



**CITY COUNCIL AGENDA**  
**Monday, November 21, 2016**

**6:00 p.m.** **Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room*

**7:00 p.m.** **Regular Meeting - CALL TO ORDER**  
*Council Chambers*

**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**

**AWARDS/RECOGNITIONS ANNOUNCEMENTS** Small Business Saturday; Public Safety Smoke Alarm Project;  
RWSA Executive Director Bill Mawyer

**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 November 7
  - b. APPROPRIATION: Grant for Construction of Water Street Trail – \$318,730 (2<sup>nd</sup> of 2 readings)
  - c. APPROPRIATION: Supplemental Nutrition Assistance Program Funding – \$34,584 (2<sup>nd</sup> of 2 readings)
  - d. APPROPRIATION: Local Emergency Management Performance Grant – \$7,500 (2<sup>nd</sup> of 2 readings)
  - e. APPROPRIATION: State Criminal Alien Assistance Program Grant for 2016 – \$10,375 (2<sup>nd</sup> of 2 readings)
  - f. APPROPRIATION: CHS Check & Connect Student Engagement Grant – \$50,000 (2<sup>nd</sup> of 2 readings)
  - g. APPROPRIATION: Disproportionate Minority Contact Research Project - \$100,000 (2<sup>nd</sup> of 2 readings)
  - h. APPROPRIATION: Virginia Department of Health Child and Adult Care Food Program – \$32,000 (2<sup>nd</sup> of 2 readings)
  - i. APPROPRIATION: New Sidewalk, ADA Improvements, & Bicycle Improvements – \$295,000 (1<sup>st</sup> of 2 readings)
  - j. APPROPRIATION: U.S. Department of Justice Bullet Proof Partnership Grant – \$6,737.50 (1<sup>st</sup> of 2 readings)
  - k. RESOLUTION: Approval of Council Meeting Calendar for 2017 (1<sup>st</sup> of 1 reading)
  - l. ORDINANCE: Technology Zone Reauthorization (2<sup>nd</sup> of 2 readings)
  - m. ORDINANCE: Sunrise Park Development Amendment (2<sup>nd</sup> of 2 readings)
  - n. ORDINANCE: Agreement to Allow Installation of Fiberoptic Cable Over Ivy Road (2<sup>nd</sup> of 2 readings)
- 2. PUBLIC HEARING / APPROPRIATION\*** Appropriation of \$715,436.19 from Rivanna Water and Sewer Authority (RWSA) for Reimbursement of Utility Betterment for Route 250 Bypass (1<sup>st</sup> of 2 readings) – **15 mins**
- 3. PUBLIC HEARING / APPROPRIATION\*** Appropriation of \$1,614,157.22 to Virginia Department of Transportation (VDOT) for Overpayment of Funds Received for Route 250 Bypass (1<sup>st</sup> of 2 readings) – **15 mins**
- 4. RESOLUTION\*** Acquisition of 801 – 805 East Market Street (1<sup>st</sup> of 1 reading) – **15 mins**
- 5. RESOLUTION\*** Revenue Sharing Program Applications:  
\$9 million Belmont Bridge Replacement &  
\$2 million Multi-Modal Improvements (1<sup>st</sup> of 1 reading) – **10 mins**
- 6. REPORT** Thomas Jefferson Planning District & City Legislative Package – **15 mins**
- 7. REPORT** Housing Study Recommendations – **20 mins**
- 8. REPORT** Region 10 / Mohr Center Update – **15 mins**

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

\*ACTION NEEDED

## GUIDELINES FOR PUBLIC COMMENT

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

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

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

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

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



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

**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:	<b>Funding for Supplemental Nutrition Assistance Program Education &amp; Training Pilot Program - \$34,584</b>

**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**



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

**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
<b>Title:</b>	<b>State Criminal Alien Assistance Program (SCAAP) Grant for 2016- AP-BX-0700 for \$10,375</b>

**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:	<b>Charlottesville City High School's Check and Connect Student Engagement Grant - \$50,000</b>

**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 8<sup>th</sup> – 10<sup>th</sup> 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

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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 8<sup>th</sup> - 10<sup>th</sup> 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:	<b>Disproportionate Minority Contact in the Charlottesville/Albemarle Criminal Justice System Research Project - \$100,000</b>

**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**



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

**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 5<sup>th</sup>, 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, VIRGINIA  
CITY COUNCIL AGENDA**



<b>Agenda Date:</b>	November 21, 2016
<b>Action Required:</b>	Approve Appropriation & Transfer of Funds
<b>Presenter:</b>	Jeanette Janiczek, Urban Construction Initiative Program Manager
<b>Staff Contacts:</b>	Jeanette Janiczek, Urban Construction Initiative Program Manager Tony Edwards, Neighborhood Development Services Manager
<b>Title:</b>	Revenue Sharing Program for New Sidewalk, ADA Improvements, & Bicycle Improvements – Appropriation of \$295,000 & Transfer of \$295,000

**Background:** The Virginia Department of Transportation (VDOT) administers the Revenue Sharing Program to provide additional funding for localities to improve their transportation network. With the realization that transportation needs are outpacing the state’s budget, this program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million dollars per locality, with an estimated \$150 million available statewide for FY2017.

On September 8, 2015, Charlottesville City Council passed a resolution of support for the following three Revenue Sharing Grant Applications:

- 1) Citywide ADA Improvements - \$190,000 (\$95,000 local share)
- 2) Citywide Sidewalk Improvements - \$200,000 (\$100,000 local share)
- 3) Citywide Bicycle Facilities Improvements - \$200,000 (\$100,000 local share)

**Discussion:** On June 14, 2016, the Commonwealth Transportation Board released the approved FY2017 Revenue Sharing Program Allocations announcing \$295,000 in state funds to match the City’s \$295,000 local match.

Previously appropriated funding through the City’s Capital Improvement Program will be used as the City’s local match. Staff is requesting \$95,000 be transferred from the ADA Improvements CIP project (P-00670), \$100,000 be transferred from the New Sidewalks CIP project (P-00335) and \$100,000 be transferred from the Bicycle Improvements CIP project (P-00671) to new project accounts. An appropriation is needed to allocate the matching state funded that will be received on a reimbursement basis.

Staff is currently in the process of evaluating possible projects that meet program requirements as well as match City priority projects that have been vetted through the public process. The

Charlottesville Bicycle and Pedestrian Master Plan Update 2015 and Strategic Investment Area plans are being consulted as well as the Charlottesville Street That Work Design Guidelines.

Possible new sidewalk projects:

- Rose Hill Drive (Rugby Avenue to Madison Avenue)
- Hydraulic Road (Dominion Power to 250 Bypass) – to be coordinated with Joint Small Area Plan study being considered by MPO/VDOT
- Barracks Road (existing to 250/29 Bypass)

New ADA improvements will be planned to ensure a corridor will be fully upgraded and accessible.

Possible corridors include:

- 10<sup>th</sup> & Page Neighborhood – Approx. 50 ramps
- Forest Hills (9<sup>th</sup> Street to Cherry Avenue)

Possible new bicycle facilities include:

- Ridge/McIntire Corridor (Nelson Drive to Elliott Avenue/Cherry Avenue) – Intersection Improvements & New Facilities to complete network

**Community Engagement:** The Revenue Sharing application was approved by City Council at its regularly scheduled public meeting (resolution attached). Public participation occurred during the CIP process, sidewalk prioritization process and Bicycle and Pedestrian Master Plan Update to help identify future projects and needs of the community.

**Alignment with City Council's Vision and Priority Areas:** Approval of this agenda item will help meet the City's commitment to create "a connected community" by improving and adding upon our existing transportation infrastructure.

**Budgetary Impact:** Positive – Funds previously approved during the CIP process will be used as the match thus allowing the City to double its impact/funding. The City will be reimbursed by the state for its 50% share of the grant.

**Recommendation:** Staff recommends approval of appropriation and creation of a new project number/account.

**Alternatives:** N/A

**Attachment:** Appropriation



**APPROPRIATION**

**Revenue Sharing Program - \$295,000**

**WHEREAS**, a total of \$295,000 in state funds for the Revenue Sharing Program requires appropriation;

**WHEREAS**, a total of \$295,000 in matching city funds for the Revenue Sharing Program requires transferring;

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

**Revenues**

**\$ 295,000**      Fund: 426                      WBS: New Account      G/L Account: 430080

**Expenditures**

**\$ 295,000**      Fund: 426                      WBS: New Account      G/L Account: 599999

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

**Transfer From**

<b>\$ 95,000</b>	Fund: 426	WBS: P-00670	G/L Account: 561425
<b>\$ 100,000</b>	Fund: 426	WBS: P-00335	G/L Account: 561425
<b>\$ 100,000</b>	Fund: 426	WBS: P-00671	G/L Account: 561425

**Transfer To**

<b>\$ 95,000</b>	Fund: 426	WBS: P-00929	G/L Account: 498010
<b>\$ 100,000</b>	Fund: 426	WBS: P-00927	G/L Account: 498010
<b>\$ 100,000</b>	Fund: 426	WBS: P-00928	G/L Account: 498010

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



Agenda Date:	November 21, 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
<b>Title:</b>	<b>U.S. Department of Justice 2016 Bullet Proof Partnership Reimbursement Grant - \$6,737.50</b>

**Background:**

The U.S. Department of Justice awarded the City of Charlottesville a \$6,737.50 reimbursement for partial costs of bullet proof vests through the 2016 Bulletproof Vest Partnership program.

**Discussion:**

The Grant will be used to reimburse the Police Department budget for 50% of the cost of bulletproof vests purchases.

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

This funding supports 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. The funding will be used to offset 50% of bullet proof vest purchases.

**Community Engagement:**

N/A

**Budgetary Impact:**

The funds will be expensed and reimbursed to the Police Department's operating budget.

**Recommendation:**

Staff recommends approval and appropriation of grant funds.

**Alternatives:**

The alternative is to not approve this project and not utilize available grant funds to offset 50% of the cost of bullet proof vests.

**APPROPRIATION**

**U.S. Department of Justice 2016 Bullet Proof Partnership Reimbursement Grant  
\$6,737.50**

**WHEREAS**, the City of Charlottesville, through the Police Department, has received the U.S. Department of Justice Bullet Proof Vest Grant in the amount of \$6,737.50 to be used to offset 50% of the cost of bullet proof vests.

**WHEREAS**, the grant award covers the period from period October 1, 2015 through August 31, 2018.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$6,737.50, received from the U.S. Department of Justice is hereby appropriated in the following manner:

**Revenues - \$6,737.50**

Fund: 105                      Cost Center 3101001000                      G/L: 431110

**Expenditures - \$6,737.50**

Fund: 105                      Cost Center 3101001000                      G/L: 520060

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon receipt of \$6,737.50 from the U.S. Department of Justice.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2016
Action Required:	Approval of Resolution
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager Paige Rice, Clerk of Council
Title:	<b>City Council Regular Meeting Schedule for 2017</b>

**Background:**

Local municipalities may approve a regular Council meeting schedule for the calendar year in order to establish meeting dates for the year. The proposed schedule includes variances according to holidays and summer break.

**Discussion:**

Regularly scheduled Council meetings take place on the first and third Mondays of each month at 7:00 p.m. in Council Chambers at City Hall. If a regularly scheduled Council meeting falls on a holiday, then the meeting will take place on Tuesday. Council typically takes a summer break in August.

The proposed regular Council meeting schedule for 2017 is as follows:

January 3, 2017	July 3, 2017
<i>Tuesday, January 17, 2017</i>	July 17, 2017
February 6, 2017	August 7, 2017 – <b>no meeting</b> (summer break)
<i>Tuesday, February 21, 2017</i>	August 21, 2017
March 6, 2017	<i>Tuesday, September 5, 2017</i>
March 20, 2017	September 18, 2017
April 3, 2017	October 2, 2017
April 17, 2017	October 16, 2017
May 1, 2017	November 6, 2017
May 15, 2017	November 20, 2017
June 5, 2017	December 4, 2017
June 19, 2017	December 18, 2017

*Italics* indicate an adjusted date due to a holiday.

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

This aligns with Goal 4 of the strategic plan: *Be a well-managed and successful organization.*

**RESOLUTION**  
**Approval of City Council Regular Meeting Schedule for 2017**

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2017:

January 3, 2017	July 3, 2017
<i>Tuesday, January 17, 2017</i>	July 17, 2017
February 6, 2017	August 7, 2017 – <b>no meeting</b> (summer break)
<i>Tuesday, February 21, 2017</i>	August 21, 2017
March 6, 2017	<i>Tuesday, September 5, 2017</i>
March 20, 2017	September 18, 2017
April 3, 2017	October 2, 2017
April 17, 2017	October 16, 2017
May 1, 2017	November 6, 2017
May 15, 2017	November 20, 2017
June 5, 2017	December 4, 2017
June 19, 2017	December 18, 2017

*Italics* indicate an adjusted date due to a holiday.

**BE IT FURTHER RESOLVED** that these dates will be published on the City’s calendar at [www.charlottesville.org](http://www.charlottesville.org) and posted at the Clerk of Council’s office; and

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

**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.

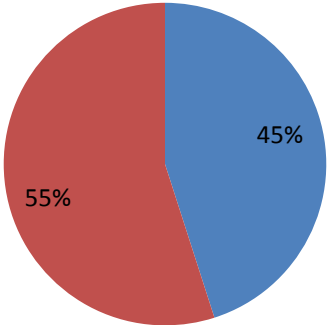
The remaining 3,063 non-TZ businesses have been active for an average of 5.18 years.

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.*

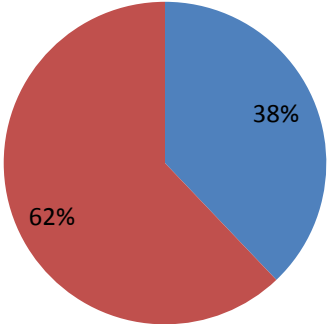
### TZ Businesses Started Since 2001

■ Open ■ Closed



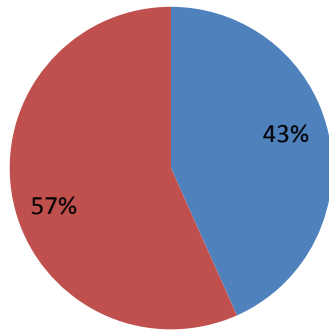
### Non-TZ Businesses Started Since 2001

■ Open ■ Closed

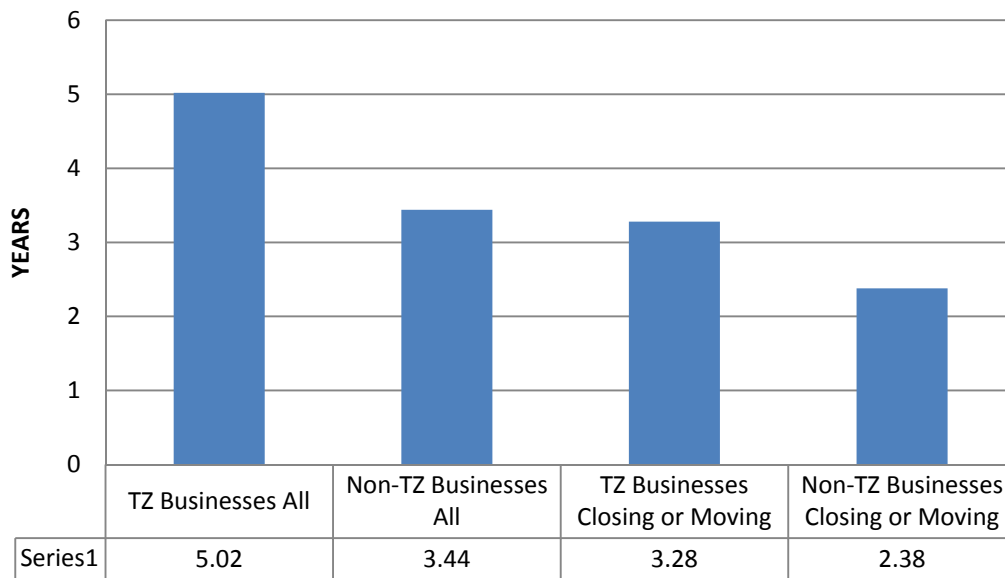


## TZ Credits Awarded Since 2001

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

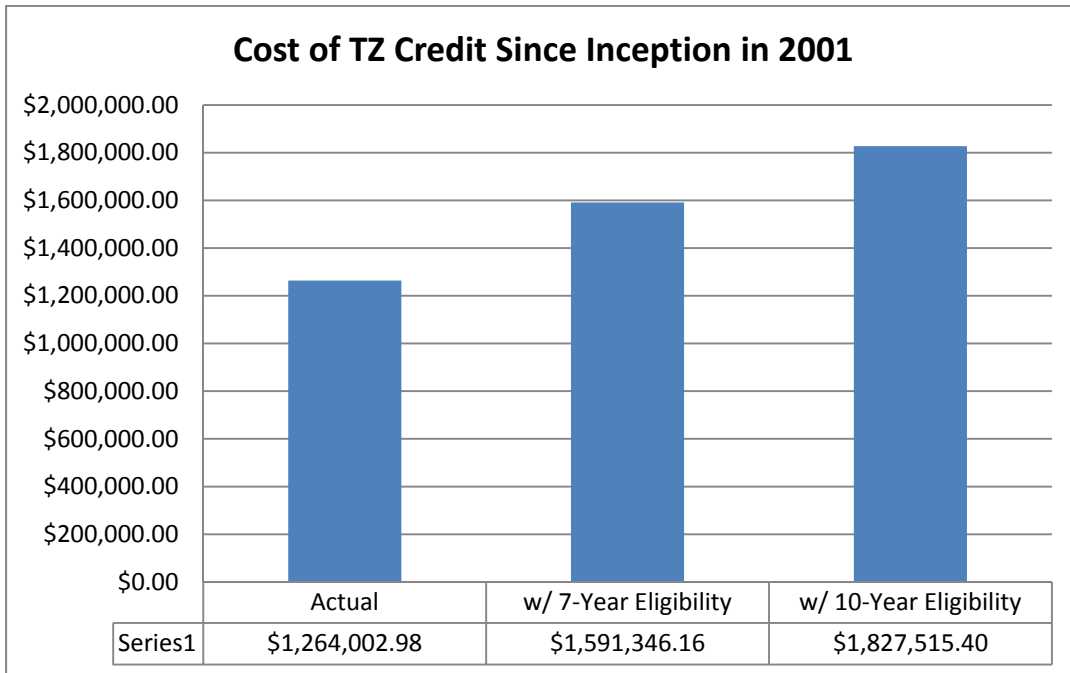


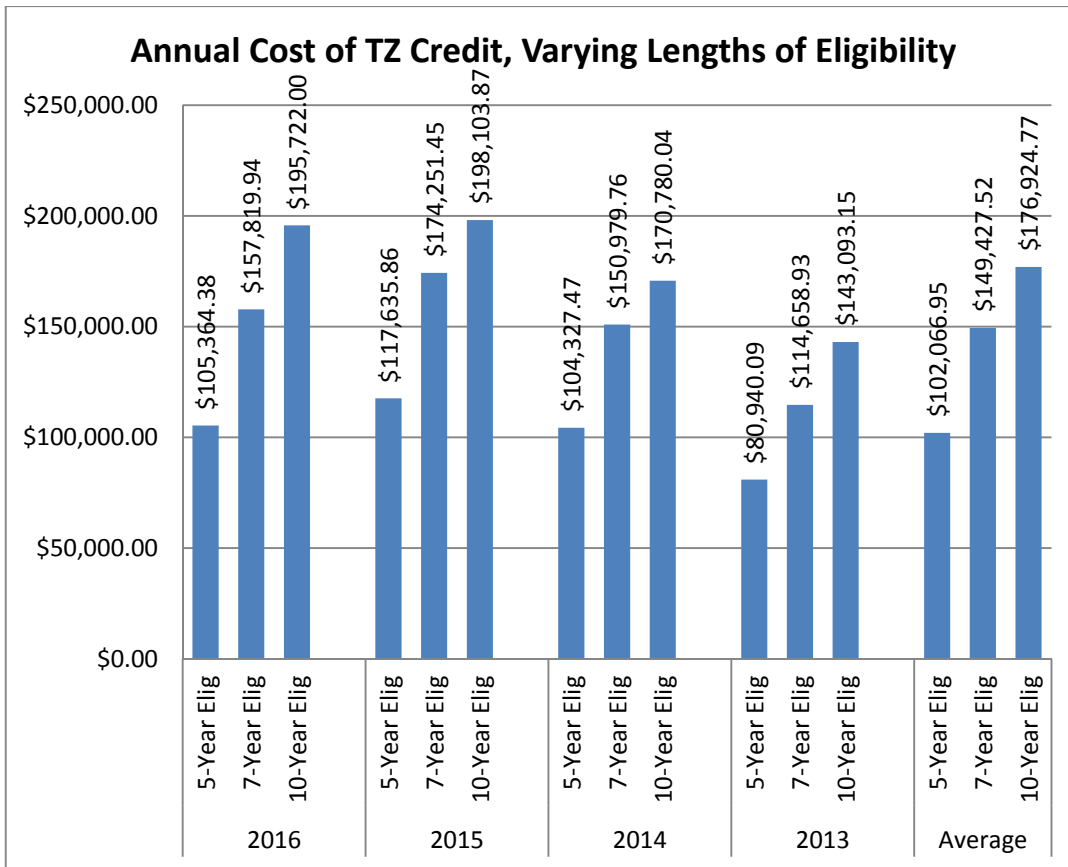
## Average Lifespan of Businesses Started Since 2001



**Technology Zone Credit - BPOL Costs Only**

<b>\$1,264,002.98</b>	Program cost since inception as currently structured	
<b>\$1,591,346.16</b>	Program cost since inception w/ 7-year eligibility	
<b>\$1,827,515.40</b>	Program cost since inception w/ 10-year eligibility	
<b>\$105,364.38</b>	Cost in 2016 at 5-year eligibility	
<b>\$157,819.94</b>	Cost in 2016 at 7-year eligibility	*about \$50,000
<b>\$195,722.00</b>	Cost in 2016 at 10-year eligibility	**about \$90,000
<b>\$117,635.86</b>	Cost in 2015 at 5-year eligibility	
<b>\$174,251.45</b>	Cost in 2015 at 7-year eligibility	
<b>\$198,103.87</b>	Cost in 2015 at 10-year eligibility	
<b>\$104,327.47</b>	Cost in 2014 at 5-year eligibility	
<b>\$150,979.76</b>	Cost in 2014 at 7-year eligibility	
<b>\$170,780.04</b>	Cost in 2014 at 10-year eligibility	
<b>\$80,940.09</b>	Cost in 2013 at 5-year eligibility	
<b>\$114,658.93</b>	Cost in 2013 at 7-year eligibility	
<b>\$143,093.15</b>	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
<b>Title:</b>	<b>ZM16-00004 Rezoning of Properties within Sunrise Park PUD</b>

**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 11<sup>th</sup> 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)**

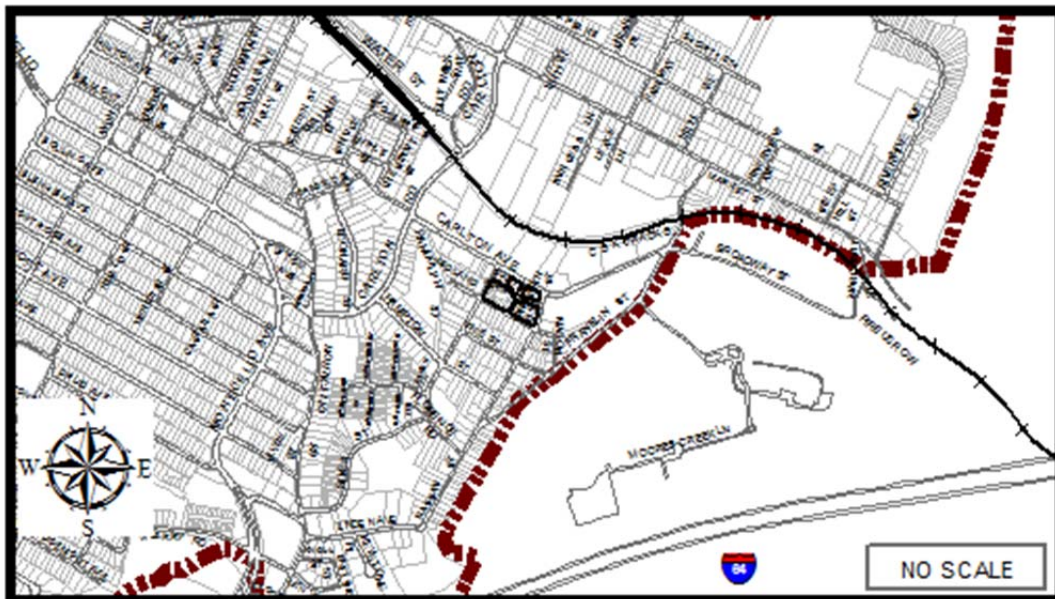
The applicant requests an amendment of the planned unit development (PUD) known as Sunrise Park, to allow accessory parking on the northeastern parcel of the development. As required by Z.O. Sec. 34-519(2), the applicant has submitted a revised PUD plan of development; including revised proffers (see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

## **Previous Actions Taken**

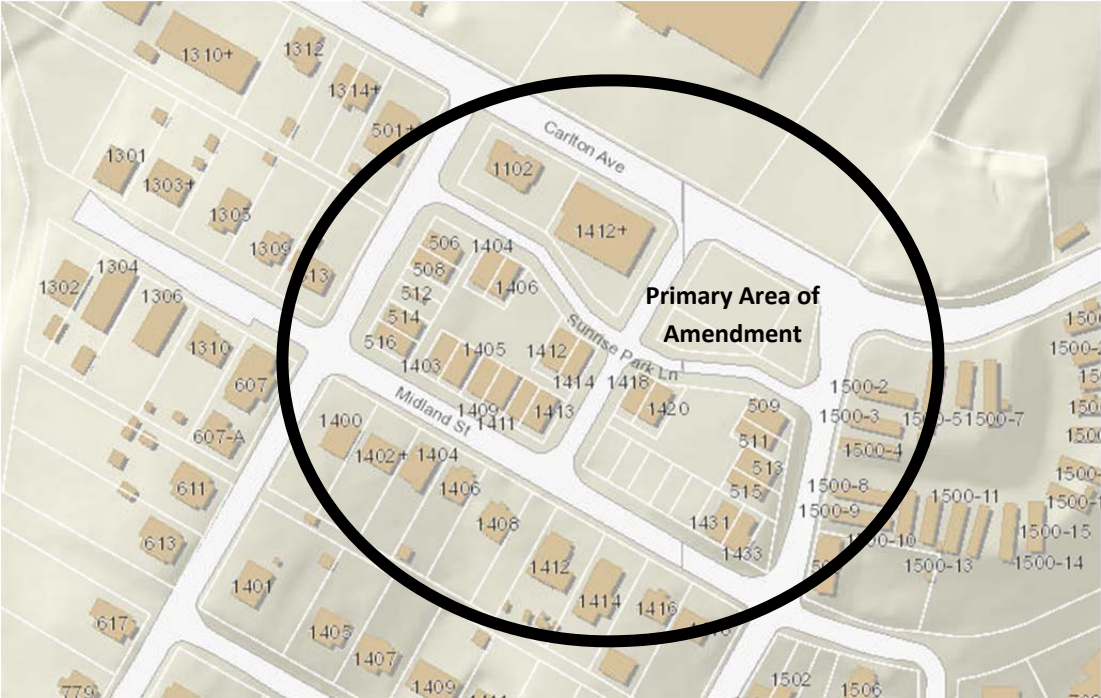
On November 16, 2009, City Council approved the original rezoning request to establish City Tax Map 56 Parcels 84, 85.1, 88.2, 86.1, 86.2, and 86.3 as PUD zoned and subject to the associated proffer conditions (see Attachment G).

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.

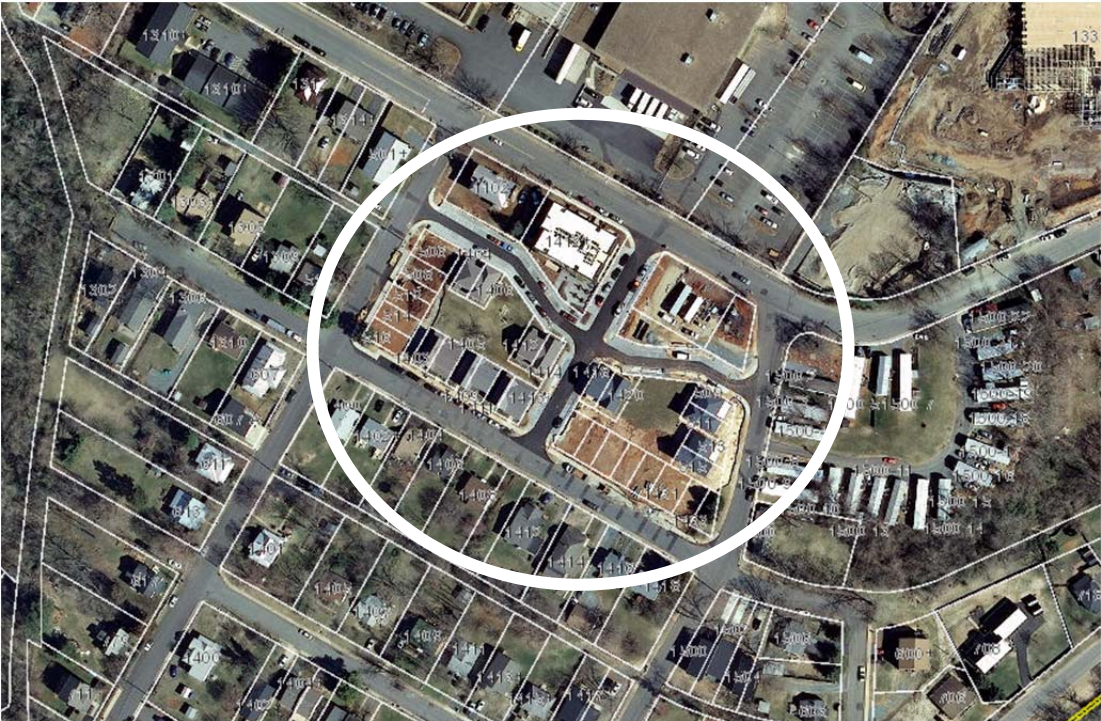
## **Vicinity Map 1**



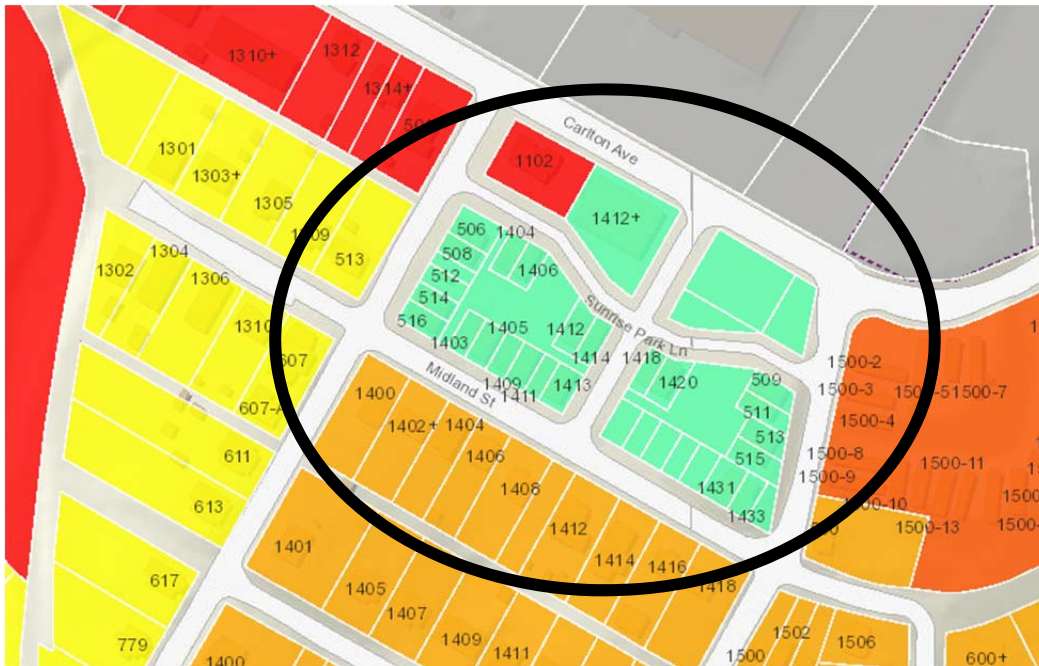
**Vicinity Map 2**



**Context Map 1**

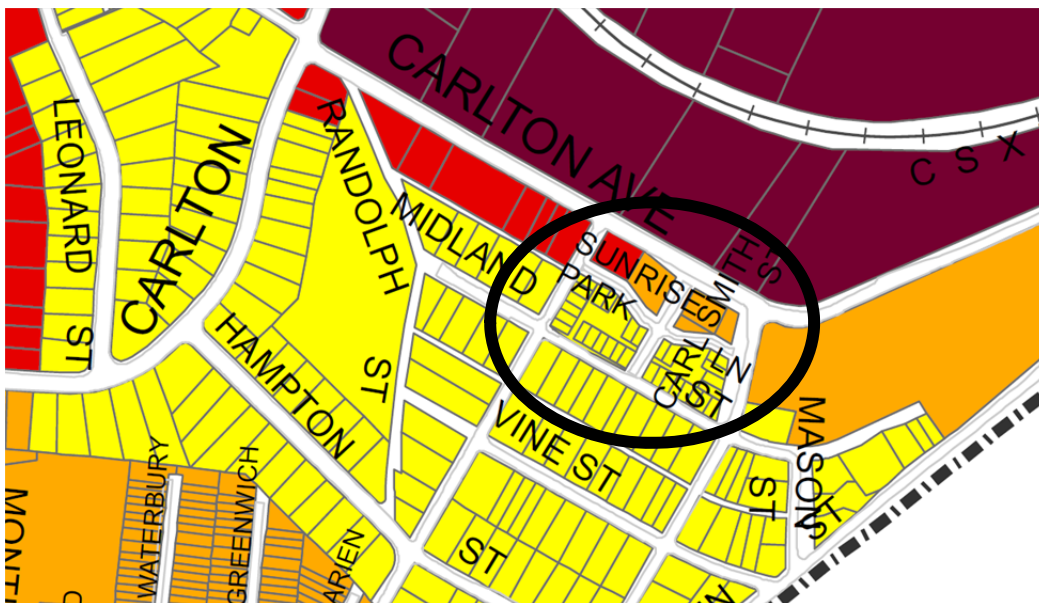


**Context Map 2- Zoning Classifications**



**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:

<b>Block</b>	<b>Existing Maximum Residential Units</b>	<b>Proposed Maximum Residential Units</b>
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 back yards, 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

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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

# Table of Contents

---

## Introduction

Background.....	4
General Purpose and Intent .....	4
PUD Objectives .....	5
Core Values, Goals and Vision .....	6
Project’s relationship to the Belmont Neighborhood Plan (2007) .....	6
Existing Conditions .....	7
Exhibit 1: Sunrise Resident Petition for Parking .....	8
: Police Calls for Service Data .....	9

## Exhibit 2

Exhibit 3: Existing Conditions 2008 .....	10
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## PUD Development Plan

General Development Plan .....	11
Land Use Plan .....	11
Table 1: Land Use .....	11
Land Uses permitted/Prohibited by Block .....	11
: General Development Plan .....	12

## Exhibit 4

: Proposed Land Use Plan .....	12
--------------------------------	----

## Exhibit 5

Table 2: Residential and Related Uses by Block.....	14
: Non-Residential Uses (General and Miscellaneous Commercial) by Block.....	14

## Table 3

Table 4: Non-Residential Uses (Retail) by Block.....	16
Table 5: Non-Residential Uses (Industrial) by Block.....	16

Description of Land Use Mix .....	17
Table 6: Open Space .....	17
Location and Acreage of Required Open Space .....	17
Ownership of Common Areas .....	18
Historic Structures and Sites .....	18
Sensitive Areas .....	18
<b>Built Form Standards</b>	
Purpose and Intent.....	19
Lot Regulations.....	19
Build to Lines .....	19
Attachment Zone.....	19
Special Regulations for Build to Lines .....	20
Side and Rear Yard Setback Regulations .....	20
Other.....	20
Landscape Standards .....	21
Exhibit 6: General Landscape Plan.....	22
Street and Streetscape Standards .....	23
Parking Standards .....	24
Table 7: Sample Parking Calculation .....	24
Phasing .....	25
Exhibit 7: Phasing Plan .....	26
Affordable Housing .....	27
Proffers Proposed in Connection with PUD.....	28



# Introduction

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## **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 20<sup>th</sup>, 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 14<sup>th</sup>, 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
Marc Delaney	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 Solley	1407 Midland St.	11/16/15
Haddley Jr	1417 Midland St	11/16/15

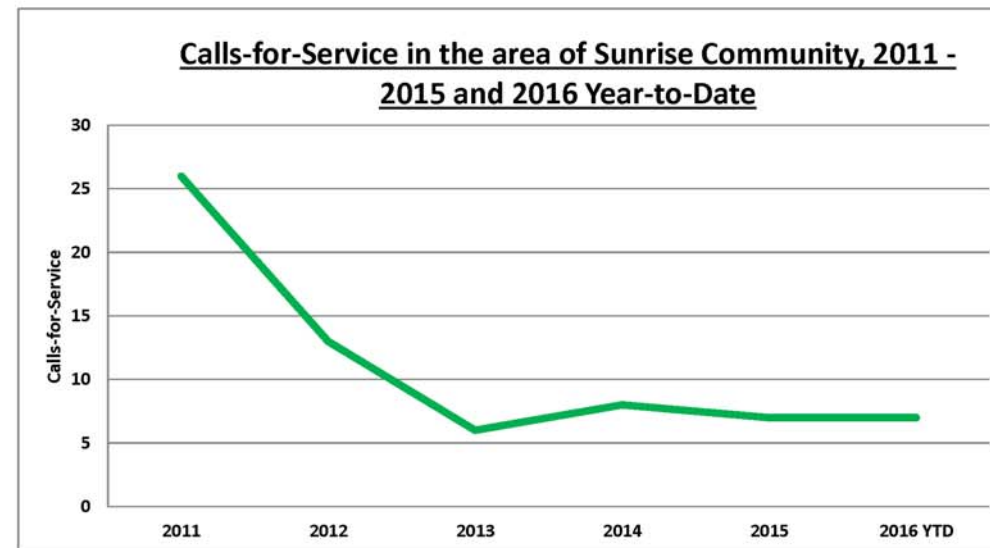
At a community meeting of the Sunrise Neighborhood on July 20<sup>th</sup>, 2015, Habitat heard our concerns and agreed to work with a builder to reduce the number of by right units and allowable commercial space on the large lot on Carlton while adding parking. I therefore support any necessary Habitat 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.

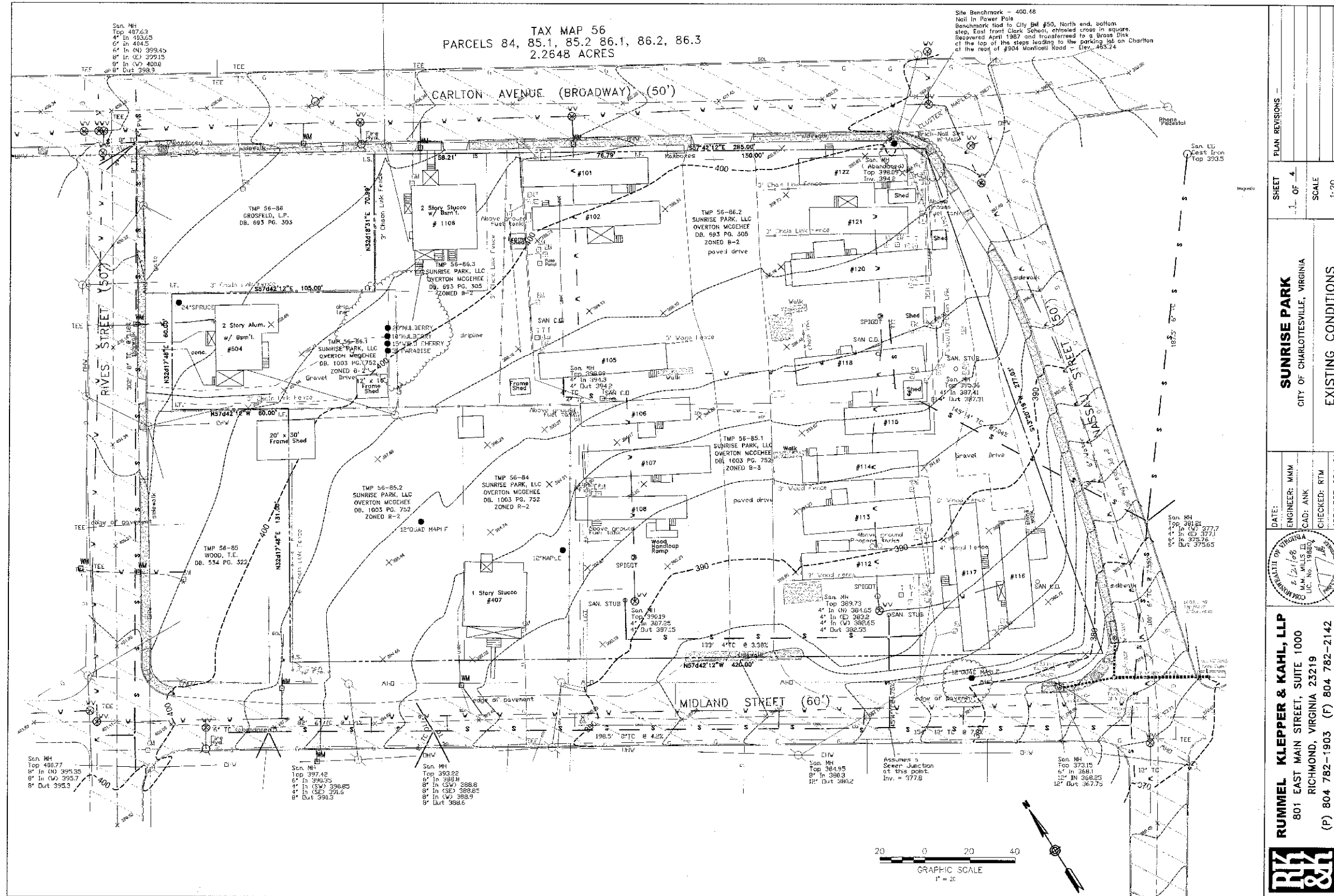
## Exhibit 2: Police Calls for Service Data

*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
<b>Grand Total</b>	<b>26</b>	<b>13</b>	<b>6</b>	<b>8</b>	<b>7</b>	<b>7</b>



# Exhibit 3: Existing Conditions 2008



PLAN REVISIONS	
SHEET	1 OF 4
SCALE	1:20

**SUNRISE PARK**  
 CITY OF CHARLOTTESVILLE, VIRGINIA  
**EXISTING CONDITIONS**

**DATE:** \_\_\_\_\_  
**ENGINEER:** MAM  
**CAD:** ANK  
**CHECKED:** RTM  
**JOB#:** 807-084-01

**RUMMEL KLEPPER & KAHL, LLP**  
 801 EAST MAIN STREET, SUITE 1000  
 RICHMOND, VIRGINIA 23219  
 (P) 804 782-1903 (F) 804 782-2142



# 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
<b>Total</b>	<b>2.44</b>		<b>12,800</b>	<b>70</b>

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

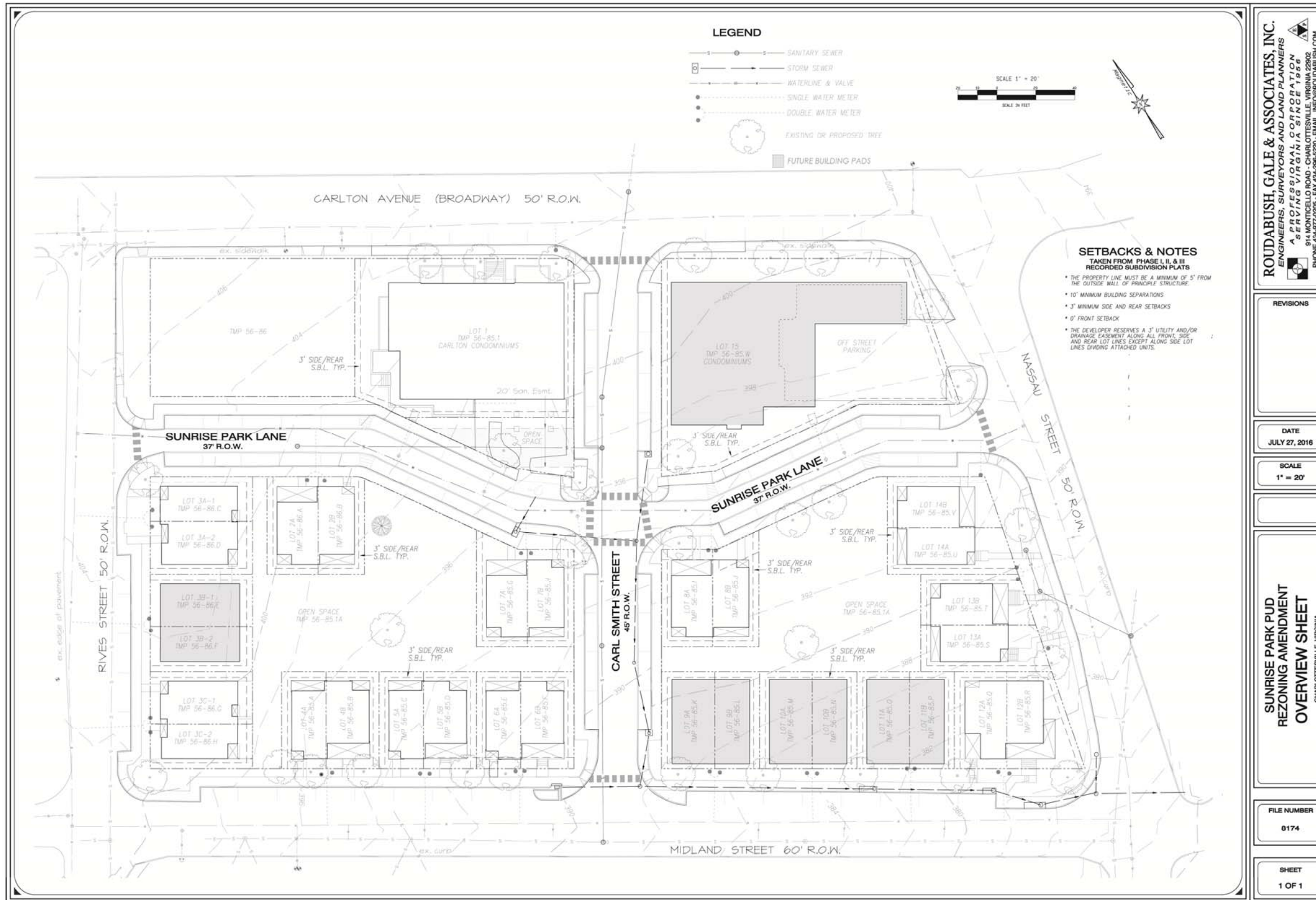
Tables 2 through 5 establish the uses that are permitted or prohibited by block. The nomenclature used is identical to that of the City Code, where:

- 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.



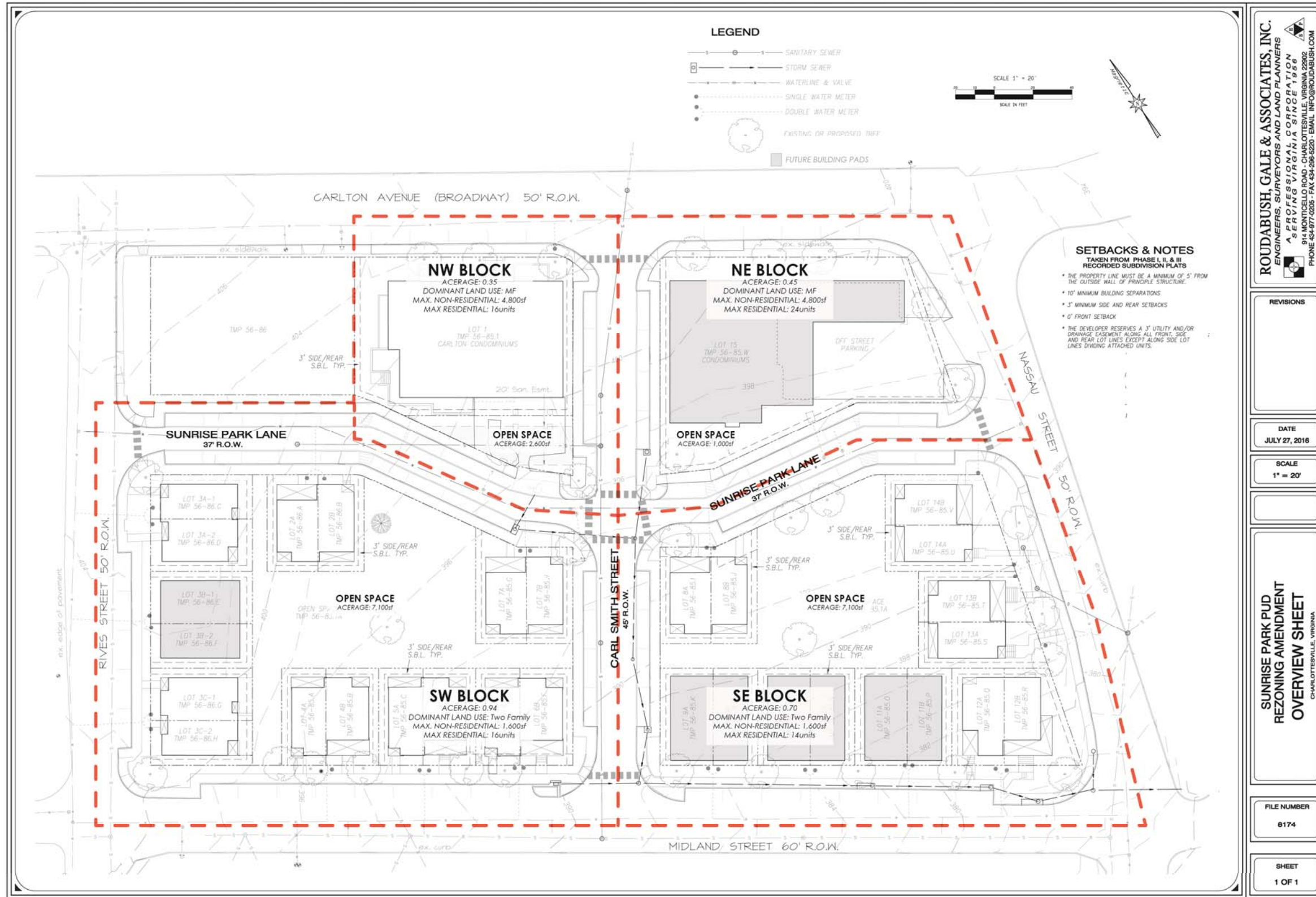
# Exhibit 4: General Development Plan



**ROUDABUSH, GALE & ASSOCIATES, INC.**  
 ENGINEERS, SURVEYORS AND LAND PLANNERS  
 A PROFESSIONAL CORPORATION  
 SERVING VIRGINIA SINCE 1958  
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# Exhibit 5: Proposed Land Use Plan



**ROUDABUSH, GALE & ASSOCIATES, INC.**  
 ENGINEERS, SURVEYORS AND LAND PLANNERS  
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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			
Adult assisted living							
1--3 residents	-	B	B	BB	B <sup>B</sup>	-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	-			
Inn	-	B	B	-B	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			
Single-family detached	B	B	B	B			
Townhouse	-	B	B	BB	B	B	
Two-family	B	B	B	B <sup>B</sup>	B <sup>B</sup>	BB	B
Family day home				B	B	B	
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	-	-	
4 unrelated persons	B	B	B	B			
Residential density (developments)				B	B	B	
1--21 DUA	-	B	B	B <sup>B</sup>	B <sup>B</sup>	BB	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		-	-
8+ residents	S	-	-	S	S	-	-
Shelter care facility	-	B	B	BB	B	-	-

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	-	-	
Assembly plant, handcraft	-	-	S	-	-	-	-
Assembly plant	-T	-T	S	-T	-T	-T	-
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			
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc. (private)	S			S <sub>B</sub>	B	B	
Restaurants:							
Dance hall/all night	- S	p S	P	- S	- S	- S	-
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			

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

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## ***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

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## **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 18<sup>th</sup>, 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.

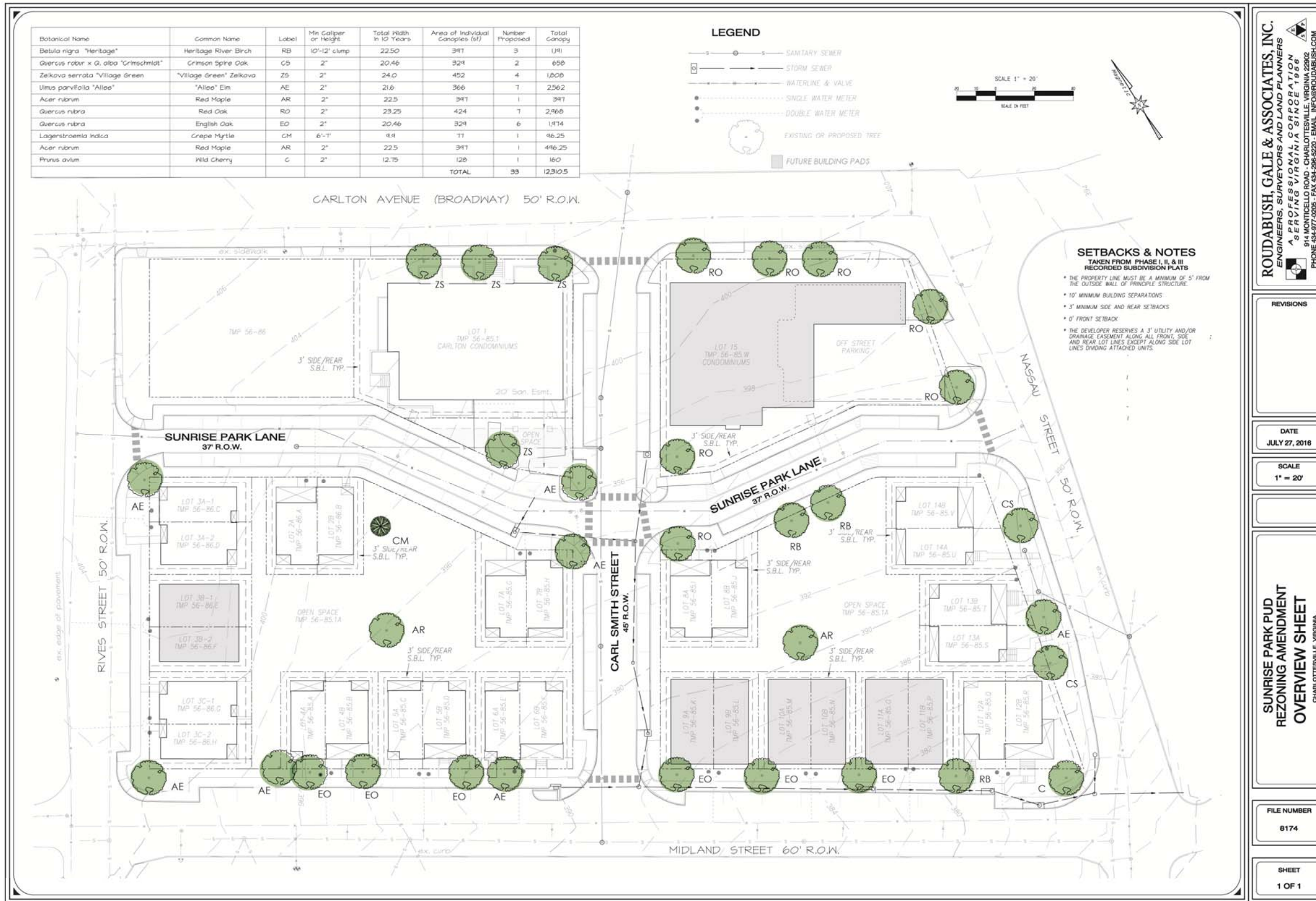
## **Interior Screening Standards**

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.**  
 ENGINEERS, SURVEYORS AND LAND PLANNERS  
 A PROFESSIONAL CORPORATION  
 SERVING VIRGINIA SINCE 1956  
 914 MONTICELLO ROAD - CHARLOTTEVILLE, VIRGINIA 22902  
 PHONE: 604-977-0005 - FAX: 604-298-0200 - EMAIL: INFO@ROUDABUSH.COM

**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

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## ***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
<b>subtotal</b>	70		70	62	30
<b>Parking Reduction for SW &amp; SE Two-Family Dwellings</b>			15		
<b>Totals</b>			55	62	30

# Phasing

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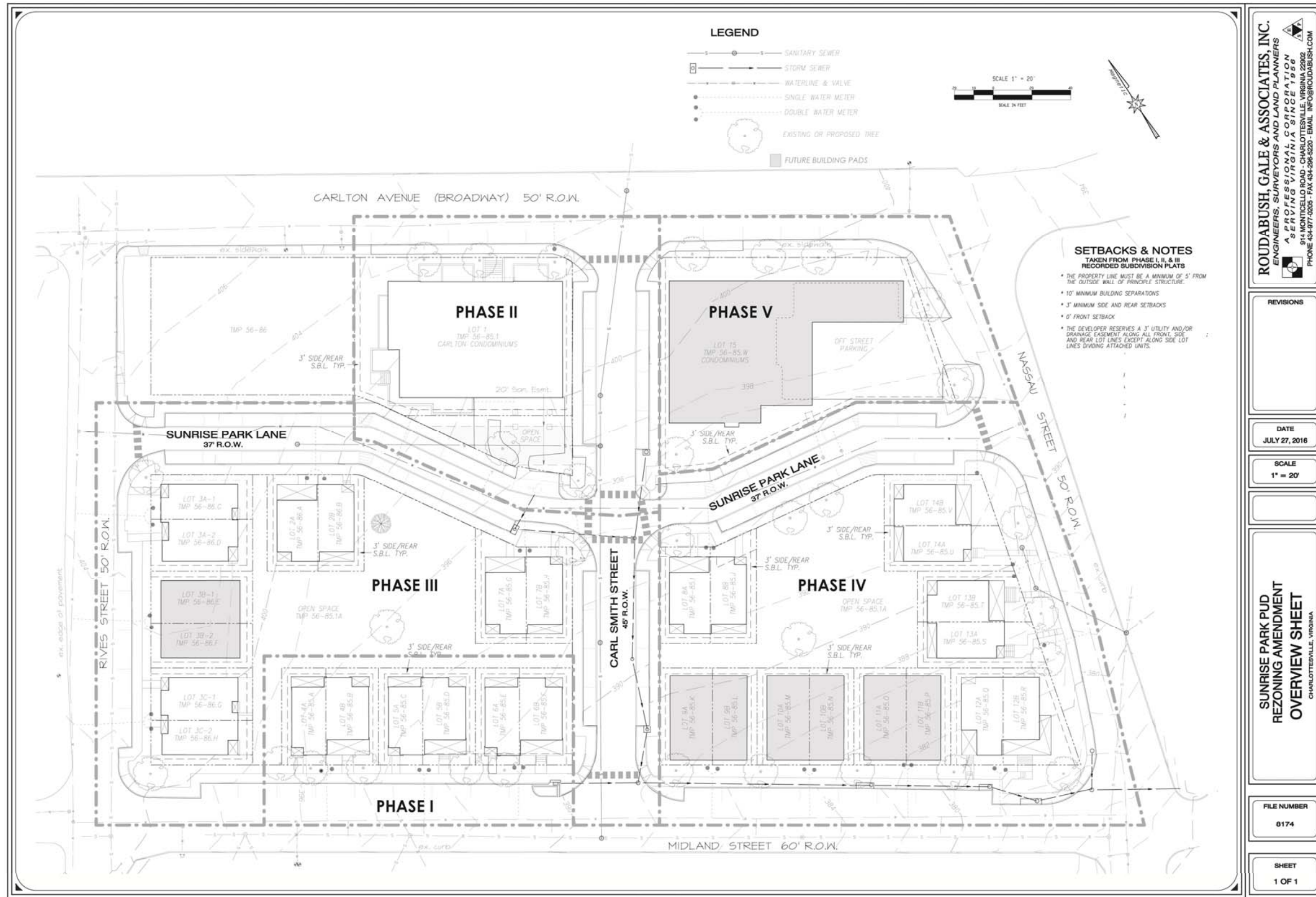
One of the greatest advantages with the original plan was the ability to phase the project so that the original sunrise residents remained on site while their future housing was constructed. Many of these residents are seniors and have been living in Sunrise for twenty five to thirty years, so to ensure 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

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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 15<sup>th</sup> 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.
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.

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



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

**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



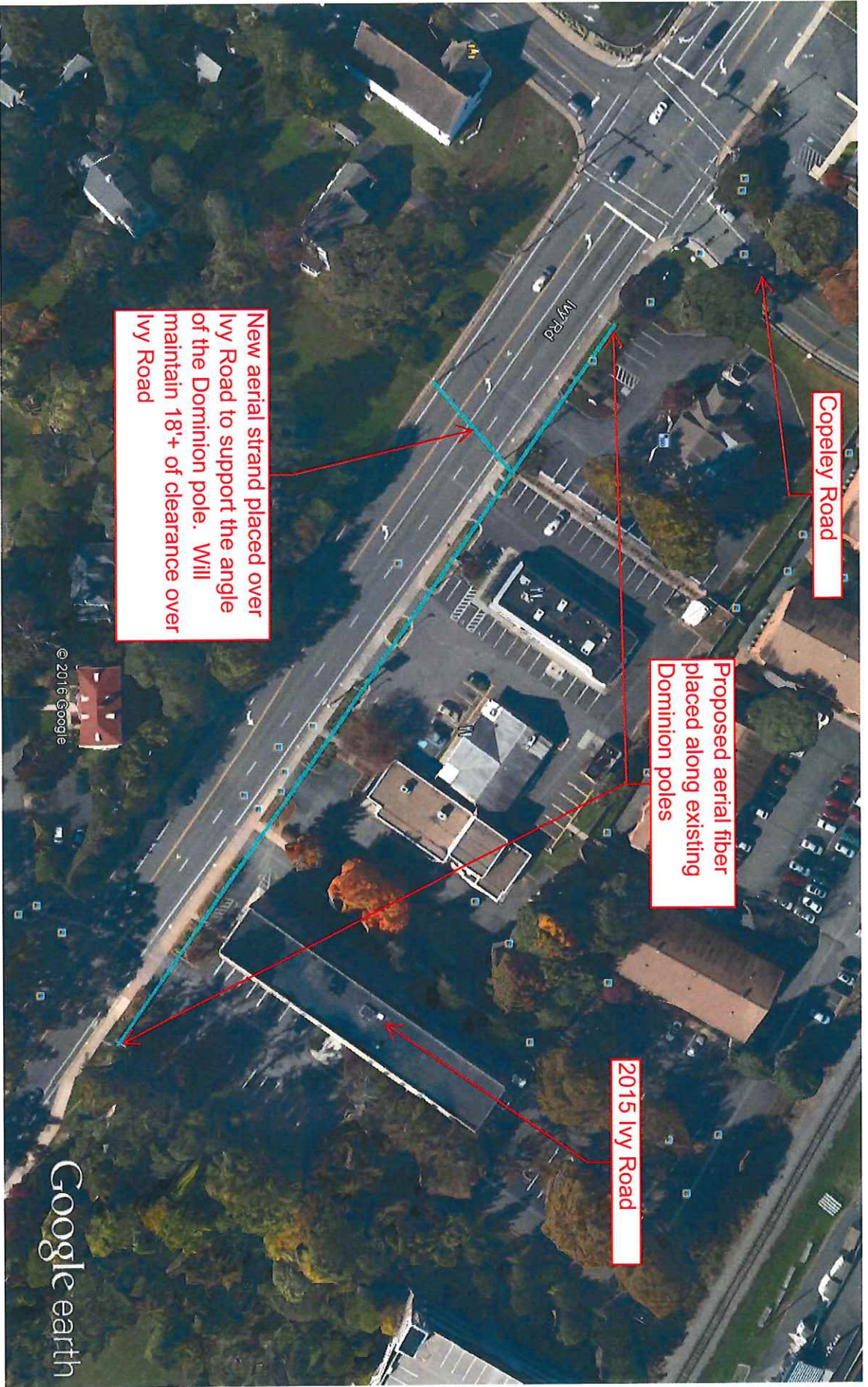
Barbara Ronan  
Paralegal  
City Attorney's Office  
P.O. Box 911  
Charlottesville, VA 22902

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**

**TABLE OF CONTENTS**

**ARTICLE I .....1**

SECTION 101 PURPOSE AND SCOPE .....1

SECTION 102 AUTHORITY TO MANAGE THE RIGHT OF WAY .....1

SECTION 103 DEFINITIONS.....2

**ARTICLE II.....2**

SECTION 201 INITIAL INSTALLATION .....2

SECTION 202 SUBSEQUENT INSTALLATION .....2

SECTION 203 INSPECTION BY THE CITY .....3

SECTION 204 AUTHORITY OF THE CITY TO ORDER CESSATION OF EXCAVATION .....3

SECTION 205 LOCATION OF POSTS, POLES, CABLES AND CONDUITS .....3

**ARTICLE III .....4**

SECTION 301 ADMINISTRATION OF THE PUBLIC RIGHTS OF WAY .....4

SECTION 302 SUBMISSION OF PROW PLAN.....5

SECTION 303 GOOD CAUSE EXCEPTION.....5

SECTION 304 DECISION ON PROW PLAN BY THE DIRECTOR .....5

SECTION 305 MAPPING DATA.....5

**ARTICLE IV .....6**

SECTION 401 COMPLIANCE WITH ALL LAW AND REGULATIONS .....6

**ARTICLE V .....6**

SECTION 501 RELOCATION OF COMPANY FACILITIES WITHIN THE PUBLIC RIGHTS-OF WAY .....6

SECTION 502 RIGHTS-OF WAY PATCHING AND RESTORATION .....6

**ARTICLE VI .....9**

SECTION 601 INDEMNIFICATION AND LIABILITY.....9

SECTION 602 WAIVER BY THE CITY.....9

SECTION 603 INSURANCE.....10

SECTION 604 NEGLIGENCE AND INTENTIONAL ACTS.....11

**ARTICLE VII.....11**

SECTION 701 GENERAL REQUIREMENT OF A PERFORMANCE BOND.....11

SECTION 702 CHANGED AMOUNT OF THE PERFORMANCE BOND .....11

SECTION 703 PURPOSE OF PERFORMANCE BOND.....12

SECTION 704 FEES OR PENALTIES FOR VIOLATIONS OF THE ORDINANCE .....12

**ARTICLE VIII .....13**

SECTION 801 COMPENSATION/PROW Use FEE.....13

SECTION 802 FRANCHISING COSTS .....13

SECTION 803 NO CREDITS OR DEDUCTIONS .....13

SECTION 804 REMITTANCE OF COMPENSATION/LATE PAYMENTS, INTEREST ON LATE PAYMENTS .....14

**ARTICLE IX .....14**

SECTION 901 RESERVATION OF ALL RIGHTS AND POWERS .....14

SECTION 902 SEVERABILITY .....14

<b>ARTICLE X</b> .....	<b>15</b>
SECTION 1001 MAINTENANCE OBLIGATION .....	15
SECTION 1002 TREE TRIMMING .....	15
<b>ARTICLE XI</b> .....	<b>15</b>
SECTION 1101 INITIAL TERM OF TELECOMMUNICATIONS FRANCHISE .....	15
SECTION 1102 APPLICATION FOR NEW TELECOMMUNICATIONS FRANCHISE .....	15
SECTION 1103 OPERATION OF FACILITIES OWNED BY THE COMPANY WHILE RENEWAL IS PENDING .....	15
<b>ARTICLE XII</b> .....	<b>16</b>
SECTION 1201 NOTICE .....	16
SECTION 1202 EMERGENCY NOTIFICATION .....	16
SECTION 1203 REGISTRATION OF DATA .....	177
<b>ARTICLE XIII</b> .....	<b>17</b>
SECTION 1301 TERMINATION OF TELECOMMUNICATIONS FRANCHISE .....	17
<b>ARTICLE XIV</b> .....	<b>17</b>
SECTION 1401 REMOVAL OF FACILITIES FROM THE PUBLIC RIGHTS-OF-WAY .....	17
SECTION 1402 ABANDONMENT OF FACILITIES OWNED BY THE COMPANY IN THE PUBLIC RIGHTS-OF-WAY .....	18
<b>ARTICLE XV</b> .....	<b>18</b>
SECTION 1501 PRIOR WRITTEN CONSENT FOR ASSIGNMENT .....	18
SECTION 1502 SUCCESSORS AND ASSIGNS .....	18
<b>ARTICLE XVI</b> .....	<b>19</b>
SECTION 1601 NONEXCLUSIVE FRANCHISE .....	19
<b>ARTICLE XVII</b> .....	<b>19</b>
SECTION 1701 ALL WAIVERS IN WRITING AND EXECUTED BY THE PARTIES .....	19
SECTION 1702 NO CONSTRUCTIVE WAIVER RECOGNIZED .....	19
<b>ARTICLE XVIII</b> .....	<b>19</b>
SECTION 1801 NO DISCRIMINATION .....	19
<b>ARTICLE XIX</b> .....	<b>19</b>
SECTION 1901 FORCE MAJEURE .....	19
<b>ARTICLE XX</b> .....	<b>20</b>
SECTION 2001 EFFECTIVE DATE .....	20

**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**



<b>Agenda Date:</b>	November 21, 2016
<b>Action Required:</b>	1 <sup>st</sup> Reading of Appropriation
<b>Presenter:</b>	Tony Edwards, Development Services Manager
<b>Staff Contacts:</b>	Mike Murphy, Assistant City Manager, Chris Cullinan, Director of Finance, Alex Ikefuna, NDS Director
<b>Title:</b>	<b>Appropriation of \$715,436.19 from Rivanna Water and Sewer Authority (RWSA) for Reimbursement of Utility Betterment for Route 250 Bypass</b>

**Background and Discussion:**

While the Route 250 Bypass project was being constructed, several water and sewer utility betterment projects not attributable to the Bypass were undertaken in order to improve the reliability and performance of the nearby utility infrastructure. The reconciliation of the utility betterment projects has been completed. The City billed and received from RWSA their portion of the betterment project expenses in the amount of \$715,436.19.

**Community Engagement:**

N/A

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

N/A

**Budgetary Impact:**

There is no (\$0) net budgetary impact to the City. These funds will be used to reimburse the Virginia Department of Transportation for funds incorrectly received for utility betterment.

**Recommendation:**

Staff recommends approval of the appropriation.

**Alternatives:**

There is no alternative.

**Attachments:**

Appropriation.

## **APPROPRIATION**

### **Rivanna Water and Sewer Authority (RWSA) for Reimbursement of Utility Betterment for Route 250 Bypass \$715,436.19**

**WHEREAS**, the Route 250 Bypass Interchange at McIntire Road project has been completed and Rivanna Water and Sewer Authority (RWSA) has reimbursed the City for its share of the utility betterment portion of the project;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$715,436.19 be appropriated.

#### **Expenditure**

**Fund:** 426

**WBS Element:** P-00201

**G/L Code:** 599999



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	November 21, 2016
Action Required:	Public Hearing and 1 <sup>st</sup> Reading of Appropriation
Presenter:	Tony Edwards, Development Services Manager
Staff Contacts:	Mike Murphy, Assistant City Manager, Chris Cullinan, Director of Finance, Alex Ikefuna, NDS Director
Title:	<b>Appropriation of \$1,614,157.22 to Virginia Department of Transportation (VDOT) for Overpayment of Funds Received for Route 250 Bypass</b>

**Background:**

While the Route 250 Bypass project was being constructed, several water and sewer utility betterment projects not attributable to the Bypass were undertaken in order to improve the reliability and performance of the nearby utility infrastructure. The City received funds from VDOT for these utility betterment projects. However, betterment projects are not eligible for reimbursement from VDOT. This agenda item appropriates these previously received funds back to VDOT for overpayment of these utility betterment reimbursements.

**Discussion:**

The City will reimburse VDOT with two checks (per their request) totaling \$1,614,157.22. No City funds are needed as the payment will be made using funds from the Rivanna Water and Sewer Authority (RWSA) and funds previously received from VDOT.

**Community Engagement:**

A public hearing is required by law.

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

N/A

**Budgetary Impact:**

There is no (\$0) net budgetary impact to the City as the funds involved are presently on hand and are from and due to external agencies.

**Recommendation:**

Staff recommends approval of the appropriation.

**Alternatives:**

There is no alternative.

**Attachments:**

Appropriation

## APPROPRIATION

### **Reimbursement of Funds to Virginia Department of Transportation (VDOT) for Utility Betterment Portion of Route 250 Bypass \$1,614,157.22**

**WHEREAS**, the Route 250 Bypass Interchange at McIntire Road project has been completed and the utility betterment portion of the project has been reconciled;

**WHEREAS**, the Virginia Department of Transportation (VDOT) has overpaid the City of Charlottesville for amounts related to utility betterment costs;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$1,614,157.22 be appropriated and used to reimburse VDOT for the overpayment.

#### **Expenditure**

**Fund:** 426

**WBS Element:** P-00201

**G/L Code:** 599999

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



<b>Agenda Date:</b>	November 21, 2016
<b>Actions Required:</b>	Yes (Approval of Resolution)
<b>Staff Presenter:</b>	Craig Brown, City Attorney
<b>Staff Contacts:</b>	Chris Engel, Director of Economic Development Craig Brown, City Attorney
<b>Re:</b>	<b>Acquisition of 801 – 805 East Market Street</b>

**Background:**

Earlier this year the City became aware of a possible opportunity to acquire the property located at 801 – 805 East Market Street. The almost one half acre site, located at the corner of 9<sup>th</sup> Street and East Market Street, is currently occupied by a Guadalajara Restaurant and a Lucky Seven convenience store. It is immediately east of a surface parking lot owned by the City of Charlottesville and Albemarle County, which has been identified as a potential site for structured public parking.

Negotiations with the owners of the property resulted in the attached Purchase Agreement, which has been executed by representatives of both parties. As stated in section 10 (b) of the Purchase Agreement, the City's obligation to purchase the property is conditioned on approval by City Council. A proposed Resolution evidencing that approval is attached for City Council's consideration.

**Discussion:**

The proposed purchase price for the property is \$2,850,000, with closing scheduled to take place in January, 2017. The purchase will be subject to the two existing leases for the restaurant and the convenience store, which have terms that will continue until 2021. Next year the rent from the two businesses combined will be slightly more than \$126,000, with each subject to a small escalation in each of the remaining years of the respective leases.

While the Purchase Agreement was being negotiated, City staff commissioned a consultant to perform an Asbestos Survey, a Property Condition Assessment, and a Phase 1 Environmental Site Assessment. The results of those investigations were consistent with what would be expected for buildings constructed in the mid-1960's in a developed urban area. There were no findings or conclusions that would preclude the acquisition of

the property and the continuation of the present uses, and the possible future redevelopment of the site.

City staff believes that the purchase of this parcel affords the City many options, including the possibility of a future public / private partnership for a mixed-use development that includes public parking on the site. Justifications for the acquisition include the following:

- (a) The parcel is strategically located at the northeast end of the Downtown Pedestrian mall and at the intersection of two primary streets;
- (b) It is near several key demand generators including the Sprint Pavilion, Herman Key Recreation Center, the City Hall complex and transit station, Court Square and a number of growing businesses;
- (c) As referenced above the parcel is immediately adjacent to a surface parking lot already owned by the City and County at 7<sup>th</sup> and Market Street which has previously been studied as a potential location for a parking facility. The two sites together represent nearly an acre of downtown real estate.
- (d) The site can be an important component in the City's response to the increasing demand for off-street public parking in the central business district.

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

The City's control over the future of this significant corner will ensure robust and context sensitive urban planning and implementation, and could represent an opportunity to provide reliable and high quality infrastructure in the form of new off-street public parking. The possible redevelopment of this site can be used to attract and cultivate a variety of new businesses, or to grow and retain existing viable businesses.

**Community Engagement:**

There has been no community engagement regarding the purchase of this Property, but City staff anticipates that there will be significant public involvement in the future should the City decide to redevelop the property or to sell the site for development.

**Budget Impact:**

The immediate budget impact is the purchase price of \$2.85 million. During the remaining lease terms the City anticipates a positive revenue flow from the rents paid by the two existing businesses.

**Recommendation:**

City staff recommends adoption of the proposed Resolution, authorizing the purchase of the property at 801 – 805 East Market Street.

**Attachments:**

Proposed Resolution  
Real Estate Purchase Agreement

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the Real Estate Purchase Agreement dated October 26, 2016 between the City of Charlottesville, as purchaser, and PJB Market, LLC, as seller, is hereby approved, and the City Manager is authorized to execute any necessary documents, in form approved by the City Attorney, as may be necessary to consummate the purchase of 801 – 805 East Market Street by the City of Charlottesville, pursuant to the terms and conditions set forth in the aforementioned Real Estate Purchase Agreement.

## REAL ESTATE PURCHASE AGREEMENT

THIS REAL ESTATE PURCHASE AGREEMENT (“Agreement”) is dated as of the 26<sup>th</sup> day of October, 2016 (the “Effective Date”), by and between **THE CITY OF CHARLOTTESVILLE**, a political subdivision of the Commonwealth of Virginia (“Purchaser”), and **PJB MARKET, LLC**, a Virginia limited liability company (“Seller”).

For and in consideration of the mutual covenants herein set forth, the parties hereto agree as follows:

### **1. Agreement to Sell and Convey**

Seller hereby agrees to sell and convey to Purchaser, and Purchaser hereby agrees to purchase from Seller, subject to the terms and conditions hereinafter set forth, including the assignment of the Leases (hereinafter defined), all that certain parcel of land lying and being situated in the City of Charlottesville, Virginia, located at 801-805 East Market Street, identified as Tax Map Parcel No. 530169000, consisting of four (4) contiguous lots designated as Lots Nos. 4, 5, 6, and 7, situated on the north side of East Market Street between 8<sup>th</sup> Street, N.E. and 9<sup>th</sup> Street, N.E., together with the following:

- a. All buildings and improvements situated thereon;
- b. All and singular the rights and appurtenances pertaining thereto, including any right, title and interest of Seller, if any, in and to adjacent streets, roads, alleys, access easements and rights-of-way;
- c. All fixtures, equipment and machinery located on, attached to, or used in connection with the buildings and/or other improvements situated thereon, provided, however, that none of the personal property of any of the tenants under any of the Leases shall be included in such sale and conveyance; and
- d. Such other rights, interests, and properties as may be specified in this Agreement to be sold, transferred, assigned or conveyed by Seller to Purchaser.

The parcel of land described above, together with the buildings and other improvements thereon, and the rights, interests, fixtures, and other properties described above, is collectively called the “Property.”

### **2. Deposit; Purchase Price**

Within three (3) business days after the Effective Date of this Agreement, Purchaser shall deliver to Royer, Caramanis & McDonough, PLC (the “Escrow Agent”) a deposit in the amount of **ONE HUNDRED THOUSAND AND NO/100 DOLLARS** (\$100,000.00) (the “Deposit”) by certified or bank cashier’s check or by wire transfer of funds. Escrow Agent shall hold and disburse the Deposit in accordance with the provisions of the Agreement and the terms of the escrow agreement attached hereto as Exhibit A and incorporated herein by reference which shall

be executed by Seller, Purchaser and Escrow Agent contemporaneously with the delivery of the Deposit by Purchaser to Escrow Agent.

In the event Purchaser fails to deliver the Deposit within such three (3) day period, Seller shall be entitled to terminate this Agreement by delivery of written notice thereof to Purchaser, and thereupon the parties hereto shall have no further rights or obligations hereunder.

The purchase price for the Property shall be **TWO MILLION EIGHT HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$2,850,000.00)**. Payment of the Purchase Price, less the Deposit, shall be paid by wire transfer from Purchaser and delivered to the Escrow Agent at Settlement (hereinafter defined), with disbursement to Seller upon recordation of the Deed (hereinafter defined).

### **3. Environmental Matters**

Except as may be set out in an addendum attached hereto, Seller warrants and represents that to the best of Seller's knowledge, information and belief, there are no underground storage tanks on the Property; nor has there been any activity on the Property which has been conducted, or is being conducted, except in compliance with all statutes, ordinances, regulations, orders, permits and common law requirements concerning (1) handling of any toxic or hazardous substances, (2) discharges of toxic or hazardous substances to the air, soil, surface water or groundwater, or (3) storage, treatment or disposal of any toxic or hazardous substances at or connected with any activity on the Property; nor is there any contamination present on or in the Property; nor is there any of the following present on or in the Property: (i) polychlorinated biphenyls or substances containing polychlorinated biphenyls; (ii) urea formaldehyde or materials containing urea formaldehyde; (iii) lead or lead-containing paint; or (iv) radon. The term "contamination" shall mean the confirmed or unconfirmed presence of toxic or hazardous substances on or in the Property, or arising from the Property, which may require remediation under any applicable law. For purposes of this Agreement, "hazardous substance(s)" shall have the meaning of "hazardous substance" as set forth in 42 U.S.C. § 9601(14), as amended, and of "regulated substance" as set forth in 42 U.S.C. § 6991(2), as amended, and of any other substances which may be the subject of liability pursuant to any environmental law of the United States or the Commonwealth of Virginia. Seller expressly disclaims any warranty or representation regarding the presence of materials containing asbestos on the Property.

### **4. Seller's Ownership; Leases**

Seller warrants and represents that it is the sole fee simple owner of the Property and has all necessary authority to sell the Property; there are no other contracts for sale involving the Property; the Property has not been offered for sale to the general public during the term of any existing lease on the Property; no party has any right, title or interest in the Property except for the tenants under those certain leases with Seller as described in Exhibit B, attached hereto and incorporated herein by this reference (such leases described in Exhibit B are referred to herein collectively as the "Leases"). Purchaser shall purchase the Property subject to the Leases, and the parties shall execute an Assignment of Lease at Settlement with respect thereto.



**5. Condemnation**

There are no eminent domain or condemnation proceedings pending against the Property, and Seller has no knowledge of such proceedings or any intentions or plans, definite or tentative, that such proceedings might be initiated.

**6. Actions or Suits**

Unless set forth by Seller in an attachment to this Agreement, Seller warrants and represents that there are (a) no actions or suits at law or in equity or proceedings now pending or, to the knowledge of the Seller, threatened against Seller in connection with the Property, (b) no petitions or actions in bankruptcy affecting the Property or Seller, and (c) no outstanding order, writ, injunction or decree of any court or governmental agency affecting the Property.

**7. Proffers and Commitments**

Seller represents there have not been made and shall not be made, without Purchaser's prior written consent, any proffers or other commitments relating to the Property which would impose any obligation on Purchaser or its successors and assigns, after Settlement, to make any contribution of money or dedications of land or to construct, install or maintain any improvements of a public or private nature on or off the Property. Seller warrants and represents that the term of the two current leases on the Property, as evidenced in Exhibit B, will both terminate on or about October 31, 2021. Seller further agrees and covenants that no extensions of the terms or modifications of the leases, or either of them, will be approved or executed by the Seller, or on the Seller's behalf, prior to Settlement.

**8. Other Agreements**

Seller warrants and represents that the execution and delivery of this Agreement, the completion of the transaction(s) contemplated hereby, and the fulfillment of the terms hereof will not result in a breach of any of the terms or provisions of, or constitute a default under, or conflict with, any agreement, indenture, or other instrument to which Seller is a party or by which it or the Property is bound, or any judgment, decree, order, or award of any court, governmental body or arbitrator, or any law, rule or regulation applicable to Seller.

**9. AS-IS Condition; Adverse Facts**

a. Purchaser agrees to accept the Property at Settlement, and Seller agrees to deliver the Property at Settlement, in its present physical condition, ordinary wear and tear excepted. Seller makes no representations or warranties concerning the Property which are not expressly contained herein, and Purchaser hereby acknowledges that it has not and will not rely upon any warranties, representations or conditions of Seller or any of its agents other than the various express warranties, representations and conditions set forth in this Agreement or in any other

documents, instruments or agreements now or hereafter to be executed or delivered by Seller to Purchaser pursuant to the provisions of this Agreement. Purchaser hereby acknowledges that the Property will be purchased by Purchaser "AS IS" and "WHERE IS" and with all faults, known or unknown.

With Seller's consent the Purchaser and Purchaser's agents, inspectors, and engineers have entered onto the Property and conducted (i) an inspection to verify the present physical condition of the Property and the improvements thereon;(ii) a Phase 1 Environmental Site Assessment of the Property; and (iii) an asbestos survey of the Property. Seller acknowledges receipt of the results of those inspections and surveys, and acknowledges and confirms that it will accept conveyance of the Property "AS IS" and "WHERE IS" with full knowledge of all findings, conditions, conclusions and limitations stated in its inspection and survey reports.

b. Seller knows of no materially adverse fact affecting or threatening to affect the Property, which has not been disclosed to Purchaser either by Seller or through Purchaser's own inspections. Between the date Seller executes this Agreement and Settlement, Seller shall notify Purchaser in writing of any events which occur or any facts of which it becomes aware which would make any of its representations or warranties false or misleading. Such written notice (an "Exception Notice") shall set forth in reasonable detail the nature and extent of any exception to such representation or warranty. In addition, Seller shall set forth in reasonable detail any exception to the representations and warranties being reaffirmed as of the Settlement date (including, but not limited to, any such exceptions identified in any Exception Notice theretofore given to Purchaser under this subparagraph b). If such certificate identifies any exceptions ("New Exceptions") to the representations and warranties contained in this Agreement and if, in Purchaser's reasonable judgment, such New Exceptions are material and adverse, Purchaser may either (i) proceed to Settlement as required hereunder, subject to such New Exceptions, or (ii) terminate this Agreement, in which case neither party shall have any further rights or obligations hereunder.

c. If at any time Purchaser acquires knowledge of any facts or circumstances which may be inconsistent with any representation or warranty by Seller, Purchaser shall promptly so notify Seller.

## **10. Conditions Precedent; Settlement**

a. It shall be a condition precedent to Seller's and Purchaser's obligation to close under this Agreement that all of the warranties and representations of the other party contained in this Agreement, as the same may be amended shall be true and correct in all material respects at Settlement, just as though the same were made at such time.

b. It shall be a condition precedent to Purchaser's obligation to close under this Agreement that Purchaser obtain final approval of this Agreement by a majority vote of the Charlottesville City Council in open session. Purchaser shall submit this Agreement for final approval at the regularly scheduled City Council meeting on Monday, November 21, 2016. Notwithstanding any of the foregoing, as evidenced by its signature below, Purchaser represents

and warrants that, as of this date, and excluding the final approval referenced in this Paragraph 10(b), it has obtained all requisite approvals and has authority to enter into this Agreement.

c. In the event the City Council fails or declines to ratify and approve this Real Estate Purchase Agreement on November 21, 2016, or on such later date as agreed to by Seller, Seller may in its sole discretion either terminate this Agreement, thereby relieving both parties of any further rights or obligations hereunder, or Seller may agree to an extension of the time to a specific date for approval by the City Council. In the event the City Council fails or declines to ratify and approve this Agreement on November 21, 2016, or on such later date as agreed to by Seller, this Agreement shall terminate with no further rights or obligations of either party, and the Escrow Agent will promptly return the Deposit paid pursuant to paragraph (2), *supra*, to Purchaser.

d. Provided that all conditions precedent or contingencies to Purchaser's obligation to proceed to Settlement have been satisfied or waived, and Seller has performed all of its obligations under this Agreement, settlement and delivery of possession shall be on or before **January 11, 2017** ("Settlement"). Settlement shall be held at the offices of Escrow Agent or at such other place as the parties may agree. Seller shall deliver to Purchaser, at Settlement, a fully executed Special Warranty Deed, free of liens and encumbrances, conveying the Property in fee simple to Purchaser, as well as quit-claiming Seller's interest, if any, in the alley behind the Property (the "Deed"). The Deed shall be in a form satisfactory to the Purchaser.

e. The Purchaser shall pay the Purchase Price by bank wire transfer to the Escrow Agent at Settlement.

f. Seller shall deliver to Purchaser at Settlement an affidavit, in a form acceptable to Purchaser and Purchaser's title insurance company, executed by Seller, that no labor or materials have been furnished to the Property, within the statutory period for the filing of mechanics' or materialmen's liens against the Property, or if labor or materials have been furnished during the statutory period, an affidavit that the costs thereof have been paid in full.

g. Seller agrees to execute at Settlement any affidavit or forms required by the Internal Revenue Service or the Virginia Department of Taxation to report this transaction and/or to exempt the Purchaser from any withholding requirements under applicable law.

h. Seller agrees to deliver to Purchaser and Escrow Agent the following at or prior to Settlement:

(i) the fully executed Deed;

(ii) an Assignment of Lease, whereby Seller shall assign to Purchaser all of Seller's right, title and interest in and to the Leases, and an assignment of all warranties, if any, applicable to mechanical equipment or systems on the Property that are in effect as of the date of Settlement;

(iii) the signed closing or settlement statement prepared or approved by Purchaser, which may be on a HUD-1 form; and

(iv) any other documents reasonably required by Escrow Agent, Purchaser's title insurance company or Purchaser.

i. Seller further represents and warrants that Seller is a limited liability company duly organized, validly existing and in good standing under the laws of the Commonwealth of Virginia. Seller has the power and authorization to enter into this Agreement and to consummate the transaction contemplated by this Agreement. The execution of this Agreement and the consummation of the transaction contemplated herein do not violate any of the terms and provisions of the organizational documents of Seller or any agreement, Agreement or other instrument to which Seller is a party or is bound. The parties executing this Agreement and any documents contemplated to be executed by Seller under this Agreement on behalf of Seller have the authority to execute this Agreement and such documents on Seller's behalf and to bind Seller hereunder and under such documents.

## **11. Title**

a. The Property shall be sold free from all mortgages, deeds of trust, liens, security interests and other encumbrances. Title shall be good, marketable and insurable, without exception, at regular rates by a title insurance company of the Purchaser's choice, subject, however, to those covenants, easements, conditions and restrictions of record as of the date Seller executes this Agreement constituting constructive notice in the chain of title to the Property which have not expired by a time limitation contained therein or otherwise become ineffective and that do not, in Purchaser's sole opinion, actually or potentially, adversely affect or conflict with the use and enjoyment of the Property by Purchaser, or conflict with State policies and procedures or exceed the Purchaser's legal authority.

b. Purchaser, at Purchaser's sole expense, may cause to be made an examination of title and survey of the Property. In the event that Purchaser's examination of title or survey of the Property reveals matters of title which are unacceptable to Purchaser, then Purchaser shall so notify Seller and Seller may, at Seller's expense, have such title objections removed within a reasonable period of time following notice of same. In the event that Seller is unwilling or unable to cure the title objections, then Purchaser may, at Purchaser's option, declare this Agreement null and void, in which case neither party shall have any further rights or obligations hereunder, and the Deposit shall be promptly returned by the Escrow Agent to the Purchaser..

## **12. Expenses of Settlement**

a. Purchaser shall pay for its own attorney's fees as well as other charges customarily paid by a Purchaser of real estate in Virginia, to the extent the Purchaser is not lawfully exempt therefrom.

b. Seller shall pay for the preparation and for review of the Deed, and other documents it is required to provide hereunder, and its own attorney's fees as well as other charges customarily paid by a Seller of real estate in Virginia, including the Virginia Grantor's Tax.

c. All real estate taxes, assessments, storm water utility charges and other appropriate charges, if any, shall be prorated as of Settlement.

d. With respect to the Leases, at Settlement Seller shall credit Purchaser an amount equal to the deposits under the Leases. Any rents under any of the Leases shall be prorated as of the date of Settlement.

### **13. Risk of Loss**

All risk of loss or damage to the Property shall be borne by Seller until Settlement. However, in the event of any loss or damage to the Property or any part thereof prior to Settlement, Purchaser shall have the option, in its sole discretion, to (1) terminate this Agreement, in which case neither party shall have any further rights or obligations hereunder, or (2) proceed to Settlement as required hereunder, without decrease in the Purchase Price, conditioned upon Seller assigning to Purchaser all its interest in insurance or other payments for loss or damage to the Property.

### **14. Default**

a. Purchaser's Default; Seller's Remedy. In the event that all of the conditions precedent to Purchaser's obligations hereunder have been satisfied or waived and Seller performs all of Seller's obligations hereunder and Purchaser fails to close on the Property pursuant to the terms hereof in breach of the terms of this Agreement or otherwise defaults prior to closing hereunder, and fails to cure such default within ten (10) days after receipt by Purchaser of written notice of such default from Seller, then Seller, as Seller's sole and exclusive remedy, shall be entitled to terminate this Agreement by delivery of written notice to Purchaser and thereupon the Deposit shall be delivered to Seller and retained by Seller as full liquidated damages, in lieu of any other claims or causes of action which may be available to Seller at law or in equity by reason of such default hereunder by Purchaser. The foregoing forfeiture of the Deposit to Seller is agreed upon as liquidated damages by the parties hereto because of the difficulty of ascertaining the actual damages Seller may suffer by reason of Purchaser's breach of this Agreement.

b. Seller's Default; Purchaser's Remedies. In the event that Purchaser performs all of its obligations hereunder and Seller fails to proceed to closing pursuant to the terms hereof in breach of the terms of this Agreement or otherwise defaults prior to closing hereunder, and fails to cure such default within ten (10) days after receipt by Seller of written notice of such default from Purchaser, then Purchaser, at its option and as its sole remedy, may either (i) terminate this Agreement by delivery of written notice to Seller, and thereupon the Deposit shall be returned to Purchaser and the parties hereto shall have no further rights or obligations hereunder except for

those rights and obligations which specifically survive termination hereunder, or (ii) seek to obtain specific performance of Seller's obligations hereunder.

**15. Brokerage**

Each party represents to the other that it has not engaged the services of any real estate broker or agent in connection with the Property or this Agreement, except for the initial involvement of Edward H. Brownfield, Jr. in connecting the parties. Accordingly, Seller hereby agrees to pay Mr. Brownfield a finder's fee in the amount of **TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS** (\$2,500.00) at Settlement. No other commissions or fees shall be paid or payable by either party to any real estate broker or agent in connection with the Property or this Agreement.

**16. Prior Agreements; Merger**

This Agreement may not be amended, altered, or modified except by an instrument in writing signed by the party sought to be charged therewith. The provisions of this Agreement shall survive Settlement and the execution and delivery of the Deed and shall not be merged therein, except for the provisions of Section 3. Seller makes no indemnity with respect to any environmental provisions.

**17. Miscellaneous**

Subject to the provisions hereof, this Agreement shall bind and inure to the benefit of the parties hereto, their heirs, personal representatives, successors and permitted assigns. No assignment of this Agreement shall be permitted except with the written consent of the other party, which consent shall not be withheld unreasonably. This Agreement may be executed in multiple original counterparts, each of which shall be an original, but all of which together shall constitute one and the same Agreement.

**18. Notices**

Any notices required or permitted to be given hereunder shall be deemed to have been properly given if sent by United States certified or registered mail, return receipt requested, postage prepaid, or if delivered in hand, as follows:

If to **Purchaser**:

Charlottesville City Manager's Office  
Attn: Maurice Jones, City Manager  
P.O. Box 911  
605 East Main Street  
Charlottesville, VA 22902  
Phone: (434) 970-3101

With a copy (which shall not constitute notice) to:

City Attorney's Office  
Attn: S. Craig Brown, City Attorney  
P.O. Box 911  
605 East Main Street  
Charlottesville, VA 22902

If to **Seller**:

Royer, Caramanis & McDonough, PLC  
Attn: Collison F. Royer, Esq.  
200-C Garrett Street  
Charlottesville, VA 22902

or to such other persons or addresses as the parties may hereafter direct by written notice. Notices shall be effective upon delivery if given by hand, and three (3) days after deposit in the United States Mail if sent by United States certified or registered mail, return receipt requested, postage prepaid.

**19. Governing Law**

Notwithstanding the place where this Agreement may be executed by any of the parties hereto, the parties expressly agree that all terms and provisions hereof shall be construed and enforced in accordance with the laws of the Commonwealth of Virginia.

*[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.  
SIGNATURES FOLLOW]*

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals.

**SELLER:**

PJB Market, LLC, a Virginia limited liability company

By: \_\_\_\_\_ (SEAL)  
Robert A. Bloch, Manager

By: \_\_\_\_\_ (SEAL)  
Alice Barr Campbell, Manager

**PURCHASER:**

The City of Charlottesville, a political subdivision  
of the Commonwealth of Virginia

By: \_\_\_\_\_ (SEAL)  
Maurice Jones, City Manager

Approved as to form:

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

Funds are available:

\_\_\_\_\_  
Director of Finance



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



<b>Agenda Date:</b>	November 21, 2016
<b>Action Required:</b>	Approve Resolution
<b>Presenter:</b>	Jeanette Janiczek, Urban Construction Initiative Program Manager
<b>Staff Contacts:</b>	Jeanette Janiczek, Urban Construction Initiative Program Manager Tony Edwards, Development Services Manager
<b>Title:</b>	Revenue Sharing Program Applications – \$9 million Belmont Bridge Replacement & \$2 million Multi-Modal Improvements

**Background:** The Virginia Department of Transportation (VDOT) administers the Revenue Sharing Program to provide additional funding for localities to improve their transportation network. With the realization that transportation needs are outpacing the state's budget, this program encourages local investment in the transportation network. Under the current law/regulations, for each local dollar that the City commits to an eligible project, the state is offering to match it 1:1 – up to \$10 million dollars per locality, with an estimated \$100 million available statewide for FY2018.

**Discussion:**

**\$9 million Belmont Bridge Replacement Application**

The replacement of Belmont Bridge has been identified as the City's #1 priority transportation project. In 2010, the Annual Average Daily Traffic was 18,000 and the bridge serves as an important pedestrian link to four neighborhoods as well as the Downtown Mall and Pavilion. With an overall sufficiency rating of 40.8, the bridge has surpassed the measure that qualifies a bridge for replacement (rating of 50 or lower). The current bridge is experiencing delamination and spalling of concrete substructure elements; delamination and deterioration of the concrete deck and sidewalks; and significant corrosion of the steel concrete reinforcement. The bridge is on an annual inspection schedule and interim repairs have already been completed to extend its service life – with more being contemplated.

This FY2018 Revenue Sharing application for the Belmont Bridge Replacement project would supplement previously allocated federal/state/local funds of \$14.466 million. The construction estimate (with contingency) was updated to \$17.2 million for the Enhanced Bridge Concept selected by City Council in July 2014. Previous design fees, new design fees, ROW expenses and construction oversight expenses also need to be accounted for.

Project Status: The Belmont Bridge Steering Committee appointed by City Council created a smaller subcommittee to review submitted Request for Proposals to select a new consultancy team. The top-ranked firm was identified, negotiations have concluded, and VDOT is currently in the process of completing a pre-award evaluation consisting of a review of the offeror's financial capability, adequacy of accounting systems, appropriateness of overhead rates, labor additives and similar add-ons. The City is anticipating execution of the contract by the end of this month, November 2016. The firm will be announced to City Council and a schedule posted for the public participation process for the design of an Enhanced Belmont Bridge.

This application would qualify under Priority 1 – Construction Projects that have previously received Revenue Sharing funding. Locality requests up to a total of \$1 million will be evaluated first and funded first. Locality requests over \$1 million and up to \$10 million will be evaluated next and funded next.

### **\$2 million Multi-Modal Improvements Application**

Several studies have recently been conducted through the public process to identify priority multi-modal improvements citywide. These studies include:

- 2015 Bicycle and Pedestrian Master Plan
- Streets That Work
- Strategic Investment Area Plans

This application would qualify under Priority 2 – Construction Projects that meet a transportation need identified in the Statewide Transportation Plan or projects that will be accelerated in a locality's capital plan. Locality requests up to a total of \$1 million will be evaluated first and funded first.

Priority 1 projects would be funded first and then Priority 2 projects. Depending on the amount awarded – either in full or prorated against other applications submitted throughout the state – staff will scope the project based on the top priorities not yet under development from the various studies.

**Community Engagement:** Public participation occurred during past Belmont Bridge public meetings as well as during development of the various studies listed above. Matching funds are being considered during the current CIP process.

**Alignment with City Council's Vision and Priority Areas:** Approval of this agenda item will improve the City's commitment to create "a connected community" by improving and adding upon our existing transportation infrastructure.

**Budgetary Impact:** Local matching funds currently being considered during the CIP process may be doubled with state funding if grant applications are successful.

**Recommendation:** Staff recommends approval of resolution.

**Alternatives:** City Council may recommend a lower application amount or decide to not pursue either application.

**Attachment:** Resolution

## **RESOLUTION**

### Revenue Sharing Program - \$5.5 million

At a regularly scheduled meeting of the Charlottesville City Council held on November 21, 2016, on a motion by [name of Council or Board member], seconded by [name of Council or Board member], the following resolution was adopted by a vote of [#] to [#]:

WHEREAS, the Charlottesville City Council desires to submit two application for an allocation of funds of up to \$5.5 million through the Virginia Department of Transportation Fiscal Year 2017-18, Revenue Sharing Program; and,

WHEREAS, \$4.5 million of these funds are requested to fund the Belmont Bridge Replacement project; and,

WHEREAS, \$1 million of these funds are requested to fund the Multi-Modal Improvements; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Charlottesville City Council hereby supports this application for an allocation of \$5.5 million through the Virginia Department of Transportation Fiscal Year 2017-18 Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT the Charlottesville City Council hereby grants authority for the City Manager to execute project administration agreements for any approved revenue sharing projects.

ADOPTED this 21<sup>st</sup> day of November 2016.

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



<b>Agenda Date:</b>	November 21, 2016
<b>Action Required:</b>	Approval of TJPDC Legislative Program
<b>Presenter:</b>	David Blount, TJPDC Legislative Liaison
<b>Staff Contacts:</b>	Lisa Robertson, Chief Deputy City Attorney
<b>Title:</b>	<b>Thomas Jefferson Planning District Legislative Program</b>

**Background:**

Each year, the localities in the Thomas Jefferson Planning District region adopt legislative statements and positions on issues of importance and concern to local governments. These positions form the basis for local advocacy efforts during the General Assembly session each winter. The City Attorney's Office works in conjunction with TJPDC's legislative liaison during the session to provide advocacy on behalf of the City's interests.

**Discussion:**

The TJPDC legislative program has been drafted based on discussions with and input from the six localities in the region. The recommendations, requests and positions in the program cover a range of issues and topics that are anticipated to become the subject of proposed legislation or the state budget during the upcoming session, and that may be of concern to the region or to individual localities in the region.

**Recommendation:**

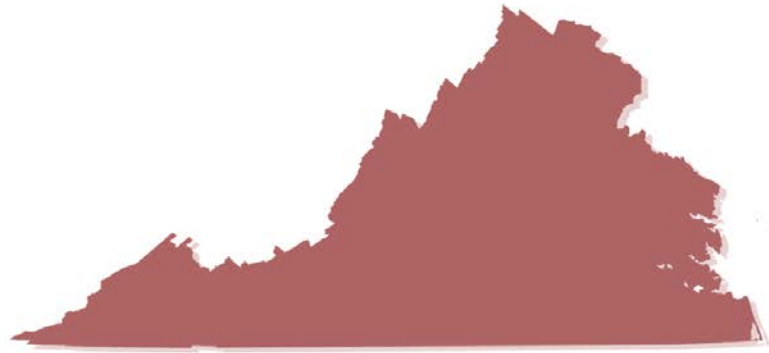
It is recommended that Council review the draft legislative program and approve it with any suggested changes as determined by Council.

**Alternatives:**

None suggested.

**Attachments:**

Draft 2017 TJPDC Legislative Program.



**Thomas Jefferson Planning District**  
**2017 LEGISLATIVE PROGRAM**

**DRAFT**

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Albemarle County | City of Charlottesville  
Fluvanna County | Greene County  
Louisa County | Nelson County

**October 2016**

**Andrea Wilkinson**, Chairman  
**Chip Boyles**, Executive Director  
**David Blount**, Legislative Liaison

## TOP LEGISLATIVE PRIORITIES

### State Budget and Funding Obligations

**PRIORITY: The Planning District localities urge the governor and legislature to preserve state aid to localities when addressing the current state budget gap, and to not impose mandates on or shift costs for state programs to localities in order to balance the budget.**

The State's FY17/18 spending plan faces a projected \$1.2 billion shortfall, the fallout from which can impact local governments, where budgets remain challenged by slowly-recovering local revenues and state funding, as well as meeting state and local requirements and priorities. Inflation and population growth has been outpacing increases in state and local revenues; still, State income tax revenues have increased much faster than local real estate taxes since the Great Recession. While State general fund appropriations have jumped by about \$4 billion since FY09, state assistance to local government priorities has increased just about \$400 million. State aid to localities makes up about 42% of the state general fund budget in FY17.

Accordingly, we take the following positions:

→The State should strive to mitigate the impact to localities when closing the FY17/FY18 state budget gap. The State should not reduce funding for locally-provided, state-mandated services in order to compensate for the budget shortfall.

→We urge policymakers to preserve existing funding formulas rather than altering them in order to save the State money and/or to shift costs to localities.

→We oppose unfunded state and federal mandates and the cost shifting that occurs when the State fails to fund requirements or reduces or eliminates funding for state-supported programs. Doing so strains local ability to craft effective and efficient budgets to deliver services mandated by the State or demanded by residents.

→The State should not confiscate or redirect local general fund dollars to the state treasury.

### Public Education Funding

**PRIORITY: The Planning District localities urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) without making policy changes that reduce funding or shift funding responsibility to localities.**

The State will spend about \$5.9 billion on public education in FY17. Localities appreciate the additional \$900 million in state funding that is targeted for K-12 in the current biennium, and urge the governor and the legislature to preserve this investment moving forward through the latest state budget challenges. However, in the past decade, overall state funding has increased just five percent, and while the state-funded per pupil amount has jumped back above

the FY09 level, state dollars do not reflect the true costs of K-12 education. Localities need an adequately defined SOQ that closes the gap between what school divisions are actually providing and what the state currently funds in the SOQ. Local governments consistently do their part to close the gap; in FY15, Virginia localities spent over \$7.1 billion for school division operations, which is double the state-required effort.

Reductions in state public education dollars since the Great Recession have been accomplished through policy changes that are decreasing the state's funding obligations moving forward. For example, changes to the Virginia Retirement System increased local costs and did nothing to reduce the unfunded teacher pension liability. Education expenditures are expected to continue increasing, as greater numbers of at-risk students (now close to 40% of students), rising State and local VRS contribution rates, and forthcoming changes to high school graduation standards will drive additional spending in the coming years.

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## Local Revenue Authority

**PRIORITY: The Planning District localities urge the governor and legislature to diversify the revenue options available to localities, to include equalizing the revenue-raising authority of counties with that of cities, and to not restrict local revenue-raising authority.**

We support the legislature making additional revenue options available to diversify the local revenue stream, which could reduce dependency on real property taxes, rather than removing or restricting local revenue authorities. One way to do this is to eliminate the differences between city and county taxing authority, which exist due to now less-prevalent distinctions in the services provided. This would mean removing the restrictions that currently apply to county authority to levy the meals, lodging, cigarette and amusement taxes. Equalizing revenue authority for counties with that of cities also should be included as part of a needed modernization of the state's tax system to comport with the realities of a global, information-driven economy, which will rely less on federal and other government spending and more on new, private sector business models.

Local governments cannot be expected to bear the expenses related to the imposition of new funding requirements or the expansion of existing ones on services delivered at the local level without a commensurate increase of state financial assistance or new local taxing authority (such as those noted above). The State should refrain from establishing local tax policy at the state level and allow local governments to retain authority over decisions that determine the equity of local taxation policy. Further, it should not alter or eliminate the BPOL and Machinery and Tools taxes, or divert Communications Sales and Use Tax Fund revenues intended for localities to other uses. The State also should support the appropriate collection of transient occupancy taxes from online transactions.



## OTHER PRIORITY ITEMS

### Land Use and Growth Management

**PRIORITY: The Planning District localities encourage the State to resist preempting or circumventing existing land use authorities, and to provide additional tools to plan and manage growth.**

In the past, the General Assembly has enacted both mandated and optional land use provisions. Some have been helpful, while others have prescribed one-size-fits-all rules that hamper different local approaches to land use planning. Accordingly, we support local authority to plan and regulate land use. We oppose legislation that weakens these key local responsibilities; this would include recent efforts to 1) restrict local oversight of the placement of various telecommunications infrastructure, and 2) single out specific land uses for special treatment without regard to the impact of such uses in particular locations.

We also believe the General Assembly should provide localities with necessary tools to meet important infrastructure needs, as current land use authority often is inadequate to allow local governments to provide for balanced growth in ways that protect and improve quality of life. This would include more workable impact fee authority for facilities other than roads, and changes to the currently-enacted proffer system. Proffer legislation approved in 2016 limits the scope of impacts that may be addressed by proffers, and establishes specific criteria for when a proffer is deemed to be unreasonable. We support changes to this new law to provide more balanced and practical standards for determining whether a proffer is reasonable.

Further, we support ongoing state and local efforts to coordinate land use and transportation planning, and urge state and local officials to be mindful of various local and regional plans when conducting corridor or transportation planning within a locality or region.

Finally, concerning land preservation, we request state funding and incentives for localities, at their option, to acquire, preserve and maintain open space.

### Transportation Funding and Devolution

**PRIORITY: The Planning District localities urge the State to continue to enhance funding for local and regional transportation needs. We oppose legislation or regulations that would transfer responsibility to counties for construction, maintenance or operation of current or new secondary roads.**

We urge the State to remain focused on providing revenues for expanding and maintaining all modes of our transportation infrastructure that are necessary to meet Virginia's well-documented highway and transit challenges and to keep pace with growing public needs and expectations. As the State continues to implement the prioritization process established by HB 2 (2014), now known as "Smart Scale," and the distribution formula for highway construction projects established by HB 1887 (2015), there should be adequate funding, and local authority to generate transportation dollars, for important local and regional projects. We also support having

the Department of Rail and Public Transportation pursue a “Smart Scale-type” prioritization for rail and transit projects.

We believe that efficient and effective transportation infrastructure, including the secondary road system, is critical to a healthy economy, job creation, a cleaner environment and public safety. Accordingly, we oppose shifting the responsibility for secondary roads to local entities, which could result in vast differences among existing road systems in different localities, potentially placing the state at a competitive economic disadvantage with other states when considering business and job recruitment, and movement of goods.

Other positions:

We support additional authority to establish mechanisms for funding transit in our region.

We support highway maintenance dollars being preserved for cities that convert highway lanes to bicycle-only lanes.

We support VDOT utilizing Metropolitan Planning Organizations and regional rural transportation staff to carry out local transportation studies.

We support continued funding of the state’s revenue sharing program with localities.

Finally, while we opposed closing of VDOT’s Louisa residency facilities and support its reopening, we also support the option for the locality to purchase the property if available.

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## Water Quality

**PRIORITY: The Planning District localities support the goal of improved water quality, but as we face ongoing costs for remedies, including stormwater management, we believe major and reliable forms of financial and technical assistance from the federal and state governments is necessary if comprehensive improvement strategies are to be effective.**

As local governments are greatly impacted by federal and state initiatives to reduce pollutants into state waters, it is imperative that aggressive state investment in meeting required milestones for reducing Chesapeake Bay pollution to acceptable levels occurs. This investment must take the form of authority, funding and other resources to assure success, and must ensure that cost/benefit analyses are conducted of solutions that generate the greatest pollution reductions per dollar spent. Dollars should be targeted to stormwater management, for permitted dischargers to upgrade treatment plants and for any retrofitting of developed areas, and to aid farmers with best management practices.

Specifically concerning stormwater management, we support adequate funding and training to enable the State and local governments to meet ongoing costs associated with local stormwater programs that became effective in 2014. We will oppose proposals that would result in new or expanded mandates or requirements, including elimination of current “opt-out” provisions, or financial burdens on local governments. We support an exemption from stormwater planning requirements for sidewalk, path or trail construction within a public greenway, and oppose further amendments to the regulation of stormwater which would require a locality to waive stormwater charges.

We oppose efforts that would require re-justification of nutrient allocations for existing wastewater treatment facilities in our region or that would reduce or eliminate nutrient allocation or related treatment capacity serving the region.

# LEGISLATIVE POSITIONS and POLICY STATEMENTS

## Children's Services Act

The Planning District localities urge the State to be partners in containing costs of the Children's Services Act (CSA) and to better balance CSA responsibilities between the State and local government. Since the inception of CSA in the early 1990's, there has been pressure to hold down costs, to cap state costs for serving mandated children, to increase local match levels and to make the program more uniform by attempting to control how localities run their programs.

### **CSA Administration:**

We appreciate action by the 2016 General Assembly to increase state dollars by \$1 million for local CSA administrative costs, the first increase since the 1990s. We urge the State to maintain and increase this funding, as localities pay the overwhelming majority of costs to administer this shared program at the local level.

### **Pool Expenditures:**

- The State should provide full funding of the state pool for CSA, with allocations based on realistic anticipated levels of need.
- The State should establish a cap on local expenditures in order to combat higher local costs for serving mandated children, costs often driven by unanticipated placements in a locality.
- Categories of populations mandated for services should not be expanded unless the State pays all the costs.

### **Efficiency:**

- The State should be proactive in making residential facilities and service providers available, especially in rural areas.
- In a further effort to help contain costs and provide some relief to local governments, we recommend that the State establish contracts with CSA providers to provide for a uniform contract management process in order to improve vendor accountability and to control costs.

## Economic and Workforce Development

The Planning District's member localities recognize economic development and workforce training as essential to the continued viability of the Commonwealth. We support policies and additional state funding that closely links the goals of economic and workforce development and the state's efforts to streamline and integrate workforce activities and revenue sources. We encourage enhanced coordination with K-12 education to equip the workforce with in-demand skill sets so as to align workforce supply with anticipated employer demands. We also support continuing emphasis on regional cooperation in economic, workforce and tourism development.

### **Economic Development:**

- We support implementation of the *GO Virginia* initiative to grow and diversify the private sector in each region, with ongoing state financial incentives, technical support and other

incentives to support collaboration by business, governments, educational institutions and communities that spur economic development, job creation and career readiness.

- We support legislation that dedicates income and sales tax revenues generated by corporations and limited liability companies within an economic development project to such locality in cases where the locality has expended local funds for such project and state grant funds or incentives were not involved.
- We support enabling authority to allow counties to create local economic revitalization zones, authority which currently exists for cities.

**Broadband:**

We encourage and support continuing state and federal efforts and financial incentives that assist localities and their communities in deploying universal, affordable access to broadband technology, particularly in underserved areas. We believe such efforts should include:

- Development of a statewide comprehensive plan for broadband and state support for local governments that are developing or implementing local or regional broadband plans;
- Support for linking broadband efforts for education and public safety to private sector efforts to serve businesses and residences; and
- Maintaining local land use, permitting, fee and other local authorities.

**Planning District Commissions:**

- We support increased state funding for regional planning district commissions.
- We encourage opportunities for planning districts to collaborate with state officials and state agencies on regional programs and projects, and support funds for the Regional Competitiveness Act to initiate and sustain such efforts.

**Agricultural Products and Enterprises:**

We encourage state and local governments to work together and with other entities to identify, to provide incentives for and to promote local, regional and state agricultural products and rural enterprises, and to encourage opportunities for such products and enterprises through a balanced approach.

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## Education

The Planning District’s member localities believe that the state should be a reliable funding partner with localities, recognizing the operational, personnel, and capital resources necessary for a high-quality public education system.

**School Division Finances:**

- We believe that unfunded liability associated with the teacher retirement plan should be a shared responsibility of state and local government, with the Virginia Department of Education paying its share of retirement costs directly to VRS in order to facilitate such sharing.
- The State should not eliminate or decrease funding for benefits for school employees.
- We support legislation that 1) establishes a mechanism for local appeal to the State of the calculated Local Composite Index (LCI); and 2) amends the LCI formula to recognize the land use taxation value, rather than the true value, of real property.

**Literary Fund:**

- The State should discontinue seizing dollars from the Literary Fund to help pay for teacher retirement.
- We urge state financial assistance with school construction and renovation needs, including funding for the Literary Loan and interest rate subsidy programs.

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## Environmental Quality

The Planning District's member localities believe that environmental quality should be funded and promoted through a comprehensive approach, and address air and water quality, solid waste management, land conservation, climate change and land use policies. We support protection and enhancement of the environment and recognize the need to achieve a proper balance between environmental regulation and the socio-economic health of our communities within the constraints of available revenues. Such an approach requires regional cooperation due to the inter-jurisdictional nature of many environmental resources, and adequate state funding to support local and regional efforts.

### **Chesapeake Bay Preservation Act:**

We oppose legislation mandating expansion of the Chesapeake Bay Preservation Act's coverage area. Instead, we urge the State to 1) provide legal, financial and technical support to localities that wish to comply with any of the Act's provisions, 2) allow localities to use other practices to improve water quality, and 3) provide funding for other strategies that address point and non-point source pollution.

### **Biosolids:**

We support the option for localities, as a part of their zoning ordinances, to designate and/or reasonably restrict the land application of biosolids to specific areas within the locality, based on criteria designed to further protect the public safety and welfare of citizens.

### **Alternate On-Site Sewage Systems:**

We support legislative and regulatory action to 1) ensure operation and maintenance of alternative on-site sewage systems in ways that protect public health and the environment, and 2) increase options for localities to secure owner abatement or correction of system deficiencies.

### **Dam Safety:**

We support dam safety regulations that do not impose unreasonable costs on dam owners whose structures meet current safety standards.

### **Water Supply:**

The State should be a partner with localities in water supply development and should work with and assist localities in addressing water supply issues, including investing in regional projects.

### **Program Administration:**

The State should not impose a fee, tax or surcharge on water, sewer, solid waste or other local services to pay for state environmental programs.

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## General Government

The Planning District's member localities believe that since so many governmental actions take place at the local level, a strong local government system is essential. Local governments must have the freedom and tools to carry out their responsibilities.

### **Internet-based Businesses and Services:**

We oppose legislation that would single out internet-based businesses and services for special treatment or exceptions for purposes of local taxation, licensing and regulation. Rather, there should be a level playing field for competition among businesses offering goods and services to ensure safety, reliability and fair access to such offerings by consumers and the general public.

**Local Government Operations:**

- We oppose intrusive legislation involving purchasing procedures; local government authority to establish hours of work, salaries and working conditions for local employees; matters that can be adopted by resolution or ordinance; procedures for conducting public meetings; and procedures for adopting ordinances.
- We support allowing localities to use alternatives to newspapers for publishing various legal advertisements and public notices.
- We support local flexibility regarding public parking regulation and enforcement.
- We oppose attempts to reduce sovereign immunity protections for localities.

**State-Supported Positions:**

- Localities should have maximum flexibility in providing compensation increases for state-supported local (and other) employees, as local governments provide such offices with significant local dollars and additional personnel beyond those funded by the State.
- We support removing from the appropriation act, confusing language requiring governing authorities, as a condition of receiving supplemental state funding for salaries, to certify that state-supported employees (including school personnel) received a prescribed pay increase.

**Elections:**

As elections administration has become more complex and both federal and state financial support for elections has been decreasing, we urge funding to address coming critical shortfalls in elections administration dollars. We also support state funding for voting equipment replacement, as many older voting machines are exhibiting end-of-life problems.

**Freedom of Information Act:**

- We request that any changes to the Virginia Freedom of Information Act (FOIA) preserve 1) a local governing body's ability to meet in closed session, 2) the list of records currently exempt from disclosure, and 3) provisions concerning creation of customized records.
- We support changes to allow local and regional public bodies to conduct electronic meetings as now permitted for state public bodies.

**Quality of Life Issues:**

- We oppose any changes to state law that further weaken a locality's ability to regulate noise or the discharge of firearms.
- We support expanding local authority to regulate smoking in public places.

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## Health and Human Services

The Planning District's member localities recognize that special attention must be given to developing circumstances under which people, especially the disabled, the poor, the young and the elderly, can achieve their full potential. Transparent state policies and funding for at-risk individuals and families to access appropriate services is critical. The delivery of such services must be a collaborative effort by federal, state and local agencies.

**Funding:**

- We oppose changes in state funding or policies that increase the local share of costs for human services. We also oppose any shifting of Medicaid matching requirements from the State to localities.
- The State should provide sufficient funding to allow Community Services Boards (CSBs) to meet the challenges of providing a community-based system of care. We believe children with mental health needs should be treated in the mental health system, where CSBs are the point of entry.

- We support increased investment in the ID waiver program for adults and young people and Medicaid reimbursement for children’s dental services.
- We urge state funding to offset any increased costs to local governments for additional responsibilities for processing applications for the FAMIS program.
- We support sufficient state funding assistance for older residents, to include companion and in-home services, home-delivered meals and transportation.

**Social Services:**

- We support the provision of sufficient state funding to match federal dollars for the administration of mandated services within the Department of Social Services, and to meet the staffing standards for local departments to provide services as stipulated in state law.
- We believe the current funding and program responsibility for TANF employment services should remain within the social services realm.
- We support changes to the Code to provide that a judicial finding be controlling of administrative findings in alleged child abuse and neglect cases.

**Prevention:**

We support continued operation and enhancement of early intervention and prevention programs, including school-based prevention programs. This would include the Virginia Preschool Initiative and the Child Health Partnership and Healthy Families program, as well as Part C of the Individuals with Disabilities Education Act (infants and toddlers).

**Childcare:**

The legislature should provide full funding to assist low-income working and TANF (and former TANF) families with childcare costs. These dollars help working-class parents pay for supervised daycare facilities and support efforts for families to become self-sufficient.

## Housing

The Planning District’s member localities believe that every citizen should have an opportunity to afford decent, safe and sanitary housing. The State and localities should work to expand and preserve the supply and improve the quality of affordable housing for the elderly, disabled, and low- and moderate-income households. Regional planning and solutions should be implemented whenever possible.

**Affordable Housing:**

We support the following: 1) local flexibility in the operation of affordable housing programs and establishment of affordable dwelling unit ordinances; 2) creation of a state housing trust fund; 3) grants and loans to low- or moderate-income persons to aid in purchasing dwellings; and 4) the provision of other funding to encourage affordable housing initiatives.

**Homelessness:**

We support measures to prevent homelessness and to assist the chronic homeless.

**Historic Structures:**

We support incentives that encourage rehabilitation and preservation of historic structures.

## Public Safety

The Planning District’s member localities encourage state financial support, cooperation and assistance for local law enforcement (and state police), emergency medical care, criminal justice activities and fire services responsibilities carried out locally.

**Funding:**

- We urge the State to make Compensation Board funding a top priority, fully funding local positions that fall under its purview. It should not increase the local share of funding constitutional offices or divert money away from them, but increase dollars needed for their operation.
- We support returning funding responsibility for the Line of Duty Act (LODA) to the State. In the absence of that, there should be no new or enhanced benefits that increase locality costs. We support efforts to improve the administration of LODA and to ensure the long-term fiscal stability of the program.
- We urge continued state funding of the HB 599 law enforcement program in accordance with *Code of Virginia* provisions.
- The State should increase funding to the Virginia Juvenile Community Crime Control Act program, which has cut in half the number of juvenile justice commitments over the past decade.
- We support funding for mental health and substance abuse services at juvenile detention centers.

**Jails:**

- The State should restore per diem payments to localities 1) for housing state-responsible prisoners to \$14 per day, and 2) for housing local responsible offenders to \$8 per day. If a state-responsible prisoner is sentenced to serve in jail for more than one year, then the State should compensate the jail for the actual cost of incarceration.
- The State should not shift costs to localities by altering the definition of state-responsible prisoner.
- The State should continue to allow exemptions from the federal prisoner offset.
- We support legislation requiring the use of closed circuit television for preliminary hearings and related minor procedures.

**Offender Programs and Services:**

- We support continued state funding of the drug court program and the Offender Reentry and Transition Services (ORTS), Community Corrections and Pretrial Services Acts.
- We support continued state endorsement of the role and authority of pretrial services offices.
- We support authorization for the court to issue restricted driver's licenses to persons denied them because of having outstanding court costs or fees.

**Body Cameras:**

We support the ability of local governments to adopt policies regarding law enforcement body worn cameras that account for local needs and fiscal realities.



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



<b>Agenda Date:</b>	<b>November 21, 2016</b>
<b>Action Required:</b>	Approval of Council's Legislative Positions for 2017
<b>Presenter:</b>	Lisa Robertson, Chief Deputy City Attorney
<b>Staff Contacts:</b>	Lisa Robertson
<b>Title:</b>	<b>Thomas Jefferson Planning District Legislative Program 2017 City Council Legislative Position Statements</b>

**Background:**

Each year, the localities in the Thomas Jefferson Planning District region adopt legislative statements and positions on issues of importance and concern to local governments. These positions form the basis for local advocacy efforts during the General Assembly session each winter. The City Attorney's Office works in conjunction with TJPDC's legislative liaison during the session to provide advocacy on behalf of the City's interests.

Additionally each year, City Council establishes a statement of legislative positions, as a means of communicating to legislators (i) issues of concern and interest to Council, and (ii) requests, if any, for legislative action items.

**Discussion:**

*TJPDC Program*—The TJPDC legislative program has been drafted based on discussions with and input from the six localities in the region. The recommendations, requests and positions in the program cover a range of issues and topics that are anticipated to become the subject of proposed legislation or the state budget during the upcoming session, and that may be of concern to the region or to individual localities in the region.

*City Position Statement*—The City position statement has been drafted to reflect ongoing issues of concern and interest specifically to Council. We try not to repeat positions that are repetitive of those advocated within the RJPDC Program, but where City Council has a slightly different position than TJPDC as a whole, it's appropriate to include it within Council's position statements.

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

The position statements in this draft align with the [City Council Vision](#) areas and the [Strategic Plan](#).

**Community Engagement:**

Generally, the preparation of these draft position statements is done collaboratively between City Council's Legislative Committee and the City Attorney's Office. This year, however, one issue has been offered for

Council's consideration, after being vigorously advocated by a local citizen: the proposed Legislation authorizing Charlottesville to implement a photo speed monitoring system.

**Budgetary Impact:**

None

**Recommendation:**

Staff recommends approval of the attached position statements, with any edits that Council may desire.

**Alternatives:**

None proposed

**Attachments:**

Draft City Council Legislative Position Statements

**Attachment 1:** Proposed Legislation for Speed Monitoring System

**Attachment 2:** Proposed Legislation for Contracted Parking Enforcement

**Attachment 3:** Proposed Legislation for to Exempt City Trail and Sidewalk Projects from VSMP

# LEGISLATIVE POSITION STATEMENTS FOR THE CHARLOTTESVILLE CITY COUNCIL (2017 GENERAL ASSEMBLY SESSION)

## Endorsement of TJPD and VML Priority Statements

As a member of the TJPD, Virginia First Cities and of the Virginia Municipal League, we are supportive of the 2017 Legislative Positions presented by those organizations. On a few issues the City's interests may differ, and those issues are included within our position statements following below.

### Children's Education, Services and Programs

We appreciate recent increased appropriations of state funding to support implementation by local school divisions of extended school day/ extended school year programs, and encourage continuation of these dollars. The State should increase funding to the Virginia Juvenile Community Crime Control Act (VJCCCA) program, which has cut in half the number of juvenile justice commitments over the past decade.

### Affordable housing

We support any legislative action that would allow localities greater flexibility in the establishment of local housing programs, and in the use of public funding, for the promotion and establishment of affordable housing.

### Public Service Corporations' Use of Public Rights of Way

We oppose any legislative action that would allow telecommunications companies or other entities the right to install new above-ground poles or other support structures in City rights-of-way, on terms or conditions dictated by state law.

Data shows that the impact of electrical utility line burial reduces outages during storms, and that the value of economic and social benefits of utility line burial is more than \$2 for every dollar spent on an undergrounding project. In August 2016, the State Corporation Commission (SCC) approved a pilot program for Dominion Virginia Power to recover its costs for burying lines through billing customers. We encourage legislators to support doubling the scope of Dominion Virginia Power's Pilot Program for Undergrounding Utility lines, either by legislation or by approval of state funding. We encourage legislators to authorize Dominion Virginia Power to spend up to 10% of their revenue on undergrounding lines and to include an "open ditch" policy allowing the burial of power lines either within or adjacent to a public Right of Way ROW. Dominion should be allowed to impose a surcharge on affected customers, if undergrounding is requested by a locality to coincide with local projects removing and replacing natural gas, water and sewer lines within a public ROW.

### Local authority to regulate the use and development of land

We oppose any legislative action that would limit our local authority to regulate the nature and intensity of specific uses of land, in relation to their location(s) within our city; we oppose any legislation that would single out specific land uses for special treatment throughout the Commonwealth (such as transient lodging offered within residential dwellings) without regard to the impact of such land uses in particular locations.

We appreciate the state's willingness to work with localities to coordinate land use and transportation planning, including multi-modal transportation planning. We ask legislators to provide state funding and incentives to support localities' acquisition, preservation and maintenance of open space.

## **Stormwater management; water quality**

The City of Charlottesville asks legislators to oppose any legislation which would require a locality to waive stormwater utility fees, or to exempt railroad companies or other entities from the requirement to pay local Stormwater utility fees--all landowners should be required to share in the cost of stormwater utility programs. The state should substantially increase funding for the **Stormwater Local Assistance Fund (SLAF)**, the program that provides matching grants to localities for stormwater management projects. The state should also provide reliable state funding for Agriculture Best Management Practices Cost-Share programs. We ask your support for the provision of adequate funding and training as well as an expansion of allowable stormwater management “best practices” (including, but not limited to, the use silva cell technology to filter stormwater runoff while sustaining street trees that would enable the State and local governments to meet total daily maximum load (TMDL) nutrient reduction requirements, and ongoing costs associated with local stormwater management programs that became effective in 2014). We encourage our legislators to oppose any legislation that would result in new or expanded mandates or requirements.

## **Chesapeake Bay Preservation Act**

The City of Charlottesville does not oppose expansion of the CBPA beyond its current tidal river boundaries. In this regard, our position differs from TJPD’s.

## **Clean energy initiatives**

The City of Charlottesville is committed to reducing its community-wide greenhouse emissions associated with energy use. Increasing the availability of financial resources available to a broader range of community members is one key to our success. We encourage our representatives to endorse legislation and funding proposals that would support community shared solar programs.

We support legislation that would authorize localities to participate in virtual (electricity) net-metering programs. The net metering program requirements should be amended to allow for oversizing, when a locality can demonstrate projected growth/ use of electricity over a 5-year period. We support legislation that would allow local governments to aggregate the electric loads of their buildings, facilities and governmental operations for the purpose of net metering, and we request legislators to support action that would raise the net-metering limit from 1,000 kilowatts to 2,000 kilowatts for non-residential customers.

## **Transportation Funding and Devolution**

We urge legislators to increase state funding for the expansion and maintenance of all modes of our transportation infrastructure, to keep pace with growing public needs and expectations. As the State continues to implement the Smart Scale project prioritization process, adequate funding is critical for important local and regional projects, including those that promote walking and cycling as viable modes of transportation for commuting (not just recreation). We also encourage legislators to support the establishment of a “Smart Scale-type” prioritization for rail and transit projects. We ask our legislators to advocate for an increase in the lane-mileage rates for funding of local street maintenance (primary/urban funds).

## **Easing restrictions on obtaining restricted driver’s licenses**

We encourage legislation that would allow restricted driver licenses to be issued for as long as a court deems appropriate, and to allow courts to issue restricted licenses when necessary to facilitate the employment, or continued employment of an individual who is otherwise subject to revocation of his or her driver license.

## **Public Safety**

*Firearms*--we encourage the General Assembly to consider reasonable firearms regulations in densely populated localities, including expanding the list of urban localities in which the state prohibits individuals from carrying certain loaded semi-automatic rifles and pistols, and certain shotguns, in public places. In densely

populated areas, such as Charlottesville and the other localities already listed in this existing state statute, the carrying of such firearms presents special risks and hazards—and the General Assembly has already acknowledged this within 18.2-287.4. We encourage legislation allowing urban localities enhanced authority to regulate the discharge of firearms.

*Cell Phone Use While Driving*--according to the Morbidity and Mortality Weekly Report, and a 2013 study by the Virginia Tech Transportation Institute, distracted driving accounts for 10% of all fatal motor vehicle accidents. Reaching for a phone, checking contacts, and dialing makes an accident three times more likely. Given practical limitations of enforcing Virginia's "no-texting-while-driving" law we ask legislators to consider enacting a flat ban on drivers using handheld phones (exempting only the use of a GPS device which can be monitored by police).

### **Procurement**

We oppose any legislative action that would restrict our ability to make local procurement decisions that are best for the citizens we serve. Any erosion of local authority to implement the policies of the Virginia Public Procurement Act, through means tailored at the local level to assure acquisition of the best goods and services at the most competitive rates, is contrary to fiscal responsibility objectives.

We ask legislators to continue to support any legislation that would authorize use of preferences by public bodies for goods, services, and construction produced in the locality in which the public body is located, and that would authorize preferences for award of contracts to persons, firms, or corporations having principal places of business in the locality in which the procuring public body is located. We also ask you to support any legislation that would allow localities the ability to procure goods and services by competitive negotiation, in situations where job creation and tax base expansion would be part of a "best value" analysis of competitive proposals.

### **State budget and local Revenues, generally**

We encourage legislators to improve the process for evaluating local fiscal impacts of proposed legislation. Actions that would impose additional administrative burdens on local governments without sufficient financial resources or administrative flexibility will jeopardize the quality of services delivered at the local level, and will ultimately jeopardize the potential success of state programs and initiatives. We oppose any shift of the cost(s) of state programs to localities, and we oppose any legislative or budgetary action that would remove or reduce any existing sources of local funding (e.g., HB599 funding for law enforcement; diversion of fines, fees and forfeitures relating to violations of local ordinances; etc.). We oppose across-the-board state cuts to education funding.

Likewise, we request our legislators to change the manner in which transportation funding is provided to localities; localities should have flexibility to apply transportation funding in a manner that they deem most beneficial to their own communities. Localities should have the right to determine whether allocations of state funding should be spent for maintenance of existing streets or for new construction.

### **Taxing, licensing and regulating internet-based businesses and services**

We oppose any state legislation that would single out any internet-based businesses and services for special treatment for purposes of local taxation, licensing and regulation. We request our legislators to protect our local ability to regulate businesses on a level playing field, whether they are traditional, electronic, internet-based, virtual, or otherwise. Creating a level playing field for competition among businesses offering goods and services is the best way to ensure safety, reliability, and fair access to goods and services for consumers. The state should not carve out exceptions to business licensing, or local taxes, for special interest groups; in doing

so, state legislators would harm traditional local businesses and deprive local governments of stable and reliable sources of revenue.

## Requests to Legislators for Specific Bills

**(1) Speed Cameras (suggested draft legislation, *Attachment 1*):** We ask our legislators to sponsor a bill that would enable certain local governments to adopt policies regarding the deployment of automated speed cameras in school zones and residential neighborhoods at no cost to the Commonwealth of Virginia. The City of Rockville, Maryland (comparable in size to Charlottesville, VA) implemented a photo speed monitoring system, and that City's data shows that the number of vehicles regularly traveling at speeds more than mph above the posted speed limit has been reduced by 50 percent, and the number of vehicle collisions has been reduced by 35 percent. We have several residential neighborhoods, and school zones, experiencing significant traffic safety hazards due to motorists traveling at speeds well above posted limits—at levels which enhanced enforcement and enhanced penalties have not deterred.

**(2) Contract Parking Enforcement (suggested draft legislation, *Attachment 2*):** We ask our legislators to sponsor a bill that would enable the City of Charlottesville to contract with an outside company to provide parking enforcement. Contractor personnel issuing parking tickets would be required to wear a uniform while engaged in enforcement activities. Having the ability to contract this function to an outside entity has potential to reduce the City's overall costs of parking enforcement, and to assure a comprehensive strategy for managing available parking resources can be implemented.

**(3) Exempt Public Greenway Trails, Paths and Sidewalks from state VSMP requirements**—currently, these public projects are subject to state regulations requiring the provision of Stormwater management facilities (addressing water quantity and water quality technical criteria). It is the opinion of the City's Parks and Engineering staff that applying the VSMP technical criteria to this type of linear public project is an expense that does not yield significant water protection benefits. In fact, the requirement to implement stormwater measures for a trail project is more detrimental to the environment because it often requires the collection and concentration of stormwater to a concentrated outfall as opposed to allowing it to remain in overland flow. Installation of necessary features demands a level of clearing and land disturbance that would otherwise not be required to establish a natural trail. Unlike development or road projects, trail projects are sometimes located in remote areas on challenging terrain such as along rivers, through wooded areas, floodplains or on steep slopes and there is no infrastructure to provide access for construction equipment to construct or maintain these facilities.

A simple 10' wide multi use trail is typically a few inches of crushed stone and sometimes topped by a couple inches of asphalt. An upgraded design of a multiuse trail that would be able to withstand construction equipment to maintain the facility could likely double the cost of a trail project. Sidewalks and other roadside bicycle/ pedestrian improvements are usually squeezed in the available ROW. The requirement for SWM measures is often challenging to fit inside existing ROW and often requires difficult negotiations with adjoining property owners for the needed land to construct/maintain.

## ATTACHMENT 1: LEGISLATION PROPOSED TO AUTHORIZE LOCAL IMPLEMENTATION OF SPEED MONITORING SYSTEMS

§ 46.2-882. Determining speed with various devices; certificate as to accuracy of device; arrest without warrant.

A. The speed of any motor vehicle may be determined by the use of (i) a laser speed determination device, (ii) radar, (iii) a microcomputer device that is physically connected to an odometer cable and both measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle, ~~or~~ (iv) a microcomputer device that is located aboard an airplane or helicopter and measures and records distance traveled and elapsed time to determine the average speed of a motor vehicle being operated on highways within the Interstate System of highways as defined in § 33.2-100, or (v) a device with one or more motor vehicle sensors producing recorded images of motor vehicles (“speed monitoring systems”), in accordance with §46.2-882.1. The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceeding where the speed of the motor vehicle is at issue.

In any court or legal proceeding in which any question arises about the calibration or accuracy of any laser speed determination device, radar, or microcomputer device as described in this section used to determine the speed of any motor vehicle, a certificate, or a true copy thereof, showing the calibration or accuracy of (i) the speedometer of any vehicle, (ii) any tuning fork employed in calibrating or testing the radar or other speed determination device or (iii) any other method employed in calibrating or testing any laser speed determination device, and when and by whom the calibration was made, shall be admissible as evidence of the facts therein stated. No calibration or testing of such device shall be valid for longer than six months.

The driver of any such motor vehicle may be arrested without a warrant under this section if the arresting officer is in uniform and displays his badge of authority and if the officer has observed the registration of the speed of such motor vehicle by the laser speed determination device, radar, or microcomputer device as described in this section, or has received a radio message from the officer who observed the speed of the motor vehicle registered by the laser speed determination device, radar, or microcomputer device as described in this section. However, in case of an arrest based on such a message, such radio message shall have been dispatched immediately after the speed of the motor vehicle was registered and furnished the license number or other positive identification of the vehicle and the registered speed to the arresting officer.

Neither State Police officers nor local law-enforcement officers shall use laser speed determination devices or radar, as described herein in airplanes or helicopters for the purpose of determining the speed of motor vehicles.

State Police officers may use laser speed determination devices, radar, and/or microcomputer devices as described in this section.

All localities may use radar and laser speed determination devices to measure speed. The Cities of Alexandria, Charlottesville, Fairfax, Falls Church, Manassas, and Manassas Park and the Counties of Arlington, Fairfax,

Loudoun, and Prince William and towns within such counties may use microcomputer devices and speed monitoring systems as described in this section.

The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper equipment used to determine the speed of motor vehicles and shall advise the respective law-enforcement officials of the same. Police chiefs and sheriffs shall ensure that all such equipment and devices purchased on or after July 1, 1986, meet or exceed the standards established by the Division.

**§ 46.2-882.1. Determining speed with speed monitoring systems**

**(a) For the purposes of §46.2-882 and this section, the following terms shall have the meanings indicated:**

**(1) “speed monitoring system” means a device with one or more motor vehicle sensors producing recorded images of motor vehicles traveling at speeds at least 10 miles per hour above the posted speed limit.**

**(2) “Recorded image” means an image recorded by a speed monitoring system:**

**(i) On a photograph, a microphotograph, an electronic image, a videotape, or any other medium; and**

**(ii) Showing:**

**A. The rear of a motor vehicle;**

**B. At least two time-stamped images of the motor vehicle that include the same stationary object near the motor vehicle; and**

**C. On at least one image or portion of tape, a clear and legible identification of the entire license registration plate number of the motor vehicle.**

**(3) “Erroneous violation” means a potential violation submitted by a speed monitoring system contractor for review by a locality that is apparently inaccurate based on a technical variable that is under the control of the contractor. Erroneous violation includes a potential violation based on:**

**(i) A recorded image of a registration plate that does not match the registration plate issued for the motor vehicle in the recorded image;**

**(ii) A recorded image that shows a stopped vehicle or no progression;**

**(iii) An incorrectly measured speed for a motor vehicle;**

**(iv) A measured speed of a motor vehicle that is below the threshold speed that would subject the owner to a civil citation under this section;**

**(v) A recorded image that was taken outside of the hours and days that speed monitoring systems are authorized for use in school zones; and**

**(vi) A recorded image that was taken by a speed monitoring system with an expired calibration certificate.**

**(b) A speed monitoring system may not be used in a locality under §46.2-882(B), unless its use is authorized by the governing body by ordinance enacted after notice and a public hearing.**

**(c) Speed monitoring systems may be used only in the following areas:**

**(1) School crossings;**



(2) Highway work zones;

(3) Residence districts.

Any violation for which a citation is issued as a result of a speed monitoring system shall be considered a traffic violation.

(d) An ordinance adopted by the governing body of a locality shall provide that, if the locality moves or places a speed monitoring system to or at a location where a speed monitoring system had not previously been moved or placed, the locality may not issue a citation for a violation recorded by that speed monitoring system:

(1) Until signage is installed in accordance with subparagraph (vii) of this paragraph; and

(2) For at least the first 15 calendar days after the signage is installed.

Before activating a speed monitoring system at any location, a locality shall publish notice of the location of the speed monitoring system on its website and in a newspaper of general circulation within the locality.

(e) A locality that authorizes a program of speed monitoring systems shall designate an official or employee to investigate and respond to questions or concerns about the local jurisdiction's speed monitoring system program. The local designee shall be an officer or employee of the locality.

(1) The local designee shall review a citation generated by a speed monitoring system if the person who received the citation requests review before the deadline for contesting liability under this section.

(2) If the local designee determines that the citation is an erroneous violation, the local designee shall void the citation. A local designee may not determine that a citation is an erroneous violation based solely on the dismissal of the citation by a court.

(3) If the local designee determines that a person did not receive notice of a citation issued under this section due to an administrative error, the local designee may resend the citation or void the citation.

(4) On receipt of a written question or concern from a person, the local designee shall provide a written answer or response to the person within a reasonable time.

(f) A locality utilizing a speed monitoring system shall employ a technician ("system operator"), who shall:

(1) Complete training by the manufacturer of the speed monitoring system in the procedures for setting up and operating the speed monitoring system. The manufacturer shall issue a signed certificate to the speed monitoring system operator on completion of the training. The certificate of training shall be admitted as evidence in any court proceeding for a violation of this section.

(2) Fill out and sign a daily set-up log for a speed monitoring system that: states that the speed monitoring system operator successfully performed or reviewed and evaluated the manufacturer-specified daily self-test of the speed monitoring system prior to producing a recorded image. This

log shall be kept on file and shall be admissible as evidence in any court proceeding in which a citation is contested.

(g) A speed monitoring system shall undergo an annual calibration check performed by an independent calibration laboratory that is selected by the locality and unaffiliated with the manufacturer or the speed monitoring system. The independent calibration laboratory shall issue a signed certificate of calibration after the annual calibration check that: Shall be kept on file; and shall be admitted as evidence in any court proceeding for a violation of motor vehicle speed limits.

(h) Proof of a violation shall be evidenced by information obtained from the speed monitoring system referenced in subsection (a). A certificate, sworn to or affirmed by the locality's system operator, or a copy of such a certificate provided pursuant to Va. Code §8.01-XX, that is based on inspection of photographs, microphotographs, videotapes, or other recorded images or electronic data produced by the photo-monitoring system shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A citation issued under this section, which describes a vehicle that, on the basis of a certificate referenced in this paragraph, is alleged to have been operated in violation of posted speed limits shall be prima facie evidence that such vehicle was operated in violation of such posted speed limits.

(i) Any contract with for procurement of a speed monitoring system by a locality shall include the following provisions:

- (1) The contractor shall provide a representative to review inquiries from a local designee, and shall assist the local designee in determining whether a violation is an erroneous violation, within 48 hours of receiving such request;
- (2) The contractor's fee may not be contingent on a per-ticket basis on the number of citations issued or paid;
- (3) If more than 5% of the violations in a calendar year are erroneous violations, then the contractor shall be subject to liquidated damages for each erroneous violation equal to at least 50% of the fine amount for the erroneous violation, plus reimbursements, if any, paid by the local jurisdiction; and
- (4) The locality may terminate a contract with a contractor if (i) erroneous violations exceed a threshold specified in the contract; or (ii) contractor repeatedly fails or refuses to meet the 48-hour response time for investigating a possible erroneous violation.

(j) Unless the driver of the motor vehicle received a citation or summons issued in person by a police officer at the time of the violation, the owner or the driver of a motor vehicle, shall be subject to a civil penalty if the motor vehicle is recorded by a speed monitoring system while being operated in violation of a posted speed limit. No civil penalty shall exceed \$50.

(k) The locality and its General District Court shall prescribe a uniform citation form that includes: name and address of the registered owner of the vehicle; license registration number of the motor vehicle involved in the violation; the violation charged; the location where the violation occurred; the date and time of the violation; a copy of the recorded image; the amount of the civil penalty imposed and the date by which the civil penalty should be paid; information advising the manner and time period in which liability as alleged in the citation may be contested in the local general district court, and advising that failure to either pay the civil penalty or to timely contest liability is an admission of liability.

(l) A locality shall mail a citation to the registered owner of a vehicle, at the address specified on the registration. The locality shall not mail a citation to a person other than the registered owner of a motor vehicle, except when:

- (1) the registered owner is a vehicle rental or leasing company, or
- (2) the registered owner submits to the local designee an affidavit made by the registered owner, providing the name and address of the vehicle operator at the time of the violation, which affidavit shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter addressed in the affidavit,

(m) Information collected by a speed monitoring system shall be limited exclusively to that information that is necessary for identifying those drivers who violate posted speed limits in school crossings, work zones, or residence districts. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by speed monitoring system shall be used exclusively for the identification of violators and shall not (i) be open to the public; (ii) be sold or used for sales, solicitation, or marketing purposes; (iii) be disclosed except as may be necessary for determination of erroneous violations, the identification of violators, or to a vehicle owner or operator as part of a challenge to the imposition of a civil penalty; or (iv) be used in a court in a pending action or proceeding, unless the action or proceeding relates to a violation for which a citation has been issued.

## **ATTACHMENT 2: PROPOSED LEGISLATION TO AUTHORIZE CHARLOTTESVILLE AND COMPARABLY SIZED CITIES TO CONTRACT FOR PARKING ENFORCEMENT**

§ 46.2-1220. Parking, stopping, and standing regulations in counties, cities, or towns; parking meters; presumption as to violation of ordinances; penalty.

The governing body of any county, city, or town may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within its limits, including, but not limited to, the regulation of any vehicle blocking access to and preventing use of curb ramps, fire hydrants, and mailboxes on public or private property. Such ordinances may also include the installation and maintenance of parking meters. The ordinance may require the deposit of a coin of a prescribed denomination, determine the length of time a vehicle may be parked, and designate a department, official, or employee of the local government to administer the provisions of the ordinance. The ordinance may delegate to that department, official, or employee the authority to make and enforce any additional regulations concerning parking that may be required, including, but not limited to, penalties for violations, deadlines for the payment of fines, and late payment penalties for fines not paid when due. In a city having a population of at least ~~90,000~~ 40,000, the ordinance may also provide that a summons or parking ticket for the violation of the ordinance or regulations may be issued by law-enforcement officers, other uniformed city employees, or by uniformed personnel serving under contract with the city. Notwithstanding the foregoing provisions of this section, the governing bodies of Augusta, Bath, and Rockingham Counties may by ordinance provide for the regulation of parking, stopping, and standing of vehicles within their limits, but no such ordinance shall authorize or provide for the installation and maintenance of parking meters.

No ordinance adopted under the provisions of this section shall prohibit the parking of two motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles. The governing body of any county, city, or town may, by ordinance, permit the parking of three or more motorcycles in single parking spaces designated, marked, and sized for four-wheel vehicles.

If any ordinance regulates parking on an interstate highway or any arterial highway or any extension of an arterial highway, it shall be subject to the approval of the Commissioner of Highways.

In any prosecution charging a violation of the ordinance or regulation, proof that the vehicle described in the complaint, summons, parking ticket citation, or warrant was parked in violation of the ordinance or regulation, together with proof that the defendant was at the time the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) of this title, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who committed the violation. Violators of local ordinances adopted by Chesterfield County or James City County pursuant to this section shall be subject to a civil penalty not to exceed \$75, the proceeds from which shall be paid into the locality's general fund.

## ATTACHMENT 3: PROPOSED LEGISLATION TO EXEMPT CERTAIN PUBLIC GREENWAY TRAIL AND SIDEWALK PROJECTS FROM THE REQUIREMENT FOR LOCAL VSMP PERMITS AND REQUIREMENTS

§ 62.1-44.15:34. (For effective date -- see notes) Regulated activities; submission and approval of a permit application; security for performance; exemptions.

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G. Notwithstanding any other provision of this article, the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:

1. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
2. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; **and**
3. Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system;

**4. Construction of a greenway trail, sidewalk, or bicycle path within a within a public park or other area dedicated for public use, where such activity is not part of a larger common plan of development or sale.**

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



<b>Agenda Date:</b>	November 21, 2016
<b>Action Required:</b>	Resolution
<b>Staff Contacts:</b>	Stacy Pethia, Housing Program Coordinator
<b>Presenter:</b>	Stacy Pethia, Housing Program Coordinator
<b>Title:</b>	<b>Housing Advisory Committee recommendations from the RCLCO Housing Study</b>

**Background:**

On March 1, 2015, City Council approved the use of CAHF funds for use in the preparation of a Comprehensive Housing Analysis and Policy Recommendations report for the City. This report, prepared by the Robert Charles Lessor Company (RCLCO), was completed in January 2016, with findings presented to Council during the February 1, 2016 Council meeting. At that time, City Council directed the Housing Advisory Committee (HAC) to review the report in depth with NDS staff, with the intention of presenting Council with recommendations for short- and long-term policies to increase the supply of affordable housing in the City, as well as highlighting any policy items Council should add to their legislative agenda for enabling legislation. The HAC's recommendations are presented below.

**Discussion:**

The report completed by RCLCO, provided City with an overview of the local housing market, as well as an examination of the barriers and issues affecting the provision of affordable housing in throughout the City. The research resulted in a number of short- and long-term policy recommendations related to affordable housing development and preservation. Upon review of the report, the HAC identified several more policy options not proposed by the RCLCO. These additional options are included in the list of recommendations presented here tonight and outlined in the attached table.

The HAC has not ranked their recommendations in order of priority for action. Rather, the recommendations are classified into short-, mid-, and long-term action items. Additionally, each category is further broken down into actions: that can be addressed through zoning ordinance amendments; that staff can easily implement or conduct preliminary research for; which require City Council action to implement; and policy items requiring enabling legislation. The list of HAC recommendations has been reviewed with the City's Legal Counsel and all items requiring legislative action have been properly identified.

### Short-Term Recommendations

The majority of the recommendations related to the City's zoning ordinance are activities the City either currently employs or is able to implement under Virginia Code but does not yet do so. Recommended changes to the current zoning ordinance to encourage the development of on-site affordable housing include:

- density bonuses;
- zoning modifications/allowances, such as smaller lot sizes;
- allowing by-right increases in density for affordable units;
- focusing mixed-use/mixed-income housing development in priority neighborhoods; and
- the use of an Affordable Housing Overlay District.

While by-right density increases may require enabling legislation, the other recommendations can be considered for implementation immediately and incorporated into any zoning changes arising from the code audit. Several other recommendations, such as ensuring the expedited review process is working as intended and reviewing all zoning changes for impacts on affordable housing provision, should be ongoing processes to ensure current City code and any future amendments to the code do not create unintended barriers to affordable housing.

Short-term recommendations for staff include increasing public outreach and education about current affordable housing programs and resources, and strengthening the accountability measures associated with the Charlottesville Affordable Housing Fund (CAHF) and Housing Policy 1. These actions will increase the number of affordable units in the City through targeting current resources to a greater number of low-income households, as well as ensuring recipients of CAHF funds use those funds efficiently and for their intended purpose. Finally, in alignment with Council's vision to provide quality housing opportunities for all, the HAC recommends staff explore the feasibility of implementing programs, such as shared equity or employer assisted housing, to assist lower-income and workforce households purchase a home.

In terms of City Council activities, the HAC recommends Council increase the annual contribution to the CAHF; add "workforce housing" as a separate housing income category under Housing Policy 1; unify the definition of affordable housing income tiers across the City's affordable housing programs to align with the definition outlined in Housing Policy 1, and expand real estate tax relief programs to include qualifying residents with deed restricted properties, such as those properties owned by the Thomas Jefferson Land Trust or other non-profit organizations. This latter option, however, may need enabling legislation to implement.



Finally, the HAC recommends the City pursue, through enabling legislation, the ability to use tax credits or other after purchase subsidies to assist workforce households purchase housing in the City and maintain long-term affordability. While the HAC recognizes securing enabling legislation is a long-term process, this item has been included with the short-term recommendations as a way to prioritize the City's legislative agenda items.

### Mid-Term Recommendations

The mid-term recommendations for zoning ordinance amendments cover a variety of developer incentives to encourage the construction of affordable housing units. Recommended incentives include increases to minimum residential building densities in mixed-use districts, as well as the provision of extra floor area ratio for on-site affordable housing. The HAC also recommends off-setting the cost of structured parking to make the provision of on-site affordable units financially feasible, and waiving development fees for developments reserving at least 10 percent of residential units as affordable units.

One recommendation presented in the housing report, and that HAC members support, is the creation of an affordable/workforce housing program similar to Montgomery County, Maryland's Moderately Priced Dwelling Unit (MPDU). Acknowledging that Virginia code does not support the creation of MPDUs, the HAC members believe a MPDU-type program has the potential to significantly increase the number of supported affordable housing units within the City. To that end, they recommend staff research possible structures of, and feasibility of implementing, a similar type of program for the City. The HAC also recommends staff investigate the feasibility of creating a landlord risk reduction program for landlords managing affordable housing units. The risk reduction program would provide funding to help landlords off-set the cost of repairs due to significant tenant damages, in exchange for keeping unit rents at an affordable level for a City defined period of time.

Mid-term recommendations for City Council action include: tying the use of public fund for streetscape and infrastructure improvements in distressed or reinvestment areas to the construction of supported affordable units; and prioritizing the sale or lease public property for the purpose of affordable housing development; as well as working with Albemarle County, through the joint Memorandum of Understanding, to increase the supply of affordable and workforce housing. Additionally, the HAC recommends the City support the coordination of fair housing, affordable housing location services, and tenant advocacy programs to assist low-income households access affordable housing options. The University of Virginia offers a housing liaison service for students seeking off-campus housing that may provide a program model. Any housing locator or liaison service should be developed in partnership with Albemarle County.

### Long-Term Recommendations

The recommendations in this category are for City Council action and legislative agenda items only. They address activities to increase the housing development within the City over with a specific focus on programs designed to increase the City's affordable housing stock. The recommendations include the creation of a revolving loan fund, either through the CAHF or a separate funding source, to provide gap financing for affordable housing developments; City

funding support to the Charlottesville Redevelopment and Housing Authority to assist with the redevelopment of public housing into mixed-use/mixed-income communities; and creation of a Transfer of Development Rights program for housing development, and affordable housing development in particular. In terms of legislative agenda items, the HAC recommends pursuing enabling legislation to extend City property tax exemption and abatement programs to all residential property types, including properties that convert to residential use, as well as for implementing an inclusionary zoning (IZ) policy in the City. The IZ policy should include mandatory developer provisions of affordable housing set at a City defined percentage of overall housing units and affordable to City defined income bands. The HAC also recommends the City pursue enabling legislation to increase the cash in lieu payment under the Affordable Dwelling Unit (ADU) ordinance from the current \$2.205 per square foot of gross floor area to \$4.41 per square foot of gross floor area. HAC members believe the higher dollar amount will discourage developers from opting for the cash lieu option and lead to an increase in the number of ADUs provided.

### **Community Engagement:**

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

- July 16, 2014 – initial discussion with the Housing Advisory Committee (HAC)
- July 17, 2014 – joint meeting with City Council and the HAC
- August 20, 2014 – initial meeting of HAC Project Scoping Subcommittee
- October 15, 2014 – meeting between HAC Project Scoping Subcommittee & RCLCO
- November 19, 2014 – presentation of RCLCO proposal to the HAC
- March 1, 2015 – Council approval of CAHF for housing study
- November 18, 2015 – RCLCO presented the draft report to the HAC and solicited comments
- February 16, 2016 – RCLCO presented the Comprehensive Housing Report and Recommendations to City Council
- March 16, 2016 – HAC Housing Study Subcommittee meeting
- June 15, 2016 – HAC Housing Study Subcommittee meeting
- July 20, 2016 – HAC Housing Study Subcommittee meeting
- August 17, 2016 – HAC meeting to approve recommendations for City Council

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

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

### **Budgetary Impact:**

Approval of these recommendations may lead to an increased use of Charlottesville Affordable Housing Fund dollars for affordable housing programs, although the actual dollar amount of impact cannot be determined at this time.

**Recommendation:**

Based on the potential for these recommendations to increase the supply of affordable housing within the City of Charlottesville, staff recommends approval of the attached resolution.

**Alternatives:**

Council could elect not to all or some of these recommendations; however, this would impact the City's ability to invest in and increase supported affordable housing units.

**Attachments:**

Housing Advisory Committee Recommendations to Charlottesville City Council from the City of Charlottesville Comprehensive Housing Analysis and Recommendations Report  
Resolution

**RESOLUTION**  
**APPROVING THE HOUSING ADVISORY COMMITTEE RECOMMENDATIONS**  
**FOR THE CHARLOTTESVILLE COMPREHENSIVE HOUSING STUDY AND**  
**POLICY RECOMMENDATIONS REPORT**

**WHEREAS**, the Robert Charles and Lessor Company completed a comprehensive housing analysis for the City Charlottesville; and

**WHEREAS**, the Housing Advisory Committee reviewed the report and approved the set of policy recommendations attached hereto; now, therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia that the Charlottesville Comprehensive Housing Study policy recommendations, as presented to the City Council on November 21, 2016, are hereby approved, in accordance with City Code Section 34-1045.

**Housing Advisory Committee Recommendations  
to Charlottesville City Council from the  
City of Charlottesville Comprehensive Housing Analysis and Recommendations Report**

Type of Action	Recommendation
<b>Short-term</b>	
<p><i>Zoning Ordinance Amendment/Action:</i></p>	<ul style="list-style-type: none"> <li>• Review expedited review process for projects with proposed 15% affordable housing units to ensure process is working as intended. Update ordinance and/or standard operational procedure to strengthen, if necessary.</li> <li>• Include all 12 HAC Code Audit Subcommittee recommendations in NDS code audit.</li> <li>• Incorporate additional zoning considerations, modifications and/or allowances (such as smaller lot sizes) across selected, multiple or all zoning districts to incentivize provision of on-site affordable housing.</li> <li>• Offer density bonuses and other zoning allowances for multi-family development in R3 and above zones or through SUP in exchange for 17% of total units being affordable dwelling units (allowable under Virginia Code 15.2-2305 B (3)).</li> <li>• Allow by right increase in density for affordable units across specific, multiple or all zoning districts. This should be capped at a doubling of the density to preserve lower-density neighborhoods (may need enabling legislation).</li> <li>• Focus mixed-use &amp; mixed-income housing development on areas already identified as redevelopment priorities.</li> <li>• Use an Affordable Housing Overlay District or codified incentives to provide affordable housing.</li> <li>• Review all zoning changes (including those associated with the Strategic Investment Area (SIA), W. Main Street &amp; Cherry Avenue corridor, the NDS code audit, &amp; the form based code effort) for impacts on affordable housing and the Affordable Dwelling Unit (ADU)</li> </ul>

	<p>ordinance. Provide additional zoning considerations – such as by right density bonuses or increased FAR – for provision of on-site affordable housing.</p>
<p><i>Staff Action:</i></p>	<ul style="list-style-type: none"> <li>• Increase public outreach and communication regarding existing affordable housing programs, and improve collaboration among City departments providing the programs.</li> <li>• Develop Standard Operating Procedures related to accountability provisions of Housing Policy 1.</li> <li>• Explore shared equity financing and other resources (e.g., employer provided or generated) to assist lower-income/workforce households purchase a home.</li> </ul>
<p><i>City Council Action:</i></p>	<ul style="list-style-type: none"> <li>• Increase the annual contribution to the Charlottesville Affordable Housing Fund (CAHF)</li> <li>• In coordination with the HAC, add “workforce housing” as a separate housing income category to Housing Policy 1. This should not be considered “affordable housing” under the City’s definition.</li> <li>• Unify definition of affordable housing income tiers across City of Charlottesville affordable housing programs (e.g., real estate tax relief programs for income qualified elderly/ disabled/ veteran homeowners) based on definition outlined in Housing Policy 1.</li> <li>• Audit existing policy, and expand wherever possible, real estate tax relief to qualifying residents with deed restricted properties, such as those owned by the Thomas Jefferson Community Land Trust, etc. and qualifying non-profit organizations with real estate holdings <b>(may need enabling legislation).</b></li> </ul>
<p><i>Legislative Agenda Items:</i></p>	<ul style="list-style-type: none"> <li>• Consider use of tax credits or other “after purchase” subsidies to help workforce households (80% - 120% AMI) purchase housing in the City and maintain long-term affordability.</li> </ul>
<p><b>Mid-term</b></p>	

<p><i>Zoning Ordinance Amendment/Action:</i></p>	<ul style="list-style-type: none"> <li>• Increase minimum residential building densities in mixed-use districts.</li> <li>• Base minimum building densities in mixed-use corridors on floor area ratio, rather than standard dwelling units per acre. Provide extra FAR for any affordable housing constructed on-site.</li> <li>• Provide incentives to developers of low-income housing to offset cost of structured parking necessary for provision of increased density and ADUs.</li> <li>• Consolidate various mixed-used zones into a singular mixed-use zoning category.</li> <li>• Waive development fees for developments reserving at least 10% of residential units as affordable units.</li> </ul>
<p><i>Staff Action:</i></p>	<ul style="list-style-type: none"> <li>• Research structure of, and feasibility of implementing, an affordable/workforce housing program similar to Montgomery County, Maryland’s Moderately Priced Dwelling Unit program.</li> <li>• Strengthen code, health and safety enforcement programs for privately-managed units affordable to low-income households, and enable health and safety upgrades in exchange for non-displacement mechanisms.</li> <li>• Investigate the feasibility of creating a landlord risk reduction program to support Housing Choice Voucher (HCV) program landlords, and private market landlords managing affordable rental housing, with costs of rental unit repair due to significant damage caused by low-income tenants.</li> </ul>
<p><i>City Council Action:</i></p>	<ul style="list-style-type: none"> <li>• Tie use of public funds for streetscape and infrastructure improvements in distressed or reinvestments to the construction of supported affordable units.</li> <li>• Prioritize sale/lease of public property for purpose of affordable housing development.</li> <li>• Coordinate with Albemarle County, through the MOU, to increase the supply of affordable and workforce housing.</li> <li>• Support coordination of fair housing, affordable housing location services, and</li> </ul>

	tenant advocacy. Coordinate efforts with Albemarle County.
<b>Long Term</b>	
<i>City Council Action</i>	<ul style="list-style-type: none"> <li>• Develop a revolving loan fund to provide loans and loan guarantees as needed for gap financing.</li> <li>• Encourage and support (with City funds) CHRA to redevelop public housing into mixed-use/mixed-income communities.</li> <li>• Develop a Transfer of Development Rights program with additional consideration for affordable housing.</li> <li>• Provide free Broadband internet access to lower-income households.</li> </ul>
<i>Legislative Agenda Items</i>	<ul style="list-style-type: none"> <li>• Increase City tax exemption and tax abatement programs to include all residential properties, including those that convert to residential use.</li> <li>• Implement an inclusionary zoning policy requiring developers provide a certain percentage of residential units to households with incomes in City-defined income bands.</li> <li>• Increase the cash payment in lieu for ADUs to better reflect value of affordable housing to the City of Charlottesville.</li> </ul>



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



Agenda Date:	November 21, 2016
Action Required:	Direction from Council
Presenter:	Mike Murphy, Assistant City Manager
Staff Contacts:	Mike Murphy, Assistant City Manager Kaki Dimock, Director of Human Services Ryan Davidson, Office of Budget & Performance Management
<b>Title:</b>	<b>Region 10 / Mohr Center Update</b>

**Background:**

For many years, the city has provided funds, currently \$80,000 to Region Ten to operate a public inebriate shelter out of the Mohr Center on Market Street. Region Ten provides 5 temporary shelter beds for intoxicated individuals referred through the Charlottesville Police Department. These beds are used as an alternative to being booked into the Albemarle Charlottesville Regional Jail. This program represents a best practice by offering a community-based diversion option to costly incarceration and an opportunity to inform clients about and provide recovery outreach and support services.

**Discussion:**

Region Ten plans to renovate the Mohr Center on Market Street at the end of this calendar year in order to create a suitable space for a ten bed residential treatment program and a 4-5 bed detox program. While this is responsive to demonstrated community need, these renovations will displace the public inebriate shelter permanently. The planned treatment facility's licensing requirements are inconsistent with a co-located public inebriate program. Region Ten notified city staff of this concern and actively engaged in problem solving. Region Ten has proposed two potential solutions:

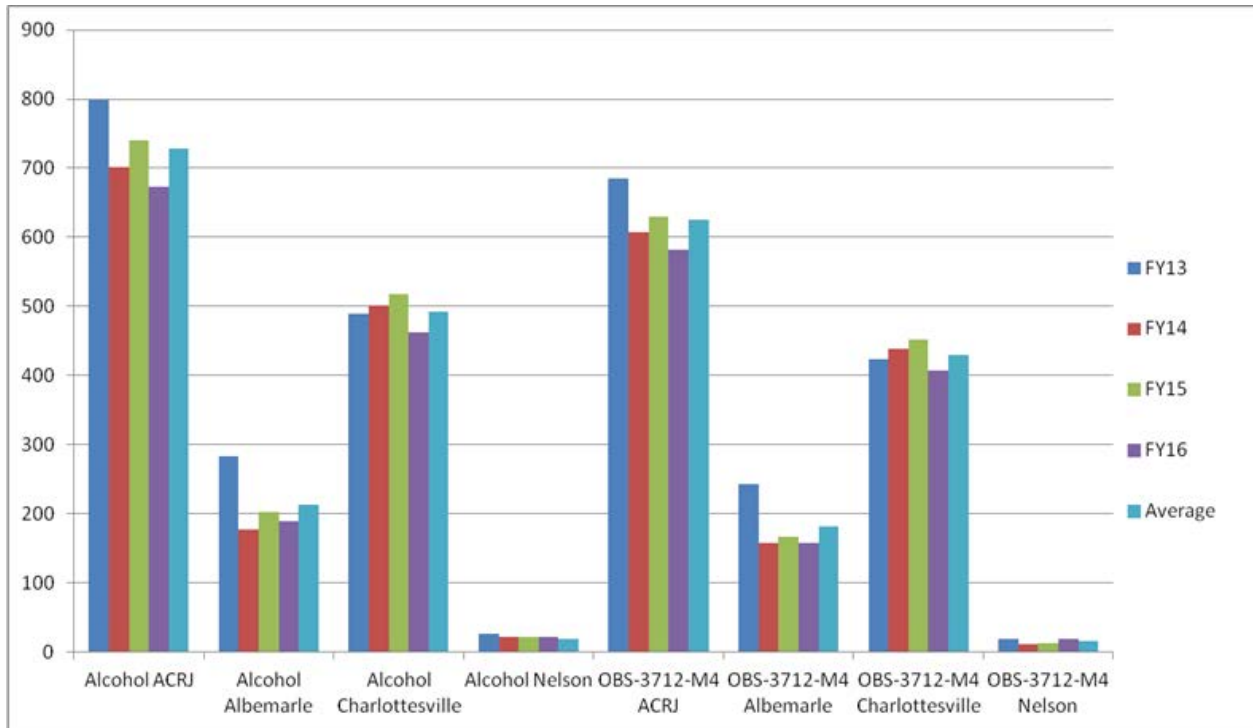
- Develop and implement a stand-alone public inebriate shelter to continue to provide diversion services to the community at the estimated cost of \$220,000
- Engage frequent users of the public inebriate shelter in permanent supportive housing at the estimated cost of \$126,260

City staff examined usage data on the public inebriate shelter in preparation for this presentation:

**Arrest & referral data:**

In FY 2016, there were 463 individuals arrested and jailed for alcohol related charged from Charlottesville. Of these, 407 were arrested for Drunk in Public charges. This reflects a drop in the overall number in arrests after a three-year increasing trend.

**Arrest Data for Alcohol-Related Charges F13-FY16**



Charlottesville Police Department made approximately 313 referrals to the public inebriate shelter over the last three years, an average of 105 referrals per year.

**Region Ten experience data:**

Region Ten reports having served 105 individuals during FY16 with 901 nights of service. Of these 105, 12 individuals, frequent users, received 68% of the services. Of these 12, 10 are experiencing homelessness.

**Cost data:**

The cost per individual for those arrested and jailed for alcohol-related charges is \$127.25 for the police officer time, magistrate time, and first night at the jail and \$91 for any subsequent nights. Using this baseline, the annual cost savings for diverting 105 individuals to the public inebriate shelter from jail is \$13,361.00 assuming most would spend only one night at the jail. This is significantly lower than the amount currently provided to Region Ten for the public inebriate shelter and even more so for the proposed amount for the stand alone program.

The estimated annual cost of homelessness in the area is \$22,000 for someone with an extended experience of homelessness in addition to a disability, such as alcoholism. While the proposed permanent supportive housing project for the 10 most frequent users of the public inebriate shelter is more than the expected cost savings of a jail diversion program, it is significantly lower than the expected costs of homelessness for the broad system of care serving these individuals.

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

The current public inebriate shelter and proposed alternatives meet City Council Goal # 1 *Enhance the self-sufficiency of our residents* and #2 *Be a safe, equitable, thriving and beautiful community*.

### **Community Engagement:**

Staff consulted with the Charlottesville Police Department and the Thomas Jefferson Area Coalition for the Homeless in the preparation of this memo.

### **Budgetary Impact:**

Should Council permit Region Ten to use the 3<sup>rd</sup> and 4<sup>th</sup> quarter funds for the current fiscal year (\$40,000) to provide permanent supportive housing services to public inebriate shelter frequent users, there will be no budgetary impact.

Should Council deny Region Ten permission to use 3<sup>rd</sup> and 4<sup>th</sup> quarter funds for permanent supportive housing services, the city would retain the \$40,000 allocated for public inebriate shelter services.

Should Council determine that Region Ten establish a stand-alone public inebriate shelter in FY18, the impact will be \$220,000, which is \$140,000 more than previously allocated for this function at Region Ten.

Should Council determine that Region Ten provide permanent supportive housing services to the 10 frequent users of the public inebriate shelter in FY18, the impact will be \$126,260, which is \$46,260 more than previously allocated for the public inebriate shelter.

### **Alternatives:**

City Council may choose to fund any, all or none of the three proposals submitted by Region Ten.

## **Proposal to provide Housing for Ten of the Individuals who are high users of the Inebriate Center and have been determined to be homeless**

During FY16 the Mohr Sobering Up center provided 901 slots of services to 105 consumers. Twelve consumers were responsible for 68% of the services delivered and ten of these consumers were homeless. Given the frequency of use by these individuals it appears that they were using this service for overnight shelter. The remaining consumers were seen less than 6 times throughout the year. Interestingly in FY2008 the center provided 3309 slots of service. The number of services have been decreasing steadily since that time. This trend mirrors the decrease in the number of disorderly conduct and drunkenness arrests during the same time period. In 2007 there were a total of 840 arrests in Albemarle and Charlottesville compared to 576 arrests in 2014. Though these numbers have decreased the number of homeless in our area has remained steady around 200.

The need for housing continues to be a factor in caring for those who are chronic alcoholics. Region Ten is proposing to provide rental assistance for the ten individuals who are high users of this service and are currently homeless. This would not only address our community's ongoing need for housing but would also provide supportive services to assist these individuals in maintaining their housing.

### **Provide Rental Assistance for 10 Chronically Homeless individuals who are currently drinking and staying overnight at the Mohr Center.**

#### **Rental Assistance**

Cost per person per month including rent and utilities	\$875.	
Cost per person for year	\$10,500.	
Cost for 10 individuals for one year		<b>\$105,000</b>

#### **Staffing**

Cost of staffing per year to provide 10 hours per week of one on one time with the residents to provide support to maintain their housing @ \$25.00 an hour.  
**\$13,000.**

Administrative cost at 7% **\$8260.**

**Total cost to provide housing and support for 10 individuals \$126,260.**

**Those who meet the Chronically Homeless criteria would be eligible for referral to the HUD Permanent Supportive Housing grants so that slots could be freed up to house additional individuals as we become aware of them.**