council direct the BAR to review the Design Guidelines (in consultation with the City’s Tree Commission), to determine whether any updates or changes are necessary or desirable, in order to assure that the guidelines and the zoning ordinance can be applied in a complementary fashion. The Planning Commission is particularly**

concerned that historically significant patterns of development be respected (such as existing areas in which buildings have been built-to the street right-of-way line) but that site design guidelines should also promote street trees, public and semi-public spaces, and amenities in locations where they would enhance the compatibility of proposed new development with architectural characteristics intended to be protected along the West Main Street corridor.

In addition to the historic/ design control district requirements referenced above, each parcel of land is also subject to general zoning requirements. The proposed zoning amendments seek to alleviate the concerns revolving around development in the West Main corridor by establishing clear building envelopes, reducing allowable heights, and encouraging adaptive reuse of existing buildings with reductions in parking requirements.

The proposed zoning amendments incorporate recommendations from a code consultant, CodeStudio, a firm that participated in the West Main Street project. The consultant team originally proposed a form based code, many elements of which subsequent staff review determined to be inappropriate for the West Main Street corridor. In May 2015 staff presented sections of the proposed amendments from the consultant's work which staff felt would be appropriate to incorporate into the West Main Street corridor districts. Council provided amendments to the original staff proposal, which was discussed by the Planning Commission on August 11, 2015, October 13, 2015, and December 8, 2015.

The report presented to the Planning Commission on August 11, 2015 can be viewed at:
<http://www.charlottesville.org/home/showdocument?id=34065>

The full report and presentation previously presented to the Planning Commission and City Council for the joint public hearing on October 13, 2015 can be viewed at:
<http://www.charlottesville.org/home/showdocument?id=34167>

At the November 2nd, 2015 meeting, City Council directed staff to present the proposed zoning amendments back to the Planning Commission, with direction set forth in the resolution adopted by Council on November 2nd, 2015, and the matter was taken up at a joint public hearing on December 8, 2015.

The full report and presentation presented to the Planning Commission and Council for the December 8, 2015 public hearing can be viewed at:
<http://www.charlottesville.org/home/showdocument?id=36293>

In response to additional questions raised by individuals at the December 8, 2016 public hearing, or in response to the public hearing notices, another joint public hearing was advertised and held on February 9, 2016.

The full report and presentation presented to the Commission and Council for the February 9, 2016 public hearing can be viewed at:

<http://www.charlottesville.org/home/showdocument?id=37842>

Discussion of February 9, 2016 Planning Commission Recommendation: On February 9, 2016, the Commission and Council conducted a joint public hearing on ZT15-00007, including modifications and additions advertised to allow for additional discussion of alternative zoning map and text provisions. The Commission’s recommendation to City Council is incorporated within the attached Proposed Ordinance. As a result of the prior direction received from Council, the Planning Commission specifically discussed and reconsidered the following aspects as possible modifications of the provisions of the draft ordinance and zoning map amendment recommended by staff:

1. Most appropriate classification for the Amtrak site (Tax Map 30 Parcels 2, 2.A, 2.B, and 2.C)

During the development of staff’s recommendations for the Proposed Rezoning, the most appropriate classification for the Amtrak parcels was a topic of significant discussion. Initially, the Planning Commission recommended that all of the Amtrak parcels (all of which are situated east of the railroad bridge) should be classified “WME”. On May 18, 2015 the City Council asked the Planning Commission to have additional discussion of what might be the most appropriate zoning district classification for the Amtrak parcels. The Commission did so, at one point determining that Tax Map Parcels 2.B and 2.C remain in the “WME” zoning district, Tax Map 30 Parcel 2 be moved to the “WMW” district, and Tax Map 30 Parcel 2.A shall be classified partially as the “WMW” zoning district and partially as the “WME” zoning district. Following the December 2, 2015 public hearing, members of Council requested the Amtrak site receive further review regarding the most appropriate zoning classification. At the February 9, 2016 public hearing, the Commission ultimately decided that the “WME” classification is the most appropriate for all of the Amtrak parcels. Staff also recommends the WME classification as being the most likely means of effecting desired patterns of use and development east of the railroad bridge, consistent with the intended purpose of the WME district.

2. Most appropriate classification for the Midway Manor parcel

During the development of staff’s recommendations for the Proposed Rezoning, staff has always regarded “WME” as the most appropriate zoning district classification for Midway Manor. On November 2, 2015 the City Council asked the Planning Commission to have additional discussion of what might be the most appropriate zoning district classification for this parcel. This site provides an anchor for the eastern end of the West Main Street Corridor. In terms of both the current and future requirements of the

community, this site is significant in terms of the impact that future redevelopment would have on the interaction between the West Main Corridor and Downtown Charlottesville. In fact, this parcel has long been considered part of the West Main Street Corridor for zoning purposes (currently zoned “West Main Street South” corridor). Mixed use development would be desirable at this site, but at a smaller scale than developments such as The Flats (WMW) or Water Street Plaza (Downtown). Staff concurs with the Planning Commission that “WME” is the most appropriate zoning classification for this property, and will serve the intended purpose of the WME district.

3. Purpose and intent of the new zoning districts

During public hearing on February 9, 2016, one speaker indicated that she found the Proposed Ordinance to be unclear as to the lack of clarity as to the distinct purposes of the West Main East and West Main West districts. Staff recommends that Council should consider the following edits to the Proposed Ordinance, to provide additional clarity on the purpose of each district.

Sec.34-541(4). *West Main Street West Corridor*. The land use and lots on West Main Street west of the railroad bridge are generally larger in size than those east of the bridge. The West Main West district (“WMW”) is established to provide the opportunity for large-scale redevelopment ~~that may with respect to alter~~ established patterns of commercial and residential development along West Main Street and that will respect the character of neighborhoods in close proximity. Within this district, the purpose of zoning regulations is to facilitate redevelopment while at the same time creating one of the primary goals is to provide a walkable, mixed use “main street” setting that encourages vibrant pedestrian activity....

Sec. 34-541(5). *West Main Street East Corridor*. The land use and lots on West Main Street east of the railroad bridge are smaller than those west of the bridge, containing existing buildings (including historic buildings) that have been renovated to accommodate modern commercial uses. Established buildings are located in close proximity to the street on which they front. Within this district, the purpose of zoning regulations is to encourage a continuation of the established pattern and scale of commercial uses, and one of the primary goals of this district is to provide to encourage an extension of a walkable, mixed use “main street” setting, eastward, from the railroad bridge continuing into to the area where the West Main Street Corridor transitions into the city’s downtown ~~that encourage vibrant pedestrian activity~~.....

Alignment with City Council Vision Areas and Strategic Plan:

The project supports City Council’s “Economic Sustainability” vision by encouraging mixed use and infill development, City Council’s “Green City” vision by providing additional opportunities for street trees and landscaping, and City Council’s “Smart Citizen-Focused Government” by providing ordinance amendments in response to community concerns regarding development on West Main Street. It contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community, and objective 2.6, Engage in robust and context sensitive urban planning.

Community Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on October 13, 2015. The Planning Commission and Council held a second joint public hearing, after additional public notice, on December 8, 2015. The Planning Commission held a third public hearing, after additional public notice, on February 9, 2016.

At the October 13, 2015 meeting:

Several members of the public expressed support for the proposed zoning amendments:

- One speaker noted the strong community consensus for lower building heights and personally supports the proposed amendments.
- One speaker noted support of the proposed amendments and urged a careful balance between complementing the historic structure rather than overshadowing it.
- One speaker noted support of the proposed amendments but suggested the addition of a diagram to help with understanding the bicycle parking requirement.

Several members of the public expressed concern regarding the proposed zoning amendments:

- Several speakers representing Midway Manor noted concerns with redevelopment of the parcel under the proposed zoning amendments and indicated a preference to rezone Midway Manor to a different zoning district.
- Several speakers noted concern with public advertisement procedures, indicating they or their clients owning property on the West Main Street corridor but not residing in the City were not aware of the West Main Street project before notices for the public hearing were received.
- One speaker outlined a potential building configuration study undertaken for a client interested in several parcels along West Main Street. The speaker noted the client was not able to achieve the desired number of units under the proposed amendments.

At the December 8, 2015 meeting:

Several members of the public expressed support for the proposed zoning amendments:

- One speaker expressed support of the reduced heights, no penthouses allowed in the appurtenance, and a ten (10) feet minimum setback.

- One speaker expressed support of any reduction in building height.
- One speaker expressed support of the reduction in building height and the removal of the Special Use Permit for additional building height.
- One speaker expressed support of the reduced building heights to protect the historic buildings on the corridor.
- One speaker expressed support of a ten (10) feet minimum setback to provide a comfortable pedestrian experience and space amenities.
- One speaker expressed support of the proposed zoning amendments and noted concern with applying a zoning district other than the proposed West Main Street East (WME) district to 100 Ridge Street (Midway Manor).

Several members of the public expressed concern regarding the proposed zoning amendments:

- Several speakers representing the owner of 100 Ridge Street (Midway Manor) noted concerns with redevelopment of the parcel under the proposed West Main Street East (WME) district, citing historic trends for the parcel and its location across Ridge Street from the West Main Street corridor.
- A speaker representing the owner of 808-840 West Main Street (Amtrak site) noted concern with the application of the proposed West Main Street East (WME) district to the property. The speaker noted the difference in grade in the vicinity of the bridge.
- Some speakers expressed concern with the proposed amendment to the appurtenance section, citing the need for habitable space on the rooftops of buildings.
- Some speakers expressed concern with the proposed amendment to the definition of grade in relation to building height calculation, citing properties citywide in which the proposed changes may have an adverse effect.
- One speaker noted the reduction in building height limited the development of lots with existing historic structures, due to the limited density achievable as a result of the preservation of the historic structures.
- One speaker noted that he believes buildings taller than fifty two (52) feet would be appropriate on the eastern portion of the corridor. The speaker noted more time is needed to review the proposed amendments.

At the February 9, 2016 meeting:

Several members of the public expressed support for the proposed zoning amendments:

- One speaker expressed support of the reduced heights and urged the Planning Commission to pass the proposed changes, as the character of West Main Street east of the bridge and the neighborhoods on either side are in danger.
- A representative from Preservation Piedmont expressed support for the staff recommended zoning amendments, noting West Main Street's proximity to world heritage sites.

- A representative from Southern Environmental Law Center expressed support for the proposed zoning amendments, noting the importance of striking a careful balance between the character and unique neighborhoods and development.
- A representative from the Sierra Club expressed support for the proposed zoning amendments, noting the Club sees the recommendations as positive and referencing the narrow sidewalk sections where two-way pedestrian travel is barely accommodated.

Several members of the public expressed concern regarding the proposed zoning amendments:

- Several speakers representing the owner of 100 Ridge Street (Midway Manor) noted concerns with redevelopment of the parcel under the proposed West Main Street East (WME) district, citing its location in the downtown neighborhood and requesting to be included in the Water Street District instead.
- One speaker expressed concern with the proposed amendments to the definition of building height and how it is calculated.
- One speaker expressed concern with the reduction of allowable height in a city that is landlocked, noting the major changes in elevation that occur on some sites.
- One speaker expressed concern that the proposed amendments would create stagnation on West Main Street, noting the zoning amendments adopted in 2003 facilitated more urban development on the corridor.
- A representative for Union Station Partners expressed concern with the previous recommendation by the Planning Commission to divide the Amtrak site between WME and WMW zoning, noting the dividing line as arbitrary.
- One speaker expressed concern with the previous recommendation by the Planning Commission to reduce the minimum primary street setback to zero (0) feet, noting that the streetscape plan has not been approved and cannot be counted on to achieve expanded sidewalks.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of amending the West Main Street Mixed Use Corridor districts.

Recommendation:

The Commission voted to recommend that ZT15-0007 as proposed and publicly advertised for the February 9, 2016 public hearing, incorporating the Commission’s recommendations included in the Planning Commission’s Resolution passed on February 9, 2016. The Ordinance attached to this Agenda Memo reflects the Planning Commission’s recommendation.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached ordinance for rezoning (as recommended by the Planning Commission);
- (2) by motion, take action to approve the attached ordinance for rezoning with modifications, as deemed necessary or desirable by Council;
- (3) by motion, take action to deny the attached ordinance for rezoning; or
- (4) by motion, defer action on the attached ordinance for rezoning.

Attachments:

1. **PROPOSED ORDINANCE, recommended by the Planning Commission on February 9, 2016**
2. **PROPOSED ZONING MAP, amendment proposed on July 28, 2015**
3. **RESOLUTION, passed by the Planning Commission on February 9, 2016**
4. **MEMORANDUM: Proposed West Main Street Zoning Changes, from Office of Economic Development**

ORDINANCE

TO REPEAL THE PROVISIONS OF CITY CODE CHAPTER 34
ARTICLE VI (MIXED USE CORRIDOR DISTRICTS)
DIVISION 1 (GENERAL), SECTIONS 34-541(4) (West Main North Corridor) AND 34-
541(5)(West Main South Corridor), and corresponding changes to DIVISION 16 (USE
MATRIX), Section 34-796
AND ALSO TO REPEAL THE PROVISIONS OF CHAPTER 34, ARTICLE VI, DIVISION 5
(Regulations—West Main Street North Corridor (“WMN”)) and
DIVISION 6 (Regulations—West Main Street South Corridor (“WMS”))
AND TO AMEND AND RE-ENACT SUCH PROVISIONS, IN ORDER TO ESTABLISH
ZONING REGULATIONS FOR TWO NEW ZONING DISTRICTS, TO BE KNOWN AS THE
WEST MAIN WEST (“WMW”) AND WEST MAIN EAST (“WME”)
CORRIDOR DISTRICTS, AND ALSO TO AMEND THE ZONING MAP REFERENCED IN
34-1(1) AND TO AMEND THE PROVISIONS OF SEC. 34-SEC. 34-796 (Use Matrix—Mixed
use corridor districts); SEC. 34-1101 (Appurtenances) and SEC. 34-1200 (Definitions)
AND TO ADD A NEW SEC. 34-881 (Bicycle Parking for WME and WMW zoning districts)

WHEREAS, by motion, the Charlottesville City Planning Commission initiated ZT15-00007, proposing consideration of certain zoning text amendments as well as the amendment of the City’s official zoning map, in order to repeal the existing mixed use zoning district classifications referred to as “West Main North Corridor” (WMN) and “West Main South Corridor” (WMS), and the zoning text regulations for those districts, and to establish in their place two new zoning district classifications, “West Main West Corridor” (WMW) and “West Main East Corridor” (WME), along with zoning regulations for the new districts and a zoning map amendment reclassifying certain parcels of land from the WMN and WMS districts to the new WMW and WME districts, as shown on a map dated July 28, 2015 (collectively, the zoning text and zoning map amendments constitute the “Proposed Rezoning”); and

WHEREAS, the Planning Commission’s motion stated that the Proposed Rezoning is required by the public necessity, convenience, general welfare or good zoning practice; and,

WHEREAS, (i) notice of a public hearing of the Proposed Rezoning, to be conducted jointly by the Planning Commission and City Council on February 9, 2016, was advertised in accordance with Va. Code Sec. 15.2-2204, (ii) notice of the Proposed Rezoning was given to property owners in accordance with Va. Code Sec. 15.2-2204, and (iii) a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on December February 9, 2016; and

WHEREAS, the Planning Commission and City Council also conducted joint public hearings on the Proposed Rezoning, each held after advertised public notice and notice to affected property owners, on October 13, 2015, 2015 and December 8, 2015, respectively; and

WHEREAS, on February 9, 2016 the Planning Commission adopted a resolution, recommending that City Council should adopt Proposed Rezoning, with several modifications; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that the Proposed Rezoning is reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; and

WHEREAS, this Council also finds and determines that the Proposed Rezoning will accomplish the objectives of Virginia Code § 15.2-2200, and has been designed to give reasonable consideration to each of the following purposes: to provide for adequate light, air, convenience of access; to facilitate the creation of an attractive, convenient and harmonious community; to protect against destruction of or encroachment upon historic areas; to protect against overcrowding of land, undue density of population in relation to community facilities existing or available; obstruction of light and air; danger and congestion in travel and transportation; to provide for the preservation of land areas of significance for the protection of the natural environment; and

WHEREAS, this Council has reviewed the Planning Commission's recommendations, all of the staff materials and public comments offered by citizens in connection with the Proposed Rezoning; and has determined that the proposed zoning text and zoning map amendments have been drawn and applied with reasonable consideration for the matters set forth within Virginia Code § 15.2-2284, including the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes, the transportation requirements of the community, the requirements for public services, the conservation of natural resources, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the city, and other matters set forth within Virginia Code § 15.2-2284; NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Charlottesville that Chapter 34 (Zoning) is hereby amended and re-ordained, as follows:

NOTES FOR REVIEWING PROPOSED TEXT AMENDMENTS:

Black text: represents new ordinance provisions (“text amendments”) recommended by staff.

Blue text: indicates existing zoning text incorporated into this ordinance

Red text: represents the Planning Commission’s changes (additions or deletions) to staff’s recommended ordinance, recommended for consideration by City Council

1. Article I (Administration), Section 34-1(1) is amended as follows:

Effective as of the date of adoption of this ordinance, the zoning district map referenced in Sec. 34-1(1) is hereby amended and readopted, to reflect amendments changing the zoning district classifications of each of the parcels of land in the West Main Street Corridor from their existing WMN and WMS classifications, to new classifications of West Main West Corridor (“WMW”) and West Main East Corridor (“WME”), and Council finds each change in classification to be reasonable and appropriate, as follows:

- i. The property having an address of 100 Ridge Street, identified on City Tax Map 28 as Parcel 93, and currently zoned “West Main South Corridor”, shall be classified as “WME”;
- ii. The property addressed as 810-820 West Main Street, identified on City Tax Map 30 as Parcel 2, and currently zoned “West Main South Corridor”, shall be classified as “WME”;
- iii. The property identified on City Tax Map 30 as Parcel 2.A, and currently zoned “West Main South Corridor,” shall be classified as “WME”;
- iv. All other parcels currently zoned WMN or WMS (identified within the list of affected parcels prepared by staff in connection with ZT15-00007, and on the Zoning Map referenced within City Code Sec. 34-1(1)), shall be classified as “WMW” or “WME” in accordance with the proposed amended Zoning Map dated July 28, 2015.

2. Article VI (Mixed Use Corridor Districts), Sections 34-541(4) and 34-541(5) are hereby repealed, and the following provisions are enacted in their place:

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

.... (4) *West Main Street West Corridor.* The land use and lots on West Main Street west of the railroad bridge are generally larger in size than those east of the bridge. The West Main West district (“WMW”) is established to provide the opportunity for large-scale redevelopment with respect to established patterns of commercial and residential development along West Main Street and neighborhoods in close proximity. Within this district, one of the primary goals is to provide a walkable, mixed use “main street” setting that encourages vibrant pedestrian activity. The following streets shall have the designations indicated:

- (a) Where only one street abuts a lot, that street is considered the primary street.
- (b) Where more than one street abuts a lot, the following are considered primary streets:
 - (1) West Main Street
 - (2) Roosevelt Brown Boulevard
 - (3) Jefferson Park Avenue
 - (4) Wertland Street
 - (5) 10th Street NW
- (c) Where a lot with multiple street frontages on the primary streets listed in section (b) exists, each frontage is considered a primary street.
- (d) Where a lot has multiple street frontages, streets not listed in section (b) above will be considered a linking street.

(5) *West Main Street East Corridor.* The land use and lots on West Main Street east of the railroad bridge are smaller than those west of the bridge, containing existing buildings (including historic buildings) that have been renovated to accommodate modern commercial uses. Established buildings are located in close proximity to the street on which they front, and one of the primary goals of this district is to provide a walkable, mixed use “main street” setting that encourages vibrant pedestrian activity. Within the West Main Street East district (“WME”), the following streets shall have the designations indicated:

- (a) Where only one street abuts a lot, that street is considered the primary street.

(b) Where more than one street abuts a lot, the following are considered primary streets:

- (1) West Main Street
- (2) Commerce Street
- (3) South Street
- (4) Ridge Street
- (5) 7th Street SW
- (6) 4th Street NW

(c) Where a lot with multiple street frontages on the primary streets listed in section (b) exists, each frontage is considered a primary street.

(d) Where a lot has multiple street frontages, streets not listed in section (b) above will be considered a linking street.

3. Article VI (Mixed Use Districts), Division 5, Sections 34-616 through 34-622 are hereby repealed, and the following provisions are enacted in their place:

DIVISION 5. – REGULATIONS – WEST MAIN STREET WEST (“WMW”)

Sec. 34-617. – Height regulations.

(a) The height regulations shall apply to buildings within the West Main Street West (“WMW”) Corridor district:

- (1) Minimum height: 35 feet
- (2) Maximum height: 75 feet

(b) Notwithstanding the provisions of Sec. 34-1100(a) or Sec. 34-1200 (definitions of “building height” or “grade”), the height of a building within the WMW district shall mean the vertical distance measured from grade level to the level of the highest point of the roof of the building.

- (1) For the purposes of this provision, the term “grade level” shall refer to the average level of the curb at the primary street frontage. If a lot has frontage on West Main Street and on another primary street, then average level of the curb along the West Main Street frontage shall be used to determine building height.
- (2) For the purposes of this provision, reference to the “highest point of the roof” shall mean: the level of a flat roof; the deck line of a mansard or parapet roof; or,

for buildings with gable, hip or gambrel roofs, the level of the average height between the eaves and ridge.

- (c) The first floor of every building shall have a minimum height, measured floor to floor, of fifteen (15) feet. ~~height minimums shall apply to buildings within the West Main Street West Corridor district:~~
- (1) ~~Minimum first floor height: 15 feet, measured from floor surface to ceiling~~
 - (2) ~~Minimum height for all other floors: 9 feet, measured from floor surface to ceiling~~

Sec. 34-618. – Streetwall regulations.

- (a) Setbacks shall be required, as follows:

- (1) *Primary street frontage:* ~~zero (0)~~ **fifteen (15)** feet minimum; twenty (20) feet maximum. At least eighty (80) percent of the building façade width of a building must be in the build-to zone adjacent to a primary street.
- (2) *Linking street frontage:* **Five (5) feet minimum; twelve (12) feet maximum.** At least forty (40) percent of the building façade width of a building must be in the build-to zone adjacent to a linking street.
- (3) *Side and rear setback, adjacent to any low density residential district:* **Twenty (20) feet, minimum.**
- (4) *Side and rear setback, adjacent to any other zoning district:* **None required.**

- (b) Stepback requirement.

The maximum height of the streetwall of any building or structure shall be forty (40) feet. At the top of the streetwall height, there shall be a minimum stepback of ten (10) feet.

- (c) Building width requirement.

The apparent mass and scale of each building over ~~two hundred (200)~~ **one-hundred (100)** feet wide shall be reduced through the use of ~~façade building and material~~ modulation and articulation to provide a pedestrian scale and architectural interest, and to ensure the building is compatible with the character of the district. This determination shall be made by the Board of Architectural Review through the Certificate of Appropriateness process.

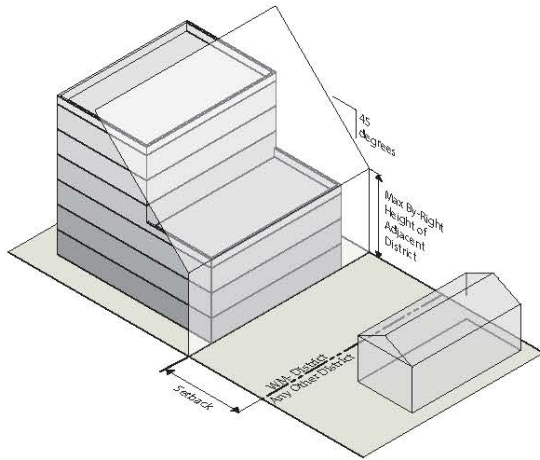
Sec. 34-619. – Bulk plane and buffer.

- (a) Bulk plane.

- (1) To promote building massing compatible with adjacent districts, a bulk plane shall apply where **the rear of** a lot in the West Main Street West district abuts any other zoning district, **and where any side of a lot in the West Main Street West district abuts a low**

density residential zoning district. No building may extend into a 45 degree angular plane projecting above the lot measured at the interior edge of any required setback, starting at a height equal to the maximum allowed height in the adjacent zoning district.

- (2) The bulk plane ends at each lot line adjacent to a street right-of-way.



(b) Buffer.

Along the frontage with any low density residential district, side and rear buffers shall be required, ten (10) feet, minimum, consisting of an S-1 type buffer (refer to section 34-871).

Sec. 34-620. - Mixed-use developments—Additional regulations.

~~No ground floor residential uses or parking garage, other than ingress and egress to the garage, may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no circumstances, however, shall any~~ No ground floor residential uses shall front on West Main Street.

Sec. 34-621. - Density.

Residential density shall not exceed forty-three (43) DUA; however, up to two hundred (200) DUA may be allowed by special use permit.

Sec. 34-622. - Additional regulations.

- (a) Developments that occupy an entire city block shall provide courtyards and plazas accessible from adjacent public rights-of-way.**
- (b) No ground floor residential uses shall front on West Main Street.**
- (c) For uses requiring more than twenty (20) off-street parking spaces, no more than fifty percent (50%) of such required spaces shall consist of surface parking open to the sky.**
- (d) No off-street loading areas may face any public right-of-way.**

Sec. 34-623. – Parking requirements adjustment.

Article VIII, Division 3, Off-Street Parking and Loading, applies to development in this district, except that:

- (1) Parking lot buffers are required only along the edge(s) of a low density district.
- (2) No parking is required for any retail use having less than 5,000 square feet in floor area.

Secs. 34-624—34-635. - Reserved.

4. Article VI (Mixed Use Districts), Division 6, sections 34-636 through 34-642 are hereby repealed, and the following provisions are hereby enacted in their place:

DIVISION 6. – REGULATIONS – WEST MAIN STREET EAST (“WME”)

Sec. 34-637. – Height regulations.

- (a) The height regulations shall apply to buildings within the West Main Street East (WME) Corridor district:
 - (1) Minimum height: 35 feet
 - (2) Maximum height: 52 feet
- (b) Notwithstanding the provisions of Sec. 34-1100(a) or of Sec. 34-1200 (definitions of “building height” or “grade”), the height of a building within the WME district shall mean the vertical distance measured from grade level to the level of the highest point of the roof of the building.

- (1) For the purposes of this provision, the term “grade level” shall refer to the average level of the curb at the primary street frontage. If a lot has frontage on West Main Street and on another primary street, the average level of the curb along the West Main Street frontage shall be used to determine building height.
 - (2) For the purposes of this provision, reference to the “highest point of the roof” shall mean: the level of a flat roof; the deck line of a mansard or parapet roof; or, for buildings with gable, hip or gambrel roofs, the level of the average height between the eaves and ridge.
- (c) The first floor of every building shall have a minimum height, measured floor to floor, of fifteen (15) feet. ~~height minimums shall apply to buildings within the West Main Street West Corridor district:~~
- (1) ~~Minimum first floor height: 15 feet, measured from floor surface to ceiling~~
 - (2) ~~Minimum height for all other floors: 9 feet, measured from floor surface to ceiling~~

Sec. 34-638. – Streetwall regulations.

(a) Setbacks shall be required, as follows:

- (1) *Primary street frontage:* ~~Zero (0)~~ **fifteen (15) feet** minimum; twenty (20) feet maximum. At least eighty (80) percent of the building façade width of a building must be in the build-to zone adjacent to a primary street.
- (2) *Linking street frontage:* **Five (5) feet minimum; twelve (12) feet maximum.** At least forty (40) percent of the building façade width of a building must be in the build-to zone adjacent to a linking street.
- (3) *Side and rear setback, adjacent to any low density residential district:* **Twenty (20) feet, minimum.**
- (4) *Side and rear setback, adjacent to any other zoning district:* **None required.**

(b) Stepback requirement.

The maximum height of the streetwall of any building or structure shall be forty (40) feet. At the top of the streetwall height, there shall be a minimum stepback of ten (10) feet.

(c) Building width requirement.

The apparent mass and scale of each building over ~~two hundred (200)~~ **one-hundred (100)** feet wide shall be reduced through the use of ~~façade building and material~~ modulation and articulation to provide a pedestrian scale and architectural interest, and to ensure the building is

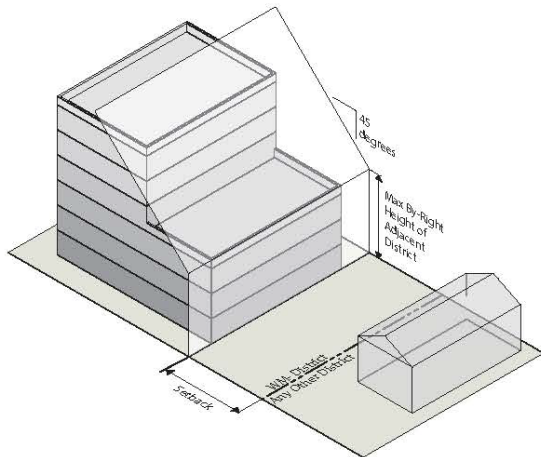
compatible with the character of the district. This determination shall be made by the Board of Architectural Review through the Certificate of Appropriateness process.

Sec. 34-639. – Bulk plane and buffer.

(a) Bulk plane.

(1) To promote building massing compatible with adjacent districts, a bulk plane shall apply where **the rear of a lot in the West Main Street East district abuts any other zoning district, and where any side of a lot in the West Main Street East district abuts a low density residential zoning district.** No building may extend into a 45 degree angular plane projecting above the lot measured at the interior edge of any required setback, starting at a height equal to the maximum allowed height in the adjacent zoning district.

(2) The bulk plane ends at each lot line adjacent to a street right-of-way.



(b) Buffer.

Along the frontage with any low density residential district, side and rear buffers shall be required, ten (10) feet, minimum, consisting of an S-1 type buffer (refer to section 34-871).

Sec. 34-640. - Mixed-use developments—Additional regulations.

~~No ground floor residential uses or parking garage, other than ingress and egress to the garage, may front on a primary street, unless a building fronts on more than one (1) primary street, in which case ground floor residential uses may front on one (1) primary street. Under no~~

~~circumstances, however, shall any~~ No ground floor residential uses shall front on West Main Street.

Sec. 34-641. - Density.

Residential density shall not exceed forty-three (43) DUA; however, up to two hundred (200) DUA may be allowed by special use permit.

Sec. 34-642. - Additional regulations.

(a) Developments that occupy an entire city block shall provide courtyards and plazas accessible from adjacent public rights-of-way.

(b) No ground floor residential uses shall front on West Main Street.

(c) For uses requiring more than twenty (20) off-street parking spaces, no more than fifty percent (50%) of such required spaces shall consist of surface parking open to the sky.

(d) No off-street loading areas may face any public right-of-way.

Sec. 34-643. – Parking requirements adjustment.

Article VIII, Division 3, Off-Street Parking and Loading, applies, except that:

- (1) Parking lot buffers are required only along the edge(s) of a low density district.
- (2) No parking is required for any retail use having less than 5,000 square feet in floor area.

Secs. 34-644—34-655. - Reserved.

5. Article VI (Mixed Use Districts), Division 16 (Use Matrix), Sec. 34-796 (Use matrix—mixed use corridor districts), is hereby amended as follows:

Sec. 34-796. Use matrix—Mixed use corridor districts.

Amend the headings *identifying the Zoning Districts*, to substitute “WMW” in place of “WMS” and to substitute “WME” in place of “WMN”

And then,

In the column specifying uses allowed in the WME zoning district, make the following changes:

<i>Use Types</i>	<i>Zoning District WME</i>	<i>Zoning District WMW</i>
Auto parts and equipment sales	<u>B</u>	B
Data center > 4,000	<u>S</u>	S
Artistic instruction, up to 10,000 SF	<u>B</u>	B
Hotels/ motels 100+ guest rooms	S <u>B</u>	B
Museums, up to 10,000 GFA	S <u>B</u>	B
Indoor health/sports clubs 4,001-10,000 GFA	S <u>B</u>	B
Indoor health/ sports clubs, more than 10,000 GFA	S <u>B</u>	B
General Retail, up to 10,000 GFS	S <u>B</u>	B
General Retail, more than 10,000 GFA	S <u>B</u>	B
Other Retail, 4,001 to 20,000	S <u>B</u>	B
Other Retail, more than 20,000	<u>S</u>	S

6. Article VIII (Required Improvements), Division 3 (Off-street Parking and Loading) is hereby amended, to add a new Sec. 34-881, as follows:

Sec. 34-882. – Bicycle parking requirements for WME and WMW zoning districts.

In the West Main Street East (WME) and West Main Street West (WMW) zoning districts, bicycle parking spaces shall be required for new buildings and developments, the addition of new enclosed floor area to an existing building, and for any change in use of any building.

(a) Required bicycle spaces.

(1) Bicycle space requirements by use.

Use	Long Term Spaces Required	Short Term Spaces Required
General retail	1 space per 10,000 square feet of floor area, 2 minimum	1 space per 5,000 square feet of floor area, 2 minimum
Office	1.5 spaces per 10,000 square feet of floor area, 2 minimum	1 space per 20,000 square feet of floor area, 2 minimum
Off-street parking lots and garages available to the general public either	1 space per 20 auto spaces, minimum	1 space per 10 auto spaces or minimum

WEST MAIN STREET ZONING DISTRICT REGULATIONS
 PROPOSED ZONING TEXT AMENDMENTS
 Recommended by Planning Commission February 9, 2016
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without charge or on a fee basis	requirement is 2 spaces. Unattended lots excepted	requirement is 6 spaces. Unattended lots excepted
Single family dwelling	No spaces required	No spaces required
Multi-family dwelling with private garage for each unit	No spaces required	0.1 space per bedroom, 2 minimum
Multifamily dwelling without private garage	0.5 spaces per bedroom, 2 minimum	0.1 space per bedroom, 2 minimum
Senior housing	0.5 spaces per bedroom, 2 minimum	0.1 space per bedroom, 2 minimum
Lodging (hotel, motel)	1 space for every 10 spaces of required automobile parking, 2 minimum	No spaces required
General food sales and groceries	1 space per 10,000 square feet of floor area, 2 minimum	1 space per 2,000 square feet of floor area, 2 minimum
Non-assembly cultural (library, government buildings, courts, etc.)	1.5 spaces for each 10 employees, 2 minimum	1 space per 8,000 square feet of floor area, 2 minimum
Assembly (houses of worship, theater, auditorium, outdoor assembly, etc.)	1.5 spaces for each 20 employees, 2 minimum	Spaces for 5% of maximum expected daily attendance
Health clinic/hospitals	1.5 spaces for each 20 employees or 1 space per 50,000 square feet of floor area, whichever is greater, 2 minimum	1 space per 20,000 square feet of floor area, 2 minimum
Public, parochial, and private day care centers for 15 or more children	1.5 spaces for each 20 employees, 2 minimum	1 space for each 20 students of planned capacity, 2 minimum
Public, parochial, and private nursery schools, kindergartens, and elementary schools (1-3)	1.5 spaces for each 10 employees, 2 minimum	1.5 space for each 20 students of planned capacity, 2 minimum
Public, parochial, and private elementary schools (4-6), junior high, and high schools	1.5 spaces for each 10 employees plus 1.5 spaces per each 20 students of planned capacity, 2 minimum	1 space for each 10 students of planned capacity, 2 minimum
Transit facility	Spaces for 7% of projected a.m. peak period daily ridership	Spaces for 2% of a.m. peak period daily ridership

Use	Spaces Required	Short-Term/Long-Term
Residential	0.5 per unit	80%/20%
Public/Institutional	1 per 5,000 SF, 2 min	90%/10%
Food and drink service	1 per 2,500 SF, 2 min	80%/20%
Lodging	0.5 per guest room	80%/20%
All other commercial and industrial uses	1 per 2,500 SF, 2 min	80%/20%

~~(2) In developments wherein the requirements listed in Section 34-644(a)(1) result in less than one full bicycle parking space being required for long term parking, the director of neighborhood development services may determine the appropriate percentages of short-term and long-term spaces to be applied to the development.~~

(b) Location of bicycle parking.

- (1) Bicycle parking spaces must be located on paved or pervious, dust-free surface with a slope no greater than three percent (3%). Surfaces cannot be gravel, landscape stone or wood chips.
- (2) Bicycle parking spaces must be a minimum of two (2) feet by six (6) feet. ~~There must be an access aisle a minimum of 3 feet in width.~~
- (3) Bicycle parking spaces must be placed at least three (3) feet from all vertical surfaces such as walls, fences, curbs, etc.
- (4) Bicycle racks must be provided to accommodate each bicycle parking space. Racks shall be placed such that each required bicycle parking space must be accessible without moving another bicycle, and its placement must not result in a bicycle obstructing a required walkway or drive aisle.
- (5) Up to 25% of bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is an adequate access aisle.
- (6) All racks must accommodate cable locks and "U" locks, must permit the locking of the bicycle frame and one wheel to the rack, and must support a bicycle in a stable position.

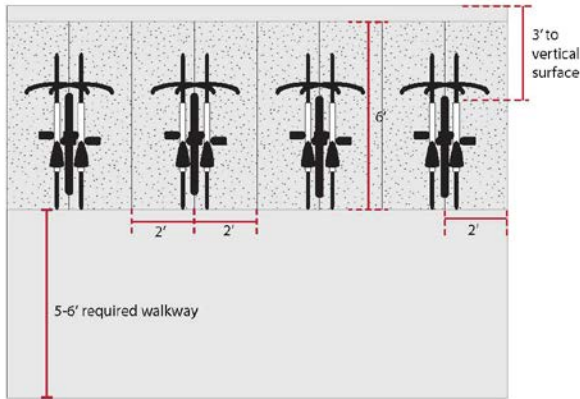
(c) Example of bicycle parking layout.

WEST MAIN STREET ZONING DISTRICT REGULATIONS
PROPOSED ZONING TEXT AMENDMENTS

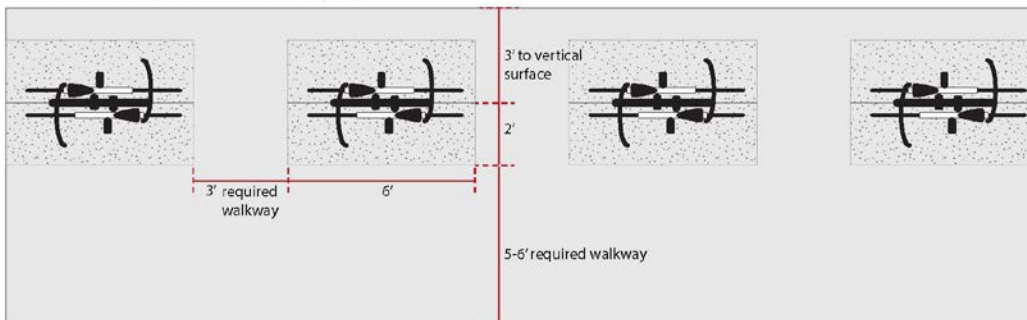
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EXAMPLE 1 (16' x 12') accomodates 8 bicycles



EXAMPLE 2 (33' x 10') accomodates 8 bicycles



(d) Short-term bicycle parking.

Required short term bicycle parking shall be visible from nearby bikeways and conveniently located to the main building entrance, no further than 50 feet. Short-term bicycle parking must meet all other applicable design standards of the City.

(e) Long-term bicycle parking.

(1) Required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather, and must be accessible to intended users.

(2) Required long-term bicycle parking for residential uses may be located within dwelling units or within deck, patio areas or private storage areas accessory to dwelling units if documented and approved by the director of neighborhood development services.

(3) Long-term bicycle parking spaces for nonresidential uses may be located off-site, within 300 feet of the site, upon a determination by the director of neighborhood development services that this arrangement would better serve the . The off-site parking

distance is measured in walking distance from the nearest point of the remote parking area to the closest primary entrance of the use served.

7. **ARTICLE IX, Sec. 34-1101 is hereby amended and re-ordained, as follows:**

Sec. 34-1101. - Appurtenances.

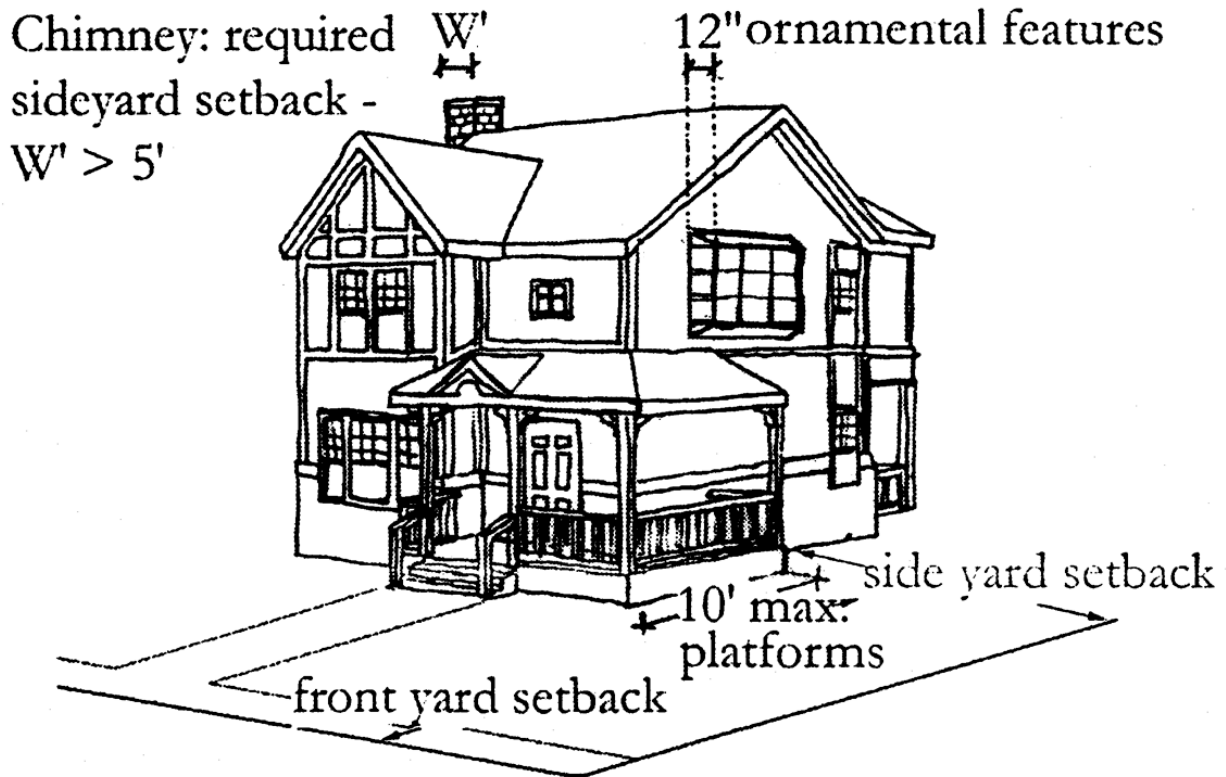
(a) An appurtenance to a building or structure shall not be counted in measuring the height of a building or structure.

(b) The director of neighborhood development services or planning commission may approve additions of appurtenances to buildings or structures, in excess of the maximum permitted height ~~of the structure~~ or roof coverage specified in paragraph (c) below, upon finding that there is a functional need for the appurtenance that cannot be met with an appurtenance having a lesser height or roof coverage, and that visible materials and colors are compatible with the building or structure to which the appurtenance is attached.

(c) No rooftop appurtenance shall: (i) itself measure more than sixteen (16) feet in height above the building, or (ii) cover more than twenty-five (25) percent of the roof area of a building. ~~A roof-top appurtenance may contain useable floor area, but such area may only be used for or as an accessory to a residential or commercial use allowed within the applicable zoning district~~

~~(d) Within a rooftop appurtenance, no enclosed space shall be designed or used as any type of habitable residential space. The provisions of this paragraph shall not preclude open-air space on a building rooftop from being used accessory to the primary use of the building.~~

~~(d)~~ (e) The following appurtenances may encroach into minimum required yards as specified:



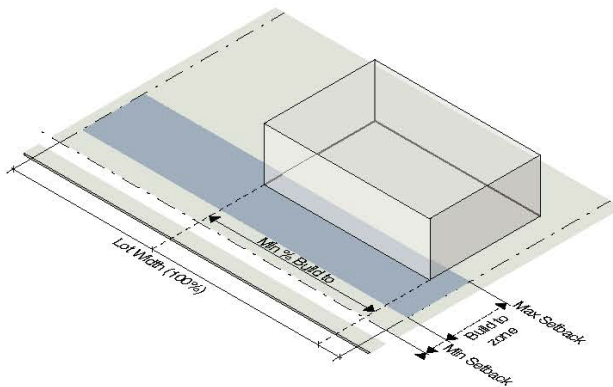
Appurtenances

- (1) Window sills, roof overhangs, belt courses, cornices and ornamental features may encroach into a required yard by no more than twelve (12) inches,
- (2) Open lattice-enclosed fire escapes, fireproof outside stairways, and the ordinary projections of chimneys and flues may encroach into a required rear yard by no more than five (5) feet.
- (3) Chimneys or flues being added to an existing building may encroach into a required side yard, but not closer than five (5) feet to the side lot line.
- (4) Elevator shafts and mechanical equipment which are screened in accordance with the requirements of Sec. 34-872.
- (5) Handicapped ramps meeting ADA standards may encroach into a required yard.
- (6) Except as otherwise provided above:

- a. Uncovered appurtenances which have a maximum floor height of three (3) feet above the finished grade may encroach into any required yard, but not closer than five (5) feet to any lot line and no more than ten (10) feet into a required front yard; however, no such appurtenance shall occupy more than thirty (30) percent of a rear yard.
- b. Any appurtenance to a single- or two-family dwelling, having a height greater than three (3) feet above finished grade may encroach into a required front yard by up to ten (10) feet, but no closer than five (5) feet to a front lot line; however, such appurtenance shall be in compliance with the applicable side yard setback;
- c. No enclosed appurtenance, regardless of height (including but not limited to a screened-in porch) shall encroach into any required yard.

8. ARTICLE X is amended and re-ordained, to add a new definition (“build-to-zone”):

Build-to-zone is the area between the minimum and maximum allowable setbacks along a street frontage. A building façade may be required to maintain a minimum percentage in the build-to-zone, measured based on the width of the building divided by the width of the lot. Minor deviations such as recessed entries, recessed balconies, and architectural features are considered to be at the same setback as the building façade immediately adjacent to those features.

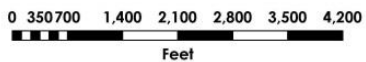
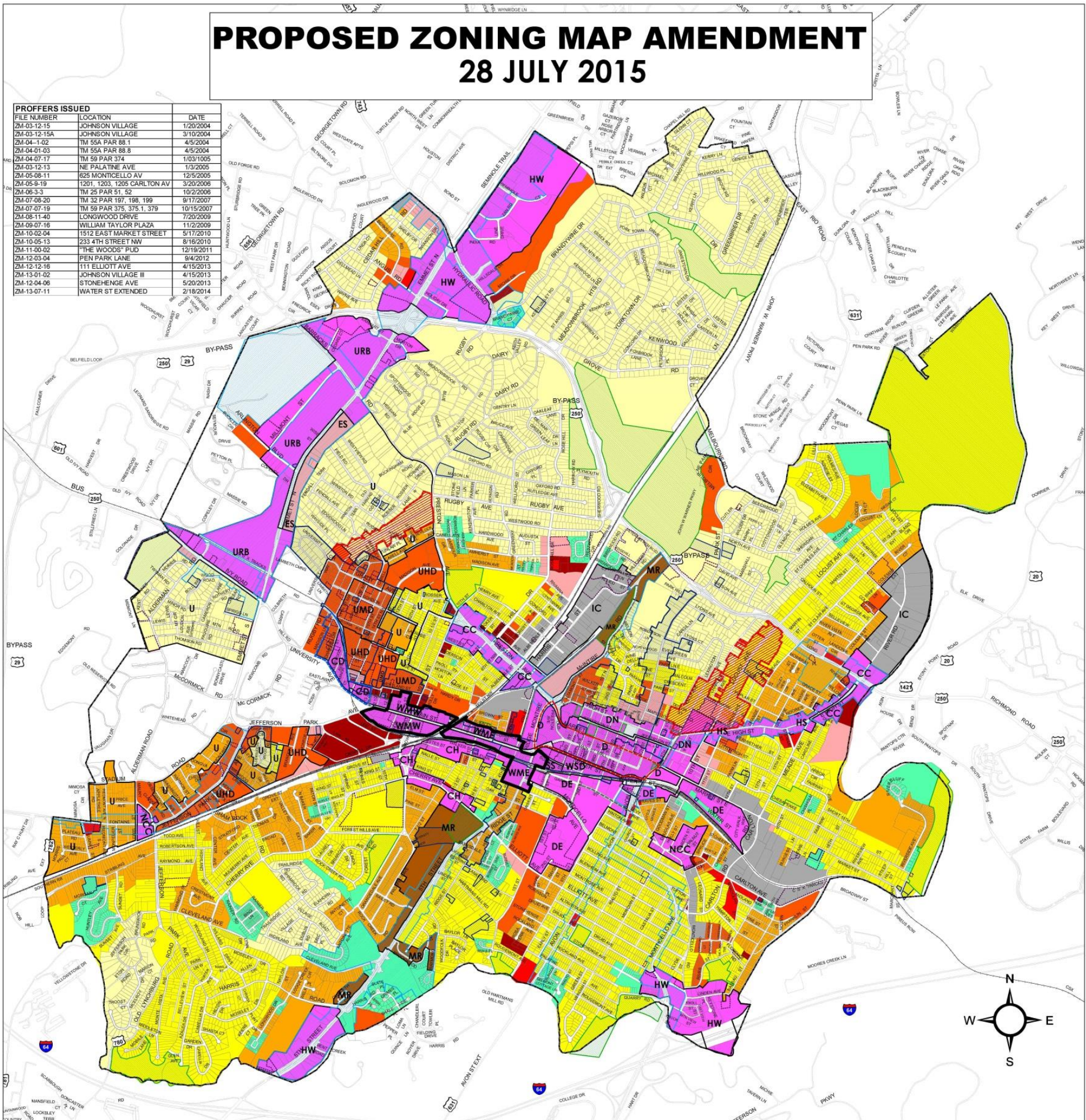


AND BE IT FURTHER ORDAINED that, effective on adoption of this Ordinance, the City's Board of Architectural Review is directed to review the City's Design Guidelines, in consultation with the City's Tree Commission, and to report back to City Council with any proposed revisions or updates that may be necessary or desirable as a result of the zoning text and zoning map amendments that have been approved herein.

CITY OF CHARLOTTESVILLE ZONING DISTRICT MAP

PROPOSED ZONING MAP AMENDMENT 28 JULY 2015

FILE NUMBER	LOCATION	DATE
ZM-03-12-15	JOHNSON VILLAGE	1/20/2004
ZM-03-12-15A	JOHNSON VILLAGE	3/10/2004
ZM-04-1-02	TM 55A PAR 88.1	4/5/2004
ZM-04-01-03	TM 55A PAR 88.1	4/5/2004
ZM-04-07-17	TM 59 PAR 374	1/03/2005
ZM-03-12-13	NE PALATINE AVE	1/3/2005
ZM-05-08-11	625 MONTICELLO AV	12/5/2005
ZM-05-9-19	1201, 1203, 1205 CARLTON AV	3/20/2006
ZM-06-3-3	TM 25 PAR 51, 52	10/2/2006
ZM-07-08-20	TM 32 PAR 197, 198, 199	9/17/2007
ZM-07-07-19	TM 59 PAR 375, 375.1, 379	10/15/2007
ZM-08-11-40	LONGWOOD DRIVE	7/20/2009
ZM-09-07-16	WILLIAM TAYLOR PLAZA	11/2/2009
ZM-10-02-04	1512 EAST MARKET STREET	5/17/2010
ZM-10-05-13	233 4TH STREET NW	8/16/2010
ZM-11-00-02	THE WOODS' PUD	12/19/2011
ZM-12-03-04	PEN PARK LANE	9/4/2012
ZM-12-12-16	111 ELLIOTT AVE	4/15/2013
ZM-13-01-02	JOHNSON VILLAGE III	4/15/2013
ZM-12-04-06	STONEHENGE AVE	5/20/2013
ZM-13-07-11	WATER ST EXTENDED	2/18/2014



Special Use Permits are identified on the map for general reference only. Refer to the original SUP file for further information.

Neighborhood Development Services
Readopted April 6, 2009

RESIDENTIAL

- R-1
- R-1U
- R-1S
- R-1SU
- R-2
- R-2U
- R-3
- UMD University Medium Density
- UHD University High Density
- MR McIntire-5th Residential
- Planned Unit Development

COMMERCIAL

- B-1
- B-2
- B-3
- ES Emmet Street Commercial

OVERLAY DISTRICTS

- Public Park Protection
- Architectural Design Control Districts and Individually Protected Properties
- Historic Conservation District
- Entrance Corridors
- Corner Parking Zone
- Parking Modified Zone
- Urban Corridor Parking Zone
- Special Use Permits

MIXED USE

- D Downtown Corridor
- DE Downtown Extended Corridor
- DN Downtown North Corridor
- WME West Main East Corridor
- WMW West Main West Corridor
- CC Central City Corridor
- URB Urban Corridor
- HS High Street Corridor
- HW Highway Corridor
- NCC Neighborhood Commercial Corridor
- CH Cherry Avenue Corridor

INDUSTRIAL

- SS South Street District Corridor
- CD The Corner District Corridor
- WSD Water Street District Corridor
- M-1
- IC Industrial Corridor

AMENDMENT DATES

July 22, 2009	January 22, 2014
October 1, 2009	February 18, 2014
November 10, 2009	September 2, 2014
November 19, 2009	December 1, 2014
October 29, 2010	June 1, 2015
November 15, 2010	July 20, 2015
June 22, 2011	October 5, 2015
September 21, 2011	
December 5, 2011	
December 19, 2011	
January 3, 2012	
February 6, 2012	
March 5, 2012	
June 11, 2012	
December 7, 2012	
April 15, 2013	
May 6, 2013	
May 20, 2013	
September 16, 2013	
November 4, 2013	
December 2, 2013	
December 16, 2013	

RESOLUTION OF THE CHARLOTTESVILLE PLANNING COMMISSION
No. 2016-1: Recommending Approval of ZT15-0007

BE IT RESOLVED by the Charlottesville Planning Commission that, subject to several modifications, the zoning text and zoning map amendments proposed by ZT15-00007, as described and set forth within the Commission's December 8, 2015 and February 9, 2016 agenda materials, are required by the public necessity, convenience, general welfare or good zoning practice, and are consistent with the City's Comprehensive Plan. THEREFORE, this Commission does hereby adopt the following recommendations:

The proposed ZONING TEXT AMENDMENTS should be approved by City Council, with the following modifications:

1. The Building Setbacks for both the West Main East and West Main West districts should be within a range from fifteen (15) feet, minimum, up to twenty (20) feet, maximum in Section 34-618(a)(1) and Section 34-638(a)(1). The BAR and Tree Commission should work together with City Council to prepare updates to the design guidelines for the West Main Street design control district, to assure appropriate criteria for design review of site design and building setbacks for specific development sites;
2. The Use Matrix set forth in Section 34-796 should be modified so that all of the uses currently allowed in the West Main South District will also be allowed in the new West Main East and West Main West districts;
3. The Bicycle Parking requirements set forth in Section 34-881 should be adopted in accordance with the recommendations of staff included within the agenda materials;
4. New provisions should be added to Sections 34-617 and 34-637, to specify that Building Height in both the West Main East and West Main West districts should be measured: from the average grade level of the curb along a parcel's primary street frontage, to the highest point of a building. If a parcel has frontage on both West Main Street and another primary street, then the average grade level of the curb on West Main Street shall be used to measure the height of a building on that parcel. The highest point of a building shall be its roof, which means: the level of a flat roof; the deck line of a mansard roof; the deck line of the roof on a building with a parapet; or, for buildings with gable, hip or gambrel roofs, the level of the average height between the eaves and ridge;
5. The Appurtenance Regulations shown in Section 34-1101 should be modified to clarify that no enclosed space may be designed or used as any type of habitable residential space, but open-air space on a building may be used accessory to the primary use of the building.

AND the following zoning map amendments should be approved by City Council:

1. For the parcel addressed as 810-820 West Main Street, identified on City Tax Map 30 as Parcel 2 (currently zoned "West Main Street South") the Commission recommends the new "West Main Street East" classification as the most reasonable and appropriate zoning district classification.
2. For the parcel identified on City Tax Map 30 as Parcel 2.A (currently zoned "West Main Street South"): the Commission recommends the new "West Main Street East" as being the most reasonable and appropriate zoning district classification.
3. For the parcel identified on City Tax Map 28 as Parcel 93, having an address of 100 Ridge Street (currently zoned "West Main Street South") the Commission recommends the new

“West Main Street East” classification as the most reasonable and appropriate zoning district classification; and

4. For all of the other parcels of land classified on the City’s current Zoning Map as either “West Main North” or “West Main South”, the Commission recommends that all of those parcels should be re-classified as either “West Main East” or “West Main West,” in accordance with the proposed Amended Zoning Map dated July 28, 2015, and finds that those recommended classifications are reasonable and appropriate for those parcels.

Adopted February 9, 2016

Moved by: Lisa Green Seconded by: Jody Lahendro

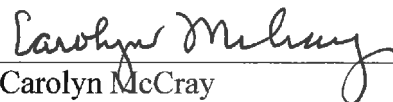
“Ayes”:

Jody Lahendro
Genevieve Keller
Kurt Keesecker
Lisa Green
John Santoski

“Nays”:

None

Certified by:


Carolyn McCray



Memo

To: Maurice Jones, City Manager
From: Chris Engel, CEcD, Director of Economic Development
Date: 10/30/15
Re: Proposed West Main Street Zoning Changes

In 2003, the City undertook a significant effort to overhaul its zoning ordinance which had last been updated in the 1970s. The new zoning ordinance was guided by the 2001 Comprehensive Plan update which clearly recognized the limited opportunity the City has within its ten square miles for further development. The new code created fourteen mixed-use districts along key corridors that allow and encourage high density mixed-use buildings. The City's proactive approach sent a strong signal to the development community that the City welcomed greater density and would help to facilitate it in the built environment. In the decade since the private sector has responded and the City has seen record levels of investment primarily focused on the mixed-use districts. From 2005 – 2014 the City saw unprecedented levels of investment totaling over \$1 billion dollars.

As the council considers changes to the zoning along West Main Street (WMS), I feel compelled to offer some concerns from an economic development perspective.

1. The proposed West Main East Corridor District (WME) zoning shrinks the permissible building envelope resulting in a reduction in the buildable square footage along the corridor. As part of the analysis the consultant team determined the buildable square footage of three potential development sites on West Main Street under the current and the proposed zoning. The results indicate an average 40% reduction in total buildable square footage from the current zoning to the proposed form based code. This is due to the lower height limit and the removal of the special use permit option.

As job creation is a key component of economic development, anytime buildable square footage is reduced the opportunity to place that space in employment generating uses is reduced. For instance, Site 2 of the analysis, in the 600 block of West Main Street, has a reduction of 42,000 SF in total buildable area. Using a proxy of 250 SF per employee the capacity of a new building constructed under the proposed WME zoning to house employees would be reduced by 29%.

2. An extensive fiscal impact analysis was performed by RCLCO as part of the overall WMS project. The rigorous analysis indicated no significant difference in net fiscal impact between the current and proposed zoning conditions. While it is useful to know the net revenue the City can expect under each scenario over a twenty year period the study does not address the actual feasibility of a project from a developer perspective. The feasibility of a project reflects a series of key inputs that ultimately result in a return on investment analysis that must meet investor expectations. If a project is not financially feasible under the proposed zoning it fails to be viable and will in all likelihood not be build. Land values along the corridor are reflective of the current zoning and if the reduction in height, particularly on the proposed WME, translates into projects that are not financially feasible the corridor may stagnate with inactivity.
3. The pre-2003, B-5 zoning for WMS had a height limit of 50'. The WME proposed zoning has a height limit of 52' with no opportunity to achieve additional height from a special use permit.
4. The current proposal suggests a one to one swap of the current West Main South/West Main North districts for the West Main East/West Main West. From a planning standpoint, this may be the most effective method to implement this change. However, there are several parcels fronting on Ridge Street and one on West Main Street (current Amtrak station site) that may benefit from further consideration for inclusion in an adjacent existing district.

Just as the 2003 zoning overhaul resulted in a strong signal to the development community that the City was interested in mixed-use and greater density along the commercial corridors, it is quite possible that the proposed changes, particularly to the WME district, may send the opposite signal causing limited investment for a considerable period of time and ultimately reducing the holding capacity of the land.

It is my belief that effective economic development programs work within the confines of the community's values and do not try and proscribe those values. As such, I am not suggesting that the concerns outlined above outweigh the work of the consultants and staff or the significant amount of public sentiment on this topic. I simply want to be sure that the council is fully aware of the potential impacts of this zoning change prior to making a decision.

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

Agenda Date:	March 7, 2016
Action Required:	Resolution Adoption
Presenter:	Brian Haluska, Principal Planner, Neighborhood Development Services
Staff Contacts:	Brian Haluska, Principal Planner, Neighborhood Development Services
Title:	SUP 206 West Market Street

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 2nd 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

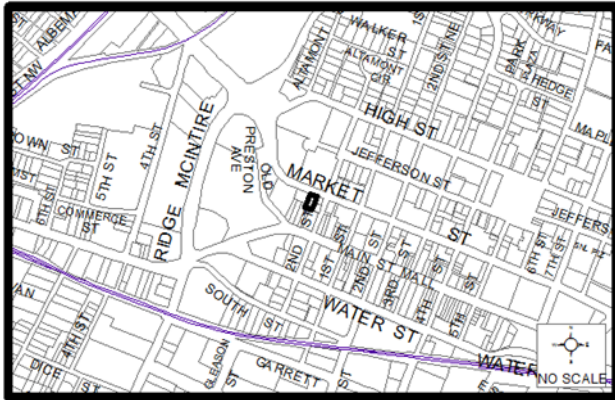
Current Zoning Classification: Downtown Corridor with Architectural Design Control District and Urban Core Parking Zone Overlays

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 2nd 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 Rinsgraff Date 11/24/15

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

(2) Signature [Signature] Print Ben Rinsgraff 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

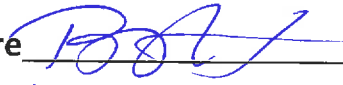
Application Checklist

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: ~~Managers~~ 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	
TOTAL			\$1,800

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
Compensatory Plantings (see City buffer mitigation manual). 90% of restorable stream buffers restored.	5 points or 1 point for each 18% of the total acreage	
Pervious pavers 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. ² or ≥ 50% of the total parking and driveway surface area.	7 points or 1 point for each 7% of parking and driveway surface area.	
Shared parking (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.	
Impervious Disconnection. Follow design manual specifications to ensure adequate capture of roof runoff (e.g. cisterns, dry wells, rain gardens)	8 points	
Bioretention. 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.	
Rain gardens. All lots, rain garden surface area for each lot ≥ 200 ft. ² .	8 points or 1 point for each 10% of lots treated.	
Designed/constructed swales. 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.	
Manufactured sand filters, filter vaults (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.	
Green rooftop to treat ≥ 50% of roof area	8 points	
Other LID practices as approved by NDS Engineer.	TBD, not to exceed 8 points	
Off-site contribution 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	
Total Points		

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.

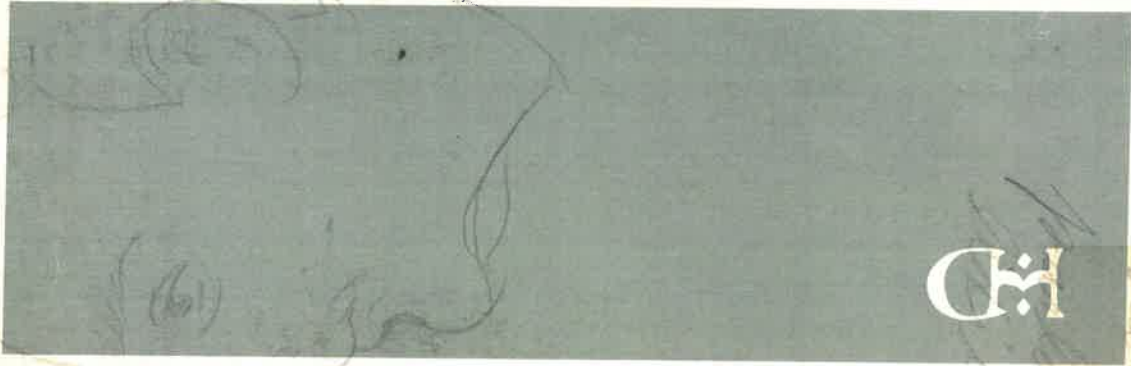
Common House, as planned, will include a banquet hall, lounge, tea room, library, bridge room, billiard room, bars, kitchen, office, rooftop terrace and restrooms. It is intended to welcome its members for social interaction, food service and the occasional private function. Attached to this application 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

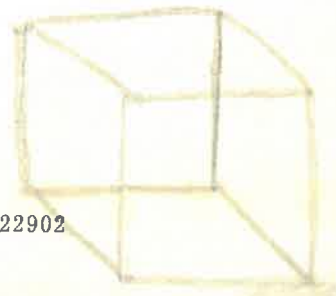
Derek Sieg

Josh Rogers

• COMMON HOUSE •

206 West Market Street Charlottesville, VA 22902

PRINTED IN U.S.A.



544 50

Common House

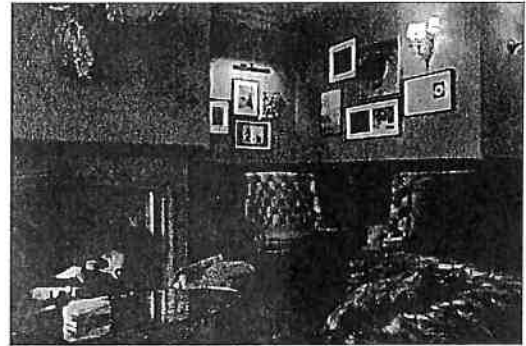
9/15/26

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.



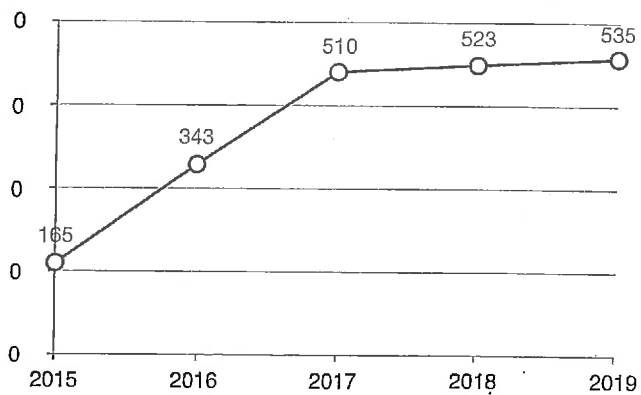
- Common House expects to form a multitude of reciprocal partnerships both in communities in which we operate and elsewhere. This could include discounts at hotels and local businesses, access to athletic facilities, other private clubs, events, etc.

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

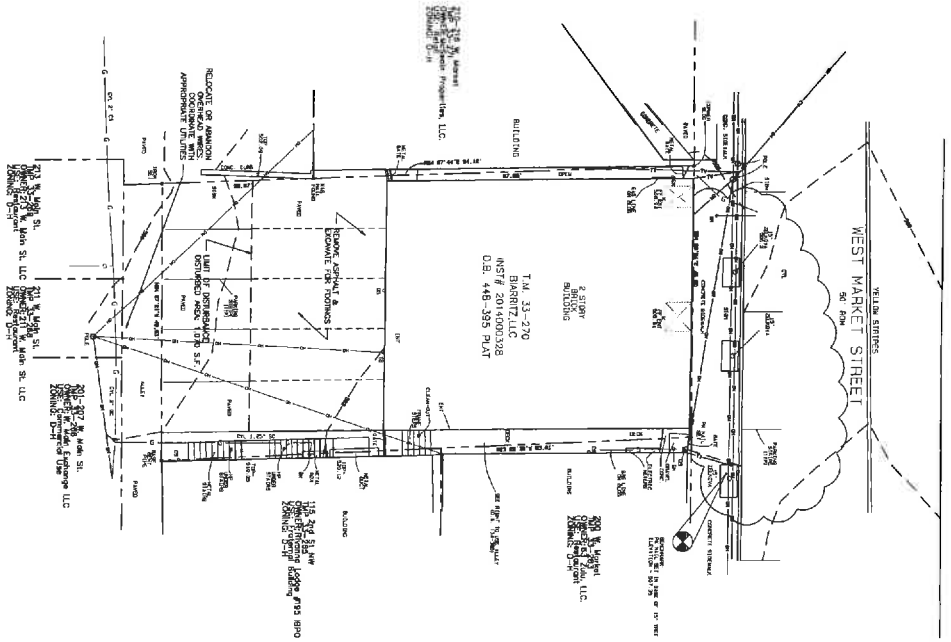
in walking distance to Charlottesville's major downtown attractions.

Renovations

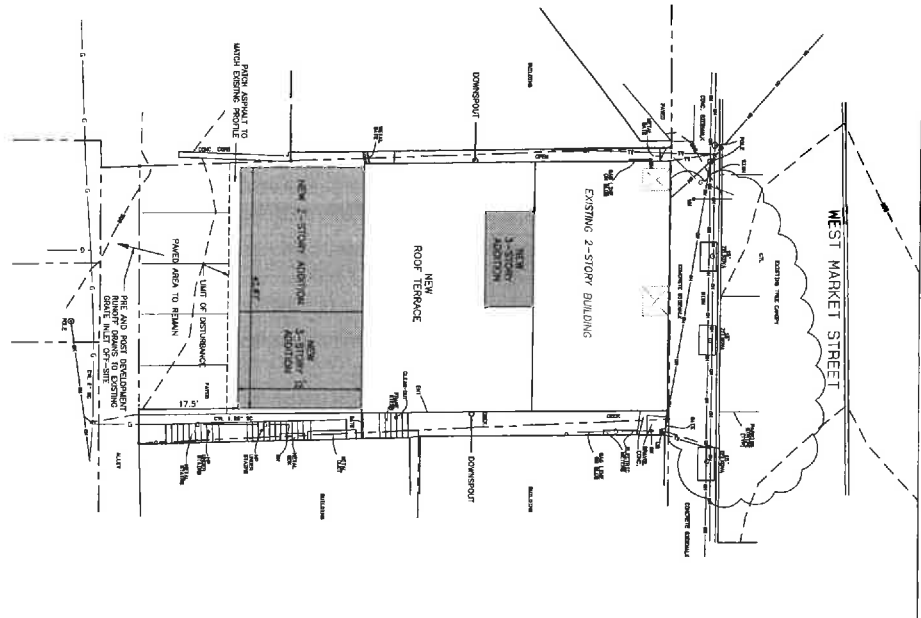
The building will be renovated in such a way as to offer an informal yet utterly stylish environment for our members to use as something of a home-away-from-home, a place where one always feels comfortable and welcome while either relaxing, refreshing or conducting business. The spaces will be designed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

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



1. EXISTING CONDITIONS & DEMOLITION PLAN



2. SITE PLAN



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

Base Information

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

Additional Data

Elementary School Zone:	330270000
Voting Precinct:	4.0 Comm. & Ind.
Neighborhood:	Taxable

Stormwater Utility Information

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

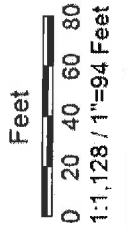
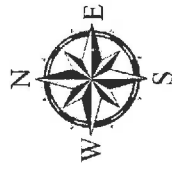


Commercial Details

Use Code:	Office Building
Year Built:	1913
Gross Area:	4772
Story Height:	12.00
No. of Stories:	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.