



CITY COUNCIL AGENDA
Monday, November 7, 2016

7:00 p.m.

Regular Meeting - CALL TO ORDER
Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

CITY MANAGER RESPONSE TO MATTERS BY THE PUBLIC

MATTERS BY THE PUBLIC

Public comment is provided for up to 12 speakers at the beginning of the meeting (limit 3 minutes per speaker.) Pre-registration is available for up to 9 of these spaces, and pre-registered speakers are announced by noon the day of the meeting. An unlimited number of spaces are available at the end of the meeting.

1. CONSENT AGENDA*

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

- a. Minutes for October 17
- b. APPROPRIATION: Virginia Juvenile Community Crime Control Act Grant – \$452,704 (2nd of 2 readings)
- c. APPROPRIATION: Runaway Emergency Shelter Program Grant – \$212,000 (2nd of 2 readings)
- d. APPROPRIATION: Edward Byrne Memorial Justice Assistance Grant – \$27,198 (2nd of 2 readings)
- e. APPROPRIATION: Grant for Construction of Water Street Trail – \$318,730 (1st of 2 readings)
- f. APPROPRIATION: Funding for Supplemental Nutrition Assistance Program Education & Training Pilot Program – \$34,584 (1st of 2 readings)
- g. APPROPRIATION: Local Emergency Management Performance Grant (LEMPG) – \$7,500 (1st of 2 readings)
- h. APPROPRIATION: State Criminal Alien Assistance Program Grant for 2016 – \$10,375 (1st of 2 readings)
- i. APPROPRIATION: Charlottesville City High School's Check and Connect Student Engagement Grant - \$50,000 (1st of 2 readings)
- j. APPROPRIATION: Disproportionate Minority Contact in the Charlottesville/Albemarle Criminal Justice System Research Project - \$100,000 (1st of 2 readings)
- k. APPROPRIATION: Virginia Department of Health Special Nutrition Program Child and Adult Care Food Program – \$32,000 (1st of 2 readings)
- l. ORDINANCE: Quitclaim Gas Easement to VDOT in 5th Street Station Parkway (2nd of 2 readings)
- m. ORDINANCE: Release Sewer Easement at 324 Oak Street (2nd of 2 readings)
- n. ORDINANCE: Agreement to Allow Installation of Fiberoptic Cable Over Ivy Road (1st of 2 readings)

2. ORDINANCE*

Reauthorizing the Technology Zone (1st of 2 readings) – **20 mins**

3. ORDINANCE*

Sunrise Park Development Amendment (1st of 2 readings) – **20 mins**

OTHER BUSINESS

MATTERS BY THE PUBLIC

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:	October 17, 2016
Action Required:	Appropriation
Presenter:	Rory Carpenter, Community Attention
Staff Contacts:	Rory Carpenter, Community Attention Leslie Beauregard, Assistant City Manager
Title:	Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.) - \$452,704

Background:

In July 2010, the City of Charlottesville became the fiscal agent for the Virginia Juvenile Community Crime Control Act (V.J.C.C.C.A.) funds for both Charlottesville and Albemarle County. This funding stream was established by the 1995 Virginia General Assembly to create balanced, community-based systems of sanctions, programs and services for juvenile offenders. These funds are used to support the Community Attention programs. In FY 2017, \$292,058 in V.J.C.C.C.A. funds will be received from the Virginia Department of Juvenile Justice with a required local maintenance of effort of \$52,231 from Albemarle County, and \$108,415 from the City. The grant period is from July 1, 2016 through June 30, 2017.

Discussion:

The V.J.C.C.C.A. grant funds the delinquency prevention and youth development services provided by Community Attention for Charlottesville/Albemarle youth involved in the juvenile justice system. These services include the following programs: the Attention Home that provides residential treatment services; the Teens GIVE service learning program that provides community service opportunities during both the school year and the summer; the Community Supervision Program that provides pro-social skills training like anger management, individual and group counseling services and case management services for youth on electronic monitoring; the Community Attention Youth Internship Program (CAYIP) paid internship program; and the Juvenile Court Case Manager position providing supervision and case management services for youth identified by the court as truant.

Alignment with City Council's Vision and Strategic Plan:

The V.J.C.C.C.A. grant aligns with the Council Vision Areas including America's Healthiest Cities and a Community of Mutual Respect, and it aligns with Goal 2, Objective 2.1 as follows:

Goal 2: Be a safe, equitable, thriving and beautiful community

Objective 2.1: Provide an effective and equitable public safety system

Community Attention's V.J.C.C.A. funded programs provide residential and community based services that prevent delinquency and promote the healthy development of youth. Expected outcomes include decreased delinquent behavior during and after program participation.

Community Engagement:

The V.J.C.C.A. funded programs engage youth involved in the juvenile justice system and their families by providing delinquency prevention and youth development programs. The programs also engage and coordinate with other local agencies and organizations in the provision of services to the youth.

Budgetary Impact:

There is no impact on the General Fund. The funds will be expensed and reimbursed to the V.J.C.C.A. Fund. The required City contribution has already been appropriated as part of the FY 2017 Council Adopted Budget so no new funds are required to cover the match.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If the V.J.C.C.A. funds are not appropriated, Community Attention would have to serve fewer youth and eliminate programs and staff.

Attachments:

Appropriation

APPROPRIATION
Virginia Juvenile Community Crime Control Act Grant (VJCCCA)
\$452,704

WHEREAS, the City of Charlottesville has been awarded \$292,058 from the Virginia Department of Juvenile Justice; and

WHEREAS, this grant requires local maintenance of effort funds in the amount of \$52,231 from Albemarle County and \$108,415 from the City; and

WHEREAS, the grant award covers the period from July 1, 2016 through June 30, 2017.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$452,704 is hereby appropriated in the following manner:

Revenue – \$452,704

\$292,058	Fund: 220	Cost Center: 3523001000	G/L Account: 430080
\$52,231	Fund: 220	Cost Center: 3523001000	G/L Account: 432030
\$108,415	Fund: 220	Cost Center: 3523001000	G/L Account: 498010

Expenditures - \$452,704

\$ 44,500	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$408,204	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$292,058 from Virginia Department of Juvenile Justice, and \$52,231 from Albemarle County.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 17, 2016
Action Required:	Appropriation
Presenter:	Rory Carpenter, Juvenile Justice Coordinator
Staff Contacts:	Rory Carpenter, Juvenile Justice Coordinator Maya Kumazawa, Budget & Management Analyst
Title:	Runaway Emergency Shelter Program Grant - \$212,000

Background:

Community Attention, in partnership with Ready Kids, applied for and received a continuation grant from the Department of Health and Human Services Administration for Children and Families in the amount of \$200,000 in federal funds and \$22,222 in local matching funds. The local match will be met with a transfer of \$12,000 from Community Attention for a total appropriation of \$212,000. An in-kind match of \$10,222 from Ready Kids, to provide Runaway Emergency Shelter Program (R.E.S.P.) services will be applied to the grant as well. This is the sixth grant year of the partnership.

Discussion:

The funds support services that provide emergency shelter, counseling and after care services for youth in crisis for the purpose of keeping them safe and off the streets, with a goal of reunification with family. Funded services will include: emergency shelter available 24 hours per day, 7 days a week; individual and family counseling to help resolve conflict and develop new communication skills to facilitate reunification with the family; and additional support services that help youth build meaningful connections with their community and encourage positive youth development.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City, and it aligns with the goals and objectives of the City's Strategic Plan:

Goal 2: Be a safe, equitable, thriving and beautiful community

2.4. Ensure families and individuals are safe and stable

Community Attention's programs, including the Runaway Emergency Shelter Program, provide residential and community based services that prevent delinquency and promote the healthy development of youth.

Community Engagement:

In order to increase prevention services, R.E.S.P. staff dramatically increased outreach efforts, particularly in area schools. Since September 30, 2011, R.E.S.P. reached 873 youth through a variety of outreach activities including presentations to health classes and tabling's during lunch.

Budgetary Impact:

There is no impact on the General Fund. There is a local match that Community Attention and Ready Kids will provide (cash match of \$12,000 – Community Attention and in-kind match \$10,222 – Ready Kids). This grant will be appropriated into a grants fund.

Recommendation:

Staff recommends approval and appropriation of funds.

Alternatives:

If the funds are not appropriated, the grant would not be received and the Runaway Emergency Shelter Program services would not be provided.

Attachments:

Appropriation

APPROPRIATION
Runaway Emergency Shelter Program
\$212,000

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with cash match of \$12,000 provided by Community Attention;

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between Community Attention and Children, Youth and Family Services/Ready Kids. The grant award covers the period from September 30, 2016 through September 29, 2017;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$212,000 is hereby appropriated in the following manner:

Revenue – \$212,000

\$200,000	Fund: 211	Internal Order: 1900272	G/L Account: 431110
\$ 12,000	Fund: 211	Internal Order: 1900272	G/L Account: 498010

Expenditures - \$212,000

\$ 99,026	Fund: 211	Internal Order: 1900272	G/L Account: 519999
\$ 92,000	Fund: 211	Internal Order: 1900272	G/L Account: 530010
\$ 20,974	Fund: 211	Internal Order: 1900272	G/L Account: 599999

Transfer - \$12,000

\$ 12,000	Fund: 213	Cost Center: 3413001000	G/L Account: 561211
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

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



Agenda Date:	October 17, 2016
Action Required:	Appropriate Grant Funds
Presenter:	Lt. D.W. Shifflett, Jr., Charlottesville Police Department
Staff Contacts:	Lt. D.W. Shifflett, Jr., Charlottesville Police Department
Title:	2016 Edward Byrne Memorial Justice Assistance Grant (JAG) - \$27,198

Background:

The U.S. Department of Justice, Office of Justice Program's Bureau of Justice Assistance has awarded the City of Charlottesville a 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$27,198 with no local match required.

Discussion:

The U.S Department of Justice (D.O.J.) provides funding for the Edward Byrne Memorial Justice Assistance Grant to assist state and local law enforcement with a broad range of activities. The Charlottesville Police Department will utilize this funding to purchase needed forensic and personal protection equipment.

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. It specifically supports Objective 2.1, to provide an effective and equitable public safety system.

Community Engagement:

N/A

Budgetary Impact:

There is no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

The alternative is to not approve this project and not purchase the equipment.

Attachments:

Appropriation

APPROPRIATION

**2016 Edward Byrne Memorial Justice Assistance Grant (JAG)
Grant # 2016-DJ-BX-0483
\$27,198**

WHEREAS, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice, Office of Justice Programs’ Bureau of Justice Assistance 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$27,198 to be used for approved law enforcement equipment.

WHEREAS, the grant award covers the period from period October 1, 2015 through September 30, 2019.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$27,198, received from the U.S. Department of Justice, Office of Justice Programs’ Bureau of Justice Assistance, is hereby appropriated in the following manner:

Revenue
\$ 27,198 Fund: 211 I/O: 1900273 G/L: 431110 Federal Grants

Expenditure
\$ 27,198 Fund: 211 I/O: 1900273 G/L: 520990 Other Supplies

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$27,198 from the U.S. Department of Justice, Office of Justice Programs’ Bureau of Justice Assistance.

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



Agenda Date:	November 7, 2016
Action Required:	Appropriation
Presenter:	Chris Gensic, Parks and Recreation
Staff Contacts:	Chris Gensic, Parks and Recreation Brian Daly, Parks and Recreation Ryan Davidson, Senior Budget and Management Analyst
Title:	TAP Grant for Construction of Water Street Trail \$318,730

Background:

The City of Charlottesville, through Parks and Recreation, has received an award from the Virginia Department of Transportation in the amount of \$254,984 to assist with efforts to construct a bicycle and pedestrian trail along Water Street. The City will match this project in the amount of \$29,746 from the Trail Fund, (PR-001/P-00662-04), \$24,000 from the BikePed fund (CP-083), and \$10,000 from Urban Tree Preservation and Planting fund (P-00428).

Discussion:

The City of Charlottesville has completed a bicycle, pedestrian and trail master plan that includes a bike/pedestrian commuter trail along the south side of Water Street. The City applied for and has been awarded the funding to complete this section of trail. Design work has been completed and approved, this project will move into the construction phase in the near future.

Community Engagement:

The bicycle, pedestrian and trail master plan was developed with multiple public meetings and was approved by council to be an addendum to the City Comprehensive Plan.

Alignment with City Council's Vision and Strategic Plan:

Construction of this trail will further council goals of being a Connected City by establishing a portion of the bicycle and pedestrian trail system that enhances our residential neighborhoods.

Budgetary Impact:

This request has no impact on the general fund. The entire local match of \$63,746, will be transferred from previously appropriated sources. The grant award is for \$254,984, with a local match of \$63,746 for a total appropriation of \$318,730.

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 parks.

Attachments:

Grant award letter from VDOT

APPROPRIATION

MAP-21 Grant for Construction of Water Street Trail
\$318,730

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded \$254,984 from the Virginia Department of Transportation to construct a bicycle and pedestrian trail along Water Street; and

WHEREAS, the City will match this grant in the amount of \$29,746 from the Trail Fund, PR-001/P-00662-04, \$24,000 from the BikePed fund CP-083, and \$10,000 from urban forestry fund P-00428.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$316,984 is hereby appropriated in the following manner:

Revenue

\$254,984 Fund: 426 WBS: P-00925 G/L Account: 430120

Expenditures

\$254,984 Fund: 426 WBS: P-00925 G/L Account: 599999

Transfer From

\$29,746 Fund: 426 WBS: PR-001 G/L Account: 599999
\$24,000 Fund: 426 WBS: CP-083 G/L Account: 599999
\$10,000 Fund: 426 WBS: P-00428 G/L Account: 599999

Transfer To

\$63,746 Fund: 426 WBS: P-00925 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$254,984 from the Virginia Department of Transportation.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 7, 2016
Action Required:	Approve Appropriation
Presenter:	Diane Kuknyo, Director, Department of Social Services
Staff Contacts:	Laura Morris, Chief of Administration, Department of Social Services
Title:	Funding for Supplemental Nutrition Assistance Program Education & Training Pilot Program - \$34,584

Background:

In fiscal year 2016 the Charlottesville Department of Social Services was selected to participate in a 3-year Virginia Department of Social Services pilot program to deliver training and employment services to SNAP E&T (Supplemental Nutrition Assistance Program Education & Training) recipients. The Virginia Department of Social Services is providing \$34,584.00 in funding to the Charlottesville Department of Social Services for the second year of the pilot.

Discussion:

Local social services agencies in partnership with area community colleges work with SNAP recipients between the ages of 18 to 49 who have low job skills and those with a high school diploma or G.E.D., but are not college ready. Pilot funding will be used to continue a long-term temporary 20 hour position to provide professional employment counseling services, needs assessments, vocational evaluations, employment preparation and training.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with the City's Mission to provide services that promote an excellent quality of life for everyone in our community. It contributes to **Goal 1:** Enhance the self-sufficiency of our residents; **objective 1.1:** Promote education and training; **objective 1.2:** Reduce employment barriers; and **objective 1.5:** Improve college/career readiness of students. It also contributes to **Goal 3:** Have a strong diversified economy and **objective 3.1:** Develop a quality workforce.

Community Engagement:

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self sufficiency.

Budgetary Impact:

Funds will be appropriated into the Social Services Fund. There are no General Fund dollars being requested.

Recommendation:

Staff recommend approval and appropriation of these funds.

Alternatives:

City of Charlottesville SNAP recipients will be unable to participate in the pilot

Attachments:

Appropriation

APPROPRIATION
Funding for SNAP E&T Pilot Program \$34,584

WHEREAS, The Charlottesville Department of Social Services has received Federal and State funding in the amount of \$34,584 to be used for the SNAP E&T Pilot Project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$34,584 is hereby appropriated in the following manner:

Revenue – \$34,584

Fund: 212 Cost Center: 3301009000 G/L Account: 430080

Expenditures - \$34,584

Fund: 212	Cost Center: 3301009000	G/L Account: 510030 - \$18,408
Fund: 212	Cost Center: 3301009000	G/L Account: 510161 - \$ 129
Fund: 212	Cost Center: 3301009000	G/L Account: 511010 - \$ 1,408
Fund: 212	Cost Center: 3301009000	G/L Account: 511030 - \$ 142
Fund: 212	Cost Center: 3301009000	G/L Account: 511040 - \$ 4,045
Fund: 212	Cost Center: 3301009000	G/L Account: 520010 - \$ 1,500
Fund: 212	Cost Center: 3301009000	G/L Account: 520030 - \$ 2,000
Fund: 212	Cost Center: 3301009000	G/L Account: 525251 - \$ 635
Fund: 212	Cost Center: 3301009000	G/L Account: 530030 - \$ 300
Fund: 212	Cost Center: 3301009000	G/L Account: 530050 - \$ 1,640
Fund: 212	Cost Center: 3301009000	G/L Account: 530100 - \$ 500
Fund: 212	Cost Center: 3301009000	G/L Account: 530101 - \$ 200
Fund: 212	Cost Center: 3301009000	G/L Account: 530130 - \$ 363
Fund: 212	Cost Center: 3301009000	G/L Account: 530150 - \$ 539
Fund: 212	Cost Center: 3301009000	G/L Account: 530160 - \$ 1,124
Fund: 212	Cost Center: 3301009000	G/L Account: 530320 - \$ 1,651

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



Agenda Date:	November 7, 2016
Action Required:	Appropriation
Presenter:	Kirby Felts, Emergency Management Coordinator
Staff Contacts:	Kirby Felts, Emergency Management Coordinator Gail Hassmer, Chief Accountant Leslie Beauregard, Assistant City Manager
Title:	Local Emergency Management Performance Grant (LEMPG) - \$7,500

Background:

The Virginia Department of Emergency Management has allocated \$7,500 in 2016 Emergency Management Performance Management Grant (LEMPG) funding from the Federal Emergency Management Agency to the City of Charlottesville. The locality share is \$7,500, for a total project of \$15,000.

Discussion:

The City of Charlottesville is the grant administrator for this grant, which will be passed to the Office of Emergency Management at the Charlottesville-UVA-Albemarle County Emergency Communications Center. The grant award period is July 1, 2016 to June 30, 2017. The objective of the LEMPG is to support local efforts to develop and maintain a Comprehensive Emergency Management Program. The 2016 LEMPG funds will be used by the Office of Emergency Management to enhance local capabilities in the areas of planning, training and exercises, and capabilities building for emergency personnel and the whole community.

Alignment with City Council's Vision and Strategic Plan:

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

Community Engagement:

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

Budgetary Impact:

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

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

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

Attachments:

Appropriation

APPROPRIATION
2016 Local Emergency Management Performance Grant (LEMPG)
\$7,500

WHEREAS, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-UVA-Albemarle Emergency Communications Center Office of Emergency Management; and

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

WHEREAS, the grant award covers the period from July 1, 2016 through June 30, 2017;

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

Revenue – \$7,500

\$7,500 Fund: 209 I/O: 1900275 G/L: 430120 State/Fed pass thru

Expenditures - \$7,500

\$7,500 Fund: 209 I/O: 1900275 G/L: 510010 Salaries

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

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



Agenda Date:	November 7, 2016
Action Required:	Approval and Appropriation
Presenter:	Leslie Beauregard, Assistant City Manager
Staff Contacts:	Leslie Beauregard, Assistant City Manager Gail Hassmer, Chief Accountant
Title:	State Criminal Alien Assistance Program (SCAAP) Grant for 2016- AP-BX-0700 for \$10,375

Background:

The City of Charlottesville has received the State Criminal Alien Assistance Program Grant (SCAAP), on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$10,375. These are federal funds to reimburse the Albemarle-Charlottesville Regional Jail for Fiscal Year 2016 expenses of housing alien inmates. Albemarle County is appropriating funds received under the same program that will also be passed through to the Regional Jail.

Discussion:

The State Criminal Alien Assistance Program (SCAAP) provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating certain undocumented criminal aliens. The award amount is based on the number of undocumented persons incarcerated at the Albemarle-Charlottesville Regional Jail. As this is not a one-time grant, the Jail will receive future payments from the City as they are granted.

Alignment with City Council's Vision and Strategic Plan:

These funds align with Council's Vision for a Smart, Citizen-Focused Government -- Acceptance of these funds will support quality services at our Regional Jail and will help ensure that services are provided in the most efficient and cost effective way to citizens.

These funds also support Goal 2: Be a safe, equitable, thriving and beautiful community, and Objective 2.1. Provide an effective and equitable public safety system

Community Engagement:

N/A

Budgetary Impact:

There is no budgetary impact as 78% of these funds will be passed through directly to the Regional Jail. The remaining 22% will be sent to Justice Benefits, Inc., which provides administrative support for the regional jail.

Recommendation:

Staff recommends approval and appropriation of funds to the Regional Jail.

Alternatives:

N/A

Attachments:

Appropriation

APPROPRIATION
State Criminal Alien Assistance Program (SCAAP) Grant for 2016
\$10,375

WHEREAS, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$10,375.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$8,092.50 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$2,282.50 be appropriated and passed through to Justice Benefits, Inc.

Revenues

\$10,375	Fund: 211	Internal Order: 1900263	G/L Account: 431110
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Expenses

\$8,092.50	Fund: 211	Internal Order: 1900263	G/L Account: 530550
\$2,282.50	Fund: 211	Internal Order: 1900263	G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$10,375 from the U. S. Bureau of Justice Assistance.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 7, 2016
Action Required:	Appropriation
Presenter:	Rory Carpenter, Human Services Department
Staff Contacts:	Rory Carpenter, Human Services Department Mike Murphy, Assistant City Manager Kaki Dimock, Director of Human Services
Title:	Charlottesville City High School's Check and Connect Student Engagement Grant - \$50,000

Background:

Check and Connect is an evidence-based truancy prevention program funded by a Byrne/Juvenile Assistance Grant from the Virginia Department of Criminal Justice Services (DCJS) and administered by the Human Services Department. The grant provides a comprehensive student engagement intervention for truant youth or youth at risk of truancy in the 8th – 10th grades in the Charlottesville City School system. The grant period is from October 1, 2016 through September 30, 2017. The total grant is \$45,000 in federal pass through funds, and a required local match of \$5,000 to be provided by the Charlottesville City Schools.

Discussion:

Truancy is a precursor to delinquent behavior that should be addressed in its early stages to avoid further penetration into the juvenile justice system. Locally, the connection between truancy and delinquency has been documented by the *Juvenile Offender Report 1*, a research report developed by the Charlottesville/Albemarle Commission on Children and Families that deals with the risk and needs of 985 local juvenile offenders who were placed on probation between 1997 – 2000, 2004 – 2006, and 2011-2012. The average rate of truancy for the juvenile offenders in the study group was 48% per year over a nine year period.

Alignment with Council Vision Areas and Strategic Plan:

The Check and Connect grant aligns with the Council Vision Areas including America's Healthiest City and a Community of Mutual Respect, and it aligns with Goal 2, Objective 2.1 as follows:

Goal 2: Be a safe, equitable, thriving and beautiful community

Objective 2.1: Provide an effective and equitable public safety system

1 *Characteristics of Juvenile Offenders*, Ellis, Carpenter, Balnave, Oudekerk, 2012

The Human Service Department's programs provide residential and community based services that prevent delinquency and promote the healthy development of youth. The Check and Connect Program provides comprehensive support services for 8th - 10th grade Charlottesville City School students experiencing school attendance problems to prevent early school withdrawal and ultimately delinquent behavior by promoting students' engagement with school and learning. Expected outcomes include increased attendance and decreased delinquent behavior during and after program participation.

Community Engagement:

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

Budgetary Impact:

There is no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund. The terms of the award require a local match of \$5,000 which will be provided by the Charlottesville City Schools confirmed by a Maintenance of Understanding document between the Charlottesville Human Service Department and the Charlottesville City Schools.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If the grant funds are not appropriated, the Human Services Department would not be able to provide this service to local youth.

Attachments:

Appropriation

APPROPRIATION
Charlottesville City School's Check and Connect Student Engagement Grant
\$50,000

WHEREAS, the City of Charlottesville has been awarded \$45,000 in Federal Funds from the Virginia Department of Criminal Justice Services, and \$5,000 in Matching Funds from the Charlottesville City Schools for a total award of \$50,000 for the Check and Connect Student Engagement Program; and

WHEREAS, the grant award covers the period from October 1, 2016 through September 30, 2017.

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

Revenue – \$50,000

\$ 45,000	Fund: 209	Cost Center: 3413013000	G/L Account: 430120
\$ 5,000	Fund: 209	Cost Center: 3413013000	G/L Account: 432030

Expenditures - \$50,000

\$45,737	Fund: 209	Cost Center: 3413013000	G/L Account: 519999
\$ 4,263	Fund: 209	Cost Center: 3413013000	G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$45,000 from the Virginia Department of Criminal Justice Services, and \$5,000 from the Charlottesville City Schools.

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



Agenda Date:	November 7, 2016
Action Required:	Appropriation
Presenter:	Rory Carpenter, Human Services Department
Staff Contacts:	Rory Carpenter, Human Services Department Mike Murphy, Assistant City Manager Kaki Dimock, Director of Human Services
Title:	Disproportionate Minority Contact in the Charlottesville/Albemarle Criminal Justice System Research Project - \$100,000

Background:

To understand disproportionality and disparity in the Charlottesville/Albemarle criminal justice system, the City of Charlottesville will subcontract with Offender Aid and Restoration/Jefferson Area Community Corrections to collect and analyze criminal justice data. The data will inform the development and implementation of a strategic plan to address disproportionality in Charlottesville City and Albemarle County. The grant period is from October 1, 2016 through September 30, 2017. The grant award is \$90,000 from the Virginia Department of Human Services, with a match of \$10,000 from the Charlottesville Department of Human Services, for a total award of \$100,000. The proposed study will be administered by the Charlottesville Department of Human Services, in partnership with the County of Albemarle and Offender Aid and Restoration/Jefferson Area Community Corrections with input provided by the Charlottesville-Albemarle Evidence Based Decision Making (EBDM) Policy Team.

Discussion:

In 2014, a study conducted by the Charlottesville Task Force on Disproportionate Minority Contact in the juvenile justice system found that Black youth in Charlottesville were entering the juvenile justice system at a significantly higher rate than White youth, leading to implementation of a number of solutions. This study raised questions regarding the causes of disproportionality in the adult criminal justice system, and how the Charlottesville/Albemarle community might develop a comprehensive plan to reduce it.

Alignment with Council Vision Areas and Strategic Plan:

The DMC research grant aligns with the Council Vision Areas including America's Healthiest City and a Community of Mutual Respect, and it aligns with Goal 2, Objective 2.1 as follows:
Goal 2: Be a safe, equitable, thriving and beautiful community

Objective 2.1: Provide an effective and equitable public safety system

Community Engagement:

The first phase of this project is a data collection process to determine the extent of racial disproportionality and racial disparity in the local adult criminal justice system. When this research phase is completed, project staff will solicit public input to assist with the development of recommendations designed to reduce disproportionality.

Budgetary Impact:

There is no impact on the General Fund. The funds will be expensed and reimbursed to a Grants Fund. The terms of the award require a local match of \$10,000 which will be provided by the Charlottesville Human Services Department.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If the grant funds are not appropriated, the Human Services Department would not be able to conduct this study.

Attachments:

Appropriation

APPROPRIATION
Charlottesville City School's Check and Connect Student Engagement Grant
\$100,000

WHEREAS, the City of Charlottesville has been awarded \$90,000 in Federal Funds from the Virginia Department of Criminal Justice Services, and \$10,000 in Matching Funds from the Charlottesville Department of Human Services for a total award of \$100,000 for the Disproportionate Minority Contact in the Charlottesville/Albemarle Criminal Justice System Research Project; and

WHEREAS, the grant award covers the period from October 1, 2016 through September 30, 2017.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$100,000 is hereby appropriated in the following manner:

Revenue

\$ 90,000	Fund: 209	Cost Center: 1900276	G/L Account: 430120
\$ 10,000	Fund: 209	Cost Center: 1900276	G/L Account: 498010

Expenditures

\$ 100,000	Fund: 209	Cost Center: 1900276	G/L Account: 530670
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Transfer

\$ 10,000	Fund: 213	Cost Center: 3411001000	G/L Account: 561209
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$90,000 from the Virginia Department of Criminal Justice Services.

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



Agenda Date:	September 28, 2016
Action Required:	Approval and Appropriation
Presenter:	Riaan Anthony, Park and Recreation Management Specialist
Staff Contacts:	Riaan Anthony, Park and Recreation Management Specialist Leslie Beauregard, Director, Budget and Performance Management
Title:	Virginia Department of Health Special Nutrition Program Child and Adult Care Food Program - \$32,000

Background:

The City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$32,000 from the Virginia Department of Health-Special Nutrition Program to provide free dinner to children 18 and under attending our drop-in afterschool programs through their Child and Adult Care Food Program

Discussion:

Charlottesville Parks and Recreation will operate an afterschool meals program for 36 weeks, during the course of the regular school year. There are currently 4 locations, Friendship Court, Greenstone on 5th, South First Street and Westhaven Community Centers that serve children 18 years and under.

An educational/enrichment component is planned along with dinner. Dinner will be served from 4:00-7pm at various locations. The Virginia Department of Health-Special Nutrition Program provides a free nutritious dinner for these children. Most of the children served receive free or reduced meals during the school year. Over 350 children will be served each week during the months of September-May. This program was piloted in the Spring of 2014.

The \$32,000 appropriation covers the cost of food for the Child and Adult Care Food Program. The dinners are purchased through the City of Charlottesville School Food Service. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service and is then reimbursed by the Virginia Department of Health Special Nutrition Programs.

Community Engagement:

N/A

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be America's Healthiest City and it contributes to Goal 2 of the Strategic Plan. Be a safe, equitable, thriving, and beautiful community. Children will receive a nutritious dinner, hopefully replacing a meal that did not exist or providing a healthier balanced option for them.

Budgetary Impact:

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

Recommendation:

Staff recommends approval & appropriation of funds

Alternatives:

If money is not appropriated, the free dinner program will not be offered to youth, most of which receive free or reduced meals during the school year.

APPROPRIATION
Virginia Department of Health Special Nutrition Program
Child and Adult Care Food Program
\$32,000

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$32,000 from the Virginia Department of Health Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2016 through September 30, 2017;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$32,000, received from the Virginia Department of Health Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 32,000

Fund: 209 Internal Order: 1900274 G/L Account: 430120

Expenditures - \$32,000

Fund: 209 Internal Order: 1900274 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$16,184 from the Virginia Department of Health Special Nutrition Program.

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CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA



Agenda Date:	October 17, 2016
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Craig Brown, City Attorney Ben Hershock, Chief Gas Engineer
Title:	Quitclaim Gas Easement to VDOT (5th Street Station Parkway)

Background: In November 2015, the City acquired a natural gas line easement in 5th Street Station Parkway in Albemarle County, where the 5th Street Station shopping center is now located. The Virginia Department of Transportation is prepared to accept 5th Street Station Parkway into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT that portion of the City's natural gas easement crossing this roadway.

Discussion: The quitclaim deed requires the gas line to remain in its present location, and if the street ceases to be part of the state's highway system, the easement will automatically revert back to the City. The natural gas lines and facilities continue to be owned and maintained by the City even after the easement is quitclaimed to the state.

Alignment with Council Vision Areas and Strategic Plan: Not applicable.

Community Engagement: Not applicable.

Alternatives: If the ordinance is not approved, VDOT will not accept the roadway into its road maintenance system.

Budgetary Impact: None.

Recommendation: Approval of the attached ordinance and quitclaim deed.

Attachments: Ordinance and Deed of Quitclaim (with plats attached).

**AN ORDINANCE
TO QUITCLAIM A NATURAL GAS LINE EASEMENT
WITHIN 5TH STREET STATION PARKWAY
LOCATED IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadway known as 5th Street Station Parkway in Albemarle County; and

WHEREAS, the City owns natural gas lines located within this roadway, and also owns an easement for such lines, and VDOT has asked that the portion of the foregoing easement crossing 5th Street Station Parkway be released upon VDOT's acceptance of the roadway; 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 quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of that portion of the above-described gas line easement crossing the said roadway to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said roadway.

*Prepared by S. Craig Brown, City Attorney (VSB #19286)
Charlottesville City Attorney's Office
P.O. Box 911, Charlottesville, VA 22902*

Albemarle County Tax Map Parcel 76M1-00-00-002B (5th Street Station Parkway)

**This deed is exempt from recordation taxes pursuant to
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2016, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, an easement and right of way, as shown on the attached plat made by the City of Charlottesville Gas Division dated September 27, 2016, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in 5th Street Station Parkway in the County of Albemarle, namely: Natural gas lines and related gas facilities upon and across 5th Street Station Parkway, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easement in 5th Street Station Parkway were conveyed to the City by deed from 5th Street Station Ventures, LLC, dated November 11, 2015, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4696 at page 136.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deed of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadway.

IN WITNESS WHEREOF, the **GRANTOR** has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
A. Michael Signer, Mayor

ATTEST:

Clerk of Council

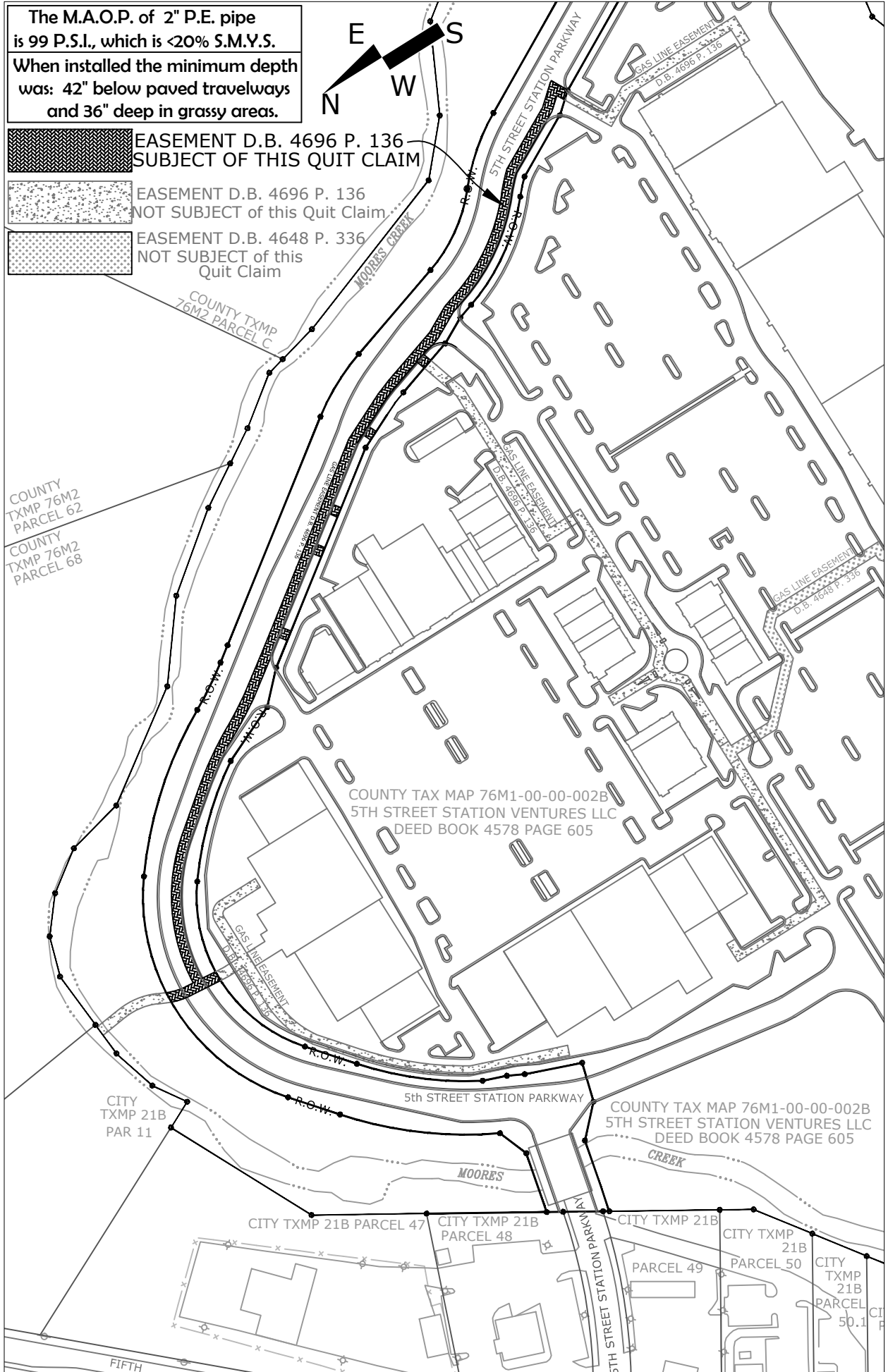
STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that A. Michael Signer, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of _____, 2016, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires: _____

Given under my hand this _____ day of _____, 2016.

Notary Public
Registration # _____



CITY OF CHARLOTTESVILLE PUBLIC UTILITIES: GAS
PLAT SHOWING
AN EXISTING FIFTEEN-FOOT WIDE EASEMENT FOR NATURAL GAS FACILITIES
LOCATED WITHIN THE ROAD RIGHTS OF WAY OF
"FIFTH STREET STATION PARKWAY"
EASEMENT RECORDED AT ALBEMARLE COUNTY DEED BOOK 4696 PAGE 136
TO BE QUIT CLAIMED TO
THE COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
DATE: SEPTEMBER 27, 2016 SCALE: 1" = 200'

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	October 17, 2016
Action Required:	Yes (Public Hearing and First Reading of Ordinance)
Presenter:	Lauren Hildebrand, Director of Utilities, Public Utilities Division
Staff Contacts:	Lauren Hildebrand, Director of Utilities, Public Utilities Division
Title:	Release of Sewer Easement at 324 Oak Street

Background: In 1894 the City was granted an easement and right-of-way for installation of a sanitary sewer line across the property currently addressed as 324 Oak Street. This property was formerly part of a larger parcel that was subdivided to create a buildable lot, and the lot was acquired by Tree Houses, LLC (“Owner”). In order to build the single family house, a new sanitary sewer line had to be installed, as well as a private storm drain line. The Owner has signed a deed of easement for the new sanitary sewer line, but a certificate of occupancy for the house cannot be granted until the old sewer line easement is released.

Discussion: Attached is a plat showing the location of the easement to be released. If approved, the City Attorney’s Office will draft a quitclaim deed (substantially the same as the attached deed) to release the City’s rights in the original 1894 sewer easement. The Public Utilities Division and Neighborhood Development Services have approved the location and as-built plans for the site, and confirmed that the 1894 sewer easement is no longer needed.

Community Engagement: A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Alignment with City Council’s Vision and Priority Areas: Not applicable.

Budgetary Impact: None.

Recommendation: Approve the ordinance abandoning the 1894 sewer easement.

Attachments: Proposed Ordinance; Plat; Quitclaim Deed.

**AN ORDINANCE
AUTHORIZING THE RELEASE OF
A SANITARY SEWER EASEMENT
GRANTED TO THE CITY ACROSS 324 OAK STREET**

WHEREAS, in 1894 the City acquired a permanent easement for installation of a sanitary sewer line (“1894 Sewer Easement”) across the property currently addressed as 324 Oak Street, designated on City Real Estate Tax Map 29 as Parcel 152 (“Subject Property”); and

WHEREAS, in 2015 Tree Houses, LLC acquired the Subject Property and installed a new sanitary sewer line to replace the 1894 sewer line as part of the site development, and granted the City an easement for the new sewer line; and

WHEREAS, the Director of Public Utilities and Neighborhood Development Services have reviewed the request to release the 1894 Sewer Easement after determining that the City no longer has a need for that easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the release of the 1894 Sewer Easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a Quitclaim Deed, in form approved by the City Attorney, to release the above-described sanitary sewer easement granted in 1894 to the City.

Prepared by S. Craig Brown, Esq. (VSB #19286)
City Attorney's Office, P.O. Box 911, Charlottesville, VA 22902
Tax Map Parcel 29-152

This deed is exempt from state recordation taxes imposed by Virginia Code §58.1-802 pursuant to Virginia Code §58.1-811(C)(4).

THIS QUITCLAIM DEED made this _____ day of _____, 2016, from the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation and political subdivision of the Commonwealth of Virginia (hereinafter, the "CITY"), GRANTOR, to **TREE HOUSES, LLC**, a Virginia limited liability company, GRANTEE, whose address is 310 5th Street, S.W., Charlottesville, Virginia 22903.

WITNESSETH:

WHEREAS, GRANTEE is the owner of certain real property in the City of Charlottesville, Virginia, designated on City Real Estate Tax Map 29 as Parcel 152 (the "Property"); and

WHEREAS, by Deed of Easement dated September 29, 2016 from GRANTEE to the CITY, of record in the Charlottesville Circuit Court Clerk's Office as Instrument #2016003907, the CITY was conveyed a permanent easement and right of way (the "2016 Sewer Easement") for the construction and maintenance of sanitary sewer facilities across the Property; and

WHEREAS, the Sewer Easement replaced in part an existing sanitary sewer easement acquired by the City by instrument dated May 8, 1894, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 5, Page 125 (the "1894 Sewer Easement"), and GRANTEE has requested the City to Quitclaim and Release the 1894 Sewer Easement, which is no longer necessary for access, maintenance, or repair of the new sanitary sewer facilities; and

WHEREAS, the CITY has agreed to Quitclaim the 1894 Sewer Easement as requested by GRANTEE, after holding a public hearing, advertised in accordance with Virginia Code Sec. 15.2-1800(B), and adoption of an Ordinance by the Charlottesville City Council on _____, 2016.

WITNESSETH:

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the CITY does hereby RELEASE and forever QUITCLAIM all its right, title and interest in and to certain portions of the 1894 Sewer Easement, as shown on the attached plat dated July 5, 2016, revised September 9, 2016 by Roudabush, Gale & Associates, Inc.

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

WITNESS the following signature and seal:

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____
A. Michael Signer, Mayor

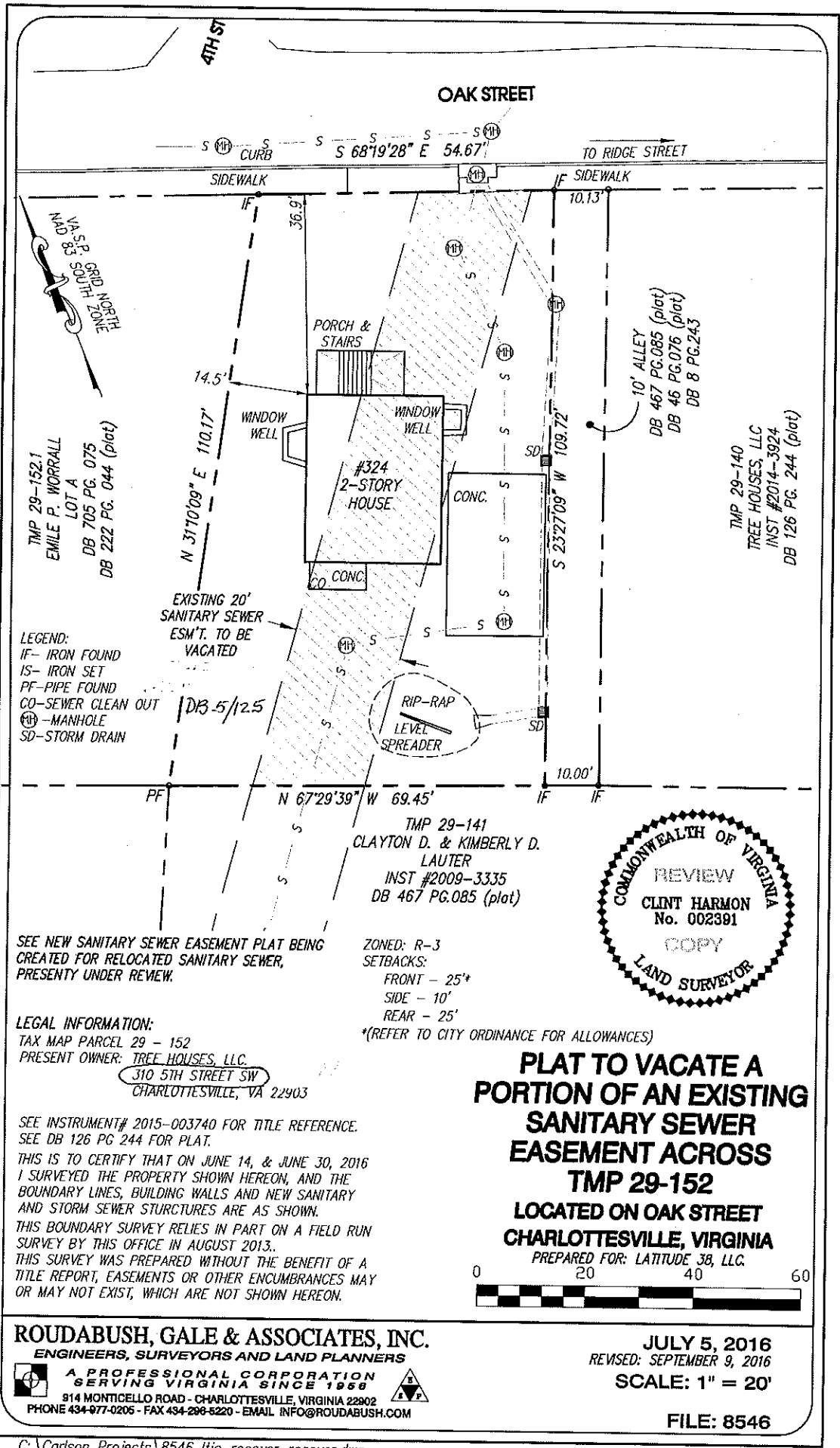
COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE

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

NOTARY PUBLIC
Registration #: _____
My commission expires: _____

Approved As To Form:

S. Craig Brown, City Attorney



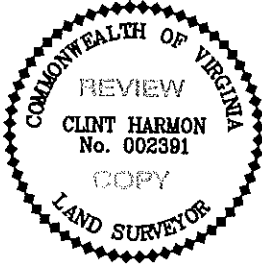
NAD 83 SOUTH ZONE

TMP 29-152.1
EMILE P. WORRALL
LOT A
DB 705 PG. 075
DB 222 PG. 044 (plat)

LEGEND:
IF- IRON FOUND
IS- IRON SET
PF-PIPE FOUND
CO-SEWER CLEAN OUT
⊕-MANHOLE
SD-STORM DRAIN

EXISTING 20'
SANITARY SEWER
ESM'T. TO BE
VACATED

TMP 29-141
CLAYTON D. & KIMBERLY D.
LAUTER
INST #2009-3335
DB 467 PG.085 (plat)



ZONED: R-3
SETBACKS:
FRONT - 25'
SIDE - 10'
REAR - 25'

*(REFER TO CITY ORDINANCE FOR ALLOWANCES)

SEE NEW SANITARY SEWER EASEMENT PLAT BEING
CREATED FOR RELOCATED SANITARY SEWER,
PRESENTLY UNDER REVIEW.

LEGAL INFORMATION:

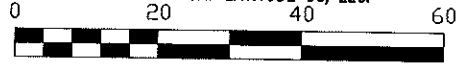
TAX MAP PARCEL 29 - 152
PRESENT OWNER: TREE HOUSES, LLC.
310 5TH STREET SW
CHARLOTTESVILLE, VA 22903

SEE INSTRUMENT# 2015-003740 FOR TITLE REFERENCE.
SEE DB 126 PG 244 FOR PLAT.

THIS IS TO CERTIFY THAT ON JUNE 14, & JUNE 30, 2016
I SURVEYED THE PROPERTY SHOWN HEREON, AND THE
BOUNDARY LINES, BUILDING WALLS AND NEW SANITARY
AND STORM SEWER STURCTURES ARE AS SHOWN.
THIS BOUNDARY SURVEY RELIES IN PART ON A FIELD RUN
SURVEY BY THIS OFFICE IN AUGUST 2013.
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A
TITLE REPORT, EASEMENTS OR OTHER ENCUMBRANCES MAY
OR MAY NOT EXIST, WHICH ARE NOT SHOWN HEREON.

**PLAT TO VACATE A
PORTION OF AN EXISTING
SANITARY SEWER
EASEMENT ACROSS
TMP 29-152
LOCATED ON OAK STREET
CHARLOTTESVILLE, VIRGINIA**

PREPARED FOR: LATITUDE 38, LLC.



ROUDABUSH, GALE & ASSOCIATES, INC.
ENGINEERS, SURVEYORS AND LAND PLANNERS

A PROFESSIONAL CORPORATION
SERVING VIRGINIA SINCE 1968
814 MONTICELLO ROAD - CHARLOTTESVILLE, VIRGINIA 22902
PHONE 434-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM

JULY 5, 2016
REVISED: SEPTEMBER 9, 2016
SCALE: 1" = 20'

FILE: 8546

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



Agenda Date:	November 7, 2016
Action Required:	Approval of Ordinance (1 st of 2 readings)
Presenter:	Andrew A. Gore, Assistant City Attorney
Staff Contacts:	Marty Silman, City Engineer, Neighborhood Development Services Kathryn McNannay, Program Coordinator, Public Utilities
Title:	Franchise Agreement to Allow Installation of Fiberoptic Cable Over Ivy Road

Background:

Shentel, a telecommunications provider, has requested a franchise with the City to install fiberoptic cable across Ivy Road in order to provide a new cell tower near 2015 Ivy Road. Most of the fiberoptic cable will be attached to existing Dominion Power poles located on Ivy Road. There is not enough right of way to place the cable underground in this location due to an existing stormwater line under the sidewalk and another company's cable being located on the back side of the sidewalk. A short portion of the fiberoptic cable will need to be extended across Ivy Road and installed on a relocated CenturyLink pole on the south side of Ivy Road.

Discussion:

The City Engineer and Public Utilities have reviewed this request and confirmed that the height of the aerial cable will meet City standards and will not conflict with any existing City utilities. Shentel has been advised that it will need certain permits (street and sidewalk closure when the aerial cable is being installed) and that the location of the CenturyLink pole on the south side of Ivy Road must allow at least 48" of unobstructed sidewalk. Staff has also confirmed that the fiber optic line will be installed at a minimum height of 16.5', which meets VDOT's requirements for urban roads. The project is not expected to conflict with any current or future City projects.

Alignment with Council Vision Areas and Strategic Plan:

This item aligns with the City Council Vision of Economic Sustainability by supporting the ability of a local business to utilize current technological infrastructure to maintain productivity under today's expectations of prompt services.

This item aligns with the following objectives of the City's Strategic Plan:

- Goal 2.3 Provide reliable and high quality infrastructure - Installation of fiber optic line is one of the highest quality types of communication infrastructure on the market today.
- Goal 3.3 Grow and retain viable businesses - Installation of the fiber optic lines will support the existing business.

Community Engagement:

Community engagement required as a result of this project will be limited to coordination with the private utility owners of the adjoining utility poles that this fiber optic line will be attached to. No additional community engagement is anticipated.

Budgetary Impact:

It is not anticipated that this project will have any impact on the City's budget.

Recommendation:

It is staff's recommendation to approve the request.

Alternatives:

Alternatives to installation of the fiber optic line would be to continue operations with existing communication infrastructure.

Attachments:

Request Letter from Shentel

Aerial photo of properties with the route of the proposed fiberoptic cable (provided by Shentel).

Proposed Franchise Agreement



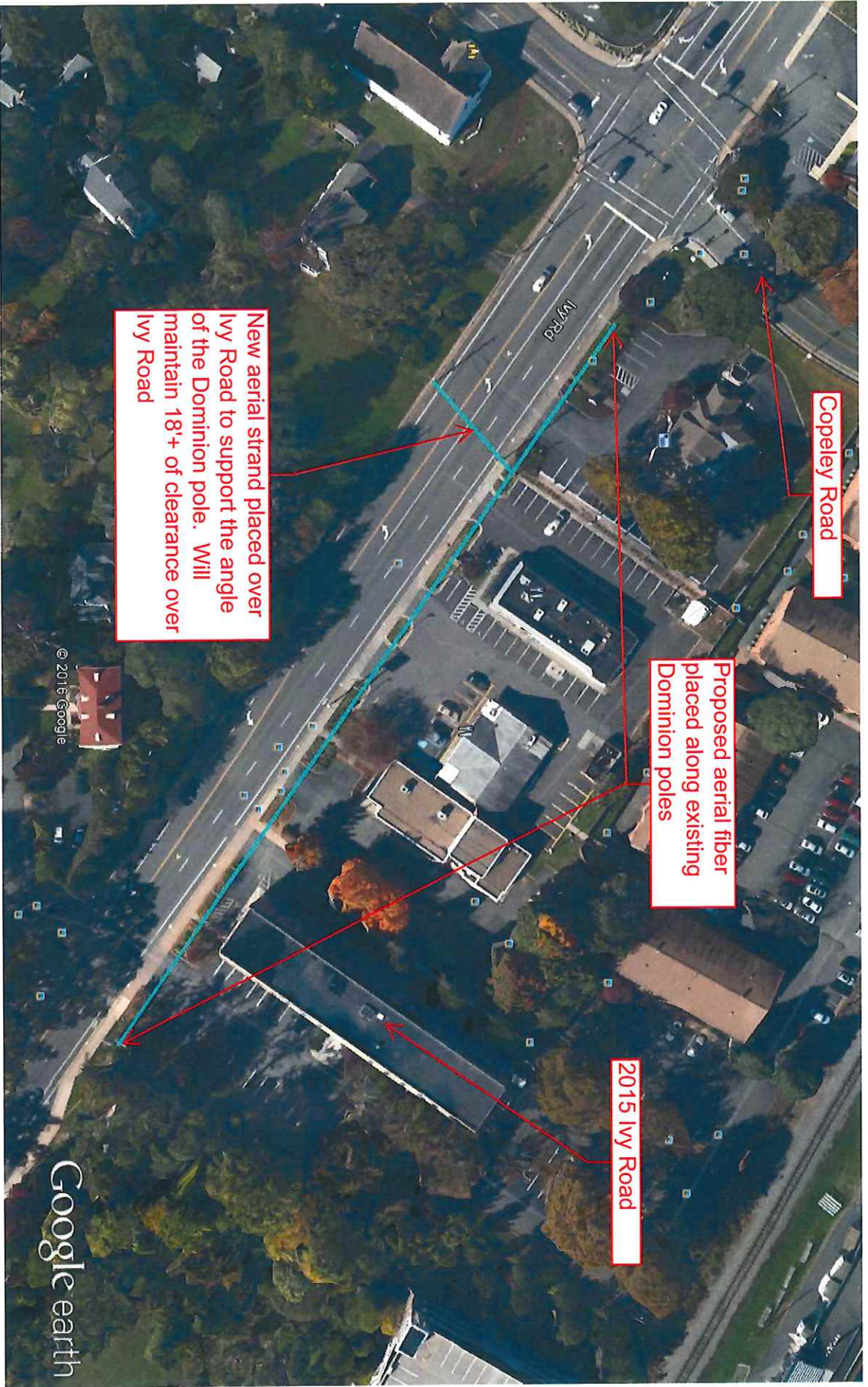
Barbara Ronan
Paralegal
City Attorney's Office
P.O. Box 911
Charlottesville, VA 22902

Mrs. Ronan

Shentel is constructing a fiber build to 2015 Ivy Road in order to turn up a new Cell Tower at this location. We plan on attaching to (4) existing Dominion Power poles that are parallel to Ivy Road and (1) Century Link pole on the south side of Ivy Road for the purpose of installing an overhead guy to support the angle of the pole. Shentel is requesting that Century Link replace this pole since there is no room for Shentel to attach. There is insufficient clearance today over Ivy Road so the existing utility companies cannot lower their facilities. The total aerial fiber placed above ground on the Dominion pole line will be roughly 590 feet. Then from the last pole on the property of 2015 Ivy Road, Shentel will bury (1) 2" conduit with the fiber to an existing handhole installed for the tower site. All of the buried portion will be on private property and out of the City's right-of-way. Shentel is requesting to place this fiber aerial since there is no room left in the City's right-of-way to go underground. There is a storm drain running directly beneath the sidewalk and Fiberlight has placed their fiber on the back side of the sidewalk eating up the remaining right-of-way. Could you please pass this request letter and map onto City Council for approval. If there is anything else you need from me please let me know.

Thank you,

Jacob Wymer
OSP Engineer
Shentel
Office: 540-984-5284
Cell: 540-335-6725
jacob.wymer@emp.shentel.com



Copeley Road

Proposed aerial fiber placed along existing Dominion poles

2015 Ivy Road

New aerial strand placed over Ivy Road to support the angle of the Dominion pole. Will maintain 18'+ of clearance over Ivy Road

Google earth



Google earth



**SHENTEL COMMUNICATIONS LLC
TELECOMMUNICATIONS FRANCHISE**

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**AN ORDINANCE
GRANTING A TELECOMMUNICATIONS FRANCHISE TO
SHENTEL COMMUNICATIONS, LLC, 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 SHENTEL COMMUNICATIONS, LLC (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 Shentel Communications, LLC, 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, at 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, Board 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 Board, 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 one hundred thousand dollars (\$100,000). The Performance Bond is to guarantee that the project is done in a proper manner without damage to the PROW. The bond shall be written by a corporate surety acceptable to the City and authorized to do business in the Commonwealth of Virginia. Upon completion of construction of the Facilities, the Company may reduce the Performance Bond to the amount of twenty-five thousand dollars (\$25,000) and made payable to the City, and 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 exchange telephone 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 FRANCHISING COSTS

Prior to the execution of this Ordinance, the City incurred costs for the services of third parties (including, without limitation, attorneys and other consultants) in connection with the award of this telecommunications Franchise. Within thirty (30) days after receipt from the City of an invoice for such costs, the Company shall pay at such time and in such manner as the City shall specify to the City or, at the direction of the City, to third parties an amount equal to the costs the City incurs for the services of such third parties. Payment by Company of such franchising costs shall not in any way be offset nor deducted from applicable PROW use fees required pursuant to Section 801 herein. In the event of any renewal, renegotiations, transfer, amendment or other modification of this Ordinance or the Franchise, the Company will reimburse the City in the same manner for such third party costs, if any are incurred. The Company's obligations under this Section shall not exceed two thousand five hundred dollars (\$2500.00).

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:

To the City:

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

With a copy to:

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:

To the City:

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

Judith Mueller, 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 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 _____, 2016.

Paige Rice, Clerk of Council

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

SHENTEL COMMUNICATIONS, LLC

Date: _____, 2016

By: _____

Its: _____

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



Agenda Date: November 7, 2016

Action Required: Approval of Ordinance reauthorizing the Technology Zone

Presenter: Chris Engel, CEcD, Director of Economic Development

Staff Contacts: Chris Engel, CEcD, Director of Economic Development
Todd Divers, Commissioner of Revenue
Jason Ness, Business Development Manager

Title: **Ordinance reauthorizing the Technology Zone**

Background & Discussion: At the October 17, 2016 City Council meeting an overview of the current technology zone was provided. The Charlottesville technology zone ordinance allows qualifying businesses a reduction in their Business Professional and Occupational License or BPOL tax. The ordinance expires December 31, 2016 unless reauthorized.

Council expressed a desire to continue with the technology zone benefit in some form and requested that staff explore the following four options:

1. Consider extending the period of eligibility beyond 5 years.
2. Consider adding a Business Personal Property (BPP) tax benefit.
3. Consider an additional benefit for specific targeted areas (e.g. the Strategic Investment Area).
4. Consider an additional benefit for local hiring and/or internship program.

Each option, including estimated cost, is discussed below.

Option 1

Option 1a - extend the period of eligibility to 7 years and maintain the 50% reduction in BPOL benefit. All qualifying businesses that have used their current allotment of 5 years of eligibility would have 2 additional years to receive the benefit.

Estimated additional cost to the city: \$50,000 annually

Staff comment: This option is manageable within existing resources.

Option 1b - extend the period of eligibility to 10 years and maintain the 50% reduction in BPOL benefit. All qualifying businesses that have used their current allotment of 5 years of eligibility would have 5 additional years to receive the benefit.

Estimated additional cost to the city: \$90,000 annually

Staff comment: This option is manageable within existing resources.

Option 2

Option 2a - maintain the period of eligibility of 5 years and add a 50% reduction in Business Personal Property (BPP) tax benefit.

Estimated additional cost to the city: \$12,000 annually

Staff comment: This option is manageable within existing resources.

Option 2b - extend the period of eligibility to 7 years and add a 50% reduction in BPP tax benefit. All qualifying businesses that have used their current allotment of 5 years of eligibility would have 2 additional years to receive the benefit.

Estimated additional cost to the city: \$12,000 annually

Staff comment: This option is manageable within existing resources.

Option 2c - extend the period of eligibility to 10 years and add a 50% reduction in BPP tax benefit. All qualifying businesses that have used their current allotment of 5 years of eligibility would have 5 additional years to receive the benefit.

Estimated additional cost to the city: \$12,000 annually

Staff comment: This option is manageable within existing resources.

Option 2d - maintain the period of eligibility of 5 years and add a 100% reduction in Business Personal Property (BPP) tax benefit.

Estimated additional cost to the city: \$24,000 annually

Staff comment: This option is manageable within existing resources.

Option 3

Option 3 - add an additional benefit for a qualifying business that locates in a specific area of the city (e.g. the Strategic Investment Area)

Estimated cost to the city: unable to determine with any degree of accuracy given the variables involved.

Staff comment: The current database system used by the Commissioner of Revenue is not capable of tracking multiple benefits over multiple geographic areas therefore staff does not recommend proceeding with this option at this time. The COR is planning to implement a new system in mid-2017 and staff believes the new system will have greater capabilities and be able to potentially handle this type of situation in the future.

Option 4

Option 4 - add an additional benefit (such as a greater percentage reduction in BPOL or BPP tax) for a qualifying business that also hires city residents that have completed one or more of several specified training courses.

Estimated cost to the city: unable to determine with any degree of accuracy given the variables involved.

Staff comment: After considering this and searching for relevant precedents staff believes that we cannot make the business benefit great enough to cause businesses to hire specific individuals. Our experience has indicated that businesses hire the best available candidate for the job and no reasonable/practical level of incentive will cause them to do otherwise. Furthermore, creating and maintaining such a program along with the appropriate verification systems would be difficult and cannot be done with existing resources.

Also of note is the existing GO Hire program. GO Hire is a customized, incentive program to enhance workforce development, while increasing business efficiency. In the last year, GO Hire has partnered with 15 companies to support 32 employees.

Community Engagement: A survey was sent to businesses that had received the Technology Zone credit and the survey was distributed through the Charlottesville Business Innovation Council email listserv. Also, staff presented Technology Zone information at the Mayor's Advisory Council on Innovation and Technology.

Alignment with City Council's Vision and Priority Areas: This agenda item aligns with Council's vision for Economic Sustainability. It also addresses one of the goals in the City's Strategic Plan that were recently adopted by Council: Goal 3: Have a Strong, Diversified Economy.

Budgetary Impact: This program impacts the general fund. Over the past ten years the credits have resulted in an average reduction of \$75,000 in revenue to the Business Professional and Occupational License. Total BPOL revenue generally ranges from \$6.7-\$7.1 million annually.

Recommendation: The current technology zone ordinance with no changes other than a new expiration date is included for council consideration on first reading tonight. If council would like to add additional benefits, as described in option 1 and 2 above, those changes can be included in the motion for the first reading of the ordinance.

As indicated, staff does not believe options 3 and 4 are feasible at this time.

Attachments: Proposed ordinance for Council approval
Technology Zone Facts and Figures from the Office of the Commissioner of Revenue

**AN ORDINANCE AMENDING AND RE-ORDAINING CHAPTER 14
(LICENSES), SECTION 14-24 (TAX INCENTIVES FOR TECHNOLOGY
BUSINESSES) TO EXTEND ELIGIBILITY PERIOD FOR FIVE YEARS TO
DECEMBER 31, ~~2016~~ 2021**

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that Section 14-24 of Chapter 14 of the Charlottesville City Code, 1990, as amended, is hereby amended and reordained, as follows:

Sec. 14-24. Tax incentives for technology businesses.

(a) A "qualified technology business" is a business which meets each of the following criteria:

- (1) The business must constitute a "technology business," as that term is defined within City Code Chapter 2, Article XIV;
- (2) The business must not be operating under a certificate of public convenience issued by the Virginia State Corporation Commission;
- (3) The business must not be engaged in the provision of a "utility service" as that term is defined within section 30-221 of the City Code;
- (4) The business must certify that it expects to be engaged in a technology business throughout the tax year for which a reduction is sought (or, for new technology businesses which had not commenced doing business as of January 1 of the tax year for which application is made, for the balance of the tax year); and
- (5) The business must have submitted an application for qualification to the commissioner of revenue, on or before March 1st of the tax year for which a reduction of taxes is sought under this section. A separate application shall be required for each tax year. A business seeking to obtain a reduction of taxes under this section shall have the burden of demonstrating, to the satisfaction of the commissioner, that it meets the definition of a technology business and that it meets all applicable criteria for a reduction.

(b) The following incentives, in the form of reduction of taxes owed, shall be available to qualified technology businesses:

- (1) For a qualified technology business whose gross receipts from a technology business subject to licensure are fifty thousand dollars (\$50,000.00) or less, any license fee which would otherwise be required

by this chapter shall be reduced by one hundred (100) percent for no more than five (5) years.

- (2) A qualified technology business whose gross receipts from a technology business subject to licensure are more than \$50,000 shall receive a fifty (50) percent reduction of any taxes owed pursuant to this chapter for no more than five (5) years.

Where a qualified technology business' license tax is determined pursuant to section 14-13(c) of this chapter, the commissioner shall determine the appropriate reduction based on the actual tax owed by the business for a tax year, as may be corrected by the commissioner.

(c) Except as otherwise specifically provided, nothing set forth within this section shall affect a technology business's status or classification for tax purposes, its obligation to report gross receipts and to file tax returns, or to pay any license issuance fees or local taxes under this chapter. Nothing contained in this section shall relieve any technology business from its obligation to comply with the requirements of section 14-11, or any other section, of this chapter.

(d) The tax incentives provided by this section shall be available to qualified technology businesses through the tax year ending on December 31, ~~2016~~ 2021. A qualified technology business shall receive the applicable tax reduction for no more than five (5) tax years.

TZ Facts and Figures

389 distinct entities have received the TZ credit since 2001

87 of those businesses existed before the TZ credit was offered.

Average lifespan of a company receiving the TZ credit is six and a half years (includes active businesses)

Average lifespan of companies receiving the TZ credit who began AFTER the TZ credit was first offered in 2001 is 5.02 years (includes active businesses)

Of the 302 businesses that began after the advent of the TZ credit in 2001, 55% (166) closed or moved within an average of 3.28 years.

The remaining 136 businesses have been active for an average of 7.15 years.

In the same period, the average lifespan of the 8,087 non-tech-zone entities* that started business in the City is 3.44 years.

Of those non-TZ entities*, 62% (5024) closed or moved within an average of 2.38 years.

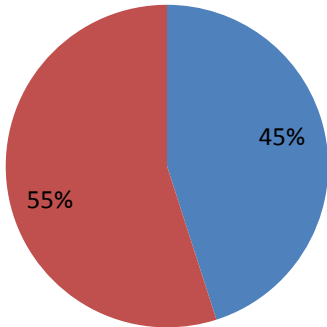
The remaining 3,063 non-TZ businesses have been active for an average of 5.18 years.

Of the 1217 instances of a company taking the tech zone credit, 527 (43%) were cases where the business had grossed less than \$50,000, resulting in their \$35 BPOL fee being waived. In the remaining 690 instances (57%), businesses received an average benefit of \$1,899.27 per instance.

**does not include out-of-town businesses, businesses of a transient nature, or businesses with no fixed location within the City.*

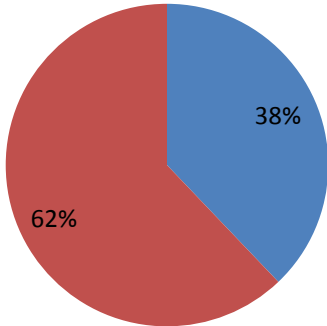
TZ Businesses Started Since 2001

■ Open ■ Closed



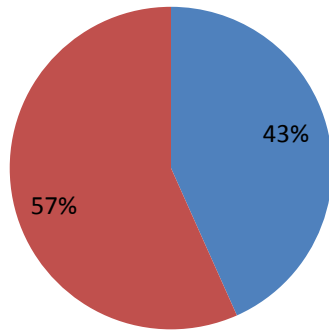
Non-TZ Businesses Started Since 2001

■ Open ■ Closed

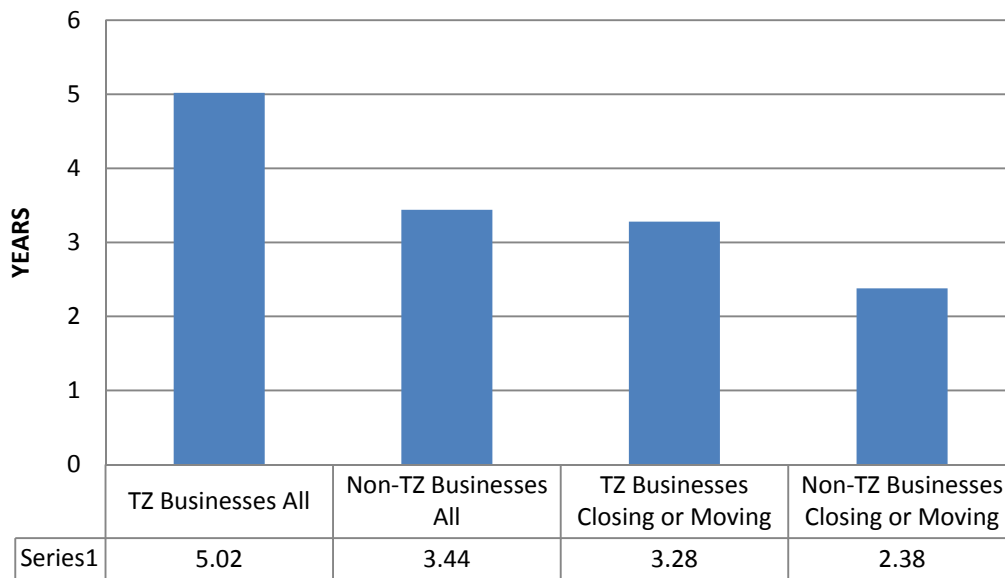


TZ Credits Awarded Since 2001

■ Waived \$35 Fee ■ BPOL Tax Credit (Average Benefit \$1,899.27)

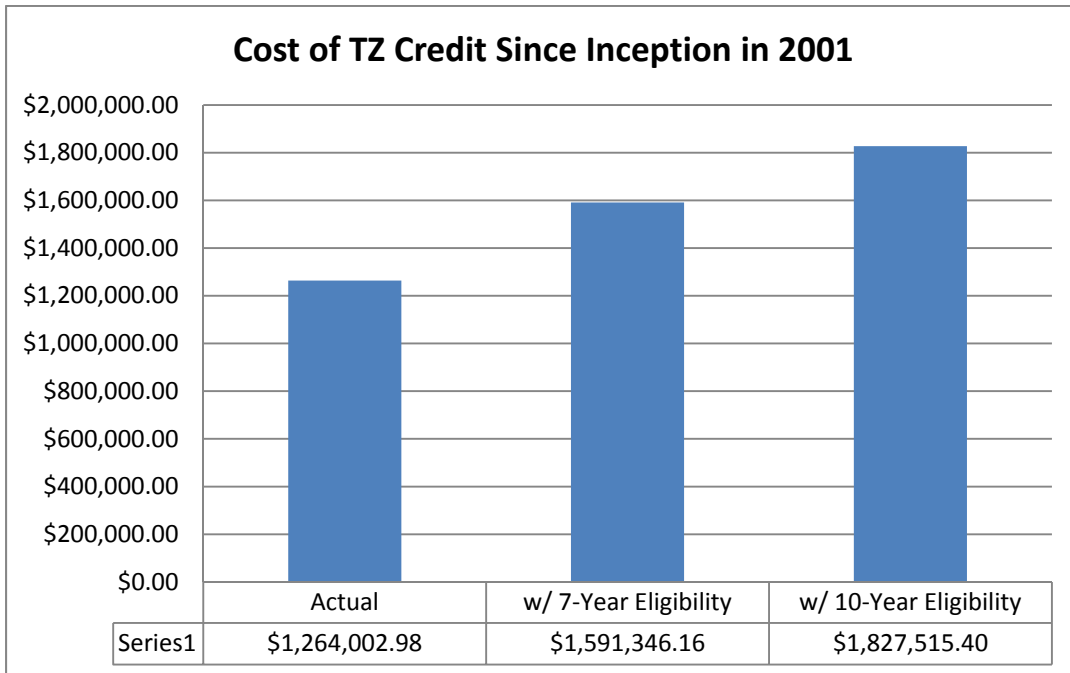


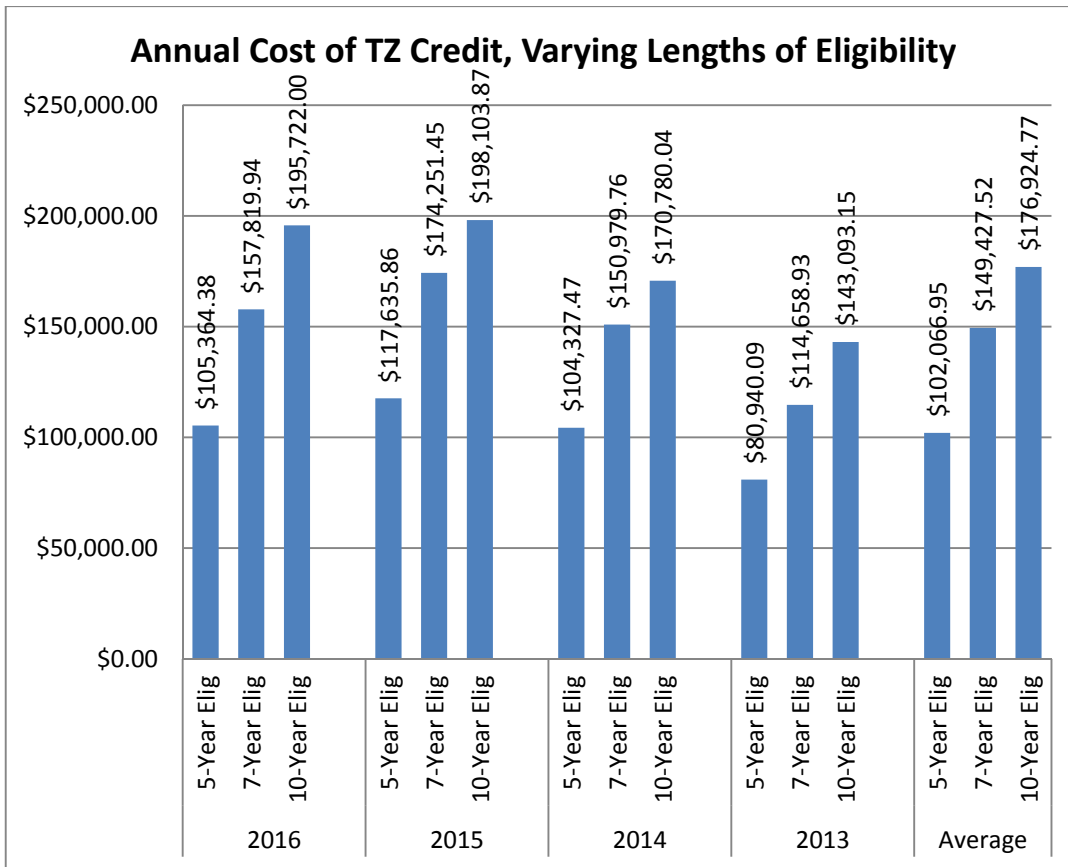
Average Lifespan of Businesses Started Since 2001



Technology Zone Credit - BPOL Costs Only

\$1,264,002.98	Program cost since inception as currently structured	
\$1,591,346.16	Program cost since inception w/ 7-year eligibility	
\$1,827,515.40	Program cost since inception w/ 10-year eligibility	
\$105,364.38	Cost in 2016 at 5-year eligibility	
\$157,819.94	Cost in 2016 at 7-year eligibility	*about \$50,000
\$195,722.00	Cost in 2016 at 10-year eligibility	**about \$90,000
\$117,635.86	Cost in 2015 at 5-year eligibility	
\$174,251.45	Cost in 2015 at 7-year eligibility	
\$198,103.87	Cost in 2015 at 10-year eligibility	
\$104,327.47	Cost in 2014 at 5-year eligibility	
\$150,979.76	Cost in 2014 at 7-year eligibility	
\$170,780.04	Cost in 2014 at 10-year eligibility	
\$80,940.09	Cost in 2013 at 5-year eligibility	
\$114,658.93	Cost in 2013 at 7-year eligibility	
\$143,093.15	Cost in 2013 at 10-year eligibility	





BPP

63 TZ Accounts in 2015

53 returns filed resulting in BPP liabilities totaling \$22,419.

Lowest... \$0 (13 of these)

Highest... @\$10,000

Average... \$423

Conclusions?

TZ businesses average a longer lifespan than non-TZ businesses.

The majority of TZ benefits (57%) are in the form of actual BPOL tax relief (averaging \$1,899.27 per year) as opposed to the waiving of the minimum \$35 fee.

Based on 2016 estimates, extending the eligibility period to 7 years would cost about \$50,000 more per year. Extending to 10 years would cost about \$90,000 more per year.

With a few exceptions, most TZ businesses pay relatively little in BPP.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	November 7, 2016
Action Required:	Ordinance Adoption
Presenter:	Carrie Rainey, City Planner, Neighborhood Development Services
Staff Contacts:	Carrie Rainey, City Planner, Neighborhood Development Services
Title:	ZM16-00004 Rezoning of Properties within Sunrise Park PUD

Background:

Don Franco, acting on behalf of Habitat for Humanity of Greater Charlottesville and Sunrise Park, LLC, has submitted an application for a rezoning of Tax Map 56, Parcels 84.1, 84.2, 84.3, 84.4, 84.5, 84.6, 84.7, 84.8, 84.9, 84.101, 84.110, 84.12, 84.13, 84.14, 84.15, 84.16, 84.17, 85A, 85B, 85C, 85D, 85E, 85F, 85G, 85H, 85I, 85J, 85K, 85L, 85M, 85N, 85O, 85P, 85Q, 85R, 85S, 85T, 85U, 85V, 85W, 85.1, 85.1A, 86A, 86B, 86C, 86D, 86E, 86F, 86G, 86H. The applicant requests an amendment of the planned unit development (PUD) known as Sunrise Park, to allow accessory parking on the northeastern parcel of the development, in addition to other minor modifications. The full application package can be viewed at: <http://www.charlottesville.org/home/showdocument?id=46155>

Previous Actions Taken

On November 16, 2009, City Council approved the original rezoning request to establish City Tax Map 56 Parcels 84, 85.1, 88.2, 86.1, 86.2, and 86.3 as PUD zoned and subject to the associated proffer conditions. This development plan and associated proffers can be viewed as Attachment G of the staff report presented at Planning Commission on October 11, 2016 at the link provided above.

On June 20, 2011, City Council approved an amendment to include City Tax Map 56 Parcel 85 in the PUD development, subject to the associated revised proffer conditions. Please note the PUD development plan provided in 2011 contains only the sections amended from the original 2009 PUD development plan. Sections of the 2009 PUD development plan not modified by the 2011 PUD development plan stand as approved in 2009. This development plan and associated proffers can be viewed as Attachment H of the staff report presented at Planning Commission on October 11, 2016 at the link provided above.

Discussion:

No guidance in addition to the staff report was provided.

Alignment with Council Vision Areas and Strategic Plan:

The project supports City Council’s “Quality Housing Opportunities for All” vision by providing a variety of housing types in the neighborhood. The project supports City Council’s “Smart, Citizen-Focused Government” vision by ensuring development of the remaining vacant land in the Sunrise Park community does not adversely affect the existing residents of the community and surrounding neighborhood. It contributes to Goal 1 of the Strategic Plan, Enhance the self-sufficiency of our residents through objective 1.3 Increase affordable housing options; and Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community through objective 2.6, Engage in robust and context sensitive urban planning.

Community Engagement:

City Council held a joint public hearing with the Planning Commission on October 11, 2016. Several speakers expressed support for the proposed rezoning; indicating they believe it will help alleviate parking concerns that already exist in the community. No speakers expressed concern with the proposed rezoning.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of rezoning the applicant’s parcel.

Planning Commission Recommendation:

The Planning Commission took the following action:

Mr. Santoski moved to recommend approval of this application to rezone property zoned PUD with proffers approved in 2011 to PUD with proffers provided on August 15, 2016 on the basis that the proposal would serve the interests of the general public welfare and good zoning practice. This recommendation of approval is based on *Sec. 34-42(1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan and Sec. 34-42(2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community.*

Ms. Dowell seconded the motion. The Commission voted 7-0 to recommend approval of the application to rezone the aforementioned parcels.

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 deny the attached ordinance for rezoning; or
- (3) by motion, defer action on the attached ordinance for rezoning.

Attachments:

- A. Proposed Proffers, dated October 11, 2016
- B. Staff Report, dated October 1, 2016
- C. Proposed PUD Development Plan dated August 15, 2016, revision date August 19, 2016
- D. Ordinance - Amending the Development Plan for the Sunrise PUD

Proffers proposed in connection with PUD

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN RE: PETITION FOR REZONING (City Application No. ZM16-00004) STATEMENT OF FINAL PROFFERED DEVELOPMENT CONDITIONS For the Sunrise Park PUD

Dated as of October 11th, 2016 TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned individual is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated August 18, 2009 and revised August 22, 2009, October 5, 2009 and amended April 24, 2011 and August 15, 2016

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

1. The hours of operation for all non-residential uses of the property shall be limited to the hours between 7 a.m. and 10 p.m.
2. Not more than twenty one (21) principle buildings shall be erected on the property, of which, not more than nine (9) buildings shall be erected in the SW block nor more than ten (10) buildings in the SE blocks. All structures, including buildings, will cover no more than thirty five percent (35%) of the property
3. The highest point of any parapet, or the midpoint of any sloped roof, constructed in the NE block shall not extend above a level horizontal plane extending from the highest point of the parapet of the building constructed in the NW block. The Owner shall establish this dimension and any site plan (preliminary or final) for proposed development of the NE block shall depict the horizontal plane as determined in relation to both the NE block and the building constructed in the NW block.
4. Not more than seventy (70) dwelling units may be constructed on the property.
5. Not more than 12,800 square feet of the total building square footage shall be non-residential.
6. The rezoned property shall be landscaped in general accordance with the General Development Plan prepared by Roudabush, Gale & Associates and dated July 27, 2016. All plantings in each phase shall be planted prior to the issuance of a certificate of occupancy for the structure to be erected on the rezoned property. All landscaping and plantings shall be maintained and replaced on an annual basis as necessary.
7. The applicant shall construct a sidewalk in conformance with City standards along Midland Street in the location shown on the PUD Development Plan.

8. Ingress to, and egress from, the property shall be as shown on the PUD Development Plan. Individual driveway entrances to single family attached units from Carlton Avenue, Rives Street, Nassau Street, and Midland Street are strictly prohibited.
9. Commemoration of the structure located at 1106 Carlton Avenue shall be constructed on site.
10. Not less than four (4) units shall be designated as deeply affordable rental housing or affordable homeownership opportunities in the multifamily building on the NW block. The initial annual rent for each deeply affordable rental unit shall not exceed thirty percent (30%) of twenty-five percent (25%) of the then current AMI. A for-sale, affordable unit is defined as a residential unit affordable to households with incomes less than sixty percent (60%) AMI. Both the designated deeply affordable rental and affordable homeownership units in the multifamily building on the NW block shall be subject the terms and conditions of the PUD Development Plan and shall remain deeply affordable or affordable through December 31, 2025.
11. Not less than twenty (20) units total shall be designated as affordable housing. These units may be created as a for-sale, affordable unit or a designated affordable rental unit. A for-sale, affordable unit is defined as a residential unit affordable to households with incomes less than sixty percent (60%) AMI. The initial annual rent for a designated affordable rental unit shall not exceed thirty percent (30%) of sixty percent (60%) of the then current AMI. In each subsequent calendar year, the monthly "net rent" (i.e., the amount of rent that does not include tenant paid utilities) may be increased by three percent (3%). A designated affordable rental shall be subject the terms and conditions of the PUD Development Plan and remain affordable, as described above, through December 31, 2025.
12. In order to ensure that the site functions as a cohesive, unified project, a site plan shall be submitted for the entire property. This proffer does not prohibit the Owner from constructing the planned improvements in multiple phases.
13. In order to ensure that the proposed buildings are harmonious with the character of the adjacent properties, the Owner shall submit preliminary architecture with the site plan. The preliminary architecture will be considered part of the site plan submittal and will be subject to review and approval by the Planning Commission.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 11th day of October, 2016 by:



Dan Rosensweig
Executive Director, Habitat for Humanity of Greater Charlottesville
Manager, Sunrise Park, LLC

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



APPLICATION FOR A REZONING OF PROPERTY

JOINT CITY COUNCIL AND PLANNING COMMISSION
PUBLIC HEARING

DATE OF HEARING: October 11, 2016

APPLICATION NUMBER: ZM16-00004

Project Planner: Carrie Rainey

Date of Staff Report: October 1, 2016

Applicant: Sunrise Park, LLC

Applicants Representative: Don Franco for Habitat for Humanity of Greater Charlottesville

Current Property Owner: Sunrise Park, LLC

Application Information

Property Street Address: Carlton Avenue, Nassau Street, Midland Street, and Sunrise Park Lane

Tax Map/Parcel #: Tax Map 56, Parcels 84.1, 84.2, 84.3, 84.4, 84.5, 84.6, 84.7, 84.8, 84.9, 84.101, 84.110, 84.12, 84.13, 84.14, 84.15, 84.16, 84.17, 85A, 85B, 85C, 85D, 85E, 85F, 85G, 85H, 85I, 85J, 85K, 85L, 85M, 85N, 85O, 85P, 85Q, 85R, 85S, 85T, 85U, 85V, 85W, 85.1, 85.1A, 86A, 86B, 86C, 86D, 86E, 86F, 86G, 86H

Total Square Footage/ Acreage Site: Approx. 2.44 acres (106,286 square feet)

Comprehensive Plan (General Land Use Plan): Neighborhood Commercial Corridor (Mixed Use), Low Density Residential, High Density Residential

Current Zoning Classification: PUD

Tax Status: Parcels are up to date on payment of taxes

Completeness: The application generally contains all of the information required by Zoning Ordinance (Z.O.) Secs. 34-41(d), and 34-517.

Applicant's Request (Summary)

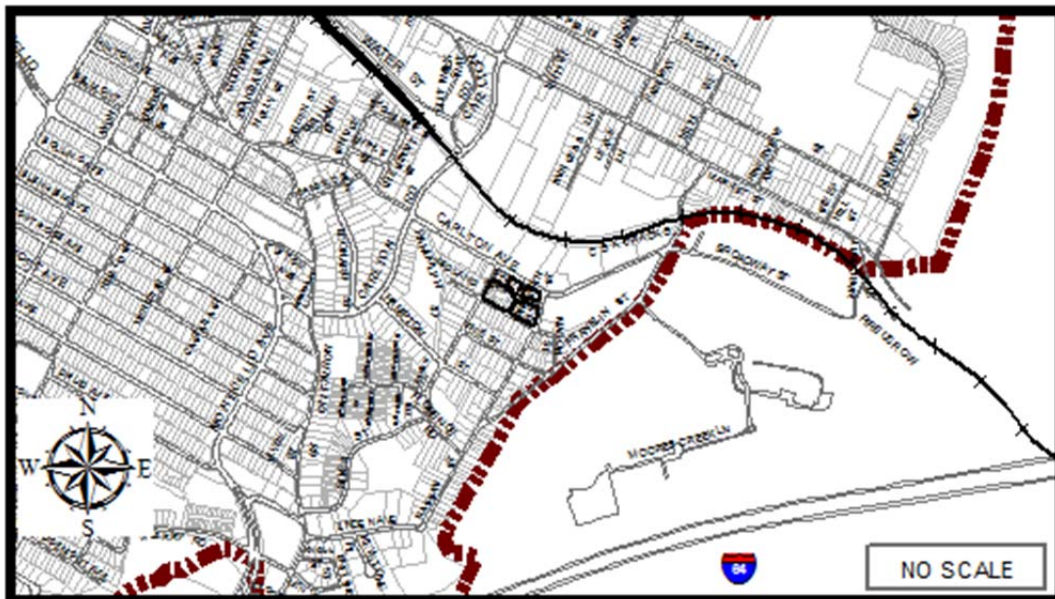
The applicant requests an amendment of the planned unit development (PUD) known as Sunrise Park, to allow accessory parking on the northeastern parcel of the development. As required by Z.O. Sec. 34-519(2), the applicant has submitted a revised PUD plan of development; including revised proffers (see Attachment B).

Previous Actions Taken

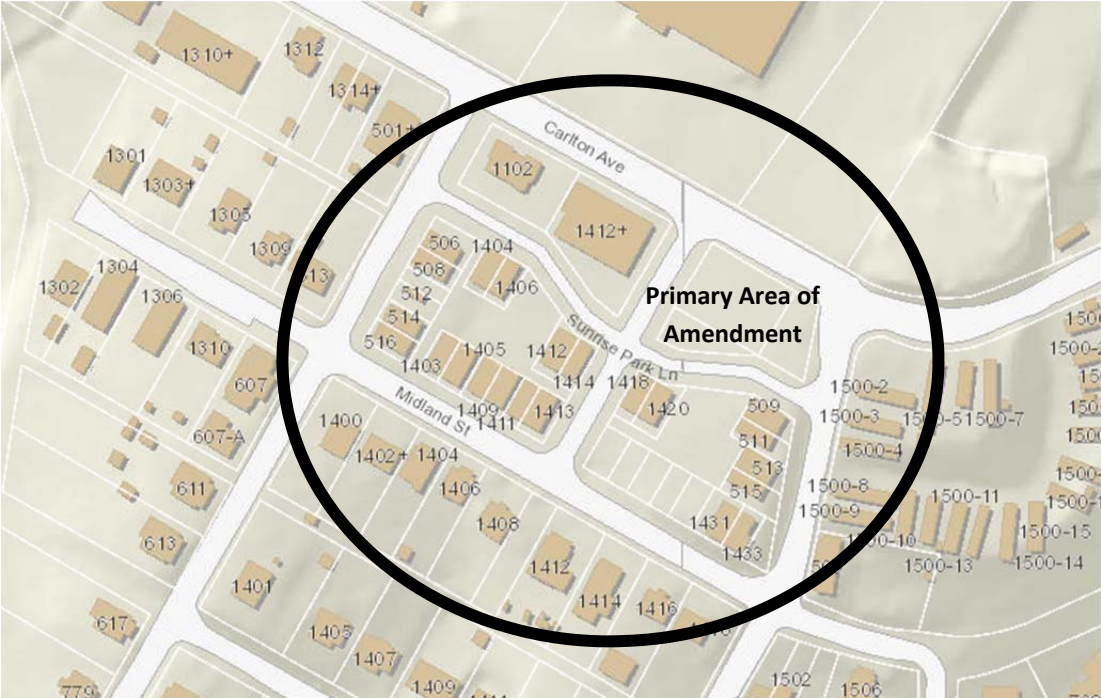
On November 16, 2009, City Council approved the original rezoning request to establish City Tax Map 56 Parcels 84, 85.1, 88.2, 86.1, 86.2, and 86.3 as PUD zoned and subject to the associated proffer conditions (see Attachment G).

On June 20, 2011, City Council approved an amendment to include City Tax Map 56 Parcel 85 in the PUD development, subject to the associated revised proffer conditions (see Attachment H). Please note the PUD development plan provided in 2011 contains only the sections amended from the original 2009 PUD development plan. Sections of the 2009 PUD development plan not modified by the 2011 PUD development plan stand as approved in 2009.

Vicinity Map 1



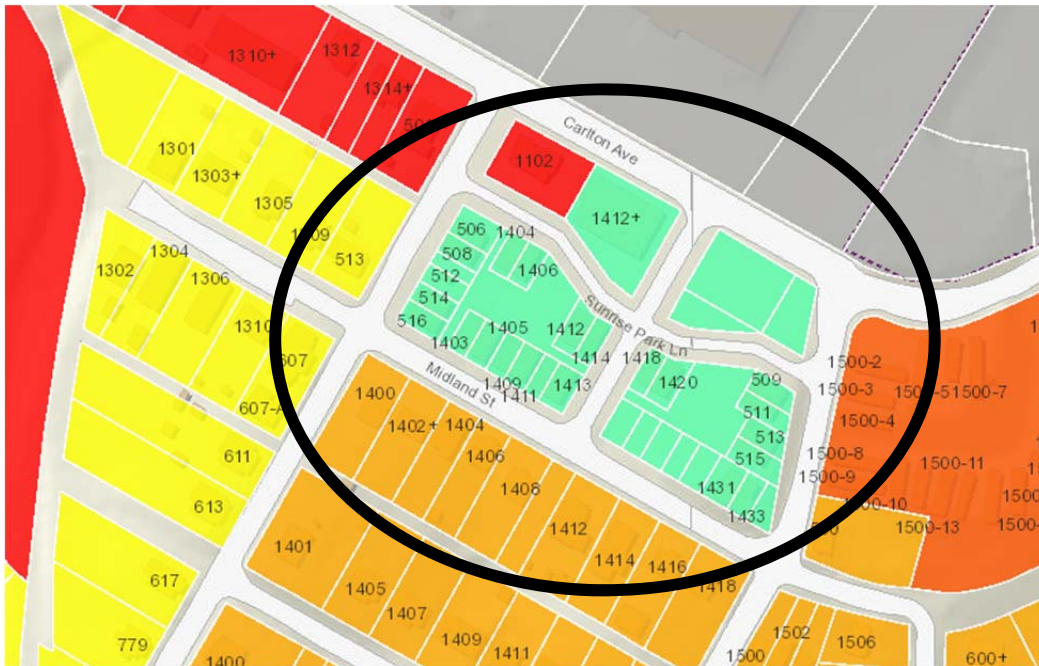
Vicinity Map 2



Context Map 1

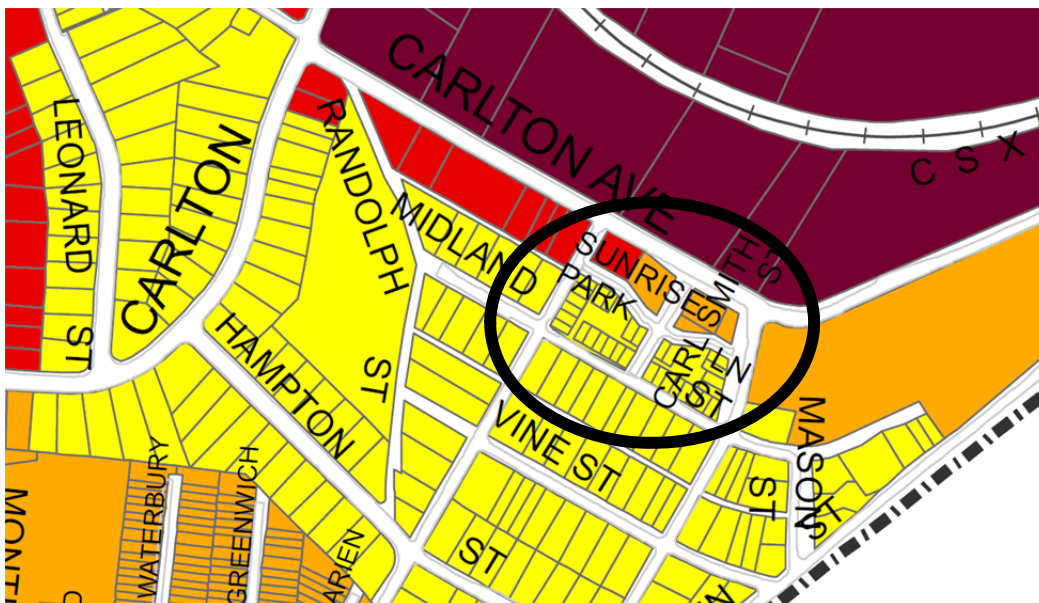


Context Map 2- Zoning Classifications



KEY – Green: PUD, Yellow: R1-S, Light Orange: R-2, Orange: R-3, Red: B-2, Grey: M-I

Context Map 3- General Land Use Plan, 2013 Comprehensive Plan



KEY – Red: Neighborhood Commercial, Burgundy: Business and Technology, Yellow: Low Density Residential, Orange: High Density Residential

Standard of Review

City Council may grant an applicant a rezoning request, giving consideration to a number of factors set forth within Z.O. Sec. 34-41. The role of the Planning Commission is to make an advisory recommendation to the City Council, as to whether or not Council should approve a proposed rezoning. Z.O. Sec. 34-41 of the City's Zoning Ordinance lists a number of factors that Council will consider in making a decision on a proposed rezoning. Z.O. Sec. 34-490 provides objectives for a planned unit development (PUD).

This application is a request to amend the existing PUD development plan, most substantially in areas of land use and off-street parking. Staff believes Council's determinations on November 16, 2009 (original approval) and June 20, 2011 (amendment approval) finding the rezoning to be consistent with the Comprehensive Plan, and required by public necessity, convenience, general welfare, and good zoning practice is still accurate for areas of the PUD development plan not proposed to be modified by this current application. As such, staff has focused analysis on the areas in which modifications are proposed, as described below.

Proposed Amendments to the Existing PUD Development Plan

The Sunrise Park development is built out approximately 70%. The NE block, two (2) parcels in the SW block, and six (6) parcels in the SE block remain un-developed. The General Development Plan, Exhibit 4 of the PUD development plan(Attachment B) and show separately in Attachment C, indicates the remaining lots in the SW and SE block are proposed to be two-family (single family attached) dwellings.

The following areas of the PUD development plan are proposed to be amended by this application.

Land Use

Land Use Plan

Both the existing and proposed PUD development plan regulate land use by four distinct blocks (Blocks "NE", "NW", "SE", and "SW") shown on the Land Use Plan, Exhibit 5 of the proposed PUD development plan and shown separately in Attachment D. The existing PUD development plan allows a maximum of 66 units throughout the development, as approved in 2011. The proposed PUD development plan proposes a maximum of 70 units throughout the development. The following table summarizes the proposed modifications in the maximum allowable residential units:

Block	Existing Maximum Residential Units	Proposed Maximum Residential Units
NE	18	24
NW	16	16
SE	14	14
SW	18	16
Total	66	70

As shown in the table above, the maximum allowable residential units increased by six (6) units in the NE block, and decreased by two (2) units in the SW block. However, the proposed PUD development plan maintains a maximum of 43 dwelling units per acre (DUA) in the NE and NW blocks, and a maximum of 21 DUA in the SE and SW blocks, as approved in the 2009 PUD development plan (Attachment G). In addition, the proposed PUD development plan contains the same stipulation approved in the 2011 PUD development plan (Attachment H) that allows Table 1 of the PUD development plan to be modified by the developer in terms of residential unit type and density by block, provided that the modifications are in line with the land uses and densities permitted or prohibited by block (Tables 2 through 5 of the proposed PUD development plan).

The proposed PUD development plan does not propose any changes to the maximum allowable size of non-residential uses per block.

Land Uses Permitted/Prohibited by Block

Both the existing and proposed PUD development plan regulate specific uses by the four distinct blocks (Blocks “NE”, “NW”, “SE”, and “SW”) discussed above. The 2011 amendment to the PUD development plan did not alter land uses permitted or prohibited by block. As such the existing land uses are those specified in the 2009 PUD development plan. The proposed PUD development plan proposes changes to Table 3: Non-Residential Uses (General and Miscellaneous Commercial by Block), shown starting on page 14 of the proposed PUD development plan. Specifically, the proposed PUD development plan proposes the allowance of parking garages and surface parking lots by-right, and temporary parking facilities allowed with a temporary use permit in the NE block.

Staff Analysis

Staff finds the proposed modifications to the Land Use Plan to be minor per Z.O. Sec. 34-519(1) and in conformance with the allowances provided in the approved 2011 PUD development plan for developer modification for unit density and type.

Staff finds the proposed amendments to the Land Uses Permitted/Prohibited by Block component of the PUD development plan are substantial and should be considered per the factors set forth in Z.O. Sec. 34-41 and Z.O. Sec. 34-490. This analysis is provided below in the report section: **Analysis of Substantial Proposed Amendments to the PUD Development Plan.**

Open Space

Open and Green Space

The proposed PUD development plan proposes minor alterations to the required areas of open space in the development in the breakdown between green space, recreational space, and hardscaping. However, both the existing and proposed PUD development plan specify that open space modifications per block are allowed, provided at least 15% of the gross acreage of the site shall be green and amenity areas. The proposed PUD development plan reduces the anticipated green area of the NE block from 2,450 square feet in the approved 2009 PUD development plan to zero, and increases the hardscaping of the NE block from 150 feet in the approved 2009 PUD development plan to an anticipated 1,000 square feet. The proposed PUD development plan also indicates an anticipated increase of hardscaping in the NW block from zero in the approved 2009 PUD plan to 2,600 square feet.

Open and Green Spaces Specific to the NE Block

The proposed PUD development plan does not include the bus stop at the intersection of Carlton Avenue and Nassau Street referenced in the approved 2009 PUD development plan in the NE block, as this bus stop no longer exists in the Charlottesville Area Transit (CAT) system. The proposed PUD development plan does not reference a pocket park between the structures and Nassau Street in the NE block indicated in the approved 2009 PUD development plan.

Open Space Specific to SW and SE Blocks

The proposed PUD development plan does not include specific information regarding an entrance park near Rives Street in the SW block indicated in the approved 2009 PUD development plan, nor hardscaped areas on both sides of the internal street intersection that serves as a community gathering area in the SW and SE blocks. However, the proposed PUD development plan does provide hardscaped areas in the NW and NE blocks to facilitate community gathering.

Staff Analysis

The existing 2009 PUD development plan was approved with an allowance for flexibility in open space modifications provided open space accounts for a minimum of 15% of the gross acreage of the site. The proposed PUD development plan maintains to minimum requirement of 15% and proposes some modifications that staff finds per Z.O. Sec. 34-519(1) to be in line with the

intent of the approved 2009 PUD development plan, which focuses on “big backyards” and community gathering areas. Open space shown centrally located in the SW and SE blocks in the proposed PUD development plan (and already constructed on the site) functions as shared backyards, and a hardscaped area is shown on the proposed PUD development plan (and built) in the NE block.

Built Form Standards

Special Regulations for Build to Lines

The proposed PUD development plan provides additional information not found in the existing PUD development plan (in neither the 2009 nor 2011 approved PUD development plan) on special regulations for corner lots, wherein the build to line shall be applied along the frontage abutting both streets. Applicable side setbacks shall be applied along the other two property lines of the lot.

Side and Rear Yard Setbacks

The proposed PUD development plan provides additional information not found in the existing PUD development plan (in neither the 2009 nor 2011 approved PUD development plan) on common walls and accessory structures. The proposed PUD development plan states that side yard setbacks shall not apply to structures built to a common wall. The proposed PUD development plan also indicates covered porches, balconies, chimneys, eaves and like architectural features may project into any required side or rear yard provided no such feature is located any closer than three (3) feet to any lot line. The proposed PUD development plan also states accessory structure setbacks, along with front and corner yards, shall be the same as the established build to line. Accessory structure side and rear yard setbacks shall be a minimum of three (3) feet.

Other Items

The proposed PUD development plan provides additional information not found in the existing PUD development plan (in neither the 2009 nor 2011 approved PUD development plan) including: no structure encroachment into any utility, drainage, or other easements; a required lot coverage of 10% to 80%; and the allowance for modifications to Table 6 (Open Space per block) with permission from the Director of Neighborhood Development Services.

Staff Analysis

Staff finds the additional information provided regarding standards for corner lots (*Special Regulations for Build to Lines*) and the regulations found under *Other Items* is in line with the goals of the original approved PUD development plan, and permissible per Z.O. Sec. 34-519(1).

The proposed PUD development plan also includes a reduction in setbacks for appurtenances and accessory structures under *Side and Rear Yard Setbacks* to three (3) feet. The proposed PUD development plan does not reduce the required setback for these features and structures along front and corner frontages. Per Z.O. Sec. 34-1101(d) and Z.O. Sec. 34-1105(b)(2), the current applicable setback for these features and structures is five (5) feet in side and rear yards. However, the primary structure setback for Sunrise Park PUD is also five (5) feet. Staff believes allowing the modification in setbacks for appurtenances and accessory structures in the side and rear yards is in line with the intention of Z.O. Sec. 34-1101 and Z.O. Sec. 34-1105 to provide flexibility for architectural features and accessory uses. Staff finds these modifications acceptable per Z.O. Sec. 34-519(1).

Landscape Standards

Exterior Screening Standards

The proposed PUD development plan does not include the requirement for a perimeter buffer between the PUD development and adjacent properties within the City block, as is required in the approved 2009 PUD development plan. The purpose of the buffer, as stated in the approved 2009 PUD development plan, is to create a visual separation but not completely screen Sunrise Park PUD from the adjacent low-density residential units.

Staff Analysis

At the time of the 2009 approval of the PUD development plan, R-2 residential property along Rives Street was not included in the Sunrise Park development, and was the adjacent low-density residential property referenced in the Exterior Screening Standards. This property was subsequently added to the Sunrise Park development in conjunction with the approved 2011 PUD development plan. Therefore, the Sunrise Park development is no longer adjacent to low-density residential property. The commercial property at 1102 Carlton Avenue is the only remaining adjacent property in the city blocks containing the Sunrise Park development. Subsequently, staff finds the removal of buffering standards for adjacent low-density residential properties to be an appropriate and minor modification to the approved PUD development plan per Z.O. Sec. 34-519(1).

Parking Standards

Provided Spaces

The proposed PUD development plan provides updated parking space counts per the proposed modification to residential unit counts described above under Land Use. While the proposed PUD development plan maintains the parking reduction for the SW and SE blocks as approved in the 2009 PUD development plan, no reduction is requested for the NE block. As noted in the Street and Streetscape Standards section of both the proposed PUD development plan and

approved 2009 PUD development plan, the internal travelways created in the development include parallel parking lanes to satisfy the on-site parking requirements of the development. The proposed PUD development plan specifically outlines parking for the NE block, stating accessory parking for the use of tenants will reduce the strain on existing on-street parking (including on internal travelways).

The proposed PUD development plan indicates the NE block will consist of 24 units, primarily two (2) bedroom condominiums. The proposed PUD development plan shows that approximately 25 parking spaces will be provided on-site for the NE block, and four (4) additional spaces could be provided along street frontages. Per the proposed modifications to allow accessory parking on site in the NE block under the *Land Uses Permitted/Prohibited by Block* in the proposed PUD development plan, staff anticipates the required on-site spaces for the NE block will be provided on the site and not on the internal travelways.

Staff Analysis

Staff finds the proposed amendments to the parking components of the PUD development plan to be substantial and should be considered per the factors set forth in Z.O. Sec. 34-41 and Z.O. Sec. 34-490. This analysis is provided below in the report section: **Analysis of Substantial Proposed Amendments to the PUD Development Plan.**

Phasing

The proposed PUD development plan provides minor changes to the Phasing section, including updated information on the phases of work completed thus far. Phases I – IV, as shown in Exhibit 7 of the proposed PUD development plan, and included as Attachment F have been substantially completed. Phase V, the NE block, has not yet begun.

Staff Analysis

Staff finds the proposed modifications to be minor and in line with the approved 2011 PUD development plan per Z.O. Sec. 34-519(1).

Affordable Housing

Deeply Affordable Rental Units

The proposed PUD development plan does not specify a minimum required number of deeply affordable rental units, which is stated as four (4) units in the approved 2009 PUD development plan. However, the proposed PUD development plan does indicate that at the time of submission, six (6) deeply affordable rental units exist in the development (see Attachment B, page 27). Proposed proffer 10 also specifies a minimum of four (4) deeply affordable rental units, in line with the approved 2009 PUD development plan and approved proffers. References

to deed and contract and notification procedures for deeply affordable rental units found in the approved 2009 PUD development plan are not included in the proposed PUD development plan.

Affordable Housing

Both the approved 2009 PUD development plan and the proposed PUD development plan specify a minimum of 20 units shall be affordable, either as for-sale or rental. The proposed PUD development plan does indicate that at the time of submission, 24 owner-occupied affordable units exist in the development (see Attachment B, page 27). References to deed and contract and notification procedures for affordable rental units found in the approved 2009 PUD development plan are not included in the proposed PUD development plan.

Staff Analysis

As noted above, the deeply affordable and affordable unit requirements set forth in the approved 2009 PUD development plan have been met at the time of this report. References to deed and contract and notification procedures for affordable rental units found in the approved 2009 PUD development plan are no longer required, as the units are already established in the development. Staff finds the modifications to the affordable housing section of the proposed PUD development plan to be minor and in line with the approved 2009 PUD development plan per Z.O. Sec. 34-519(1).

Proffers

Proffer 2

The proposed proffer 2 is modified to allow not more than 21 principle buildings on the property, which is increase from the 19 maximum principles buildings in approved proffers associated with the approved 2011 PUD development plan. Proposed proffer 2 is also modified in that building number limitations are placed on the SW and SE blocks, which were previously set at seven (7) buildings in the SW block and eight (8) buildings in the SE block in the approved proffers associated with the approved 2011 PUD development plan. The currently proposed building limitations are for no more than nine (9) buildings in the SW block and ten (10) buildings in the SE block.

The proposed proffer 2 does not include the building height minimum set at 35 feet in the approved proffers associated with the approved 2011 PUD development plan.

Proffer 3

The proposed proffer 3 is new, and provides a system for measuring the maximum allowable height in the NE block.

Proffer 4

The proposed proffer 4 establishes the maximum number of residential dwelling units to be 70, a revision from approved proffer 3 associated with the 2011 PUD development plan, which set the maximum at 66.

Removed proffers

Approved proffer 8 associated with the 2011 PUD development plan requires a bus stop to be provided with a minimum of three (3) benches. This proffer is not included in the proposed proffers.

Staff Analysis

Staff finds the proposed amendments to the proffers shown in proffers 2 and 4 of the PUD development plan to be minor modifications in line with the previously approved PUD development plans, and appropriate per other minor modifications to the Land Use Plan discussed above.

Staff notes that the removal of maximum building height (previously set at 35 feet) from proposed proffer 2 may be a concern for the Commission. However, Z.O. Sec. 34-501(a)(1) states that any building in a PUD development within 75 feet of a low density residential district (R-1, R-1S, R-2) must comply with the building height regulations for that district. Therefore, the un-built parcels in the SW and SE block are held to a 35 foot maximum height (due to the adjacency of R-1S and R-2 zoning). In addition, proposed proffer 3 provides restrictions on the allowable height of the NE block.

Staff finds that the proposed proffer 3 provides guidance on the allowable maximum building height for the NE block, and is an appropriate minor modification.

Staff finds the removal of the previously approved proffer 8 from the approved 2011 PUD development plan to be appropriate, as the bus stop was removed by Charlottesville Area Transit (CAT) subsequent to the approval of the 2009 PUD development plan.

Analysis of Substantial Proposed Amendments to the PUD Development Plan

Below is staff's analysis of the proposed amendments to the PUD development plan, per the factors set forth in Z.O. Sec. 34-42 and Z.O. Sec. 34-490, based on the information provided by the applicant.

Z.O. Sec. 34-42

(1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;

The applicant's own analysis of the development's consistency with the Comprehensive Plan, as required by Z.O. Sec. 34-41(d)(2), is provided in the Background section of the proposed PUD development plan.

Staff Analysis

Land Uses Permitted/Prohibited by Block and Parking Standards

Staff agrees with the applicant's statement that the proposed allowance for accessory parking on site will support the needs of the community while respecting the character of the neighborhood, in compliance with **Land Use Goal 2.1: When considering changes to land use regulations, respect nearby residential areas.** As shown in the provided Sunrise Resident Petition for Parking (Exhibit 1 of the proposed PUD development plan), residents agree on-site parking is a desired modification. In addition, the proposed allowance for accessory parking meets several components of **Housing Goal 3: Grow the City's housing Stock for residents of all income levels** by facilitating the build-out of the final un-built block in the PUD development.

(2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;

The applicant's own analysis of the development's furtherance of the general welfare of the entire community is provided in the Background section of the proposed PUD development plan.

Staff Analysis

Land Uses Permitted/Prohibited by Block and Parking Standards

Staff agrees with the applicant's statement that the Sunrise Park development provides a benefit to the Belmont neighborhood by providing secure affordable housing. In addition, as evidenced by comparing the previous conditions shown in Exhibit 3 and the general layout shown in Exhibit 4 of the proposed PUD development plan, the Sunrise Park development creates a more traditional neighborhood street grid and improves neighborhood connectivity. The proposed allowance for on-site parking benefits the welfare of the surrounding community by reducing parking needs for on-street space from Sunrise Park residents.

(3) Whether there is a need and justification for the change;

The applicant has provided information on factors that led to an increased demand for vehicular parking in the Sunrise Park development, found in the Background section of the proposed PUD development plan.

Staff Analysis

Land Uses Permitted/Prohibited by Block and Parking Standards

Staff agrees with the applicant's position that the allowance for accessory parking in the NE block is a necessary change to the approved PUD development plan. The internal travelways and their associated on street parking have been constructed, and no additional parking space can be added for use by NE block residents. The demand for the existing parking on the internal travelways is observed to be high by both the applicant and staff. Without adequate parking spaces provided in Sunrise Park, new residents may look for parking on other residential streets, limiting spaces available for other neighborhood residents. The allowance for accessory parking will minimize further impact of the Sunrise Park development in the surrounding community.

(4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.

The applicant has provided correspondence as part of the rezoning application (Attachment A) from the Director of Public Works, Judith Mueller, confirming that the previously installed public infrastructure components are adequate for the proposed modifications shown in the proposed PUD development plan.

Staff Analysis

As noted above, staff finds the existing public infrastructure adequate to serve the proposed modifications to the PUD development plan. Staff finds the continued zoning designation of Planned Unit Development (PUD) to be appropriate and not affected by the proposed modifications to the PUD development plan.

Z.O. Sec. 34-490

- (1) To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;**

Staff finds that the proposed amendments do not affect the quality of the approved PUD development plan.

- (2) To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.**

Staff finds that the proposed amendments do not affect the innovative arrangements of buildings and open space of the approved PUD development plan.

- (3) To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;**

Staff finds that the proposed amendments do not affect the housing type variety of the approved PUD development plan.

- (4) To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;**

Staff finds that the proposed amendments do not affect the clustering of dwelling or reduce the requirements of open space of the approved PUD development plan.

- (5) To provide for developments designed to function as cohesive, unified projects;**

Staff finds that the proposed amendments do not affect the cohesiveness of the approved PUD development plan.

- (6) To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;**

Staff finds that the proposed amendments do not affect the harmony with adjacent properties and patterns of the development of the approved PUD development plan.

- (7) To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;**

Staff finds that the proposed amendments do not affect the preservation of cultural and natural features of the approved PUD development plan.

- (8) To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development;**

Staff finds that the proposed amendments do not affect the coordination of architectural styles within the development and in relation to the adjacent properties of the approved PUD development plan.

(9) To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;

Staff finds that the proposed amendments do not affect the internal and external connections of the approved PUD development plan.

(10) To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

Staff finds that the proposed amendments do not affect the facilitation of access to public transit and pedestrian systems of the approved PUD development plan.

Public Comments Received

Community Meeting Required by Z.O. Sec. 34-41(c)(2)

The Director of Neighborhood Development Services, per allowances in Z.O. Sec. 34-41(c)(2), has permitted a meeting of Sunrise Park residents on July 20, 2015 and the Belmont Carlton Neighborhood Association meeting on December 14, 2015 to fulfill the community meeting requirements in Z.O. Sec. 34-41(c)(2). Exhibit 1 in the proposed PUD development plan (Attachment B) is a petition of support for modifications to accessory parking allowances by residents of the Sunrise Park community. Staff attended the December 14, 2015 Belmont Carlton Neighborhood Association meeting, and agrees with the applicant that attendees were supportive of the presented materials and proposed changes.

Staff Recommendation

Staff finds the project as presented to be in line with the City's commitment to affordable housing as articulated in the Comprehensive Plan. Staff recommends the Planning Commission recommend approval of the proposed rezoning as provided in the PUD development plan with an amended date of August 15, 2016 and a revision date of August 19, 2016 and the associated proffers provided by Sunrise Park, LLC on August 15, 2016.

Suggested Motions

1. I move to recommend approval of this application to rezone property from PUD with proffers approved in 2011 to PUD with proffers provided on August 15, 2016, on the basis that the proposal would service the interests of the general public and good zoning practice.

OR,

2. I move to recommend denial of this application to rezone property from PUD with proffers approved in 2011 to PUD with proffers provided on August 15, 2016, on the basis that the proposal would not service the interests of the general public and good zoning practice.

Attachments

- A. Rezoning Application received August 16, 2016
- B. Proposed PUD Development Plan received August 16, 2016
- C. Proposed General Development Plan (Exhibit 4) received August 18, 2016
- D. Proposed Land Use Plan (Exhibit 5) received August 18, 2016
- E. Proposed Landscape Plan (Exhibit 6) received August 18, 2016
- F. Proposed Phasing Plan (Exhibit 7) received August 18, 2016
- G. PUD Development Plan and Proffers approved November 16, 2009
- H. PUD Development Plan Amendment and Proffers approved June 20, 2011
- I. Belmont Carlton Neighborhood Association Agenda for December 14, 2015

Sunrise Park – A Planned Unit Development



August 2009

Rev. September 22, 2009

Rev. October 5, 2009

Amended April 26, 2011

Amended December 22, 2015

Amended August 15, 2016

OWNER:

Sunrise Park LLC
c/o Habitat for Humanity of Greater Charlottesville
919 West Main St
Charlottesville, VA 22903

SUBMITTED BY:

Habitat for Humanity of Greater Charlottesville
919 W Main Street
Charlottesville, Va 22902

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Introduction

Background

In April of 2011, the City of Charlottesville approved the rezoning of six contiguous properties (Tax Map 56, Parcels 84, 85.1, 85.2, 86.1, 86.2 and 86.3) on 2.26348 acres from R-2, B-2 and B-3 to PUD. This approved PUD is known as Sunrise Park and is currently a thriving, sustainable, mixed-income, mixed-use infill development in the Belmont-Carlton neighborhood of Charlottesville that is approximately 70% built out.

A potential purchaser for the second multifamily building located on the NE block of the site (see Exhibit 4) approached Habitat in 2015 with intent to construct the building as approved in the original 2011 PUD rezoning. Habitat, in accordance with the organization's values of community engagement and asset based development, brought the proposal to the community for input and approval. Overwhelmingly, the community was in favor of the development, but requested that the building be equipped with accessory parking to serve the new residents and to alleviate pressure on the existing parking infrastructure in the community.

In the intervening years between the original PUD approval in 2011 and present day, several factors have changed the initial assumptions made around parking demand. Because of the financial stability offered by homeownership, several of the residents at Sunrise have been able to establish new small businesses, which have increased their transportation needs. In addition the original, and majority elderly, residents of Sunrise Mobile Home Park who were rehoused through deeply affordable life estates in the original redevelopment of Sunrise have continued to age and need both access to services like Jaunt, and, due to declining health and increased limits in mobility, reliable and proximate parking. Another factor in the increased demand on parking provided on-site at Sunrise is the removal by the city of some of the surrounding street parking opportunities that were available when the project was first envisioned in 2011.

At a community meeting held on July 20th, 2015, the attending Sunrise Park residents unanimously signed a petition requesting the addition of an accessory parking (Exhibit 1). The concept plan for the multifamily building was also brought to the Belmont Carlton Neighborhood Association on December 14th, 2015 and met with support from the community members in attendance there. Resoundingly, residents present at that meeting cited Sunrise as a cornerstone development for the Belmont neighborhood and an example of positive infill redevelopment in the city of Charlottesville.

When the request to add accessory parking to the NE block to serve the proposed multifamily building was brought to city staff, they felt unable to administratively approve this change and requested a full rezoning package be submitted by Habitat for review. This document is a response to that request, and language from the original 2011 Sunrise PUD has been revised to reflect technical on-the-ground realities such as

changes to tax map parcel numbers, ownership of land and the alteration of language pursuant to the PUD requirements of Chapter 34, Article V, Division 3 Procedures of the Charlottesville City Code. Changes also include a memorialization of the increase in affordable housing units pursuant to development and the explicit by-right allowance of accessory parking in the NE block of Sunrise as requested by the community. This document constitutes Sunrise Park's plan of development. All other requirements for rezoning are addressed in accompanying documents.

General Purpose and Intent

This zoning amendment has been carefully considered in relation to the review standards utilized by the Planning Commission as outlined in Sec. 34-42(a) of the Zoning Ordinance:

- (1) Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
 - In accordance with principals set forth in the 2013 comprehensive plan, Sunrise Park is designed to create a strong sense of place and quality public space through communal "big back yards" and a front porch culture that encourages interactions between residents from all walks of life. The neighborhood has also prioritized successful, sustainable housing opportunities through deeply affordable rentals and affordable homeownership opportunities that replaced an aging, untenable stock of mobile homes. The design of multi-modal interior streets that prioritize the pedestrian but create safe and convenient linkages to existing road infrastructure further the transportation goals of the comprehensive plan, and the on-street parking and relegated accessory parking proposed in this amendment provide the necessary infrastructure to support the needs of the existing community without diminishing the aesthetics or character of the neighborhood
- (2) Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
 - Sunrise Park has proven to be a successful addition to the Belmont neighborhood, offering secure tenure housing for a vulnerable population and stabilizing a previously insecure block. Ensuring the successful build-out of the neighborhood by approving this rezoning request will only further guarantee the success of this neighborhood
- (3) Whether there is a need and justification for the change; and
 - The alteration from the original PUD rezoning to allow by-right accessory parking in the NE block of Sunrise is in direct response to the needs and requests of the residents of Sunrise
- (4) When pertaining to a change in the zoning district classification of property, the effect of the proposed change, if any, on the property itself, on surrounding property, and on public services and facilities. In addition, the commission shall consider the appropriateness of the property for inclusion within the proposed zoning district, relating to the purposes set forth at the beginning of the proposed district classification.
 - The development of Sunrise PUD has had an empirically positive affect on the surrounding neighborhood. Reports from Charlottesville City Police show that calls for service have been reduced to almost non-existent levels (Exhibit 2) and an Economic Impact Study conducted by

the Weldon Cooper Center at UVA showed that since redevelopment there has been a 10 times increase in tax revenue from this parcel for the city of Charlottesville. This has occurred without resident displacement. In addition as part of this rezoning petition, both Public Works and the Fire Marshall have re-examined and re-stated that all utilities and fire flow infrastructure present are sufficient to support the full development of Sunrise Park.

PUD Objectives

As envisioned in the PUD requirements of Sec 34-490 of the Zoning Ordinance, the Plan of Development for Sunrise Park has been designed to further the following principles:

- (1) To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
As a mixed-use, mixed-income neighborhood, Sunrise Park is a diverse and environmentally responsible development that is responsive to the existing residential fabric of the Belmont neighborhood. The diversity of scale and typology of housing provided by the Sunrise PUD plan has ensured a varied and organic built form that compliments the existing surroundings.
- (2) To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
Sunrise Park has been developed with an emphasis on relegating service areas with streets that are designed to prioritize the pedestrian with an emphasis on slow vehicular movement and contiguous sidewalk infrastructure. Porches line both the big back yards and the streets to create opportunities for passive interactions between neighbors and create a sense of place and encourage community engagement and safety through eyes on public spaces. In addition, internal sidewalks and parking aisles utilize a pervious paving system that reduces the environmental impact typically associated with impervious paving.
- (3) To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes;
Sunrise Park includes single family attached and multi-family housing types, providing a wide mix of housing types and incomes. Undeveloped market-rate parcels at Sunrise provide further opportunity to be developed as single family detached homes if that opportunity arises.
- (4) To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
The single family attached and two-family homes in the SE and SW blocks of Sunrise Park are oriented to prioritize shared open space, forming a perimeter around two “big back yards” that serve as play and gathering space for the neighborhood.
- (5) To provide for developments designed to function as cohesive, unified projects;
The big back yards and shared hardscaped areas provide the basic framework for community interaction, as do the front porches and balconies provided for each

residential living space. In addition there is a community room on site that allows for public workshops and varied social events in the community building.

- (6) To ensure that a development will be harmonious with the existing uses and character of adjacent property, and/or consistent with patterns of development noted with respect to such adjacent property;
The two proposed multi-family buildings in the NE and NW quadrants of the neighborhood negotiate the shift in scale from single family residential housing to the larger more industrial warehouse structures across Carlton Avenue. The configuration of the building on the NE block is oriented to establish a strong urban edge and relegate accessory parking to the basement level, thereby buffering it from the pedestrian experience and the shared common areas. The single family attached product in the SE and SW quadrants blend seamlessly with the existing character of the surrounding neighborhood.
- (7) To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
There is very little change in topography over the course of the site, but the two multi-family buildings in the NE and NW block take advantage of the change in elevation from Carlton Avenue to the center of the site by situating a community room and communal patio at the basement level of the condo building in the NW block, and tuck-under accessory parking at the basement level of the building proposed for the NE block.
- (8) To provide for coordination of architectural styles internally within the development as well as in relation to adjacent properties along the perimeter of the development; and
The single family attached units respond to the architecture of the adjacent properties by utilizing a modernized Virginia farmhouse style. The multifamily buildings mimic the more modern, industrial aesthetic of the warehouse buildings to the North of the site. In addition, a homeowners association has been established to own and maintain the internal open spaces and to coordinate the internal architectural standards.
- (9) To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
Sidewalks and greenways provide coordinated linkages between open spaces and community spaces internal to the development, allowing for natural and accessible pathways for residents. In addition, external connections are created through public sidewalks along all major street frontages that serve the larger community and provide safe, effective connections from the Belmont neighborhood to downtown Charlottesville.
- (10) To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.
The development is situated approximate to existing bus lines for easy access to jobs and recreation. In addition the internal and external streets feature continuous sidewalks for ease of pedestrian access.

Core Values, Goals and Vision

Sunrise Park LLC is a mixed-use, mixed-income, sustainable redevelopment on approximately 2.44 acres of land. Sunrise Park was designed to complement the existing character of the Belmont neighborhood and provide a visual transition from the commercial and industrial uses north of Carlton Avenue to the residential uses bordering the remainder of the site.

The Project vision was the product of an extensive participatory community planning process which established the following core values:

- Redevelopment of the trailer park without displacing its current residents
- Original residents will be offered temporary housing while construction takes place
- Create a mixture of incomes
- Create a mixture of residential and non-residential uses
- Sustainable building methods
- The design builds on the strengths of the existing trailer court including the concepts that have become known as the “Big Backyard” and “Easy Street”
- The design links into the fabric of the Belmont neighborhood
- The Project will serve as a model for other Habitat for Humanity chapters, across the globe

Incorporating the Habitat for Humanity model of volunteer-built housing, Habitat of Greater Charlottesville created homeownership opportunities for all eligible Sunrise residents while also providing low-cost rental units for the others.

The final master plan and proposed development approach represent the optimum balance of these core values within the following project goals:

- Sustainable project economics
- Local market conditions
- Habitat of Greater Charlottesville partner family demographics
- Habitat for Humanity volunteer-built housing model
- Habitat for Humanity International building standards

The mixed-use, mixed-income nature of Sunrise Park supports the growing economic and social diversity of the Belmont neighborhood without compromising its prized character; newcomers live side-by-side with those who have called Sunrise home for more than 30 years. For-sale market rate housing strengthens the neighborhood and helps create a financially sustainable model that future developments can use in other areas where low-income families are in danger of displacement.

The final design was the only design which could be phased such that the original Sunrise residents remained on site while their future housing was constructed. The Development Team considered this one

of their greatest achievements. Keeping these residents on site throughout the project not only ensured consistency in their lives, but helped to quickly fold Sunrise Park into the fabric of the Belmont neighborhood.

Sunrise Park is a trailblazing project that has preserved the deeply affordable housing stock, created additional affordable units, and provided market rate housing opportunities in a setting characterized by high quality open spaces, access to public transportation, and a unique sense of place.

The Project’s Relationship to the Belmont Neighborhood Plan

The core values and project goals for Sunrise Park echo many of the design concerns identified in the ***Belmont Neighborhood Plan (2007)*** including the need for:

CENTERS

- To increase neighborhood participation
- To push PUD developers to contribute amenities to the larger neighborhood
- To provide good parking with mixed-use centers
- For mixed-use area to have services, not just entertainment
- To promote community building
- To maintain the lively pedestrian feel and front porch life of the neighborhood
- For new development not to exclude local needs
- To promote safety by design
- For a clear link of centers throughout Belmont via pedestrian, bike and public transit

CONNECTIVITY

- To address accessibility for pedestrians, automobiles, and parking within the neighborhood
- For a holistic vision of the neighborhood that is followed particularly pertaining to parking and the pedestrian environment
- For new development to include better connectivity
- To increase pedestrian and bike connectivity within and outside the neighborhood
- To coordinate transit to bring people to neighborhood centers
- To address the neighborhood-wide problem with speeding, thought to be due to road widths on Hinton-Douglas, Graves St., Rives-Carlton, and Carlton Rd
- To keep and protect the system of alleys, as they are an important resource and part of the character of the neighborhood
- For good functioning sidewalks on every street

HOUSING

- To develop a process for proactively giving design input on new developments
- To inform neighborhoods about PUDs
- To require PUDs to provide a percentage of affordable housing
- To maintain the scale and mass of new and redeveloped housing while locating areas appropriate for density increases
- For all new developments to benefit the environment, pedestrian networks, and public gathering spaces

Existing Conditions

At the time of the initial rezoning in 2009, the property was most commonly referred to as the Sunrise Mobile Home Park and was comprised of several street addresses. It made up the block bound by Carlton Avenue, Rives Street, Nassau Street, and Midland Street. See Exhibit 3 for a site inventory as of 2008 of the significant natural, environmental, and cultural features of the site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands, topography, shown at intervals of five (5) feet or less, steep slopes, and other similar characteristics or features.

The adjacent zoning to the block are M-1 light industrial to the north and a mixture of primarily R-1 and R-2 residential, with some non-residential uses in the other directions. The subject parcels are located within the Belmont Neighborhood and are currently zoned PUD.

Exhibit 1: Sunrise Resident Petition for Parking

I support Habitat for Humanity's petition to the City to amend its plan to reduce open space, alter building mass and add off-street parking to the NE block of the development.

Name	Address	Date
Latoya Brun	513 Nassau Street	11/12/15
Marion Dudley	1410 Carlton Ave. unit 303	11/13/15
Lisa Briggs	1412 Sunrise Park Ln	11/13/15
Tyana Martin	1418 Sunrise Park Ln.	11/13/15
Mario Kelley	1405 E Midland St	11/13/15
Mohamad Almafaji	1403 Midland St.	11/13/15
Tilwana Terrell	1412 Carlton Ave unit 302	11/13/15
Laura Williams	1412 Carlton Ave unit 302	11-13-15
Jasper Williams	205	11-16-15
Kobalt		
Cynthia Lewis	1412 Carlton #102	11-16-15
Jonathan Thompson	508 Rives St.	11-16-15
John Martin	514 Rives St.	11/16/15
* Clarissa Folley	1407 Midland St	11/16/15
Haddley Jr	1417 Midland St	11/16/15

At a community meeting of the Sunrise Neighborhood on July 20th, 2015, Habitat heard our concerns and agreed to work with a builder to reduce the number of by right units and allowable commercial space on the large lot on Carlton while adding parking. I therefore support any necessary Habitat for Humanity petition to the City to amend its site plan to allow for an apartment building with the addition of surface and structured parking. We are grateful to Habitat for considering our desire to add some needed parking to the community.

Name	Address
Rachal Mayo	1418 Sunrise Park Ln
Lucille Shaver	1412 Carlton Ave.
Marion & George Dudley	1412 Carlton Ave. unit 303
Dorothy Williams	1419 Carlton Ave 305
Martha Johnson	1412 Carlton Ave # 202
Beverly Anderson	1411 Midland St
Tilwana Terrell	1412 Carlton Ave 302
Laura Vignetta	1405 Midland St.

Exhibit 2: Police Calls for Service Data

***Calls-for-Service in the area of Sunrise Community
2011 - 2015 and 2016 Year-to-Date***

Call Type	2011	2012	2013	2014	2015	2016 YTD
ANIMAL-COMPLAINT	0	0	0	0	0	1
ASSAULT - SIMPLE	1	0	0	0	0	0
DISORDERLY CONDUCT	6	4	2	2	2	1
DRUG/NARCOTIC VIOLATION	1	0	0	0	0	0
DRUNKENESS (DIP)	1	1	0	0	0	1
FAMILY OFFENSE NON-VIOLENT	2	1	1	0	0	0
FIREWORKS VIOLATION	0	1	0	0	0	0
LARCENY-ALL OTHER LARCENY	1	0	0	0	0	0
MISC/CRIMINAL	2	0	0	0	0	1
MISSING PERSON/JUVENILE	0	1	0	0	0	0
NOISE COMPLAINANT	1	0	0	0	0	0
SUSPICIOUS CIRC/PERSON/VEH	5	1	0	5	3	3
TRAFFIC-HIT AND RUN	0	0	0	0	1	0
TRESPASS ON REAL PROPERTY	1	1	1	0	0	0
VANDALISM/DAMAGE/DESTRUCT PROP	0	1	2	1	0	0
WARRANT SERVICE/AGENCIES WARR	5	2	0	0	1	0
Grand Total	26	13	6	8	7	7

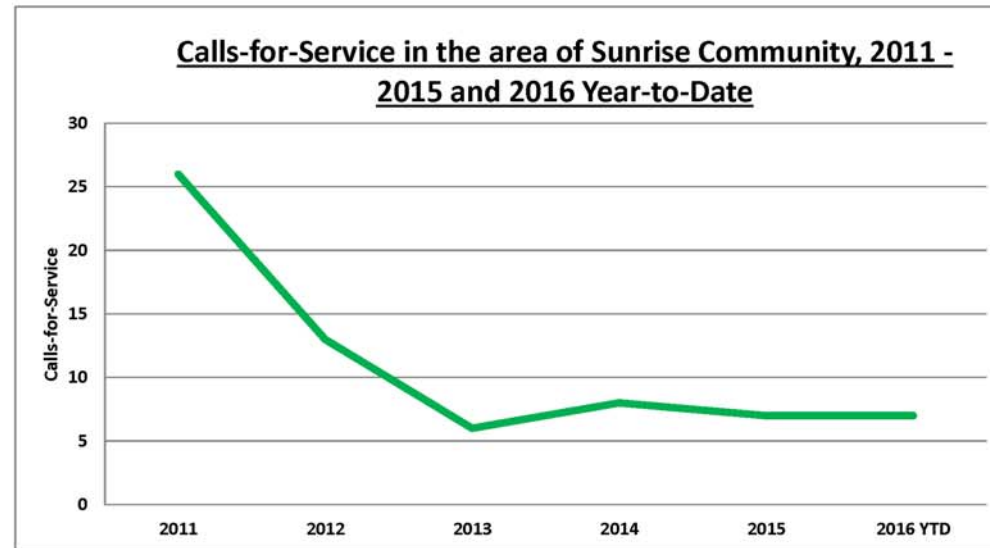
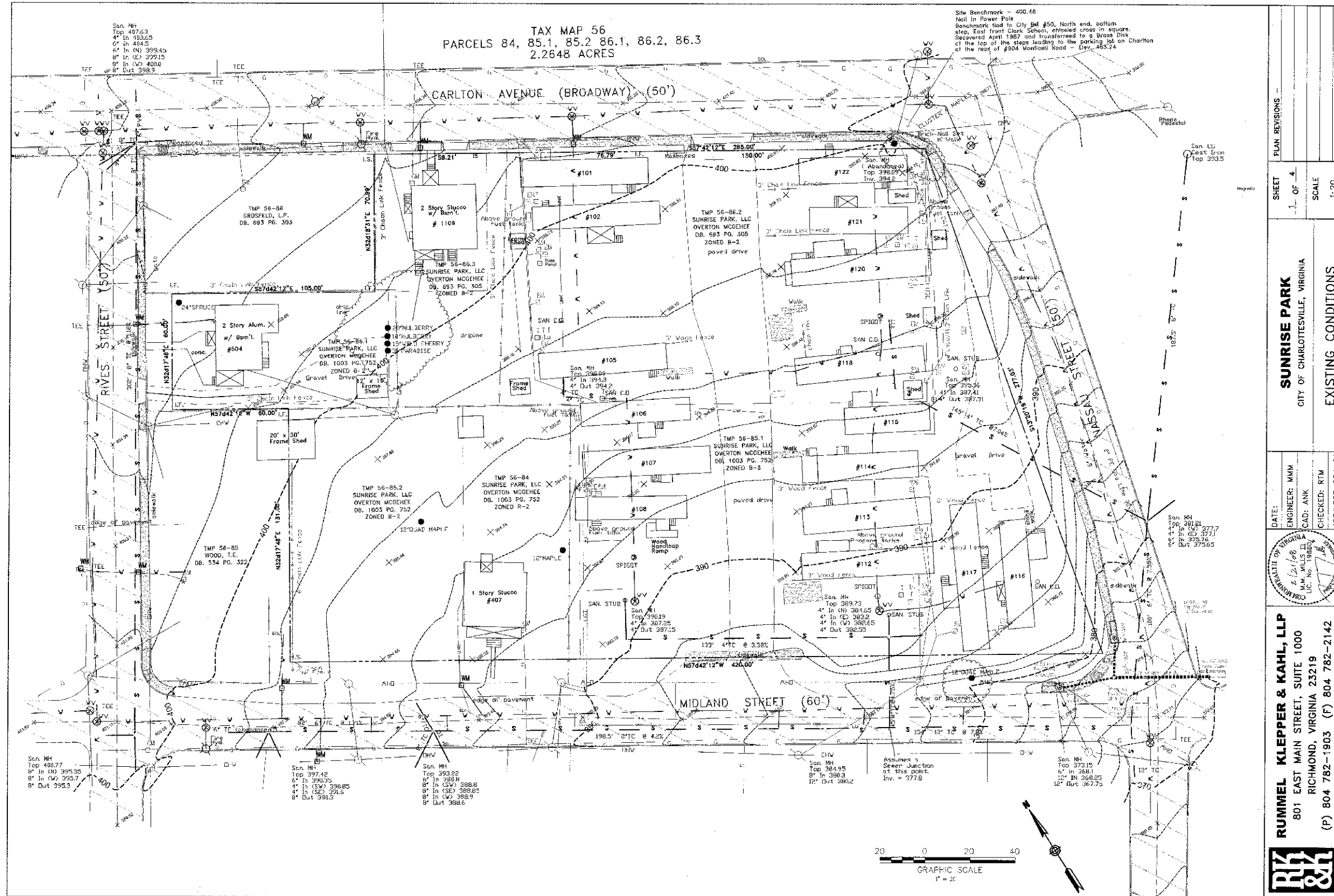


Exhibit 3: Existing Conditions 2008



PUD Development Plan

General Development Plan

The General Development Plan (Exhibit 4) is the governing concept plan that depicts the following important features:

- The primary streets that are required to create the internal grid pattern;
- The general location of connections to the public street system;
- The general location and orientation of the buildings;
- The general location of existing water, sanitary sewer and storm water facilities;
- The general location of proposed water, sanitary sewer and storm water facilities;
- The general location of all proposed utilities;
- The general location of proposed pedestrian improvements

The plan is illustrative in nature and graphically depicts how standards set forth in the PUD Development Plan might be applied, but not necessarily how the project will develop.

Land Use Plan

In order to regulate land use within Sunrise Park, the Land Use Plan (Exhibit 5) divides the project into four distinct blocks (Blocks “NE”, “NW”, “SE” and “SW”). The acreages, dominant land use, maximum Non-residential and maximum Residential Units in the individual blocks are established in Table 1. The purpose of the block is to regulate given uses, the density/intensity of uses, and the built form for those uses in a logical fashion. Thus, these blocks are the planning tools that serve as the foundation for the PUD Development Plan.

Table 1				
Block	Acreage	Dominant Land use type within block	Maximum Non-Residential	Maximum Residential
NE	0.45	MF	4,800	24
NW	0.35	MF	4,800	16
SE	0.70	Two Family	1,600	14
SW	0.94	Two Family	1,600	16
Total	2.44		12,800	70

It is recognized that, as the development proceeds through the site plan(s), individual architectural and engineering decisions will modify the precise geometry of the internal road network and may potentially

impact the size of the individual blocks. Thus, the PUD Development Plan permits the exact boundaries of the blocks to be altered at the site plan or subdivision stage and the acreage of each block to be adjusted accordingly. However, the dominant land use type and the non-residential maximum square footage and maximum number of residential units, as well as their total numbers, are set and shall not be adjusted.

Table 1 establishes the potential mix of commercial, residential, office and civic space uses and the maximum density for residential uses (in dwelling units) and development intensity for non-residential uses (in gross leasable area (GLA)). At full build-out, the development shall not exceed the maximum levels established at the bottom of the table.

Table 1 should be interpreted as to allow the Owner to adjust the residential unit type and density to meet market and design conditions within the context of the PUD Development Plan and the permitted land uses as described within Tables 2 through 5.

Finally, site plans and subdivision plats may be submitted and approved for a portion of an individual block, so long as all requirements of the PUD Development Plan and the applicable portions of the City Code are met and legal means of access is provided to all parcels.

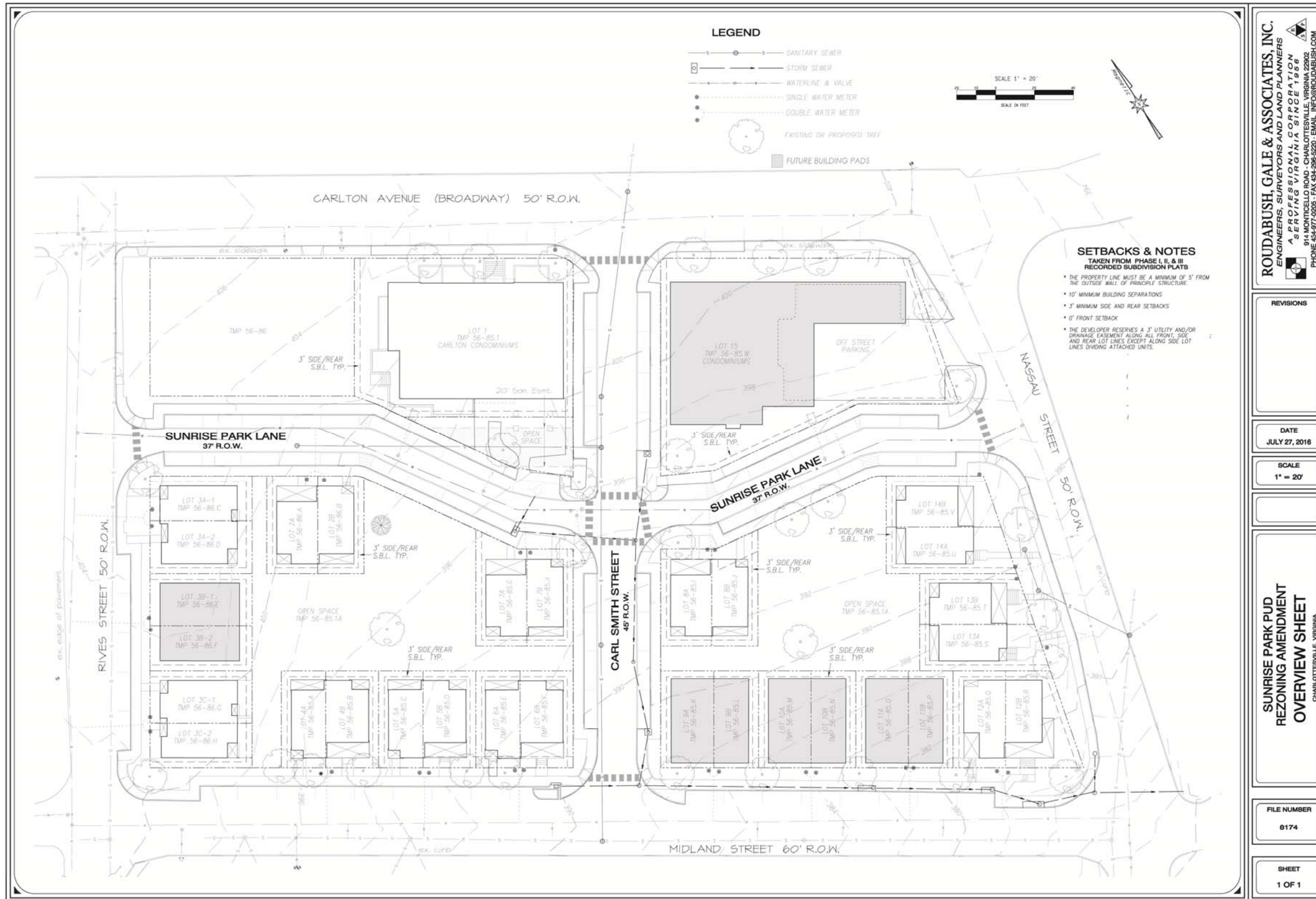
Land Uses Permitted/Prohibited by Block

Tables 2 through 5 establish the uses that are permitted or prohibited by block. The nomenclature used is identical to that of the City Code, where:

- A = accessory
- A/S = accessory w/special use permit
- B = by right
- DUA = dwelling units per acre
- GFA = gross floor area
- MFD = multifamily development
- P = provisional use permit
- S = special use permit
- T = temporary use permit

Please note that where a column is left blank or contains “-”, then the use is prohibited within the block. Under certain circumstances, a separate permit will need to be filed and a separate legislative action will need to be taken by the City of Charlottesville to permit that use.

Exhibit 4: General Development Plan



ROUDABUSH, GALE & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS AND LAND PLANNERS
 A PROFESSIONAL CORPORATION SINCE 1958
 914 MONTICELLO ROAD - CHARLOTTEVILLE, VIRGINIA 22802
 PHONE 534-977-0205 - FAX 434-296-5220 - EMAIL INFO@ROUDABUSH.COM

REVISIONS

DATE
 JULY 27, 2016

SCALE
 1" = 20'

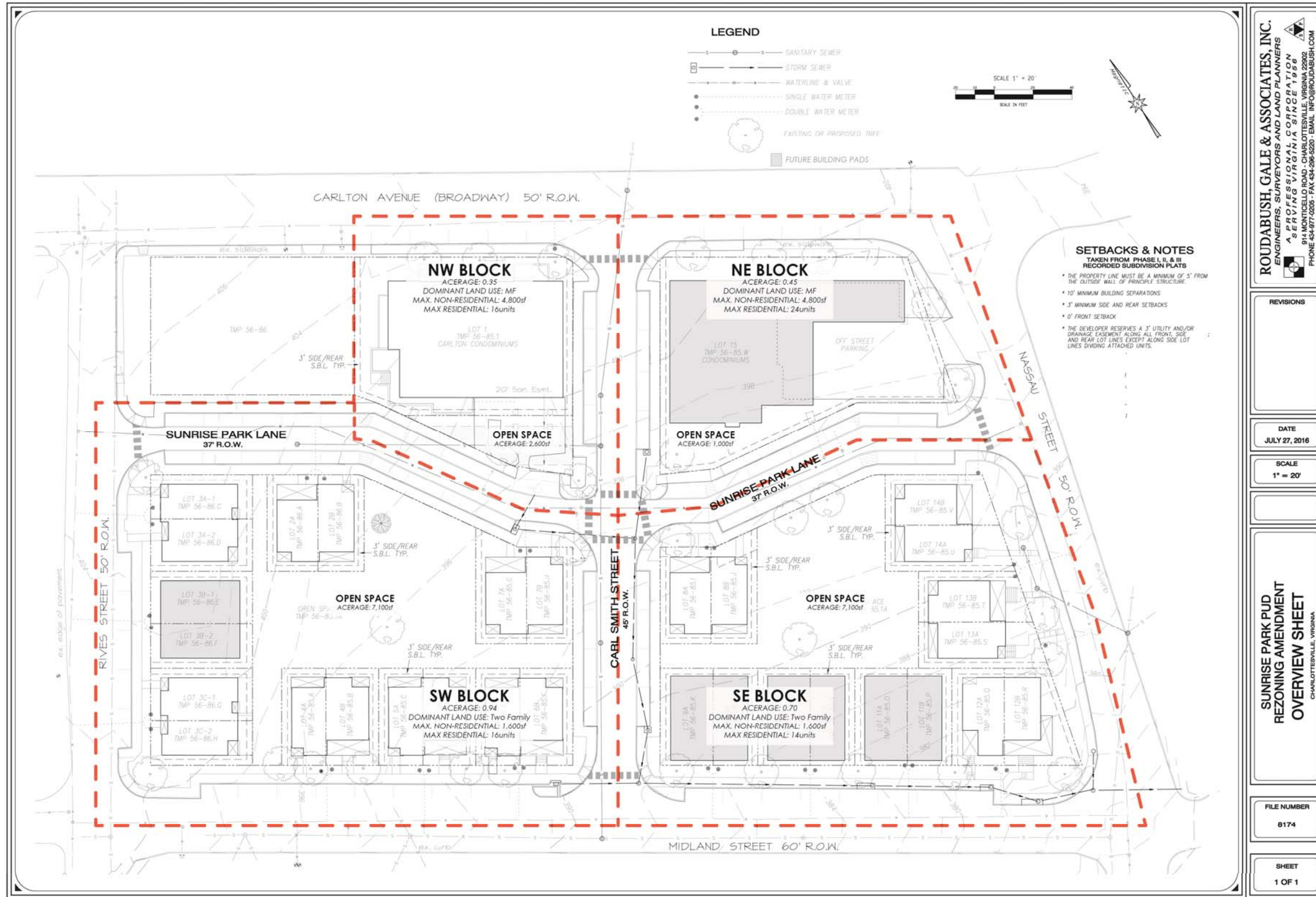
**SUNRISE PARK PUD
 REZONING AMENDMENT
 OVERVIEW SHEET**
 CHARLOTTEVILLE, VIRGINIA

FILE NUMBER
 6174

SHEET
 1 OF 1

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Exhibit 5: Proposed Land Use Plan



ROUDABUSH, GALE & ASSOCIATES, INC.
 ENGINEERS, SURVEYORS AND LAND PLANNERS
 A PROFESSIONAL CORPORATION
 SERVING VIRGINIA SINCE 1966
 914 MONTICELLO ROAD - CHARLOTTEVILLE, VIRGINIA 22902
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Table 2: Residential and Related Uses by Block							
RESIDENTIAL AND RELATED USES	ZONING DISTRICTS			BLOCK			
	R-2	B-2	B-3	NW	NE	SW	SE
Accessory apartment, internal	B	P	P	B	B	B	B
Accessory apartment, external	P	P	P	B	B	B	B
Accessory buildings, structures and uses	B	B	B	B	B	B	B
Adult assisted living							
1--3 residents	-	B	B	B	B	-	-
4+ residents	-	B	B	B	B	-	-
Adult day care	-	B	B	B	B	-	-
Amateur radio antennas, to a height of 75 ft.	B	B	B	-	-	-	-
Bed-and-breakfast:							
Homestay	B	B	B	B	B	B	B
B & B	-	B	B	-	-	-	-
Inn	-	B	B	-	-	-	-
Boarding: fraternity and sorority house	-	B	B	-	-	-	-
Boarding house (rooming house)	-	B	B	-	-	-	-
Convent/monastery	B	B	B	B	B	B	B
Criminal justice facility	-	-	-	-	-	-	-
Dwellings:							
Multifamily	-	B	B	B	B	-	-
Single-family attached	B	B	B	B	B	B	B
Single-family detached	B	B	B	B	B	B	B
Townhouse	-	B	B	B	B	B	B
Two-family	B	B	B	B	B	B	B
Family day home							
1--5 children	B	B	B	B	B	B	B
6--12 children	S	B	B	S	S	S	S
Home Occupation	P	P	P	P	P	P	P
Manufactured Home Park	-	-	-	-	-	-	-
Night watchman's dwelling unit, accessory to industrial use	-	-	-	-	-	-	-
Nursing homes	-	B	B	-	-	-	-
Occupancy, residential							
3 unrelated persons	B	B	B	B	B	B	B
4 unrelated persons	B	B	B	B	B	B	B
Residential density (developments)							
1--21 DUA	-	B	B	B	B	B	B
22--43 DUA	-	S	S	B	B	-	-
44--64 DUA	-	S	S	-	-	-	-
65--87 DUA	-	S	S	-	-	-	-
88--200 DUA	-	-	-	-	-	-	-
Residential treatment facility							
1--8 residents	B	B	B	B	B	-	-
8+ residents	S	-	-	S	S	-	-
Shelter care facility	-	B	B	B	B	-	-

Table 3: Non-Residential Uses (General and Miscellaneous Commercial) by Block							
NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL	ZONING DISTRICTS			BLOCK			
	R-2	B-2	B-3	NW	NE	SW	SE
Access to adjacent multifamily, commercial, industrial or mixed-use development or use	-	B	B	-	-	-	-
Accessory buildings, structures and uses	-	B	B	-	-	-	-
Amusement center	-	S	S	-	-	-	-
Amusement enterprises (circuses, carnivals, etc.)	-	-	T	-	-	-	-
Amusement park (putt-putt golf; skateboard parks, etc.)	-	-	S	-	-	-	-
Animal boarding/grooming/kennels:							
With outside runs or pens	-	-	-	-	-	-	-
Without outside runs or pens	-	-	S	-	-	-	-
Animal shelter	-	-	S	-	-	-	-
Art gallery:							
GFA 4,000 SF or less	-	B	B	B	B	-	-
GFA up to 10,000 SF	-	B	B	-	-	-	-
Art studio, GFA 4,000 SF or less	-	B	B	-	-	-	-
Art workshop	-	B	B	-	-	-	-
Assembly (indoor)							
Arena, stadium (enclosed)	-	S	S	-	-	-	-
Auditoriums, theaters	-	B	B	-	-	-	-
Houses of worship	B	B	B	B	B	B	B
Assembly (outdoor)							
Amphitheater	-	S	S	-	-	-	-
Stadium (open)	-	S	S	-	-	-	-
Temporary (outdoor church services, etc.)	T	T	T	T	T	T	T
Assembly plant, handcraft	-	-	S	-	-	-	-
Assembly plant	-	-	S	-	-	-	-
Automobile uses:							
Gas station	-	B	B	-	-	-	-
Parts and equipment sales	-	B	B	-	-	-	-
Rental/leasing	-	-	B	-	-	-	-
Repair/servicing business	-	B	B	-	-	-	-
Sales	-	-	B	-	-	-	-
Tire sales and recapping	-	-	B	-	-	-	-
Bakery, wholesale							
GFA 4,000 SF or less	-	B	B	-	-	-	-
GFA up to 10,000 SF	-	-	B	-	-	-	-
Banks/ financial institutions	-	B	B	-	-	-	-
Bowling alleys	-	B	B	-	-	-	-
Car wash	-	B	B	-	-	-	-
Catering business	-	S	B	-	-	-	-
Cemetery	S	S	S	-	-	-	-

NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL (CONTINUED)	ZONING DISTRICTS			BLOCK			
	R-2	B-2	B-3	NW	NE	SW	SE
Clinics:*							
Health clinics, including public health clinics (more than 10,000 SF, GFA)	-	B	B	-	-	-	-
Health clinics, including public health clinics (up to 10,000 SF, GFA)	-	B	B	-	-	-	-
Veterinary (with outside pens/runs)	-	-	-	-	-	-	-
Veterinary (without outside pens/runs)	-	S	B	-	-	-	-
Clubs, private	S	B	B	S	S	S	S
Communications facilities and towers:							
Antennae or microcells mounted on existing towers established prior to 02/20/01	B	B	B	-	-	-	-
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B	B	B	B	B	B
Attached facilities not visible from any adjacent street or property	B	B	B	B	B	B	B
Attached facilities visible from an adjacent street or property	-	B	B	B	B	-	-
Alternative tower support structures	-	-	B	-	-	-	-
Monopole tower support structures	-	-	B	-	-	-	-
Guyed tower support structures	-	-	-	-	-	-	-
Lattice tower support structures	-	-	-	-	-	-	-
Self-supporting tower support structures	-	-	-	-	-	-	-
Contractor or tradesman's shop, general	-	-	B	-	-	-	-
Crematorium (independent of funeral home)	-	-	B	-	-	-	-
Data center							
>4,000	-	B	B	-	-	-	-
<4,000	-	B	B	-	-	-	-
Daycare facility	S	B	B	B	B	B	B
Dry cleaning establishments	-	B	B	-	-	-	-
Educational Facilities (non-residential)							
Elementary	B	B	B	B	B	-	-
High Schools	B	B	B	-	-	-	-
Colleges and universities	S	S	S	-	-	-	-
Artistic up to 4,000 SF, GFA	-	B	B	-	-	-	-
Artistic up to 10,000 SF, GFA	-	S	B	-	-	-	-
Vocational, up to 4,000 SF, GFA	-	B	B	-	-	-	-
Vocational, up to 10,000 SF, GFA	-	B	B	-	-	-	-
Funeral home (without crematory)							
GFA 4,000 SF or less	-	B	B	-	-	-	-
GFA up to 10,000 SF	-	B	B	-	-	-	-
Funeral homes (with crematory)							
GFA 4,000 SF or less	-	B	B	-	-	-	-
GFA up to 10,000 SF	-	B	B	-	-	-	-
Golf course	-	-	-	-	-	-	-
Golf driving range	-	-	S	-	-	-	-
Helipad	-	-	S	-	-	-	-
Hospital	-	S	B	-	-	-	-
Hotels/motels:							
Up to 100 guest rooms	-	B	B	-	-	-	-
100+ guest rooms	-	S	B	-	-	-	-
Laundromats	-	B	B	-	-	-	-

NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL (CONTINUED)	ZONING DISTRICTS			BLOCK			
	R-2	B-2	B-3	NW	NE	SW	SE
Libraries	B	B	B	B	B	B	B
Manufactured home sales	-	-	S	-	-	-	-
Microbrewery	-	B	B	-	-	-	-
Movie theaters, cineplexes	-	B*	B	-	-	-	-
Municipal/governmental offices, buildings, courts	S	B	B	-	-	-	-
Museums:							
Up to 4,000 SF, GFA	-	B	B	-	-	-	-
Up to 10,000 SF, GFA	-	S	B	-	-	-	-
Offices:							
Business and professional	-	B	B	B	B	-	-
Medical	-	B	B	-	-	-	-
Philanthropic institutions/agencies	-	B	B	B	B	-	-
Property management	A	B	B	B	B	A	A
Other offices (non-specified)	-	B	B	B	B	B	B
Outdoor storage, accessory	-	-	B	-	-	-	-
Parking:							
Parking garage	-	-	B	-	B	-	-
Surface parking lot	-	A/S	A/S	-	B	-	-
Surface parking lot (more than 20 spaces)	-	A	A	-	B	-	-
Temporary parking facilities	-	T	T	-	T	-	-
Photography studio	-	B	B	-	-	-	-
Photographic processing; blueprinting	-	-	B	-	-	-	-
Radio/television broadcast stations	-	B	B	-	-	-	-
Recreational facilities:							
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on City-owned, City School Board-owned, or other public property)	B	B	B	B	B	B	B
Indoor: health/sports clubs; tennis club; swimming club; yoga studios; dance studios, skating rinks, recreation centers, etc. (on private property)							
GFA 4,000 SF or less	-	B	B	B	B	B	B
GFA up to 10,000 SF	-	B	B	-	-	-	-
GFA more than 10,000 SF	-	S	B	-	-	-	-
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (city owned), and related concession stands	B	S	S	B	B	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	S	S	S	S	S	S	S
Restaurants:							
Dance hall/all night	-	P	P	-	-	-	-
Drive-through windows	-	S	B	-	-	-	-
Fast food	-	B	B	-	-	-	-
Full service	-	B	B	-	-	-	-
24-hour	-	P	P	-	-	-	-
Taxi stand	-	B	B	-	-	-	-
Towing service, automobile	-	-	B	-	-	-	-
Technology-based businesses	-	S	B	-	-	-	-
Transit facility	-	B	B	-	-	-	-
Utility facilities	S	S	S	S	S	S	S
Utility lines	B	B	B	B	B	B	B

Table 4: Non-Residential Uses (Retail) by Block							
NON-RESIDENTIAL USES: RETAIL	ZONING DISTRICTS			BLOCK			
	R-2	B-2	B-3	NW	NE	SW	SE
Accessory buildings, structures and uses	-	B	B	-	-	-	-
Consumer service businesses:							
Up to 4,000 SF, GFA	-	B	B	-	-	-	-
Up to 10,000 SF, GFA	-	B	B	-	-	-	-
10,001+ GFA	-	S	B	-	-	-	-
Farmer's market	-	S	S	S	S	S	S
Greenhouses/nurseries	-	-	B	-	-	-	-
Grocery stores:							
Convenience	-	B	B	B	B	-	-
General, up to 10,000 SF, GFA	-	B	B	B	B	-	-
General, 10,001+ SF, GFA	-	B	B	-	-	-	-
Home improvement center	-	-	B	-	-	-	-
Pharmacies:							
1--1,700 SF, GFA	-	B	B	-	-	-	-
1,701--4,000 SF, GFA	-	B	B	-	-	-	-
4,001+ SF, GFA	-	B	B	-	-	-	-
Shopping centers	-	B	B	-	-	-	-
Shopping malls	-	S	S	-	-	-	-
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)	-	T	T	T	T	T	T
Other retail stores (non-specified):							
Up to 3,000 SF GFA	-	B	B	-	-	-	-
Up to 4,000 SF, GFA	-	B	B	-	-	-	-
Up to 20,000 SF GFA	-	S	B	-	-	-	-
20,000+ SF, GFA	-	-	B	-	-	-	-

Table 5: Non-Residential Uses (Industrial) by Block							
NON-RESIDENTIAL: INDUSTRIAL	ZONING DISTRICTS			BLOCK			
	R-2	B-2	B-3	NW	NE	SW	SE
Accessory buildings, structures and uses	-	B	B	-	-	-	-
Assembly, industrial	-	S	S	-	-	-	-
Beverage or food processing, packaging and bottling plants	-	-	-	-	-	-	-
Brewery and bottling facility	-	-	-	-	-	-	-
Compounding of cosmetics, toiletries, drugs and pharmaceutical products	-	-	-	-	-	-	-
Construction storage yard	-	-	-	-	-	-	-
Contractor or tradesman shop (HAZMAT)	-	-	-	-	-	-	-
Frozen food lockers	-	B	B	-	-	-	-
Greenhouse/nursery (wholesale)	-	-	B	-	-	-	-
Industrial equipment: service and repair	-	-	B	-	-	-	-
Janitorial service company	-	-	B	-	-	-	-
Kennels	-	-	-	-	-	-	-
Laboratory, medical	-	S	B	-	-	-	-
Laboratory, pharmaceutical	-	-	B	-	-	-	-
Landscape service company	-	-	S	-	-	-	-
Laundries	-	B	B	-	-	-	-
Manufactured home sales	-	-	S	-	-	-	-
Manufacturing, light	-	-	-	-	-	-	-
Medical laboratories	-	-	-	-	-	-	-
Moving companies	-	-	B	-	-	-	-
Pharmaceutical laboratories	-	-	-	-	-	-	-
Printing/publishing facility	-	S	B	-	-	-	-
Open storage yard	-	-	-	-	-	-	-
Outdoor storage, accessory to industrial use	-	-	-	-	-	-	-
Research and testing laboratories	-	S	B	-	-	-	-
Self-storage companies	-	-	S	-	-	-	-
Warehouses	-	-	S	-	-	-	-
Welding or machine shop	-	-	-	-	-	-	-
Wholesale establishments	-	-	B	-	-	-	-
Sign painting	-	-	S	-	-	-	-

Description of Land Use Mix

Sunrise Park is foremost a residential project. Some additional small scale, non-residential uses are allowed on site in order to better mimic the Belmont neighborhood and to allow for future reuse of the structures. The intensity of these uses is limited by maximum square footage per block and all industrial uses, including those currently allowed by right, are prohibited.

The following section is intended to describe the development and relative location of important land uses by providing a summary of the most important features, land uses, and other improvements included within each block:

Northwest (NW) and Northeast (NE) Blocks

NW & NE Blocks serve as a transition zone between the more commercial and light industrial uses along the northern edge of Carlton Avenue and lower density portions of Sunrise Park. As such, higher density and slightly more intense uses are allowed in these blocks. The principle use in the block will be multifamily housing, however, limited non-residential uses and accessory parking facilities are allowed within the NE block.

Southwest (SW) and Southeast (SE) Blocks

SW & SE Blocks are residential blocks primarily occupied by duplex units. The blocks also contain the project’s two principle common open spaces. These spaces include green spaces, hardscape walking paths, and passive recreational amenities. The green spaces serve as a shared backyard for all the residents. These spaces include landscape features such as community gardens and can accommodate rain gardens and other such near-source stormwater management facilities.

Location and Acreage of Required Open Space

Sunrise Park provides an extensive green space and amenity system that creates recreational opportunities and enhances the neighborhood’s sense of place. The project has developed in accord with the features described in this section and as depicted generally on the Proposed Land Use Plan (Exhibit 5). The acreage for the green and amenity areas identified in Table 6 may be modified as long as the total area created within Sunrise Park is not less than 15,616 square feet (15% of the gross acreage of the site).

Sunrise Park embraces the philosophy of what has become known as the “Big Backyard,” a shared open space that serves as the central gathering spot and amenity for the community and is located in the SW and SE Blocks. This area also serves as an aesthetic or environmental amenity; as such, it is visible from all structures. This “eyes on the park” philosophy helps to vest the residents on Sunrise in the open space, creating a sense of ownership, and ensuring the quality of the spaces. See Exhibit 6.

Table 6				
	Open Space (sf)			
	Green	Recreational	Hardscape	Total
NW	-	-	2,600	2,600
NE	-	-	1,000	1,000
SW	3,280	2,100	1,720	7,100
SE	3,280	2,100	1,720	7,100
Total	6,560	4,200	7,040	17,800

NW and NE Blocks

The open space in the NW and NE Blocks is limited to hardscaped areas located on both sides of the internal intersection that serve as community gathering areas and may include amenities such as central mail boxes and seating. These spaces provide opportunities for routine interaction between the residents and serve as a gathering spot.

SW and SE Blocks

The SW and SE Blocks include two large common spaces, “big backyards.” The big backyards may provide for passive recreation (i.e., gardening, walking paths), active recreation (e.g., tot lot), and serve as a community focal point.

Ownership of Common Areas

The Applicant has established a property owners' association to own and maintain common areas within the PUD (including all required open space remaining in private ownership). The following requirements shall apply:

- a. The property owners' association shall be established and constituted in accordance with the Virginia Property Owners' Association Act, prior to the final approval, recordation and lease or sale of any lot within the PUD;
- b. The membership of the property owners' association, and the obligations of such association with respect to the common areas, shall be set forth within a declaration, suitable for recording in the land records of the Circuit Court for the City of Charlottesville, meeting the requirements of the Virginia Property Owners' Association Act. The declaration shall detail how the association shall be organized, governed and administered; specific provisions for the establishment, maintenance and operational responsibilities of common areas and the improvements established therein; and the method of assessing individual property owners for their share of costs associated with the common areas.
- c. All common areas and required open space within a PUD shall be preserved for their intended purpose as expressed in the approved development plan. All deeds conveying any interest(s) in property located within the PUD shall contain covenants and restrictions sufficient to ensure that such areas are so preserved. Deed covenants and restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

Finally, all property within the PUD shall remain under single entity ownership until provision is made which insures the establishment and ongoing maintenance and operation of all open space, recreational facilities, and other common areas within the development. The owner shall not lease or sell any property within the PUD unless or until the director of neighborhood development services determines, in writing, that such satisfactory provisions have been made.

Historic Structures and Sites

There are no historic structures or sites located within Sunrise Park.

Sensitive Areas

There are no wetlands, steep slopes or land within a floodway or floodway fringe located within Sunrise Park.

Built Form Standards

Purpose and Intent

A project's built form is important because it determines the character of the street. Establishing the proper dimensions for how a group of buildings will sit back from, above, and along the length of the street, as well as incorporating the appropriate architectural and landscape elements into the design of a group of buildings is the key component in determining whether a user intuitively understands and is encouraged to use the street as a public realm. Judging whether a "sense of place" has successfully been achieved is ultimately determined by whether or not the street's design and built form have been successfully integrated. This section's standards work to achieve this integration.

To manage these standards, the Owner has established an Architecture Review Board (ARB) to review the PUD Development Plan's architectural, landscaping, buffer, and grading standards set forth herein. The ARB reviews all individual submissions for their conformance with the PUD Development Plan and the covenants and restrictions prior to any submission to the City for a building permit. Future enforcement of the regulations in this Plan shall be the responsibility of the City of Charlottesville and not the ARB.

Lot Regulations

There is no minimum lot area in Sunrise Park; however, all lots must extend a minimum of five (5) feet beyond the outside wall of the principle structure. For attached units, the common walls may be on the property line. And for MF and condo, the property line must be a minimum of five (5) feet from the outside wall of the building.

These standards shall apply to all residential and non-residential uses.

Build to lines

A building's façade shall be regulated by the concept of "build to lines." A build to line is generally defined as an area along the frontage of a lot within which the building's façade must be located. The purpose of the build to line is to locate a group of buildings generally equidistant from the street in order to establish an appropriate spatial enclosure and a "sense of place."

Enforcement of this regulatory concept is independent of the land use. The reviewer must measure the applicable distance from the edge of the public street right of way or internal access easement to the build to line and ensure that a minimum of fifty percent (50%) of the building façade must be between the build to line and the streets. The "building's façade" is defined by the main part of the structure, exclusive of the types of structural elements listed below, that runs parallel with the centerline of the street.

[Note: the minimum and maximum build to lines are established on the assumption that the right of way line will be six (6) inches behind a "normal sidewalk arrangement." If right of way line is platted a distance other than six (6) inches behind a sidewalk or an existing utility or ideal building orientation prohibits location of structures within nine and one-half (9.5) feet behind the curb, the Director of Neighborhood Development Services may increase or decrease the build to line distances.

Attachment Zone

An attachment zone is an area in front of the build to line. The purpose of the attachment zone is to allow for ancillary uses or portions of a building to extend in front of the structure and/or into the side setback area. The following structures may extend into the attachment zone in front of the build to line:

- a. Porches (1 & 2 story), porch stairs, decks, balconies, bay windows, raised door yards, entrance stoops, planters, chimneys, and other similar structural elements located on the ground floor are permitted to extend in an attachment zone (i.e., the area in front of the build to line) by no more than five (5) feet. Under no circumstances may these structures extend into either the public right-of-way or within five (5) foot of the sidewalk (whichever is more restrictive).
- b. Awnings, balconies, canopies, cantilevered portions of upper levels of buildings, and other structural projections may overhang a sidewalk if these projections: (1) do not interfere with the street trees' expected canopy at maturity; and (2) do not impede safe and convenient pedestrian or vehicle movement as determined by the City Engineer.
- c. Signage (freestanding, portable or projecting), mailboxes, newspaper boxes, benches, planters, and other similar street hardscape features shall have no setbacks internal to the development and are permitted within the right-of-way as long as City standards are met, where applicable, or within private access easements.

Special Regulations for Build to lines

- a. On corner lots, the build to line shall be applied along the frontage abutting both streets. The applicable side setbacks shall be applied along the other two property lines of the lot.

Side and Rear Yards Setback Regulations

- a. The side yard setback provisions shall not apply to structures built to a common wall.
- b. The regulations of the Zoning Ordinance are modified such that covered porches, balconies, chimneys, eaves and like architectural features may project into any required yard; provided that no such feature shall be located any closer than three (3) feet to any lot line.
- c. The regulations of the Zoning Ordinance for structures are modified as follows: front and corner yards and accessory structure setbacks shall be the same as the established build to line. Inside, accessory structure side yard setbacks shall be a minimum of three (3) feet. In rear yards, the accessory structure setbacks shall be a minimum of (3) feet.

Other

- a. No structures shall encroach into any utility, drainage or other easement.
- b. The lot coverage for all lots shall be no less than ten (10%) percent and no more than eighty (80%) percent of the lot's total area.
- c. The Director of Neighborhood Development Services, in consultation with the appropriate staff, may modify the Lot Regulations in Table 6 as part of the site plan review, so long as an applicant makes the request in writing and modifying the Lot Regulations would not adversely harm the public health, safety and welfare.

Landscape Standards

General

Required landscape materials planted within public areas, such as the Big Backyard, common areas, buffer areas, amenity areas, and right of ways, have been provided using materials consistent with those required by Article VIII, sections 34-861 and Charlottesville's Tree Packet (prepared January 18th, 2007).

Landscaping is in general conformance with the PUD Development Plan.

Exterior Screening Standards

Street trees shall be installed as a means of harmonizing the street frontage along the perimeter of a PUD with the street frontage of adjacent properties. Street trees shall be provided along all streets. They shall be a minimum of two (2) inch caliper (measured six (6) inches above ground level) at the time of installation. Trees shall be installed at an average of fifty (50) foot on center or less

Street tree spacing may vary, due to site distance requirements or utility easements or because there is a need to highlight a special feature, such as a plaza, important architectural feature, or to permit an important vista. Where conflicts between street trees and utilities, utility easements or site distance requirements and it can be demonstrated that no other economically or physically viable alternative exists, the Director of Neighborhood Development Services may allow street trees to be placed on the residential lots as close to the street as possible.

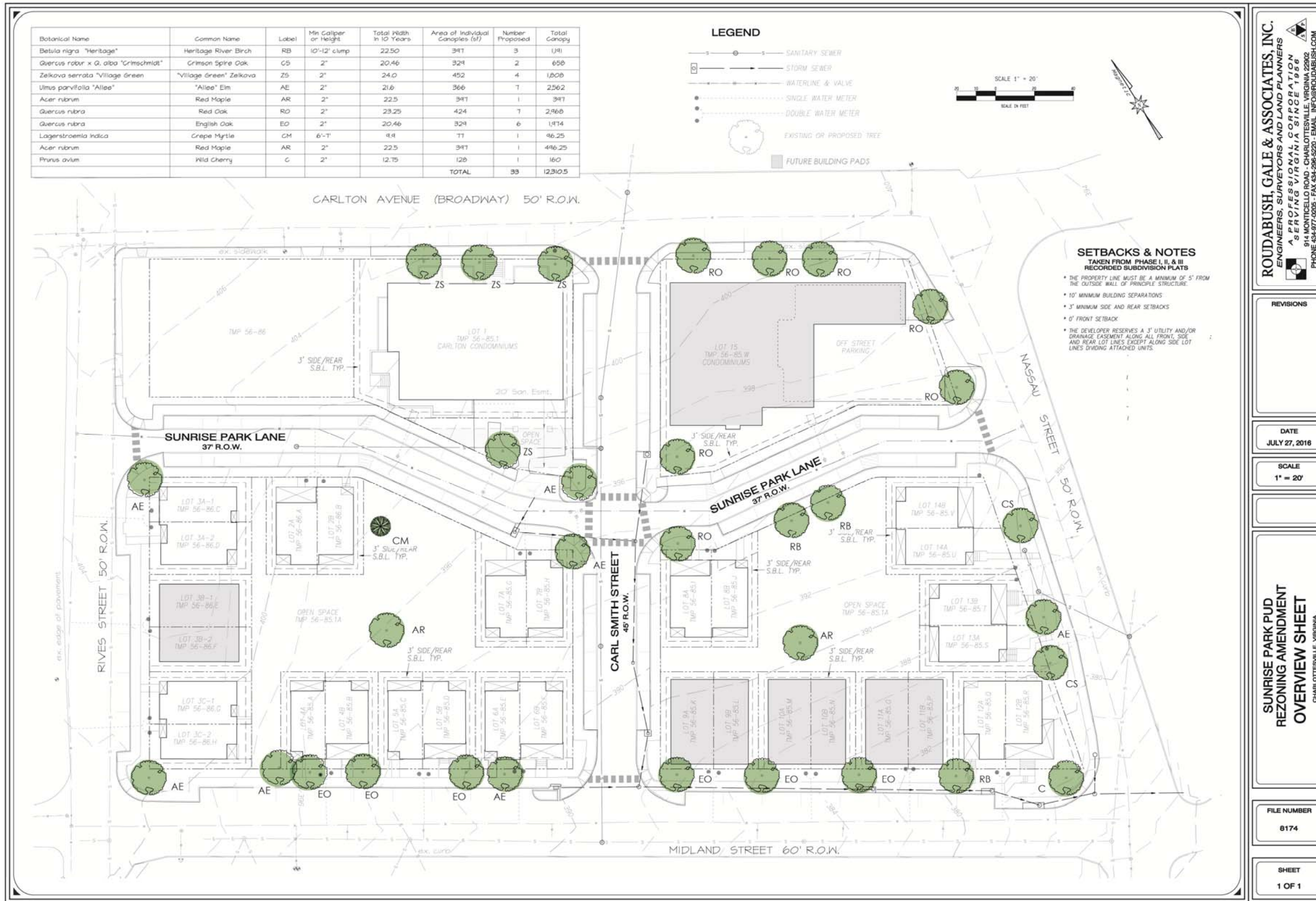
Interior Screening Standards

The following screening standards are established for Sunrise Park areas and objectionable features which are not visible from the exterior of Sunrise Park. These standards are established to minimize the impact of noise, heat, light and glare emanating from a building, use or structure upon adjacent buildings, uses or structures:

1. Within the Sunrise Park non-residential uses shall not be required to be screened from adjacent residential areas.
2. The following uses shall be considered objectionable features: (1) loading areas; (2) refuse areas; and (3) detention ponds. These objectionable features shall be screened from residential areas that are within the Sunset Park with one or both of the following techniques: (a) a single row of shrubs planted on five (5) foot centers; (b) an opaque wall/fence a minimum one (1) foot taller than the highest part of the objectionable feature, but no taller than six (6) feet; or, (c) other feature, as deemed appropriate by the Director of Neighborhood Development Services. The use of shrubs

alone to screen loading and refuse areas shall not be deemed sufficient and may only be used in conjunction with a tall fence or some other feature that the Agent deems appropriate.

Exhibit 6: General Landscape Plan



ROUDABUSH, GALE & ASSOCIATES, INC.
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REVISIONS

DATE
 JULY 27, 2016

SCALE
 1" = 20'

**SUNRISE PARK PUD
 REZONING AMENDMENT
 OVERVIEW SHEET**
 CHARLOTTEVILLE, VIRGINIA

FILE NUMBER
 8174

SHEET
 1 OF 1

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Street and Streetscape Standards

Purpose and Intent

A crucial element in creating a successful community is designing the proper street environment. Well designed streets encourage pedestrians to venture beyond their own homes and businesses and to interact with other people. To encourage this important vision, the Sunrise Park streetscape and transportation network was guided by the following Traditional Neighborhood Design (TND) principles:

- The street network and associated sidewalks and paths shall be designed to disperse and reduce vehicular traffic and enhance the utilization of other forms of mobility, especially public mass transit when made available.
- Street designs shall be implemented where the overall function, comfort, and safety of a multi-purpose or “shared” street is more important than the street’s vehicular efficiency alone. Thus, the overall design shall balance the needs of the vehicles (moving or parked), bicyclists, and pedestrians.
- Street designs shall be implemented where the street cross-section and intersection radii are only as wide as needed to accommodate the usual vehicular mix for that street, while providing adequate and safe access for moving vans, garbage trucks, fire engines and school buses.

Application of Street Standards

The General Development Plan (Exhibit 4) helps to ensure that Sunrise Park’s street interconnections break up the blocks of the existing public street grid. The street network is designed to work similarly to the traditional alley system characteristic to many parts of Belmont. In Sunrise Park, this system also relegates a majority of the required parking away from the existing public streets.

The Plan also establishes the relative importance of internal streets by classifying the north/south street as a “Two-Way Street” and east/west street as a “One-Way Street.” On the following pages, the standards for each of street cross section classifications are provided.

One-Way Streets

The one-way street meets the standards for one-way travel with parking on both sides. The travel way is narrow by design to encourage slower speeds and to help de-emphasize the automobile. The street cross section includes a single twelve (12) foot aisle with two seven (7) foot parking lanes and a five (5) foot sidewalk on each side.

Two-Way Streets

The two-way street is designed to provide circulation options and provide parking. The street cross section includes two ten (10) foot aisles, two seven (7) foot parking lanes and a five (5) foot sidewalk on each side.

Public versus Internal Travelways

As described above, the internal streets are narrow by design and include parking lanes to satisfy the required parking for this development. The applicant installed pervious paving in the parking lanes so as to reduce the stormwater impacts generated by the site. These three design features are in conflict with the City’s standard design requirements.

Nothing in the PUD Development Plan will be interpreted to prohibit the design team from working with the City Engineer to modify City’s street standards to allow the internal streets to be dedicated for public use.

Parking Standards

Sunrise Park is designed to meet the parking needs of the residents and non-residential uses. Approximately 62 spaces will be provided on site and another 30 spaces will be created along the existing street frontage in general accordance with the PUD Development Plan. Parking shall be calculated during the site plan process and each phase shall meet the required parking based on the final design and proposed uses.

Off-street parking for each use within a PUD shall be provided in accordance with the standards set forth within Article IX, sections 34-970, et seq. Reductions in the parking requirements, if any, shall be in accordance with Section 34-985 Rules for Computing Required Spaces and 34-986 Waivers. The proposed multi-family building in the NE block features accessory parking for the use of tenants of that building and will reduce the strain on existing on-street parking. On-street parking will remain unstriped to maximize the possible number of spaces.

The Planning Commission, in accordance with Article IX, sections 34-985(2)(i), hereby waives fifty percent (50%) of the off-street parking requirements for the single-family attached and two-family residential uses in the SW and SE Blocks. This action recognizes that a significant number of spaces will be created along the existing street frontages to more than offset the impact of these units. This reduction represents a credit for approximately fifty percent (50%) of the on-street parking spaces.

A sample parking calculation is provided in Table 7.

Table 7: Sample Parking Calculation					
Block	# Units	Use	Required Parking	# Provided On Site	# Along Frontage
NW	16	2BR Condo	16	9	4
SW	16	SFA	16	18	14
SE	14	SFA	14	10	8
NE	24	2BR Condo	24	25	4
subtotal	70		70	62	30
Parking Reduction for SW & SE Two-Family Dwellings			15		
Totals			55	62	30

Phasing

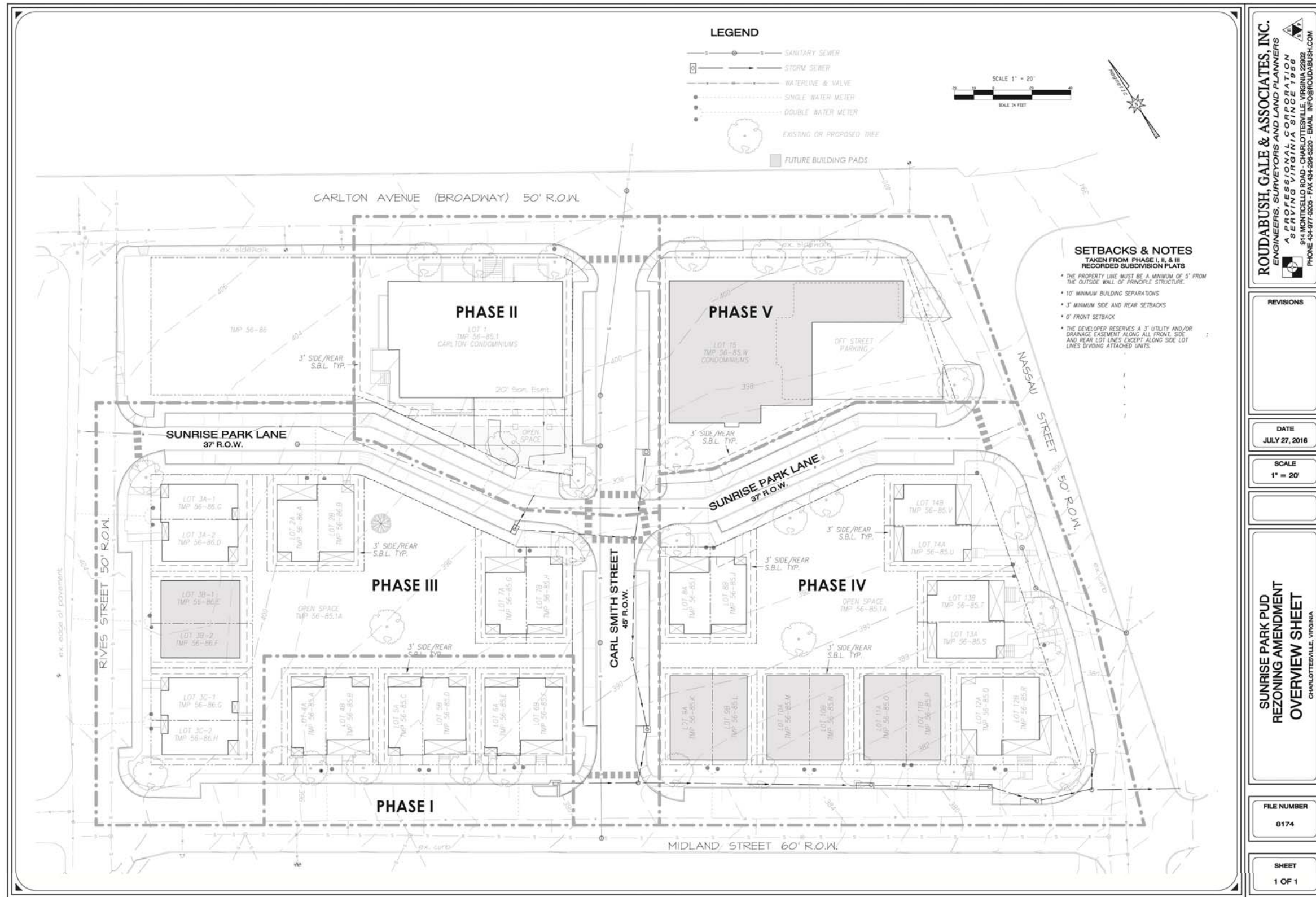
One of the greatest advantages with the original plan was the ability to phase the project so that the original sunrise residents remained on site while their future housing was constructed. Many of these residents are seniors and have been living in Sunrise for twenty five to thirty years, so to ensure consistency in their lives was vital. In addition to maintaining and then replacing this portion of the City's affordable housing stock, keeping these residents on site throughout the project helped to quickly fold Sunrise Park into the fabric of the Belmont neighborhood.

The project has developed in multiple phases. Phase 1 included development of a portion of the SW block. This was accomplished without disturbing the existing access through the mobile home park and without the need to relocate any of the trailers east of the existing access. The remaining blocks have been developed in separate phases.

Full build out of Sunrise Park is ongoing, but the commitment to replace the deeply affordable units and the affordable housing constructed for the Habitat Partner Families resulted in the affordable housing components of the project being provided within the first couple of years.

Finally, the phasing shall be accomplished such that the minimum parking and open space requirements are achieved during all stages of development.

Exhibit 7: Phasing Plan



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Affordable Housing

At the time of the original rezoning, Sunrise Mobile Home Park served fourteen households with a wide range of incomes below 100% of AMI. Based on increments of 25% percent of the area mean income (AMI), with the last income group including incomes greater than 100% AMI, five of the fourteen households were in the lowest of the five income ranges, followed by 7 households, 1 household and 1 household in the next three groups. No households earned more than 100% AMI.

One of the major strengths of this plan is the ability to maintain the stock of deeply affordable units, serving those earning less than 25% AMI. Sunrise Park LLC provided affordable life estates for any resident who was living on site at the time the property was purchased and wished to return to Sunrise Park after development. At the time of this submission, there are 24 owner-occupied affordable housing units, six deeply affordable rental units and seven market rate owner-occupied units.

Sunrise Park is designed to be a mixed income community with at least three income and housing types as described below:

Deeply Affordable Rental Units

The initial annual rent for each deeply affordable rental unit shall not exceed 30% of 25% of the then current AMI. In each subsequent calendar year, the monthly “net rent” (i.e., the amount of rent that does not include tenant paid utilities) may be increased by three percent (3%).

Affordable Housing

Not less than 20 units shall be designated as affordable housing. These units may be created as a for-sale, affordable unit or a designated affordable rental unit.

A for-sale, affordable unit is defined as a residential unit affordable to households with incomes less than sixty percent (60%) AMI. Income eligibility of a potential purchaser shall be confirmed by the City or Habitat for Humanity of Greater Charlottesville.

The initial annual rent for a designated affordable rental unit shall not exceed 30% of 60% of the then current AMI. In each subsequent calendar year, the monthly “net rent” (i.e., the amount of rent that does not include tenant paid utilities) may be increased by three percent (3%).

Market Rate Units

The remaining units are unrestricted and may be sold or rented at market rate, or sold or rented affordably.

Proffers proposed in connection with PUD

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA IN RE: PETITION FOR REZONING (City Application No. _____) STATEMENT OF PRELIMINARY PROFFER CONDITIONS For the Sunrise Park PUD

Dated as of August 15, 2016 TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned individual is the owner of land subject to the above-referenced rezoning petition ("Subject Property"). The Owner/Applicant seeks to amend the current zoning of the property subject to certain voluntary development conditions set forth below. In connection with this rezoning application, the Owner/Applicant seeks approval of a PUD as set forth within a PUD Development Plan dated August 18, 2009 and revised August 22, 2009, October 5, 2009 and amended April 24, 2011 and August 15, 2016

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

1. The hours of operation for all non-residential uses of the property shall be limited to the hours between 7 a.m. and 10 p.m.
2. Not more than twenty one (21) principle buildings shall be erected on the property, of which, not more than nine (9) buildings shall be erected in the SW block nor more than ten (10) buildings in the SE blocks. All structures, including buildings, will cover no more than thirty five percent (35%) of the property
3. The highest point of any parapet, or the midpoint of any sloped roof, constructed in the NE block shall not extend above a level horizontal plane extending from the highest point of the parapet of the building constructed in the NW block. The Owner shall establish this dimension and any site plan (preliminary or final) for proposed development of the NE block shall depict the horizontal plane as determined in relation to both the NE block and the building constructed in the NW block.
4. Not more than seventy (70) dwelling units may be constructed on the property.
5. Not more than 12,800 square feet of the total building square footage shall be non-residential.
6. The rezoned property shall be landscaped in general accordance with the General Development Plan prepared by Roudabush, Gale & Associates and dated July 27, 2016. All plantings in each phase shall be planted prior to the issuance of a certificate of occupancy for the structure to be erected on the rezoned property. All landscaping and plantings shall be maintained and replaced on an annual basis as necessary.
7. The applicant shall construct a sidewalk in conformance with City standards along Midland Street in the location shown on the PUD Development Plan.
8. Ingress to, and egress from, the property shall be as shown on the PUD Development Plan. Individual driveway entrances to single family attached units from Carlton Avenue, Rives Street, Nassau Street, and Midland Street are strictly prohibited.

9. Commemoration of the structure located at 1106 Carlton Avenue shall be constructed on site.
10. Not less than four (4) units shall be designated as deeply affordable rental housing or affordable homeownership opportunities in the multifamily building on the NW block. The initial annual rent for each deeply affordable rental unit shall not exceed thirty percent (30%) of twenty-five percent (25%) of the then current AMI. A for-sale, affordable unit is defined as a residential unit affordable to households with incomes less than sixty percent (60%) AMI. Both the designated deeply affordable rental and affordable homeownership units in the multifamily building on the NW block shall be subject the terms and conditions of the PUD Development Plan and shall remain deeply affordable or affordable through December 31, 2025.
11. Not less than twenty (20) units total shall be designated as affordable housing. These units may be created as a for-sale, affordable unit or a designated affordable rental unit. A for-sale, affordable unit is defined as a residential unit affordable to households with incomes less than sixty percent (60%) AMI. The initial annual rent for a designated affordable rental unit shall not exceed thirty percent (30%) of sixty percent (60%) of the then current AMI. In each subsequent calendar year, the monthly "net rent" (i.e., the amount of rent that does not include tenant paid utilities) may be increased by three percent (3%). A designated affordable rental shall be subject the terms and conditions of the PUD Development Plan and remain affordable, as described above, through December 31, 2025.
12. In order to ensure that the site functions as a cohesive, unified project, a site plan shall be submitted for the entire property. This proffer does not prohibit the Owner from constructing the planned improvements in multiple phases.
13. In order to ensure that the proposed buildings are harmonious with the character of the adjacent properties, the Owner shall submit preliminary architecture with the site plan. The preliminary architecture will be considered part of the site plan submittal and will be subject to review and approval by the Planning Commission.

WHEREFORE, the undersigned Owner(s) stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated, and requests that the Subject Property be rezoned as requested, in accordance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this 15th day of August, 2016 by:



Dan Rosensweig
Executive Director, Habitat for Humanity of Greater Charlottesville
Manager, Sunrise Park, LLC

ORDINANCE
AMENDING THE DEVELOPMENT PLAN FOR THE SUNRISE PUD
(“AMENDED SUNRISE PUD”)

WHEREAS, Sunrise Park, LLC (“Applicant”), is the owner of certain land, consisting of approximately 2.44 acres and identified on City Tax Map 56 as Parcels 84.1, 84.2, 84.3, 84.4, 84.5, 84.6, 84.7, 84.8, 84.9, 84.101, 84.110, 84.12, 84.13, 84.14, 84.15, 84.16, 84.17, 85A, 85B, 85C, 85D, 85E, 85F, 85G, 85H, 85I, 85J, 85K, 85L, 85M, 85N, 85O, 85P, 85Q, 85R, 85S, 85T, 85U, 85V, 85W, 85.1, 85.1A, 86A, 86B, 86C, 86D, 86E, 86F, 86G, 86H (“Subject Property”), which was rezoned to the Planned Unit Development (PUD) zoning district, subject to an approved development plan (“PUD Development Plan”) and proffered development conditions approved by City Council in 2009, as previously amended; and

WHEREAS, the Applicant has requested the City to approve a zoning amendment, in order to make changes to the Land Use Plan and other details of the previously-revised PUD Development Plan and proffered conditions for the Sunrise Planned Unit Development; and

WHEREAS, the proposed rezoning (Application No. ZM 16-00004) proposes to change various elements of the PUD Development Plan, as described within **(i)** the contents of a proposed amended PUD Development Plan (rev. August 19, 2016) set forth within a proposal titled “Sunrise Park—A Planned Unit Development (27 pages, total) dated August 2009 (previous revision dates: Rev. 9/22/2009; 10/05/2009; 4/26/2011; 12/22/2015; and 8/15/2006), prepared in accordance with City Code §34-517 (hereinafter, the “2016 Revised PUD Development Plan”), and **(ii)** an amended statement of final proffered development conditions dated as of October 11, 2016 (“2016 Revised Proffers”) (together, the 2016 Revised PUD Development Plan and the 2016 Revised Proffers set forth the proposed “Rezoning”); and

WHEREAS, following a joint public hearing before this Council and the Planning Commission, duly advertised and held October 11, 2016, the Planning Commission reviewed the proposed Rezoning and transmitted its recommendation for approval of this application to City Council; and

WHEREAS, this Council finds and determines that the proposed Rezoning is required by public necessity, convenience, general welfare or good zoning practice, and conforms to the criteria and requirements set forth within Chapter 34, Article V of the City Code; and

WHEREAS, Council further finds and determines that the proposed Rezoning is consistent with the City’s adopted Comprehensive Plan; NOW THEREFORE,

BE IT ORDAINED that the proposed Rezoning is approved, and hereafter, the use and development of the Subject Property shall be in accordance with all of the following: **(i)** the 2016 Revised PUD Development Plan; **(ii)** the specific requirements or limitations set forth within Chapter 34 (Zoning) Article V (Planned Unit Development Districts) of the Charlottesville City Code, any generally applicable zoning requirements set forth in Chapter 34 of the City’s Zoning Ordinance which are not inconsistent with 2016 Revised PUD Development Plan, and **(iii)** the 2016 Revised Proffers, which are as follows:

1. The hours of operation for all non-residential uses of the property shall be limited to the hours between 7 a.m. and 10 p.m.
2. Not more than twenty one (21) principle buildings shall be erected on the property, of which, not more than nine (9) buildings shall be erected in the SW block nor more than ten (10) buildings in the SE blocks. All structures, including buildings, will cover no more than thirty five percent (35%) of the property
3. The highest point of any parapet, or the midpoint of any sloped roof, constructed in the NE block shall not extend above a level horizontal plane extending from the highest point of the parapet of the building constructed in the NW block. The Owner shall establish this dimension and any site plan (preliminary or final) for proposed development of the NE block shall depict the horizontal plane as determined in relation to both the NE block and the building constructed in the NW block.
4. Not more than seventy (70) dwelling units may be constructed on the property.
5. Not more than 12,800 square feet of the total building square footage shall be non-residential.
6. The rezoned property shall be landscaped in general accordance with the General Development Plan prepared by Roudabush, Gale & Associates and dated July 27, 2016. All plantings in each phase shall be planted prior to the issuance of a certificate of occupancy for the structure to be erected on the rezoned property. All landscaping and plantings shall be maintained and replaced on an annual basis as necessary.
7. The applicant shall construct a sidewalk in conformance with City standards along Midland Street in the location shown on the PUD Development Plan.
8. Ingress to, and egress from, the property shall be as shown on the PUD Development Plan. Individual driveway entrances to single family attached units from Carlton Avenue, Rives Street, Nassau Street, and Midland Street are strictly prohibited.
9. Commemoration of the structure located at 1106 Carlton Avenue shall be constructed on site.
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