



**CITY COUNCIL AGENDA  
July 6, 2015**

**5:30 p.m. – 7:00 p.m.**

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

*Second Floor Conference Room* (Acquisition of real property for public park purposes; City boards and commissions; consultation with legal counsel regarding City responsibility for operations at the Ivy landfill transfer station, and regarding pending litigation involving the Fontaine Avenue Fire Station; discussion of the terms of a proposed sale of City-owned property on Water Street.)

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

*Council Chambers*

**AWARDS/RECOGNITIONS  
ANNOUNCEMENTS**

**MATTERS BY THE PUBLIC**

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

**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

**1. CONSENT AGENDA\***

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

a. Minutes for June 1 and June 15

b. APPROPRIATION: Revenue Sharing for Sidewalk Construction – Appropriate & Transfer \$350,000  
(2<sup>nd</sup> of 2 readings)

c. APPROPRIATION: Region Ten Community Services Board Funding for the Thomas Jefferson Area Crisis Intervention Team Coordinator – \$53,700 (1<sup>st</sup> of 2 readings)

d. APPROPRIATION: Funds Transfer – Restoration of Saturday Operating Hours at Smith Aquatic and Fitness Center – \$3,098 (1<sup>st</sup> of 2 readings)

e. APPROPRIATION: Police Department Community Response Vehicle – \$62,170 (1<sup>st</sup> of 2 readings)

f. APPROPRIATION: Additional Funding for Department of Social Services Benefits Programs – \$16,075  
(1<sup>st</sup> of 2 readings)

g. APPROPRIATION: Appropriation of funds for Medicaid/FAMIS Renewal Application Processing – \$10,045  
(1<sup>st</sup> of 2 readings)

h. APPROPRIATION: Appropriation of Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$825 (1<sup>st</sup> of 1 reading)

i. RESOLUTION: City Manager's Contract (1<sup>st</sup> of 1 reading)

j. RESOLUTION: Supporting Legislation for Virginia to Participate in the Regional Greenhouse Gas Initiative  
(1<sup>st</sup> of 1 reading)

k. RESOLUTION: CRHA Modernization Coordinator Funding (1<sup>st</sup> of 1 reading)

l. ORDINANCE: William Taylor Plaza PUD Amendment (2<sup>nd</sup> of 2 readings)

m. ORDINANCE: **Lochlyn Hill PUD Amendment (1<sup>st</sup> of 2 readings) MOVING TO REGULAR AGENDA AFTER ITEM 3**

n. ORDINANCE: Amend Section 20-11 of City Code Relating to the Enforcement of Trespass Violations  
(1<sup>st</sup> of 2 readings)

o. ORDINANCE: Amendments to Floodplain Management Regulations (1<sup>st</sup> of 2 readings)

**2. PUBLIC HEARING /  
ORDINANCE\***

Tree Designation – 1604 E. Market St. (1<sup>st</sup> of 2 readings)

**3. RESOLUTION\***

SUP – 201 Garrett St. Micro-apartments (1<sup>st</sup> of 1 reading)

**4. RESOLUTION\***

Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity Down Payment Assistance Program – \$225,000 (1<sup>st</sup> of 1 reading)

**5. RESOLUTION\***

CAHF Allocation for Albemarle Housing Improvement Program (AHIP) – \$1,090,000  
(1<sup>st</sup> of 1 reading)

**6. REPORT ONLY**

Chesapeake Bay TMDL (Total Maximum Daily Load) Action Plan (*no verbal presentation*)

**OTHER BUSINESS  
MATTERS BY THE PUBLIC  
COUNCIL RESPONSE TO 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>	June 15, 2015
<b>Action Required:</b>	Approve Appropriation & Transfer of Funds
<b>Staff Contacts:</b>	Jeanette Janiczek, UCI Program Manager of NDS
<b>Presenter:</b>	Jeanette Janiczek, UCI Program Manager of NDS
<b>Title:</b>	Revenue Sharing for Sidewalk Construction – Appropriate \$350,000 & Transfer \$350,000

**Background:** On June 20<sup>th</sup>, 2012, the Commonwealth Transportation Board awarded \$500,000 in state funds to match the City’s \$500,000 local match to construct sidewalks throughout the City. Charlottesville City Council authorized and supported the application by a resolution approved on October 17, 2011.

In the October 17<sup>th</sup> resolution, City Council authorized “that any matching funds be taken from the Capital Improvement Fund.” City Council authorized a transfer of \$100,000 from various CIP funds on October 1, 2012 for staff to begin design/creating plans/environmental work. \$100,000 in state funding was also appropriated. Another \$100,000 was appropriated and transferred on July 15, 2013.

**Discussion:** The remaining \$700,000 in funding is now being requested to fully fund the project for construction. Seven locations were selected from the Planning Commission and City Council’s approved 2011 Sidewalk Priority List as being well suited for the Revenue Sharing program as most improvements could be constructed within the City’s existing public right of way:

STREET	SIDE OF ROAD	START	END	LENGTH	SCHOOL DIST	SIDEWALK ON OTHER SIDE?	FUNCTIONAL CLASSIFICATION
Bellevue Avenue	SW	#1304	River Rd	1100	Burnley-Moran	No	L
Franklin Street	West	Market Street	RR	365	Burnley-Moran	No	L
Harris Rd	North	121 Harris Rd	Moseley Dr	825	Jackson-VIA	Yes	C
Montrose Avenue	South	Monticello Ave	Monticello Rd	450	Clark	No	L

Tarleton Drive	SW	Greenbrier Dr	Banbury St	3000	Greenbrier/CHS	No	L
Northwood & Nelson	SE	Northwood Ave	Nelson Ave	550	Burnley-Moran	Yes	L
Cabell Avenue	NW	Burnley Ave	#823	450	Venable	No	L

Staff is requesting \$150,000 be transferred from New Sidewalks CIP Fund (P-00335), \$100,000 be transferred from JPA Bridge (P-00212) and \$100,000 be transferred from McIntire Road Extended (P-00339) to provide the necessary local match to appropriate an additional \$350,000 in state funds.

**Community Engagement:** The 2011 Sidewalk Priority List was created through various stakeholder meetings; a public hearing held by the Planning Commission on February 8, 2011; and City Council’s resolution dated March 7, 2011.

**Alignment with City Council’s Vision and Strategic Plan:** Approval of this agenda item will improve the City’s commitment to create “a connected community” and “America’s healthiest city” by expanding our sidewalk network to encourage multimodal alternatives and a place for our citizens to walk.

**Budgetary Impact:** Funds being transferred were previously approved during the CIP process and funds being appropriated will be reimbursed by the state.

On-going maintenance will be required once improvements are constructed.

**Recommendation:** Staff recommends appropriation and transfer of the funds.

**Alternatives:** City Council can recommend different amounts of funding from different accounts be transferred.

**Attachment:** October 17, 2011 City Council Resolution  
October 1, 2012 City Council Appropriation  
July 15, 2013 City Council Appropriation

**APPROPRIATION**

**Revenue Sharing for Sidewalk Construction**

**\$350,000**

**Transfer of Funds for Sidewalk Construction**

**\$350,000**

**WHEREAS**, a total of \$350,000 in state funds for the Revenue Sharing Program requires appropriation;

**WHEREAS**, a total of \$350,000 in matching city funds for the Revenue Sharing Program requires transfers from existing CIP accounts.;

**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**

**\$ 350,000**      Fund: 426                      WBS: P-00737                      G/L Account: 430080

**Expenditures**

**\$ 350,000**      Fund: 426                      WBS: P-00737                      G/L Account: 599999

**BE IT FURTHER RESOLVED**, that the following is hereby transferred in the following manner:

**Transfer From**

**\$ 150,000**      Fund: 427                      WBS: P-00335                      G/L Account: 561426

**\$ 100,000**      Fund: 427                      WBS: P-00212                      G/L Account: 561426

**\$ 100,000**      Fund: 427                      WBS: P-00339                      G/L Account: 561426

**Transfer To**

**\$ 350,000**      Fund: 426                      WBS: P-00737                      G/L Account: 498010

**\$ 350,000**      Fund: 426                      WBS: P-00737                      G/L Account: 599999

Resolution

BE IT RESOLVED, that the City Council of the City of Charlottesville hereby supports an application for an allocation of \$500,000 from the Virginia Department of Transportation Revenue Sharing Program for sidewalk improvements and that any matching funds be taken from the Capital Improvement Fund; and that the City Manager be authorized to execute project administration documents for the application.

Approved by Council  
October 17, 2011

  
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Clerk of Council

**APPROPRIATION**

**Revenue Sharing Program - \$200,000**

**WHEREAS**, a total of \$100,000 in state funds for the Revenue Sharing Program requires appropriation;

**WHEREAS**, a total of \$100,000 in 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**

**\$ 100,000**      Fund: 426                      WBS: P-00737                      G/L Account: 430080

**Expenditures**

**\$ 100,000**      Fund: 426                      WBS: P-00737                      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**

\$ 4,891.56	Fund: 425	WBS: P-00539	G/L Account: 561426
\$ 7,726.00	Fund: 425	WBS: P-00585	G/L Account: 561426
\$ 29,708.89	Fund: 425	WBS: P-00438	G/L Account: 561426
\$ 18,769.07	Fund: 427	WBS: P-00508	G/L Account: 561426
\$ 38,904.48	Fund: 426	WBS: CP-082	G/L Account: 599999

**Transfer To**

\$100,000.00	Fund: 426	WBS: P-00737	G/L Account: 599999
\$ 42,326.45	Fund: 426	WBS: P-00737	G/L Account: 498010
\$ 18,769.07	Fund: 426	WBS: P-00737	G/L Account: 498010

Approved by Council  
October 1, 2012

  
Clerk of Council

**APPROPRIATION**  
**Revenue Sharing Program - \$100,000**

**WHEREAS**, a total of \$50,000 in state funds for the Revenue Sharing Program requires appropriation;

**WHEREAS**, a total of \$50,000 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**

**\$ 50,000**      Fund: 426                  WBS: P-00737                  G/L Account: 430080

**Expenditures**

**\$ 50,000**      Fund: 426                  WBS: P-00737                  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**

**\$ 50,000**      Fund: 427                  WBS: P-00335                  G/L Account: 561426

**Transfer To**

**\$ 50,000**      Fund: 426                  WBS: P-00737                  G/L Account: 498010  
**\$ 50,000**      Fund: 426                  WBS: P-00737                  G/L Account: 599999

Approved by Council  
July 15, 2013

Clerk of Council



CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



Agenda Date:	July 6, 2015
Action Required:	Appropriation of Funds
Presenter:	Lieutenant C. Sandridge, Police Department
Staff Contacts:	Lieutenant C. Sandridge, Police Department Thomas Von Hemert, Jefferson Area C.I.T. Coordinator
Title:	<b>Region Ten Community Services Board Funding for the Thomas Jefferson Area Crisis Intervention Team Coordinator - \$53,700</b>

**Background:**

The Virginia State budget of F.Y. 2015 and F.Y. 2016 provides a line item to fund Crisis Intervention Team (C.I.T.) training. Virginia requires local Community Service Boards to serve as fiscal agents for this funding. Region Ten Community Services Board has entered into a Memorandum of Understanding (M.O.U.) with the Thomas Jefferson Area Crisis Intervention Team/Charlottesville Police Department. This M.O.U. agrees that Region Ten C.S.B. will provide \$53,700 per fiscal year, to assist our local C.I.T. program and its director, Thomas von Hemert, in C.I.T. programs across Virginia. This will provide for the progression of the strong C.I.T. Program that currently exists in the Charlottesville area. It will also assist with the creation, training, and expansion of much needed C.I.T. programs across the Commonwealth.

**Discussion:**

This funding will provide ongoing mentoring, training, technical assistance, and consultation, to our existing and other developing C.I.T. programs. These programs will be identified in conjunction with the Department of Behavioral Health and Developmental Services and the Department of Criminal Justice Services, by the Jefferson Area C.I.T. program.

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

Appropriation of this item aligns with Council's visions by providing additional funding to aid the Thomas Jefferson Crisis Intervention Team Program and the Charlottesville Police Department in delivering optimal C.I.T. services to our City as a Smart, Citizen-Focused Government. It supports our Mission of **providing services that promote exceptional quality of life for all in our community** by providing important quality services to those in need of mental health assistance and safety.

This appropriation also supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community.** The C.I.T. program provides education and training to members of the Community who have frequent interaction with those in need of mental health assistance. These

people include but are not limited to, police officers, dispatchers, corrections officers, and fire department personnel. C.I.T. encourages safer and more effective interaction between care providers and those in need, making those interactions and the community more equitable and safer for all. The Jefferson Area C.I.T. program also embraces **Goal 5: Foster Strong Connections** by involving all aspects of the mental health processes and making them more efficient and safer. C.I.T. facilitates and fosters relationships between Region 10, mental health providers, law enforcement, local hospitals, jails, and many others to ensure that those in need of mental health services can obtain them as safely and efficiently as possible. Outcomes for C.I.T. programs can be reported through the number of people who received services related to the program. Outcomes for this appropriation can be measured by the number of people trained, the number of programs started, or who received mentoring assistance.

**Community Engagement:**

N/A

**Budgetary Impact:**

The funds will be expensed and reimbursed to separate a cost center in a Grants Fund.

**Recommendation:**

Staff recommends approval and appropriation of funds.

**Alternatives:**

The alternative is to not approve this project to the detriment of increasing much needed mental health programs.

**Attachments:**

N/A

**APPROPRIATION.**

**\$53,700.**

**Region Ten Community Services Board Funding for the Thomas Jefferson Area Crisis Intervention Team Coordinator.**

**WHEREAS**, the City of Charlottesville, through the Thomas Jefferson Crisis Intervention Team and the Charlottesville Police Department, has received from Region Ten Community Developmental Services, funding to support a M.O.U. for mentorship of Crisis Intervention Team programs.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$53,700 per fiscal year received from the Region Ten Community Services Board is hereby appropriated in the following manner:

**Revenue**

\$ 53,700                      Fund: 209      CC: 3101003000      G/L: 430080 State Assistance

**Expenditure**

\$ 53,700                      Fund: 209      CC: 3101003000      G/L: 519999 Salaries

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$53,700 per fiscal year from the Region Ten Community Services Board.

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CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



Agenda Date:	July 6, 2015
Action Required:	Appropriation and Transfer of Funds
Presenter:	Brian Daly, Director, Parks and Recreation Leslie Beauregard, Director, Budget & Performance Management
Staff Contacts:	Brian Daly, Director, Parks and Recreation
Title:	Transfer of Funds (\$3,098) – Restoration of Saturday Operating Hours at Smith Aquatic and Fitness Center

**Background:** At the June 15, 2015 City Council meeting, City Council voted to restore a budget cut in the FY16 adopted budget to support continuation of early morning operating hours at Smith Aquatic and Fitness Center on Saturdays. This change will result in an additional expense requirement of \$3,098, the funds from which will come from Council's Strategic Initiatives Account as directed by Council at the meeting.

**Discussion:** Smith Aquatic and Fitness Center will return to a 5:30 AM opening time on Saturday July 11, 2015.

**Alignment with Council Vision Areas and Strategic Plan:** Appropriation of this item aligns with the City Council Visions of America's Healthiest City and Goal 2.2 of the Strategic Plan to consider health in all policies and programs.

**Community Engagement:** Several Parks and Recreation Access pass holders expressed disagreement with the reduction in Saturday operating hours at Smith as a result of the FY16 budget reductions.

**Budgetary Impact:** The Council Strategic Initiative Account will be reduced by a corresponding amount of the budget reduction in Parks and Recreation - \$3,098.

**Recommendation:** Staff recommends Council approval of the resolution to transfer funds.

**Alternatives:** The alternative is to keep the budget reduction as approved in the FY 2016 Adopted Budget that was to open Smith later on Saturday mornings.

**Attachments:** N/A

**RESOLUTION.**

**Transfer of Funds (\$3,098).**

**Restoration of Saturday Operating Hours at Smith Aquatic and Fitness Center.**

**WHEREAS**, City Council, at its meeting of June 15, 2015 voted to restore funding in the FY16 budget to support opening Smith AFC at 5:30 AM on Saturdays; and to fund the restoration from the Council Priorities Fund

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

**Expenditures – Transfer From**

\$3,098            Fund: 105      Cost Center: 1011001000      G/L Account: 599999

**Expenditures – Transfer To**

\$3,098            Fund: 105      Cost Center: 3631003000      G/L Account: 510030

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



Agenda Date:	July 6, 2015
Action Required:	Approve Consolidation and Appropriation of Funds
Presenter:	Chief Timothy J. Longo Sr., Chief of Police Lieutenant Thomas McKean, Police Department
Staff Contacts:	Lieutenant Thomas McKean, Police Department
Title:	<b>Police Department Community Response Vehicle - \$62,170</b>

**Background:**

The Police Department is purchasing a Community Response Vehicle. It will meet many needs that the Police Department has for which no alternative currently exists. Funds have been identified from a variety of sources for this vehicle purchase. Council's approval of the funds is needed to consolidate the funding sources into one account. While the total cost of the vehicle is \$139,068, Council only needs to consolidate and appropriate \$62,170 to cover the remaining funding sources required.

**Discussion:**

The Community Response Vehicle is a large vehicle, much like an ambulance, or haz-mat truck. It serves as a mobile office when responding to, and planning at, the scene of large or critical event. The truck is large enough to accommodate a few people in the rear. It also allows for equipment and other resources to be assembled and stored in one location for immediate response when needed. Many items cannot be kept together in a regular patrol vehicle. This truck is climate controlled and has a generator for extended deployments. It contains two display screens for planning, documenting, and monitoring situations. Additionally the truck will be utilized monthly for training.

A Community Response Vehicle is an important asset for Law Enforcement to have. It will be utilized in many different capacities. When serving as a Command Center, the truck can provide a protected environment close to events for administrative people to coordinate and direct operations. This use is applicable in large community activities, natural disasters, as well as other types of critical public safety incidents.

A Community Response Vehicle is also able to serve as a place for negotiators to work from, near a volatile, often a hostage situation, while allowing them access to their equipment and other useful resources. These resources would not be as readily available if not stored and transported in the Community Response Truck. Clearly all tools available to facilitate a peaceful outcome are of critical importance and this vehicle will help us to meet that need more efficiently. Many situations of this type involve those who are in mental crisis and in need of services. For this reason the Thomas Jefferson Crisis Intervention Team Program supports this Community Response Vehicle, and is providing grant funds towards the project.

The funding sources for the truck are as follows:

Donation for the Charlottesville Police Foundation	\$43,000
Asset seizure funds	<u>\$19,170</u>
Total current appropriation	\$62,170
Vehicle replacement fund	\$31,898
Grant received by the Thomas Jefferson Area Crisis Intervention Team	<u>\$45,000</u>
Total previously appropriated	\$76,898

**Total \$139,068**

The funds in the vehicle replacement fund (\$31,898) and the Thomas Jefferson Area Crisis Intervention Team grant (\$45,000) were previously appropriated. This appropriation will appropriate the donation from the Charlottesville Police Foundation and allow for the transfer of seizure funds to the Equipment Replacement fund.

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

Appropriation of this item aligns with Council's visions by providing necessary equipment to The Charlottesville Police Department, supporting the Police Department's ability to deliver optimal services to our City as a Smart, Citizen-Focused Government. It supports our Mission of **providing services that promote exceptional quality of life for all in our community** by providing important equipment resources.

This appropriation supports **Goal 2** of the Strategic Plan: **Be a safe, equitable, thriving and beautiful community**. The Community Response Truck will be used to more efficiently direct and allocate resources at many types of events, protecting public safety and more effectively resolving critical issues.

**Community Engagement:**

N/A

**Budgetary Impact:**

This has no impact on the General Fund. The truck will be paid for with funds from donations and previously appropriated funds. To facilitate the creation of the purchase order, funds were moved from previously appropriated reserves in the Equipment Replacement fund. This appropriation will move the funds from the multiple sources listed above to reimburse the Equipment Replacement fund reserve.

**Recommendation:**

Staff recommends approval of the consolidation and appropriation of funds to purchase this vehicle.

**Alternatives:**

If the request is not approved, the truck cannot be purchased.

**Attachments:**

None.



**APPROPRIATION.**  
**Police Department Community Response Vehicle.**  
**\$62,170.**

**WHEREAS,** the City of Charlottesville Police Department will purchase a Community Response Vehicle;

**NOW, THEREFORE BE IT RESOLVED,** by the Council of the City of Charlottesville, Virginia that the sum of \$62,170 from various funding sources will be appropriated as follows:

**Transfer from:**

<b>Fund</b>	<b>Internal Order</b>	<b>G/L Account</b>	<b>Amount</b>
105	2000017	599999	\$13,593
105	2000018	599999	\$ 5,577

**Transfer to:**

<b>Fund</b>	<b>Cost Center</b>	<b>G/L Account</b>	<b>Amount</b>
106	1631001001	4498010	\$19,170

**Expense:**

106	1631001001	541040	\$19,170
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**Revenue:**

<b>Fund</b>	<b>Cost Center</b>	<b>G/L Account</b>	<b>Amount</b>
106	3101001001	451020	\$43,000

**Expense:**

<b>Fund</b>	<b>Cost Center</b>	<b>G/L Account</b>	<b>Amount</b>
106	3101001001	541040	\$43,000

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CITY OF CHARLOTTESVILLE, VIRGINIA.  
CITY COUNCIL AGENDA.



Agenda Date:	July 6, 2015
Action Required:	Approve Appropriation
Presenter:	Sue Moffett, Assistant Director, Department of Social Services
Staff Contacts:	Sue Moffett, Assistant Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	<b>Additional Funding for Department of Social Services Benefits Programs - \$16,075</b>

**Background:** The Virginia General Assembly appropriated additional Federal and State funding to local departments of social services to be used for benefits staffing and operations. The Charlottesville Department of Social Services has received \$16,075 from this additional Federal and State funding.

**Discussion:** The Charlottesville Department of Social Services plans to use the additional funding for overtime opportunities and for technological enhancements such as second monitors for staff who work in multiple computer systems to process benefit applications.

**Alignment with Council Vision Areas and Strategic Plan:** Approval of this agenda item aligns with Council's vision for the City of Charlottesville to **be a smart, citizen-focused government that works to employ the optimal means of delivering quality services.**

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

**Budgetary Impact:** Funds have been received and will be appropriated into the Social Services Fund.

**Recommendation:** Staff recommend approval and appropriation of these funds.

**Alternatives:** Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

**Attachments:** N/A

**APPROPRIATION.**

**Additional Funding for Department of Social Services Benefits Programs \$16,075.**

**WHEREAS**, The Charlottesville Department of Social Services has received Federal and State funding in the amount of \$16,075 to be used for benefits programs staffing and operations.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$16,075 is hereby appropriated in the following manner:

**Revenue – \$16,075**

Fund: 212                      Cost Center: 9900000000                      G/L Account: 430080

**Expenditures - \$16,075**

Fund: 212                      Cost Center: 3301005000                      G/L Account: 510060                      \$13,075

Fund: 212                      Cost Center: 3301005000                      G/L Account: 520900                      \$ 3,000

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approve Appropriation Request
Presenter:	Sue Moffett, Assistant Director, Department of Social Services
Staff Contacts:	Sue Moffett, Assistant Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	<b>Appropriation of funds for Medicaid/F.A.M.I.S. Renewal Application Processing - \$10,045</b>

**Background:** The Virginia Department of Social Services is allocating one-time funding in the amount of \$10,045 to address the backlog of Medicaid/F.A.M.I.S. (Family Access to Medical Insurance Security) renewal applications. This funding will reimburse local departments of social services for extra hours worked to reduce the number of pending Medicaid/F.A.M.I.S. renewals. As of May 31, 2015, there were 51,177 overdue Medicaid/F.A.M.I.S. renewal applications state-wide.

**Discussion:** The Charlottesville Department of Social Services has 287 overdue Medicaid/F.A.M.I.S. renewal applications and will use the funding to offer overtime opportunities to benefits staff to focus specifically on the identified overdue applications.

**Alignment with Council Vision Areas and Strategic Plan:** Approval of this agenda item aligns with Council's vision for the City of Charlottesville to **be a smart, citizen-focused government that works to employ the optimal means of delivering quality services.**

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

**Budgetary Impact:** This request has no impact on the General Fund. Funds will be appropriated into the Social Services Fund.

**Recommendation:** Staff recommends approval and appropriation of these funds.

**Alternatives:** If the funds are not appropriated, the department will not be able to provide targeted overtime opportunities to focus on the identified Medicaid/F.A.M.I.S. renewal applications. Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

**Attachments:** N/A

**APPROPRIATION.**

**Appropriation of funds for Medicaid/F.A.M.I.S. Renewal Application Processing \$10,045.**

**WHEREAS**, The Charlottesville Department of Social Services has received funding in the amount of \$10,045 to be used for processing Medicaid and F.A.M.I.S. (Family Access to Medical Insurance Security) renewal applications.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$10,045 is hereby appropriated in the following manner:

**Revenue – \$10,045**

Fund: 212                      Cost Center: 9900000000                      G/L Account: 430080

**Expenditures - \$10,045**

Fund: 212                      Cost Center: 3301005000                      G/L Account: 510060

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approve Appropriation of Reimbursement
Presenter:	Mike Mollica, Division Manager, Facilities Development
Staff Contacts:	Mike Mollica, Division Manager, Facilities Development Leslie Beauregard, Director, Budget and Performance Management
Title:	<b>Appropriation of Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$825</b>

**Background:** The City of Charlottesville Facilities Development Division oversees capital projects for jointly owned buildings with Albemarle County. The City invoices the County on a monthly basis to recover the County’s share of project expenses associated with these joint projects. Under this agreement, the City received a reimbursement from the County in the amount of \$825 for April 2015 expenses related to the Preston-Morris Building Envelope Restoration project.

**Discussion:** Appropriation of these funds is necessary to replenish the City’s Courthouse Maintenance Lump Sum Account (P-00099-02-01) for project related expenses.

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

**Community Engagement:** N/A

**Budgetary Impact:** Funds have been expensed from the Courthouse Maintenance Lump Sum Account (P-00099-02-01) and the reimbursement is intended to replenish the project budget for the County’s portion of those expenses.

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

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

**Attachments:** N/A

**APPROPRIATION.**

**Albemarle County Reimbursement for the Preston-Morris Building Envelope Restoration Project – \$825.**

**WHEREAS**, Albemarle County was billed by the City of Charlottesville in the amount of \$825.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that \$825 from Albemarle County is to be appropriated in the following manner:

**Revenues - \$825**

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

**Expenditures - \$825**

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

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$825 from Albemarle County.





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

<b>Agenda Date:</b>	July 6, 2015
<b>Actions Required:</b>	Yes (Approval of Resolution – One Reading)
<b>Staff Presenter:</b>	Maurice Jones, City Manager
<b>Staff Contacts:</b>	Maurice Jones, City Manager Craig Brown, City Attorney
<b>Re:</b>	Amendment of City Manager Employment Agreement

**Background and Discussion:** In December 2010 City Council approved an Employment Agreement for City Manager Maurice Jones, with a term scheduled to end on December 6, 2015. The only proposed change is to extend the employment agreement for an additional 3 years under the same terms and conditions as the original agreement, as amended by Council periodically.

**Budgetary Impact:** None.

**Recommendation:** Adoption of the attached Resolution

**Attachments:** Resolution amending the City Manager’s Employment Agreement  
City Manager’s Employment Agreement

## **RESOLUTION**

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the Mayor is hereby authorized to sign the following document, in form approved by the City Attorney or his designee.

Amended Employment Agreement between the City of Charlottesville and Maurice T. Jones, extending the term of his employment to December 6, 2018.

**CITY MANAGER'S  
EMPLOYMENT AGREEMENT**  
(beginning December 7, 2015)

**THIS AGREEMENT**, made and entered into this 1st day of July, 2015, by and between the Council of the City of Charlottesville, Virginia, a municipal corporation, hereinafter called City Council, as party of the first part, and Maurice T. Jones, hereinafter called Manager, as party of the second part, both of whom understand as follows:

**WITNESSETH:**

**WHEREAS**, the City Council desires to continue to employ the services of Maurice T. Jones as its City Manager as provided by the City Charter and Code; and

**WHEREAS**, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of said employee; and

**WHEREAS**, it is the desire of the City Council (1) to retain the services of Maurice T. Jones as City Manager (hereinafter referred to as 'Manager' and to provide inducement for him to remain in the City's employment, (2) to make possible full work productivity by assuring the Manager's morale and peace of mind with respect to future security, and (3) to provide a just means for terminating the Manager's employment when City Council may desire to do so; and

**WHEREAS**, Maurice T. Jones desires to continue employment as City Manager of Charlottesville;

**NOW, THEREFORE**, in consideration of the mutual covenants described below, the parties agree as follows:

**SECTION 1. EMPLOYMENT**

City Council hereby agrees to employ Maurice T. Jones as City Manager pursuant to the terms and conditions set forth herein to perform the functions and duties specified in the City Charter and Code of the City of Charlottesville, Virginia and to perform other legally permissible and proper duties and functions that the Council shall assign from time to time.

## **SECTION 2. INITIAL TERM AND RENEWALS**

A. The term of this agreement shall be from December 7, 2015 to December 6, 2018 unless sooner terminated by either party in accord with provisions of this agreement.

B. This agreement may be renewed for an additional three (3) year term beginning December 7, 2018 by mutual written agreement of the parties. In the event that Council decides not to renew, the agreement shall expire as of December 7, 2018 and the City shall be obligated for payments to the Manager as set forth in Section 7 (A) below.

## **SECTION 3. TERMINATION BY MANAGER**

This agreement may be terminated by the Manager during its term or any renewal thereof by giving the City Council ninety (90) days written notice. In that event, the Manager's annual salary and other benefits shall be pro-rated as of the termination date, he shall be paid for his accrued annual leave, and the City shall have no further obligations under this agreement.

## **SECTION 4. TERMINATION BY CITY COUNCIL**

A. Nothing contained in this agreement shall impair the right of the City Council to terminate the employment of the Manager pursuant to section 7 (B), below, at Council's sole discretion, without any formal investigation or hearing and without stating charges or complaints against the Manager, provided that in the event of such termination by City Council, the City shall be liable to the Manager for the payment on termination described in Section 7(B) below.

B. City Council may terminate or decline to renew the Manager's employment without incurring liability for the payments described in Section 7 below at any time after the Manager has been convicted of any criminal offense other than misdemeanor traffic offenses. In the event the Manager is charged with such a criminal offense during the term of this agreement, the Council may, in its sole discretion, suspend the Manager, with or without pay, pending final resolution of such criminal charge.

## **SECTION 5. TERMINATION ON DISABILITY OR DEATH**

A. If the Manager becomes permanently disabled, or if he is unable to perform his duties because of sickness, accident, injury or mental incapacity for a period of four successive weeks beyond the expiration of any accrued sick leave, City Council may terminate this agreement, without incurring the termination pay obligation described in Section 7; and

B. If the agreement is terminated by the death of the Manager, the City shall not incur any additional pay obligations, but shall remain obligated for the payment of any insurance, pension or other benefits payable to the Manager's heirs, assigns or estate.

#### **SECTION 6. SALARY**

A. Effective November 7, 2011, the Council agrees to pay the Manager for his services rendered pursuant to this agreement a base salary at the rate of \$173,400.00 per year, payable on the same schedule as other salaried employees of the City are paid.

B. Effective July 1, 2014, and on each July 1 thereafter during the term of this Agreement, the Manager's annual base salary shall increase by the same percentage as the general salary or cost of living increase approved by City Council for all general full time City employees, as part of the City's annual operating budget.

#### **SECTION 7. PAYMENTS ON NON-RENEWAL AND TERMINATION**

A. Non-renewal. If the Manager desires his employment to extend beyond the end of the term established herein (December 7, 2018), he shall give a written request for renewal of his contract to City Council no later than September 7, 2018. In the event City Council shall elect not to renew this agreement, as may be requested by the Manager, it shall so advise the Manager in writing no later than September 7, 2018. In the event of such non-renewal, the Manager and City Council agree that the Manager shall continue to be employed as City Manager through December 7, 2018, unless the parties mutually agree otherwise or unless employment is terminated pursuant to Section 7 (B). At the conclusion of the Manager's employment on December 7, 2018, the Council shall continue Manager's salary as in effect as of the date of termination for each of the next six (6) months. The Manager may, at his sole discretion, elect to accept this severance as a one-time lump sum payment or as periodic payments for a period of his choosing. The Manager shall also be entitled to payment for any accrued annual vacation leave-

B. Early Termination. The City Council may terminate this agreement and the employment of the Manager without cause at any time during the contract term, upon written notice of the termination given to the Manager at least sixty (60) days prior to the effective date of the termination. In the event of such termination without cause, the City Council agrees that the City will pay to the Manager his salary in effect as of the date of termination for a period of twelve (12) months following the date of termination. The Manager may, in his sole discretion, elect to accept this severance as a one-time lump sum payment or as periodic payments for a period of his choosing. The Manager shall also be entitled to payment for any accrued annual vacation leave.

. C. Other. The non-renewal or termination payments provided for in this section shall not be considered as part of the Manager's base pay in computing the City's contribution to the Manager's retirement plan pursuant to Section 13 of this contract.

#### **SECTION 8. PERFORMANCE EVALUATION**

A. The City Council shall review and evaluate the performance of the Manager by October 1 of each year, beginning October 1, 2011. The review and evaluation shall be in accordance with specific written criteria to be developed jointly by the City Council and the Manager.

B. Annually, during the term of this agreement and any renewals thereof, the City Council and Manager shall define goals and performance objectives for the proper operation of the City and the fulfillment of the Council's policies. They shall further establish priorities among those goals and objectives, which shall be agreed upon in writing by October 1 of each year of this agreement.

C. City Council may, in its discretion, award the Manager a performance based salary increase, in an amount designated by the City Council for significant progress towards accomplishment of the goals and performance objectives for the operation of the City and the fulfillment of the Council's policies.

D. As part of the goals and performance objectives defined pursuant to paragraph (B) of this Section, the Manager and City Council shall identify, in writing, certain stretch objectives, or ambitious and challenging goals which will be difficult for the Manager to achieve but which will have a significant and lasting positive effect on the City if accomplished. The Manager shall include these agreed-upon stretch objectives in his annual work plan and, during each subsequent performance evaluation, provide City Council with a written report on the status of his work towards those objectives. City Council may, in its discretion, award the Manager a one-time salary supplement in an amount up to 10% of his annual base salary for accomplishment, or for significant progress towards accomplishment, of any agreed-upon stretch objective.

#### **SECTION 9. HOURS OF WORK AND LIMITATIONS ON OTHER EMPLOYMENT**

It is recognized that the Manager must devote a great deal of time outside the normal office hours of the City, and to that end the Manager will be allowed periodically to take time off during normal office hours. The Manager may hold employment or operate business during non-duty hours, provided the employment or business does not cause a conflict of interest, does not reflect unfavorably upon the City service, does not impair the employee's ability to perform City duties, and is not performed in City facilities or with City supplies and equipment. The Manager shall inform City Council, by written notice to the Mayor, of any such outside employment at least thirty (30) days

prior to the start of such employment. The Manager will take personal or vacation leave for any outside employment or business activity performed during times when the Manager would normally be performing duties pursuant to this agreement.

#### **SECTION 10. AUTOMOBILE**

The Manager's duties require that he shall have the exclusive and unrestricted use at all times during his employment with the City of Charlottesville of an automobile provided to him by the City. The City shall be responsible for liability, property damage and comprehensive insurance, and for the purchase, operation, maintenance, repair and regular replacement of said automobile.

#### **SECTION 11. VACATION AND SICK LEAVE BENEFITS**

The Manager shall be entitled to 164 hours of vacation and administrative leave per year (120 hours of annual leave through accrual and 44 hours of administrative leave which must be used by the end of the calendar year). The City may consider adjustments to these figures during future discussions on compensation. The Manager shall be entitled to any other categories of leave and paid holidays on the same basis as other City employees.

#### **SECTION 12. INSURANCE BENEFITS**

A. The City will provide at City expense family health care insurance for the Manager equal to that provided to other full time employees of the City. The City will contribute up to \$1,000 per year toward a personal disability insurance policy for the Manager in addition to the long-term policy the City already provides its employees.

#### **SECTION 13. RETIREMENT BENEFITS**

The Manager's employment date of 2/2/08 shall be the effective date for his participation in the City's Defined Contribution Plan ("the City Retirement Plan" or "Plan"). As such, the Manager's defined benefits under the Plan shall be the same as those benefits owed to any other similarly situated employee within said Plan.

In addition to the foregoing, the City shall also make an annual contribution on behalf of the Manager ("Manager") to the ICMA-RC retirement plan, or a similar deferred compensation plan of the Managers choice, in an amount equivalent to 7% of the Manager's annual salary in the year of the contribution. Any further contribution to ICMA-RC or other deferred compensation plan beyond that amount shall be the sole responsibility of the Manager.

## **SECTION 14. PROFESSIONAL ORGANIZATIONS**

City Council agrees to appropriate the required funds to pay for the professional dues reasonably necessary for the Manager's continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

## **SECTION 15. TRAVEL BENEFITS**

A. City Council hereby agrees to appropriate funds for the travel and subsistence expenses of the Manager for travel to meetings and occasions adequate to continue his professional development, or to pursue necessary official functions for the City, including but not limited to the annual conferences of the International City Management Association, the National League of Cities and the Virginia Municipal League, and state or regional chapters or committees thereof.

B. City Council also agrees to appropriate funds for the travel and subsistence expenses of the Manager for a reasonable number of short courses, institutes or seminars for his professional development and for the good of the City, including an annual leadership development opportunity to be supported in the budget.

## **SECTION 16. EDUCATIONAL REIMBURSEMENT**

It is in the City's best interest that the City Manager continues his education through pursuit of a Master's Degree in an area that benefits both the Manager and the City of Charlottesville. The City shall provide reimbursement for Master's level courses and supplies upon documentation provided by the Manager of successful completion of the course. The schedule of classes shall be determined by the Manager in consideration of his schedule and workload.

## **SECTION 17. RESIDENCY**

The Manager shall reside in the City of Charlottesville during the term of this Agreement. Notwithstanding the foregoing and in recognition of the current housing market, the City Council agrees that the City Manager must relocate his residence to the City of Charlottesville, which date will be September 1, 2012. Failure to relocate in the time provided in this Section shall be good and sufficient cause to terminate this Agreement and in that event, the City Council shall have no obligation to pay the severance compensation provided in paragraph (B) of Section 7 of this Agreement. Notwithstanding the foregoing, the City Council may extend this period for good cause.



Subject to approval as to form by the City Attorney's Office, the City agrees to provide a no-interest loan to the Manager, upon request, toward a 20% down-payment on the Manager's City residence with a maximum down-payment loan limit of \$90,000. The City also agrees to provide a no-interest loan to the manager to assist in paying off his current mortgage upon the sale of his current home. The loan will be repayable in full on a schedule agreed to by the City and the Manager, unless the Manager is terminated without cause, in which case the balance of the loan will be forgiven (assuming the Manager has made regular on-time payments and is not behind on the loan at the time of termination). The City will cover moving expenses to the Manager's new home.

**SECTION 18. INDEMNIFICATION**

The City will defend, save harmless and indemnify the Manager against any tort or professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Manager's duties, to the maximum extent allowed by law.

**SECTION 19. BONDING**

The City will bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

**SECTION 20. OTHER TERMS AND CONDITIONS OF EMPLOYMENT**

The City Council, after consultation with the Manager and agreement by the Manager, may fix any other terms and conditions of employment as it may determine from time to time, relating to the performance of the Manager, provided such terms and conditions are not inconsistent with the provisions of this agreement, the City Charter or any other state law.

**SECTION 21. NO REDUCTION OF BENEFITS**

The City Council shall not at any time during the term of this agreement reduce the salary, compensation or other financial benefits of the Manager, except to the degree it imposes such a reduction across-the-board for all employees of the City.

**SECTION 22. NOTICES**

Notices pursuant to this agreement shall be given by first class mail, postage prepaid, addressed as follows:

City Council: Mayor  
P. O. Box 911  
Charlottesville, Virginia 22902

Manager: Maurice T. Jones  
1508 Holly Road  
Charlottesville, Virginia 22901

Alternatively, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the United States Postal Service.

**SECTION 23. ENFORCEABILITY**

In the event the City Council or the City of Charlottesville breaches any of the provisions of this agreement, it shall be responsible for the payment of all reasonable attorney's fees and costs incurred by the Manager in enforcing the agreement.

**SECTION 24. SEVERABILITY**

If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

*[Signature Page Follows]*

**IN WITNESS WHEREOF**, the Council of the City of Charlottesville has caused this agreement to be signed and executed in its behalf by its Mayor, and duly attested by its Clerk of the Council, and the Manager has signed and executed this agreement.

**CITY OF CHARLOTTESVILLE**

Attest:

\_\_\_\_\_  
Clerk of Council

By: \_\_\_\_\_  
Satyendra Singh Huja, Mayor

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

\_\_\_\_\_  
Maurice T. Jones, City Manager

*Approved as to Form:*

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

***Original Agreement approved by City Council Resolution adopted December 6, 2010***

***Amended by Resolution adopted December 19, 2011(Change in Residency Requirements)***

***Amended by Resolution adopted May 21, 2012 (2% raise effective 11/7/2011)***

***Amended by Resolution adopted April 15, 2013 (2 year Extension; Salary Supplement; Address Change)***

***Amended by Resolution adopted April 7, 2014 (2% raise effective 7/1/2013 and thereafter annual salary increases of the same percentage given to regular full-time employees)***

***Amended by Resolution adopted \_\_\_\_\_, 2015 (extended term of agreement to 12/6/2018)***

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# The Regional Greenhouse Gas Initiative:

## How Virginia can Reduce Climate Pollution, Comply with Federal Standards, and Generate New and Significant Funds

### Introduction

The East Coast of the United States is threatened by an Atlantic Ocean that is rising three to four times faster than the global average, and it is rising particularly fast in Virginia. A perfect storm of melting polar ice, rising ocean temperatures, and a change in the behavior of the Gulf Stream—all due to global warming—is being exacerbated by the natural subsiding of the sediment underlying Virginia's coastline. With rising tides lapping at Virginia's shores, bold action is necessary to put the Commonwealth on track towards greater sustainability.

Climate change prevention and adaptation investments can no longer be delayed. This year, the federal government issued proposed rules for states to reduce power plant carbon pollution by 30 percent below 2005 levels by 2030. As states explore how these new rules will affect them, it is now clear that Virginia—and every other state in the nation—will have to figure out a way to reduce its greenhouse gas output in a fair, efficient, and cost-effective way.

### The Regional Greenhouse Gas Initiative

The Commonwealth of Virginia can reduce its emissions, comply with federal standards, and generate significant new funds to reduce emissions and protect its coasts by participating in the Regional Greenhouse Gas Initiative (RGGI). RGGI is a cooperative effort among nine East Coast states from Maine to Maryland that caps and reduces carbon emissions from power plants. Under RGGI, power plants in participating states purchase allowances for every ton of carbon pollution that they emit. RGGI states agree amongst themselves how many pollution allowances to offer for sale each year, thus setting a *cap* on emissions, and they gradually lower the cap each year. It's a flexible market-based system in that once states set a carbon cap, power plants decide for themselves how to stay below it.

RGGI states have shown that strong climate policy is also sound economic policy by cutting carbon pollution 2.7 times faster than the rest of the country since 2008, even as RGGI's states' economies have grown 2.5 times faster than other states. Over that same period, electricity prices dropped by 8 percent on average across the region while electricity prices in non-RGGI states increased by 6 percent.

### Carbon Reductions from RGGI

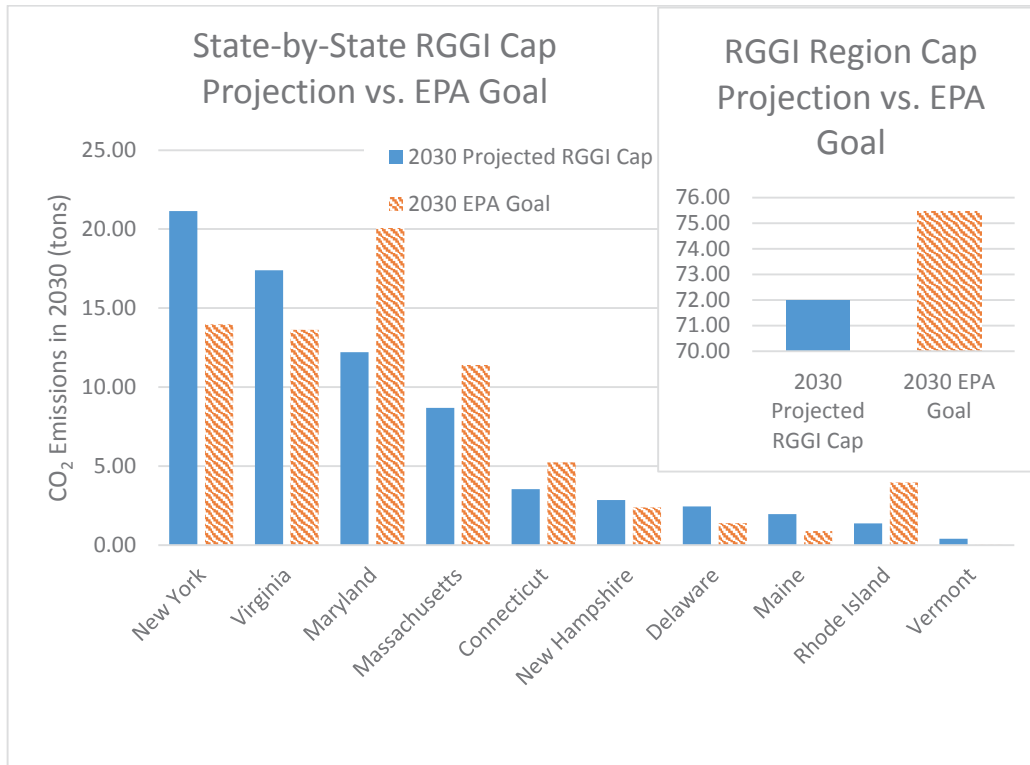
RGGI states individually develop carbon allowance programs that cap CO<sub>2</sub> emissions from fossil fuel power plants at "X" tons per each year. In 2013, RGGI states agreed to set their carbon caps based on the region's 2012 emission levels, and then lower that cap by 2.5 percent per year starting in 2015. In 2012, Virginia's RGGI-eligible power plants emitted almost 29 million tons of CO<sub>2</sub>. If Virginia began participating in RGGI in 2015 and lowered their CO<sub>2</sub> cap by 2.5% each year—using 2012 emissions as the baseline—Virginia would reduce roughly 3.6 million tons of CO<sub>2</sub>—the equivalent of taking 635,000 cars off the road.

### Complying with Federal Standards

The figure below illustrates how extending the RGGI program cap to 2030 compares with the proposed federal carbon reduction targets for the RGGI states and Virginia. The projected 2030 RGGI cap, including Virginia, (71,990,616 short tons) falls below total emissions (75,465,278 short tons) projected for implementation of EPA's alternative building-block approach in RGGI states and Virginia. This figure shows that with a few minor program changes, the *region-wide cap* would likely be low enough in 2030 to meet the requirements of the new federal

**For more information, contact Dawone Robinson: [dawone@chesapeakeclimate.org](mailto:dawone@chesapeakeclimate.org) or 804-767-8983.**

carbon standards—thus allowing all participating states to use RGGI for compliance—even though individual states’ portions of the regional cap (called allowance budgets) come in both above and below EPA’s requirements.



Assuming that the RGGI cap is lowered by 2.5% each year from the current 2012 baseline cap, a region-wide emissions reduction approach should allow Virginia to comply with federal standards even if Virginia’s projected allowance budget in 2030 is slightly higher than the EPA emissions target.

\*Methodology adopted from June 2014 Environment Northeast report. Available at [http://www.environmentnortheast.org/public/resources/ENE\\_RGGI--EPA\\_Clean\\_Power\\_Plan\\_06262014\\_Final.pdf](http://www.environmentnortheast.org/public/resources/ENE_RGGI--EPA_Clean_Power_Plan_06262014_Final.pdf)

### New and Significant Funding for Coastal Protection and Economic Growth

RGGI would provide a stable and much needed source of funding, which could be partially spent on coastal adaptation, thus diversifying Virginia’s stream revenue to include more state-based non-federal dollars. Such funding is vital given that a study recently commissioned by the city of Norfolk and completed by the Dutch engineering firm Fugro found that the costs to build seawalls and elevate homes in the city would exceed \$1 billion. By not participating in RGGI, Virginia is potentially leaving up to \$200 million per year on the table, and almost \$1.2 billion in allowance auction proceeds cumulatively by 2020.

	2012	2013	2014	2015	2016	2018	2020
Virginia Emissions (tons)	28,984,360	28,984,360	28,984,360	28,259,751	27,553,257	26,192,815	24,899,545
Regional CO <sub>2</sub> price (2010 \$/ton)*	1.86	2.92	6.02	6.37	6.73	7.52	8.41
Virginia Allowance Income (2010 \$)*	53,939,894	84,663,315	174,514,831	179,901,574	185,460,974	196,891,391	209,430,071

\*All figures are in 2010 real dollars, as per the dollar values provided in the RGGI program review.

Over the last 6 years of RGGI program history, the states’ use of allowance proceeds has provided economic benefits, while helping them meet a wide variety of social, fiscal, and environmental policy goals, such as assisting low-income customers, achieving advanced energy policy goals, addressing state and municipal budget challenges, and restoring wetlands. According to a recent study by *Analysis Group*, RGGI produced in total \$1.6 billion in net present economic value for participating states from 2009-2011 and led to over 16,000 additional jobs (job-years). The study also found that the scope of RGGI’s positive economic benefits varied by state and region, with those states investing the heaviest in energy efficiency realizing significantly higher economic benefits.

**For more information, contact Dawone Robinson: [dawone@chesapeakeclimate.org](mailto:dawone@chesapeakeclimate.org) or 804-767-8983.**

**CHARLOTTESVILLE CITY COUNCIL RESOLUTION  
VIRGINIA COASTAL PROTECTION ACT**

**A RESOLUTION SUPPORTING LEGISLATION FOR VIRGINIA TO PARTICIPATE IN  
THE REGIONAL GREENHOUSE GAS INITIATIVE**

WHEREAS, the Commonwealth of Virginia has established a statewide energy efficiency goal of 10% energy conservation by 2022 based upon 2006 levels; and

WHEREAS, the Commonwealth has only achieved 1% energy savings to date since the 10% statewide goal was established; and

WHEREAS, the average monthly electric bills of residential customers throughout the Commonwealth is \$125.36, ranking 8<sup>th</sup> highest among all states nationally, and more than \$15 higher than the national average; and

WHEREAS, the Council desires to express its support of energy conservation to promote environmental sustainability; and

WHEREAS, House Joint Resolution No. 50 (2012) and Senate Joint Resolution No. 76 (2012) requested the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled “Recurrent Flooding Study for Tidewater Virginia,” published as Senate Document No. 3 (2013) states: “Recurrent flooding is a significant issue in all localities in Virginia coastal localities and one that is predicted to become worse over reasonable planning horizons (20-50 years)”;

WHEREAS, the Council desires to express its support for funding solutions to localities in Tidewater and Eastern Shore Virginia localities for adaptation to prevent recurrent flooding;

NOW, THEREFORE,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE**

That the Council hereby supports legislation in the 2016 General Assembly session that provides state assistance to low and moderate income homeowners by participating in the Regional Greenhouse Gas Initiative (RGGI), that establishes a regional CO2 electric power sector cap and trade program, and directing revenues generated from the program to energy efficiency programs to help reduce customer bills and promote energy conservation. Enabling legislation joining the state into RGGI would also provide economic development assistance to localities in Tidewater for flooding and sea level rise adaptation measures.

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



Agenda Date:	July 6, 2015
Action Required:	Yes
Presenter:	Maurice Jones, City Manager Constance Dunn, Executive Director of the Charlottesville Redevelopment and Housing Authority
Staff Contacts:	Maurice Jones, City Manager
<b>Title:</b>	<b>CRHA Modernization Coordinator Funding</b>

**Background:**

The Charlottesville Redevelopment and Housing Authority (CRHA) is responsible for the maintenance and repair of 376 units on 11 scattered sites around the City – Westhaven, Crescent Halls, South First Street, Sixth Street, Michie Drive and Riverside Avenue. The interior and exterior building maintenance is handled internally. Landscaping is contracted to a private vendor. In numerous discussions with residents, concerns over the conditions of some of the units, the backlog of capital improvements, and CRHA’s ever reducing levels of staffing have been raised. Council is being asked to consider a significant contribution to assist with funding a position in the Authority to manage its maintenance program.

**Discussion:**

CRHA has worked diligently to speed up response times for work orders, but there is room for improvement on the prioritization of calls for service. The Authority does not currently have a maintenance supervisor to coordinate service, and this function is currently covered by both the Asset Managers and the Executive Director. CRHA is currently relying on a site-based approach to maintenance. This decentralized strategy is a result of decreased funding over the years and does not lend itself to a comprehensive method of tackling the increasing number of calls for service or developing a preventative maintenance plan.

This approach fails to properly prioritize the needs of the entire Housing Authority. After discussions with CRHA staff and residents, the idea of creating a Modernization Coordinator was developed to centralize oversight of everyday maintenance and inventory of the Authority coupled with the management of the agency’s capital improvement program. CRHA is authorized to use a portion of its capital dollars allocated by the Department of Housing and Urban Development (HUD) to cover the cost of the position. However, the Authority is about \$35,000 short of what will be needed to attract strong candidates for the position.

**Recommendation:**

Staff recommends allocating \$35,000 per year for the next three years from the Affordable Housing Fund to assist in paying for the Modernization Coordinator position. The coordinator will supervise the day-to-day maintenance operations of the Authority, thus preserving current low income housing stock, while also working with the City and other partners on the largest capital project on the horizon – the future redevelopment of the public housing sites.

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

This aligns with Council’s vision for Quality Housing Opportunities for All. It also aligns with the Strategic Plan Goal 1: Enhance the self-sufficiency of our residents, and Goal 2: Be a safe, equitable, thriving and beautiful community.

**Budget:**

\$35,000 from the Affordable Housing Fund for a period of three years beginning in Fiscal Year 2016.

**Alternatives:**

Council could reject the proposal.

**Community Engagement:**

The City has had several meetings with the CRHA staff and public housing residents during the last two years to discuss public housing needs including the modernization coordinator’s position.

**Attachments:**

Resolution

**RESOLUTION**  
**CRHA Modernization Coordinator Funding**  
**\$35,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$35,000 is hereby paid from currently appropriated funds in Charlottesville Affordable Housing Fund to the Charlottesville Redevelopment and Housing Authority:

\$35,000

Fund: 426

Project: CP-084

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

Agenda Date: June 15, 2015

Action Required: Ordinance Adoption

Presenter: Matthew Alfele, City Planner, Neighborhood Development Services

Staff Contacts: Matthew Alfele, City Planner, Neighborhood Development Services

**Title: ZM14-00002 William Taylor Plaza Planned Unit Development Amendment**

**Background:**

Southern Development acting as agent for Cherry Avenue Investments, LLC has submitted an application for a rezoning to amend the proffers and concept plan of the William Taylor Plaza Planned Unit Development. Changes include a revised proffer statement that would change structured parking from 90% to 60%, increase the Arboretum from 20% to 25% and outline what can be built within the Arboretum, and adds a new proffer identifying the type of development allowed through a Use Matrix. Additionally, the updated concept plan alters the parking and travelways, phases the development, establishes building envelopes, and creates a Use Matrix.

The applicant has amended the concept plan originally approved November 2, 2009 to create additional surface parking, establish building setbacks, and allow the development to be completed in two (2) phases.

**Discussion:**

The Planning Commission discussed this matter at their May 12, 2015 meeting

The topics of discussion that the Commission focused on were:

- The Commission received additional information on the day of the Planning Commission meeting. The PC expressed concern that information not in the original packet was being submitted too late. The applicant clarified that it was supplemental information and did not alter what was in the application. The ground floor uses of any building on Cherry Avenue and the proposed Use Matrix were also discussed.
- Present City Councilors discussed the phasing of the development, possible public improvements to Ridge Street, and public access to areas of the development.

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

The project supports City Council's "Economic Sustainability" vision by providing mixed use and also supports City Council's "Green City" vision. It contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community, and objective 2.6, Engage in robust and context sensitive urban planning.

### **Citizen Engagement:**

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on May 12, 2015. Several members of the public expressed opposition for the project.

- Adjacent property owners do not want people trespassing as they use the Arboretum.
- The site is unbuildable and could house the archeological remains of a cemetery.
- Statement that the project will not have any benefits for the public.

### **Budgetary Impact:**

No direct budgetary impact is anticipated as a direct result of amending the William Taylor Plaza Planned Unit Development.

### **Recommendation:**

The Commission took the following action:

Ms. Green moved to recommend denial of this application to amend the concept plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice. This denial is based on *Sec. 34-42(3) Whether there is a need and justification for the change,* and *Sec. 34-490(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.*

Mr. Santoski seconded the motion. The Commission voted 5-0 to recommend denial of the rezoning application to amend the William Taylor Plaza Planned Unit Development.

**Alternatives:**

City Council has several alternatives:

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

**Attachment:**

Staff Report dated April 28, 2015

Supplemental documents submitted by the applicant providing context for the proposed changes (this information only supports the changes suggested and does not alter what is outlined in the Staff Report dated April 28, 2015)

Final signed Proffer Statement dated June 3, 2015

**AN ORDINANCE  
APPROVING A REQUEST TO AMEND THE PUD ZONING PLAN AND REGULATIONS  
APPLICABLE TO PROPERTY LOCATED WITHIN  
THE WILLIAM TAYLOR PLAZA PLANNED UNIT DEVELOPMENT (“PUD”)**

**WHEREAS**, Cherry Avenue Investments, LLC (“Applicant”), by its agent Southern Development Company has filed application number ZM14-00002, seeking a rezoning of property located at 529 Cherry Avenue and 512-529 Ridge Street (City Tax Map 29, Parcels 145, 146, 147, 149, 150, 151 and 157), consisting, of approximately 125,321.5 square feet of land (2.90 acres) (together, the “Subject Property”), in order to amend the zoning regulations applicable to the Subject Property as a result of the PUD zoning district classification approved by City Council for the Subject Property on November 2, 2009 (hereinafter the “Proposed Rezoning”); and

**WHEREAS**, a joint public hearing on the Proposed Rezoning was held before the City Council and Planning Commission on May 12, 2015, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, legal notice of the public hearing held on May 12, 2015 was advertised in accordance with Va. Code Sec. 15.2-2204; and

**WHEREAS**, as part of its application the Applicant submitted a Preliminary Proffer Statement dated March 13, 2015, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement to the Planning Commission on May 12, 2015; and

**WHEREAS**, on June 12, 2012, the Planning Commission voted to recommend denial of the Proposed Rezoning to the City Council, based on their finding that the rezoning is not required by the public necessity, convenience, general welfare or good zoning practice; and

**WHEREAS**, the Applicant has submitted a Final Amended Proffer Statement dated June 3, 2015, signed by an individual authorized to bind the LLC to the provisions therein stated, as required by City Code Section 34-64(c), and this Final Proffer Statement is made a part of these proceedings; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that both the existing zoning PUD zoning classification (subject to approved proffers) and the proposed PUD zoning classification (subject to the proposed amended proffered development conditions dated March 13, 2015) are reasonable; that the Proposed Rezoning is consistent with the Comprehensive Plan; and that the Proposed Rezoning is required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia **THAT**: the zoning regulations applicable to the William Taylor Plaza PUD shall be and hereby are amended and reenacted as follows: the zoning regulations applicable within the William Taylor Plaza PUD shall be (i) those generally applicable within Chapter 34 of the City Code, and (ii) those specifically set forth within the amended PUD plan and Amended Final Proffer Statement dated June 3, 2015, set forth within application number ZM14-00002, which, together, are hereby approved and established as the new PUD development plan for the William Taylor Plaza PUD, for purposes of Chapter 34, Article V of the City Code.



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



**APPLICATION FOR REZONING OF PROPERTY**

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

**DATE OF HEARING: May 12, 2015**  
**APPLICATION NUMBER: ZM-14-00002**

**Project Planner:** Matt Alfele

**Date of Staff Report:** April 28, 2015

**Applicant:** Southern Development, acting as agent for the current property owner

**Applicant's Representative:** Charlie Armstrong

**Current Property Owner:** Cherry Avenue Investments, LLC

**Application Information**

**Property Street Address:** 529 Cherry Avenue & 512 – 529 Ridge Street

**Tax Map/Parcel #:** Tax Map 29, Parcels 157, 150, 149, 147, 146, 145, and 151

**Total Square Footage/ Acreage Site:** 2.90 Acres or 125,321.5 Square Feet

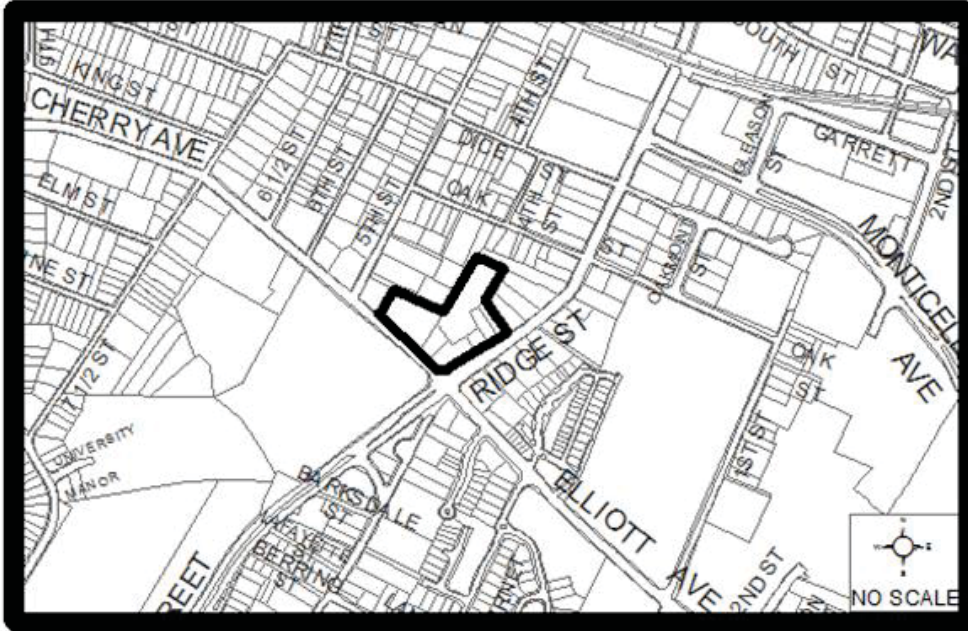
**Comprehensive Plan (Land Use Plan):** Mixed Use

**Current Zoning Classification:** Planned Unit Development

**Applicant's Request**

The applicant is seeking to amend the existing William Taylor Plaza PUD, originally approved November 2, 2009, with proffered development conditions. Changes to the existing William Taylor Plaza PUD include changing the parking and travelways configuration to allow more surface parking, addition of a phasing plan, the establishment of development setbacks, inclusion of a development use matrix, and additional Arboretum requirements.

## Vicinity Map



## Rezoning Standard of Review

Sec. 34-42. - Commission study and action.

- a. All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:
  1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
  2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
  3. Whether there is a need and justification for the change; and
  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.
- b. Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- c. The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment

was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services. Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

### **Planned Unit Development Standard of Review**

Sec. 34-490. - In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
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;
4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
5. To provide for developments designed to function as cohesive, unified projects;
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;
7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
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
9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
10. To facilitate access to the development by public transit services or other single-vehicle-alternative services, including, without limitation, public pedestrian systems.

### **Analysis**

1. **Below are areas where the development complies with the Comprehensive Plan**

This area of the City has been identified for Mixed Use development as found on the Charlottesville Land Use Map and outlined in Goal 2 under the Land Use Section of the 2013 Comprehensive Plan.

**a. Land Use**

**Goal 2: Mixed Use**

**2.5:** Expand the network of small, vibrant public spaces, particularly in areas that are identified for higher intensity uses and/or potential higher density

**Goal 3: Public Space**

**3.2:** Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential areas. Provide opportunities for nodes of activity to develop, particularly along mixed-use corridors.

**3.4:** Increase both passive and active recreational opportunities for Charlottesville residents.

**b. Economic Sustainability**

**Goal 1: Innovation**

**1.5:** Work strategically to continue to develop and implement land use policies and regulations that ensure the availability of sites for businesses to locate and expand.

**Goal 3: Partnerships**

**3.3:** Encourage the development of the City's key commercial corridors and surrounding sites (such as West Main Street, Preston Avenue, and Cherry Avenue).

**c. Environment**

**Goal 2: Urban Landscape & Habitat Enhancement**

**2.2:** Expand and protect the overall tree canopy of the City and increase the canopy of neighborhoods in an effort to achieve American Forest canopy recommendations (urban: 25%, suburban: 50%, and center business zones: 15%).

**2.3:** Develop methods, including financial incentives, to support retaining and increasing healthy tree canopy on private lands.

**Goal 5.0: Sustainable Development**

Encourage high performance, Green building standards and practices and the use of the U.S. Green Building Council's (USGBC) LEED certification program, Earthcraft, Energy Star, or other similar systems.

**d. Transportation**

**Goal 2: Land Use & Community Design**

**2.1:** Provide convenient and safe bicycle and pedestrian connections between new and existing residential developments, employment areas, and other activity centers to promote the option of walking and biking.

**2.6:** Promote urban design techniques, such as placing parking behind buildings, reducing setbacks, and increasing network connectivity to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways.

**e. Historic Preservation & Urban Design**

**Goal 1: Urban Design**

**1.3:** Facilitate development of nodes of density and vitality in the City's Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City.

**1.6:** Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts.

**Goal 7: Comprehensive Approach**

**7.11:** Encourage retaining and replenishing shade trees, particularly large trees where possible, in all neighborhoods as we strive to make the City more walkable.

**2. Below are areas where the development may be inconsistent with the Comprehensive Plan**

**f. Historic Preservation & Urban Design**

**Goal 1: Urban Design**

**1.6:** Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts.

*Although the development includes a semi-public space at the corner of Cherry Avenue and Ridge Street, elevation challenges limit the use of the space.*

**Goal 5: Neighborhood Conservation**

**5.2:** Recognize and respect cultural values and human resources, as well as built resources within the City's older neighborhoods.

*Special consideration needs to be given to the architectural and cultural importance of the Fifeville Neighborhood. More detailed elevations of the buildings are needed to assure this.*

**5.4:** Study the urban forms in historic neighborhoods and consider allowing similar design standards in new neighborhoods.

*Not enough information is provided at this time to ensure the new development meets the similar design standards as the surrounding neighborhoods.*

### 3. Effect on Surrounding Properties and Public Facilities

The most substantial change to the project is to proffer four (4), altering the minimum of 90% structured parking spaces under the buildings to 60%. This change will increase the number of surface parking from 10% to 40%. Staff is concerned that an increase in surface parking could make screening more difficult and raise the amount of Stormwater runoff. The applicant plans to address screening by preserving the trees along Ridge Street during the implementation of the Cherry Avenue Phase. During the site plan stage, staff would like to see an existing tree plan for the Ridge Street Phase to assure adequate screening.

### 4. Proffers

The original proffer statement approved by City Council in 2009 is attached to the staff report. The applicant is requesting to amend this statement. The proposed amendments are discussed below.

**Proffer (4) Original:** *A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.*

**Proffer (4) New:** *A minimum of 60% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.*

**Proffer (8) Original:** *A minimum of 45% of the total site area shall be preserved as Open Space. The "Arboretum" shall remain undeveloped and shall occupy a minimum of 20% of the site. Public access to the Arboretum shall be permitted during daylight hours.*

**Proffer (8) New:** *A minimum of 45% of the total site area shall be Open Space. Except for utilities, trails and other park amenities, the "Arboretum" shall remain undeveloped and shall occupy a minimum of 25% of the site. Public access to the Arboretum shall be permitted during daylight hours.*

**Proffer (14) Original:** No proffer 14 in original William Taylor PUD

**Proffer (14) New:** The uses and residential densities allowed within the PUD shall be those identified within the matrix titled "Use Types – William Taylor Plaza PUD".

## 5. Development Plan

The original William Taylor Plaza PUD Development Plan approved in 2009 is attached to the staff report. The applicant is requesting to amend aspects of the Development Plan as outlined below.

1. Increase surface parking and change traffic and pedestrian circulation patterns.
2. Changes to the appearance of the Stormwater maintenance facility
3. The introduction of a development phasing plan that creates two (2) phases; *Cherry Avenue Phase and Ridge Street Phase*.
4. The creation of an accompanying Use Matrix to mandate the types of uses allowed in each phase.
5. The creation of a building envelope through the introduction of setbacks.

## 6. Questions for the Planning Commission to Discuss

- **Will the changes requested by the applicant affect the intent of the original PUD?**

The Planning Commission should assess the individual changes as a whole in order to determine if the intent of the 2009 PUD is altered. Although changes to the original 2009 PUD are permissible, any change should create an equal or higher quality development than what is currently allowed. Please consider:

- How a change from 90% structured parking to 60% will affect circulation patterns on site.
- How expanding the Arboretum by 5% could alter the site.
- If the uses listed in the accompanying Use Matrix are appropriate in type and intensity for this location.
- If development phasing is appropriate.

## 7. Public Comments Received

Staff has received several comments from members of the public regarding this project. A few comments have been in support of amending the PUD, but most are in opposition. The public is concerned about the impact a hotel will have on the neighborhood, the scale and architecture of a large development, the effect of a large development on the historical integrity of Fifeville, and how traffic on Cherry Avenue will be impacted.

## 8. Staff Recommendation

The change to proffer four (4) offers greater flexibility to the applicant in the design of parking and travelways on site. Changes to the amount of surface parking could affect the site by increasing the amount of impervious surface and change the vehicular circulation and pedestrian experience. The applicant has stated that the new parking and travelway design will lower the amount of pervious surface as compared to the original 2009 design, but has not provided documentation as of this report.

Staff welcomes the change to proffer eight (8) as it increases the Arboretum by 5% and clarifies what can be developed within it. The new proffer wording unifies what was depicted on the original 2009 development plan.

The changes to the Development Plan reflect the changes to the proffer statement. The new Development Plan omits information showing the location and extent of structured parking. This is something staff would like to see. The new surface parking layout is an improvement over the last submittal as it successfully keeps parked cars hidden from Cherry Avenue and Ridge Street. The applicant has also put more thought into how pedestrians will access the Arboretum from Cherry Avenue. This is an improvement over the original 2009 plan as the amended pedestrian circulation pattern from Cherry Avenue to the Arboretum does not cross curb cuts, parking spaces, or travelways. Staff would like to see more consideration given to pedestrians accessing the Arboretum from Ridge Street. Overall staff believes the reconfigured parking and travelways are equal to or of higher quality than the currently approved plan. Staff would like to see calculations comparing impervious surface of the amended plan to that of the 2009 plan.

Staff is concerned with the development as it relates to the corner of Cherry Avenue and Ridge Street. The original 2009 PUD included a semi-public space that created a cohesive transition from development types. Although details for this location are better reviewed at the site plan level, consideration of the experience created at this corner is important. Staff would like to see that reflected on the development plan.

The inclusion of a phasing plan, building setbacks, and a Use Matrix bring the quality of the development up to a higher standard than that of the original 2009 PUD. Staff finds that the uses allowed in the Matrix are in line with that of the Cherry Avenue Mixed Use Corridor. The setbacks are also appropriate for this area of the City. Although the amended development plan includes a phasing portion, staff would like more information on the timeframe for each phase. By including the phasing plan, building



setbacks, and Use Matrix, the City and surrounding neighborhoods have a better assessment of future development patterns for this location.

On the previous PUD, the BAR had several preliminary discussions before the Planning Commission recommended approval of the PUD. Following the 2009 approval by City Council, the BAR reviewed the building plans for the whole site, although the rear of the site is not in a design control district. BAR has not been asked to review the PUD amendment. The Ridge Street frontage is in an ADC district, which means the BAR must review the design of anything proposed in that area.

Staff notes that the proposed amendments provide improvements to the existing PUD providing clarity on a number of aspects of the development which could allow for a recommendation for approval based on *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*. The Commission will need to assess whether the application provided addresses objectives set forth in 34-42. It was noted by the Commission at the meeting dated April 14, 2015 that the existing 2009 William Taylor Plaza PUD should not be altered or developed in phases. If this is still the prevailing sentiment of the Commissions, then this application would not meet objective *34-42(3): Whether there is a need and justification for the change*, and could be denied.

## 9. **Attachments**

- William Taylor Plaza PUD Amendment Summary
- Amended Proffer Statement
- Project Use Matrix
- Amended Conceptual Design Layout
- Development Phasing Plan
- Existing Topography
- November 2, 2009 Conceptual Design Layout
- September 14, 2009 Proffer Statement
- November 2, 2009 City Council Resolution

**10. Suggested Motions**

1. I move to recommend approval of this application to amend the development plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.
  
2. I move to recommend denial of this application to amend the concept plan for the William Taylor Plaza Planned Unit Development with amended proffers, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice.

William Taylor Plaza PUD Amendment  
Summary  
April 27, 2015

The Property is currently zoned PUD, with 13 proffers and a proffered PUD Development Plan. A Marriott brand hotel has contracted to build a hotel on the primarily commercial portion of the mixed use development along Cherry Avenue, complementing the planned residential scale buildings along Ridge Street shown in the approved plan. The Applicant proposes to amend the proffers and PUD Development Plan to:

- a) Require that 60% of the parking be accommodated in structured parking underground, versus 90% required by the current zoning;
- b) Enlarge the size of the preserved wooded 'Arboretum' in the rear of the property by 25%;
- c) Clarify that trails and park recreational amenities are allowed within the Arboretum. This is shown graphically in the already-approved PUD;
- d) Add building setbacks to require that buildings be set back from rear and side property lines;
- e) Add a Phasing Plan that dictates how the project must be phased, if it is phased; and
- f) Add a Use Matrix that eliminates some uses that are currently allowed By-Right.

The balance of the proffered PUD Development Plan remains largely the same by maintaining the previously approved building arrangement, wide boulevard sidewalks, street trees, LEED construction standards, and LID storm water management.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ~~ZM-09-07-~~

~~16~~ \_\_\_\_\_ )

STATEMENT OF FINAL PROFFER CONDITIONS

For the William Taylor Plaza PUD

Dated as of September 14, 2009

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE  
CITY OF CHARLOTTESVILLE:

The undersigned limited liability company 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 September 14, 2009.

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. In accordance with the "Land Purchase and Sale Agreement" approved by City Council October 6, 2008:
  - A. The Developer shall attempt to incorporate options for the City in the PUD for a designated City bus stop, which stop may be accepted and/or utilized by the City at the City's discretion.
  - B. The Developer will incorporate public access to the "Arboretum" planned for the PUD, or such other passive recreational space as may be approved as part of the PUD, which may be limited as to hours and usage.
  - C. The Developer shall contribute approximately \$253,000, per the terms of the Land Purchase and Sale Agreement, to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council. The contribution shall be made within 30 days of the approval of the final site plan or final plat approval, whichever occurs later.
  - D. All buildings within the Planned Unit Development shall be designed to a minimum rating of "Certified" under the LEED Green Building Rating System in effect at the time the design is made. Prior to issuance of a building permit for any building within the PUD, the Purchaser shall provide to the Director of Neighborhood Services ("DNS") for the City of Charlottesville a written confirmation from a LEED certified architect or engineer that such building, if constructed in accordance with the building plans, is designed to achieve a minimum "Certified" LEED rating. Before the Developer requests a certificate of occupancy for any building for which a LEED certified architect rendered an opinion, the Purchaser shall submit to the City's Director of NDS a written statement from the

architect or engineer that the building was built in conformance with plans on which his opinion was based.

2. The Developer has provided the City with a traffic study dated July 13, 2009 analyzing the impact of this project to the existing road networks. The submitted traffic study assumed a build out of 40 residential units and 40,000 square feet of commercial space. The study concluded that William Taylor Plaza would increase peak hour traffic at the most affected intersection by 5%.

Under the above stated unit count and commercial square footage assumptions (“Assumptions”), the Developer shall contribute \$10,000 in cash to the City’s Capital Improvements Program (C.I.P.) to be used for pedestrian safety and/or traffic calming improvements on 5th Street between Cherry Avenue and West Main Street. The Developer shall also design an eastbound right turn lane for Cherry Avenue at the intersection with Ridge Street. The design of the turn lane is valued at \$15,000. The Developer shall not be obligated to construct the turn lane, but shall provide the design to the City at no cost for the City’s use at its discretion.

In the event that the final site plan shows any variation from the above Assumptions, the Developer shall revise the traffic study for the project and submit the revision to the City for review prior to preliminary site plan approval. If the revised traffic study indicates that William Taylor Plaza will increase peak hour traffic at the most affected intersection by more than 5%, the Developer shall contribute to the C.I.P an additional \$5,000 cash per 1% increase over the 5% stated herein.

All proffered cash contributions shall be made prior to issuance of a Certificate of Occupancy.

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of ~~90~~60% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.

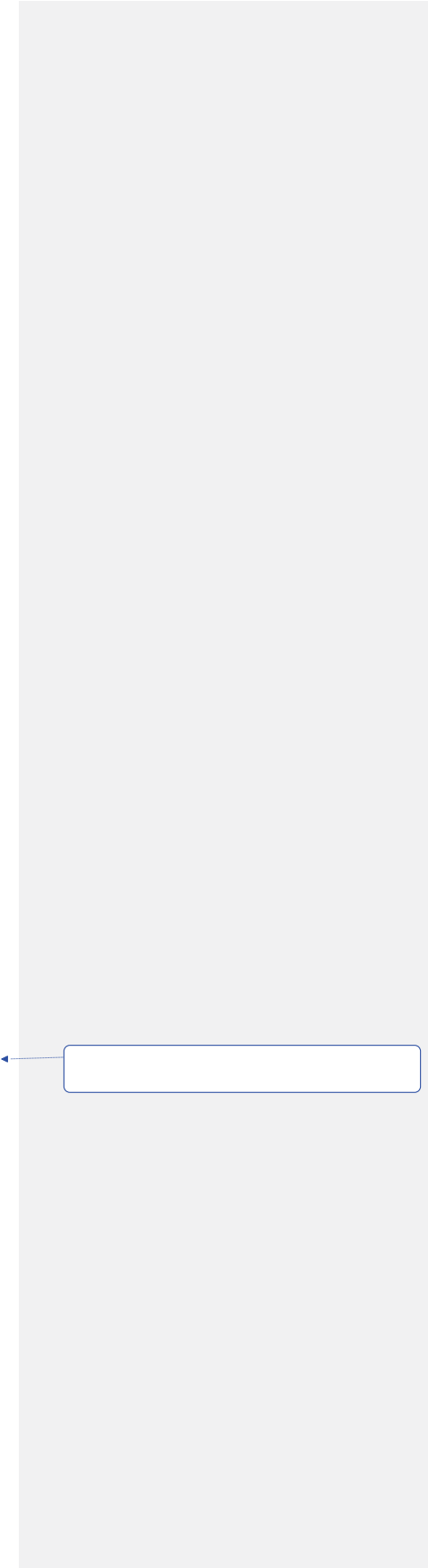
7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.
8. A minimum of 45% of the total site area shall be ~~preserved as~~ Open Space. Except for utilities, trails and other park amenities, The “Arboretum” shall remain undeveloped and shall occupy a minimum of ~~20~~25% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6” caliper in the “Arboretum” shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 100% of the waste and debris created by construction shall be taken to a local construction debris recycling facility for sorting and recycling, so long as such a facility continues to operate locally. The Developer shall provide positive documentation to the City upon request.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.
- ~~13-14.~~ The uses and residential densities allowed within the PUD shall be those identified within the matrix titled “Use Types – William Taylor Plaza PUD.”

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 ~~14~~<sup>14</sup><sup>th</sup> day of ~~September~~ \_\_\_\_\_, 201~~509~~<sup>509</sup>.

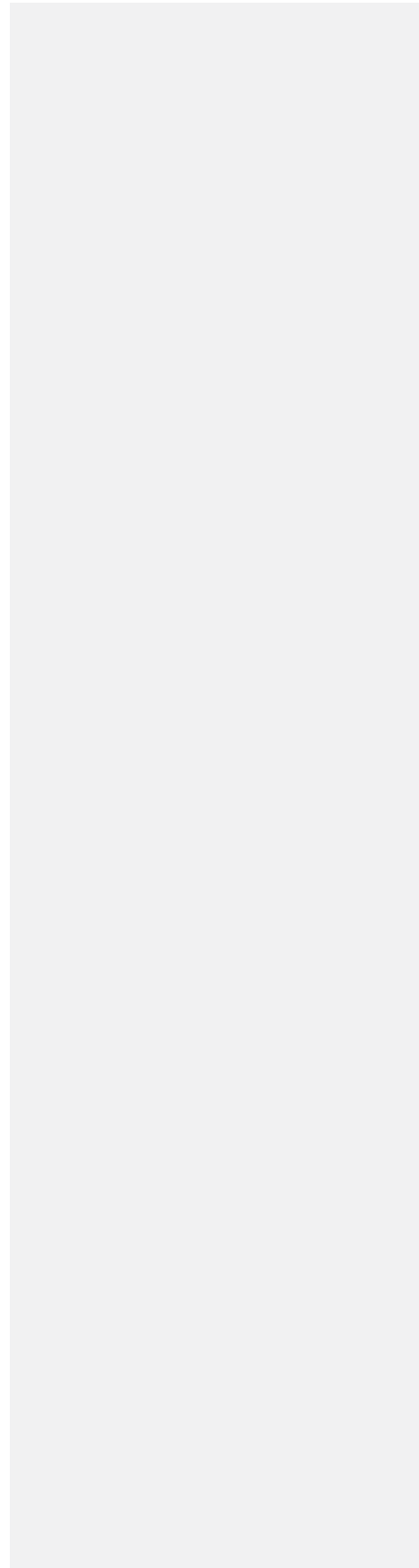
Owner:  
Cherry Avenue Investments, LLC

Owner’s Address:  
170 South Pantops Drive



Charlottesville, VA 22911

By: \_\_\_\_\_  
Frank Ballif, Manager



Use Types	William Taylor Plaza PUD	
	Cherry Ave Phase	Ridge Street Phase
<b>RESIDENTIAL AND RELATED USES</b>		
Accessory apartment, internal	P	P
Accessory apartment, external	P	P
Accessory buildings, structures and uses	B	B
Adult assisted living	*	*
1—8 residents	B	B
Greater than 8 residents	B	B
Adult day care	B	B
Amateur radio antennas, to a height of 75 ft.		
Bed-and-breakfast:	*	*
Homestay	B	B
B & B	B	B
Inn	B	B
Boarding: fraternity and sorority house		
Boarding house (rooming house)	B	B
Convent/monastery	B	B
Criminal justice facility	B	B
Dwellings:	*	*
Multifamily	B	B
Single-family attached	B	B
Single-family detached		B
Rowhouse/Townhouse		B
Two-family		B
Family day home		
1—5 children	B	B
6—12 children		
Home occupation	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
4 unrelated persons	B	B
Residential density (developments)	*	*
1—21 DUA	B	B
22—43 DUA	B	B
44—64 DUA	B	B
65—87 DUA	B	B
88—200 DUA	B	B
Residential treatment facility		
1—8 residents	B	B
8+ residents		
Shelter care facility	B	B
Single room occupancy facility		
Temporary family health care structure		
<b>NON-RESIDENTIAL: GENERAL and MISC. COMMERCIAL</b>	*	*
Access to adjacent multifamily, commercial, industrial or mixed-use development or use	B	B
Accessory buildings, structures and uses	B	B
Amusement center		
Amusement enterprises (circuses, carnivals, etc.)		
Amusement park (putt-putt golf; skateboard parks, etc.)		
Animal boarding/grooming/kennels:	*	*
With outside runs or pens		
Without outside runs or pens	B	B
Animal shelter		
Art gallery:	*	*
GFA 4,000 SF or less	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)		
Auditoriums, theaters	B	B
Houses of worship	B	B
Assembly (outdoor)	*	*
Amphitheater		
Stadium (open)		
Temporary (outdoor church services, etc.)		
Assembly plant, handcraft		
Assembly plant		
Automobile uses:	*	*
Gas station		
Parts and equipment sales		
Rental/leasing		
Repair/servicing business		
Sales		
Tire sales and recapping		
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	
Car wash		
Catering business	B	B
Cemetery		
Clinics:	*	*
Health clinic (no GFA limit)	B	B
Health clinic (up to 10,000 SF, GFA)	B	
Health clinic (up to 4,000 SF, GFA)	B	B
Public health clinic	B	B
Veterinary (with outside pens/runs)		
Veterinary (without outside pens/runs)	B	B
Clubs, private	B	B
Communications facilities and towers:	*	*
Antennae or microcells mounted on existing towers established prior to 02/20/01		
Attached facilities utilizing utility poles or other electric transmission facilities as the attachment structure	B	B
Attached facilities not visible from any adjacent street or property	B	B
Attached facilities visible from an adjacent street or property		
Alternative tower support structures		
Monopole tower support structures		
Guyed tower support structures		
Lattice tower support structures		
Self-supporting tower support structures		
Contractor or tradesman's shop, general		
Crematorium (independent of funeral home)		
Data center	B	B
Daycare facility	B	B
Dry cleaning establishments	B	B
Educational facilities (non-residential)	*	*
Elementary	B	B
High schools	B	B
Colleges and universities	B	B
Artistic up to 4,000 SF, GFA	B	B
Artistic up to 10,000 SF, GFA	B	B
Vocational, up to 4,000 SF, GFA	B	B
Vocational, up to 10,000 SF, GFA	B	B
Electronic gaming café		
Funeral home (without crematory)	*	*
GFA 4,000 SF or less		
GFA up to 10,000 SF		

Funeral homes (with crematory)	*	*
GFA 4,000 SF or less		
GFA up to 10,000 SF		
Golf course		
Golf driving range		
Helipad		
Hospital	B	B
Hotels/motels:	*	*
Up to 100 guest rooms	B	
100+ guest rooms	B	
Laundromats	B	B
Libraries	B	B
Manufactured home sales		
Microbrewery	B	B
Mobile food units	P	P
Movie theaters, cineplexes	B	
Municipal/governmental offices, buildings, courts	B	B
Museums:	*	*
Up to 4,000 SF, GFA	B	B
Up to 10,000 SF, GFA	B	B
Music halls	B	B
Offices:	*	*
Business and professional	B	B
Medical	B	B
Philanthropic institutions/agencies	B	B
Property management	B	B
Other offices (non-specified)	B	B
Outdoor storage, accessory	S	S
Parking:	*	*
Parking garage	A	A
Surface parking lot	A	A
Surface parking lot (more than 20 spaces)	A	A
Temporary parking facilities	T	T
Photography studio	B	B
Photographic processing; blueprinting	B	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.	B	B
Outdoor: Parks, playgrounds, ball fields and ball courts, swimming pools, picnic shelters, etc.	B	B
Restaurants:	*	*
Dance hall/all night		
Drive-through windows	B	
Fast food	B	B
Full service	B	B
24-hour		
Taxi stand	B	B
Towing service, automobile		
Technology-based businesses	B	B
Transit facility	B	
Utility facilities		
Utility lines	B	B
<b>NON-RESIDENTIAL USES: RETAIL</b>		
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	B	B
Farmer's market	B	B
Greenhouses/nurseries		
Grocery stores:	*	*
Convenience	B	B
General, up to 10,000 SF, GFA	B	B

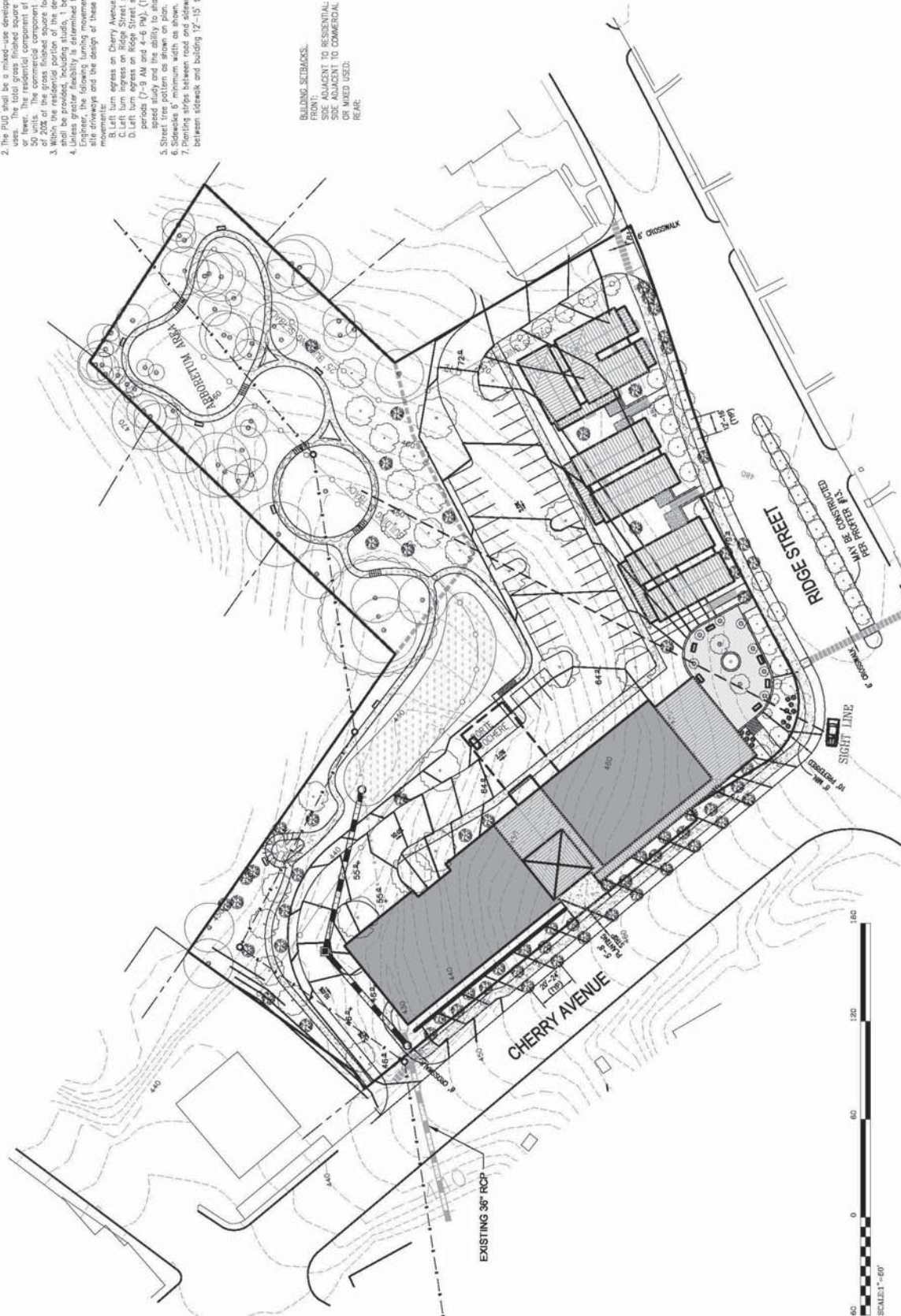
General, 10,001+ SF, GFA	B	
Home improvement center	B	
Pharmacies:	*	*
1—1,700 SF, GFA	B	B
1,701—4,000 SF, GFA	B	B
4,001+ SF, GFA	B	B
Shopping centers	B	B
Shopping malls		
Temporary sales, outdoor (flea markets, craft fairs, promotional sales, etc.)	T	T
Other retail stores (non-specified):	*	*
Up to 4,000 SF, GFA	B	B
Up to 20,000 SF GFA	B	B
20,000+ SF, GFA	B	
<b>NON-RESIDENTIAL: INDUSTRIAL</b>	*	*
Accessory buildings, structures and uses	B	B
Assembly, industrial		
Beverage or food processing, packaging and bottling plants		
Brewery and bottling facility	B	B
Compounding of cosmetics, toiletries, drugs and pharmaceutical products		
Construction storage yard		
Contractor or tradesman shop (HAZMAT)		
Frozen food lockers		
Greenhouse/nursery (wholesale)		
Industrial equipment: service and repair		
Janitorial service company		
Kennels		
Laboratory, medical	B	B
<4,000 sq. ft.	B	B
Laboratory, pharmaceutical	B	B
<4,000 sq. ft.	B	B
Landscape service company		
Laundries		
Manufactured home sales		
Manufacturing, light		
Medical laboratories		
Moving companies	B	
Pharmaceutical laboratories	B	B
Printing/publishing facility	B	B
Open storage yard		
Outdoor storage, accessory to industrial use		
Research and testing laboratories	B	B
Self-storage companies		
Warehouses		
Welding or machine shop		
Wholesale establishments		

- A = Ancillary use
- B = by-right use
- CR = commercial/residential
- A/S = Ancillary or Special Use Permit
- DUA = dwelling units per acre
- GFA = gross floor area
- MFD = multifamily development
- P = provisional use permit
- S = special use permit
- T = temporary use permit
- \* = header section

- The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the final use planning, engineering, architecture, and the regulatory review process, and shall be in substantial conformity with the regulatory code.
- The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 200 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
- Within the residential portion of the development, a variety of housing sizes shall be provided, including studio, 1 bedroom, & 2 bedroom units.
- Engineering shall be provided for all stormwater runoff and traffic. Engineer the following turning movement restrictions will be placed on the site driveways and the design of these driveways shall physically prohibit the movements:
  - Left turn egress on Cherry Avenue shall be prohibited.
  - Right turn egress on Cherry Avenue shall be prohibited.
  - Left turn egress on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
- Street tree pattern as shown on plan. Spacing as noted.
- Storerooms 5' minimum width as shown, 5' minimum. Planting strips between sidewalk and building 12'-15' typical.

**BUILDING SETBACKS:**

- FRONT ADJACENT TO RESIDENTIAL: 0'
- SIDE ADJACENT TO COMMERCIAL: 25'
- OR MIXED USED: 0'
- REAR: 50'



**William Taylor Plaza**  
Charlottesville, Virginia

**William Taylor Plaza**  
Charlottesville, Virginia

**PUD Development Plan**  
Sheet 1 of 2  
March 13, 2015

**Dominion Engineering**  
Charlottesville, Virginia

CHERRY AVE PHASE  
 RIDGE STREET PHASE

SEQUENCE:  
 THE OWNER MAY DEVELOP THE ENTIRE SITE SIMULTANEOUSLY UNDER ONE SITE PLAN OR MAY DEVELOP THE CHERRY AVENUE PHASE FIRST, THEN THE RIDGE STREET PHASE. EXISTING TREES IN THE RIDGE STREET PHASE SHALL REMAIN UNDISTURBED UNTIL SITE PLAN APPROVAL HAS BEEN GRANTED FOR THE RIDGE STREET PHASE, EXCEPT THAT INVASIVE SPECIES MAY BE REMOVED.



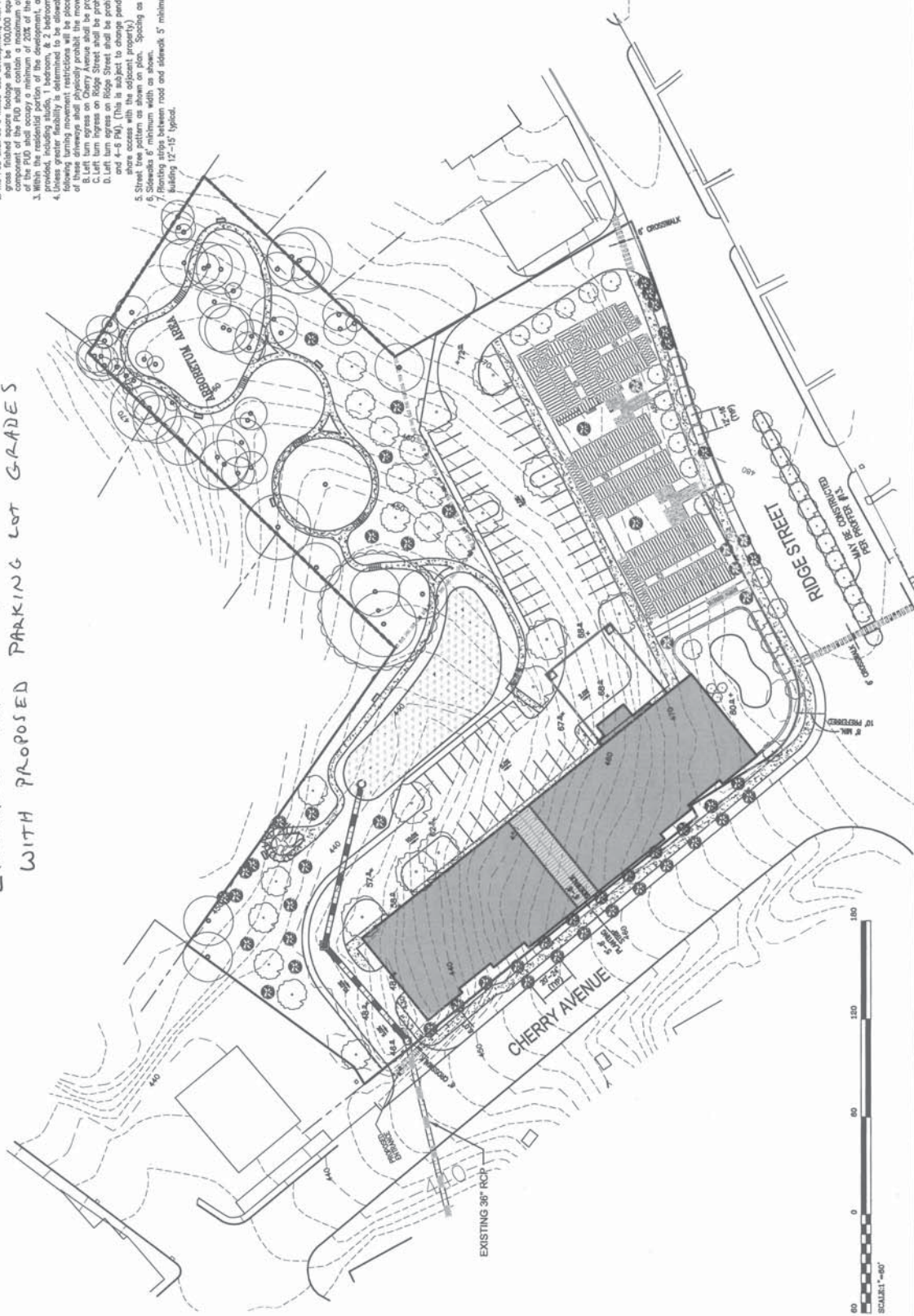
Dominion Engineering  
 Charlottesville, Virginia

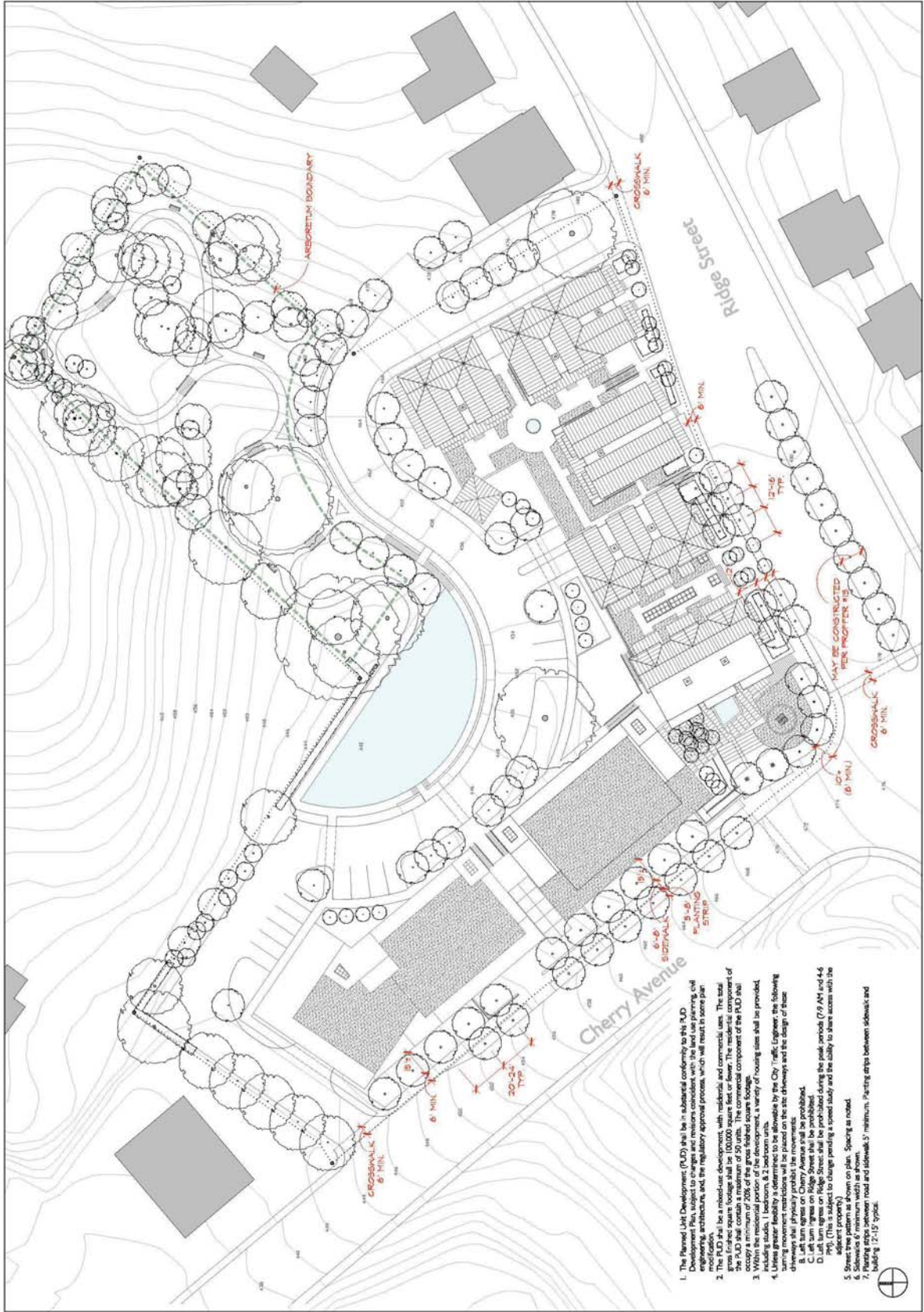
William Taylor Plaza  
 Charlottesville, Virginia

Phasing Plan  
 Sheet 2 of 2  
 March 13, 2015

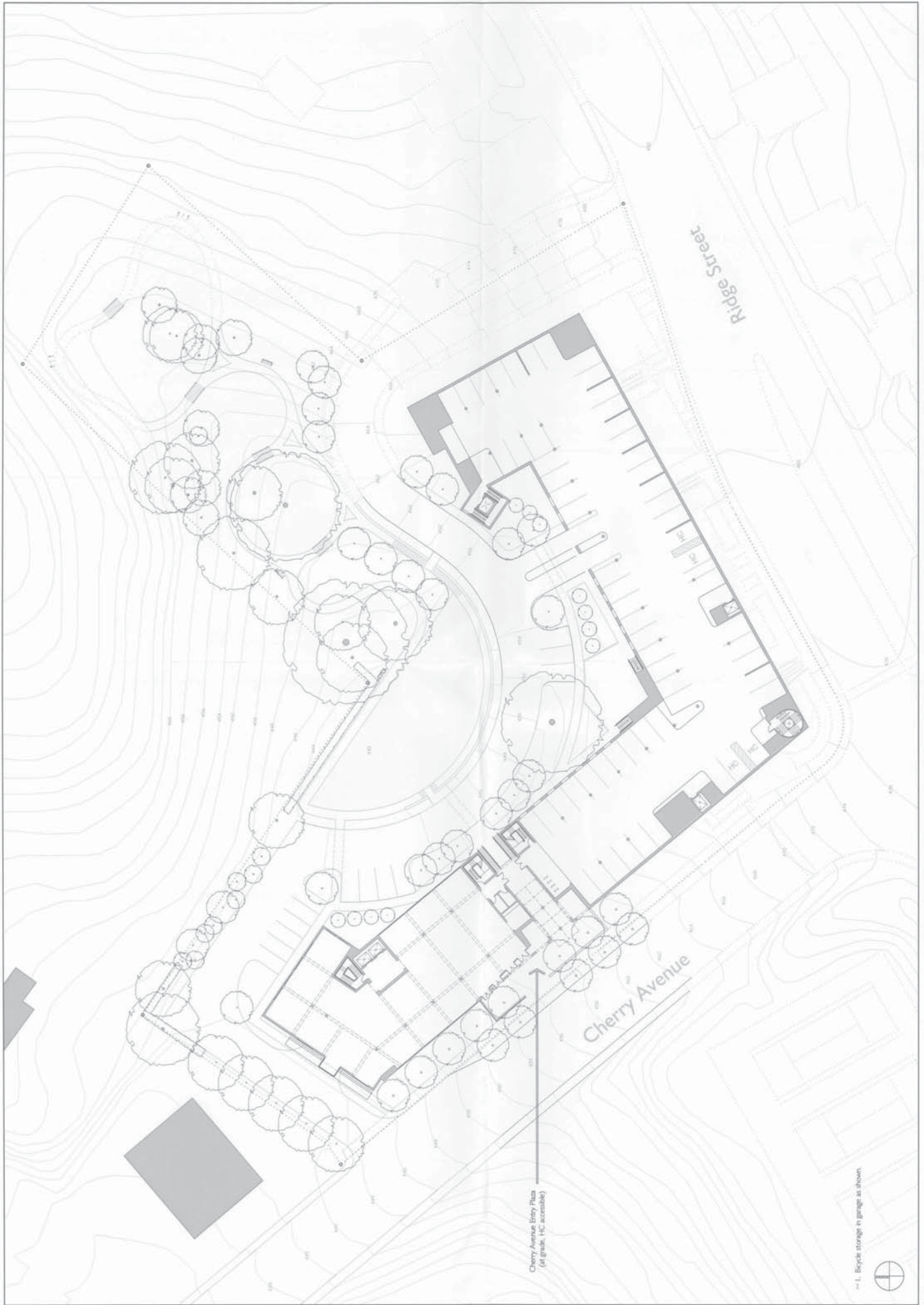
EXISTING TOPOGRAPHY  
WITH PROPOSED PARKING LOT GRADES

1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD and shall be subject to the City's engineering, architectural, and the regulatory approval process, which will result in some plan modification.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total area of the PUD shall be approximately 100 acres. The residential component of the PUD shall contain a maximum of 50 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
3. Within the residential portion of the development, a variety of housing sizes shall be provided, including single-family detached, townhomes, and multi-family units.
4. Access to the PUD shall be provided to be adequate by the City Traffic Engineer, the following turning movement restrictions will be placed on the site driveways and the design of these driveways shall physically prohibit the movements:
  - A. Right turn across on Ridge Street shall be prohibited.
  - B. Left turn across on Ridge Street shall be prohibited.
  - C. Left turn across on Cherry Avenue shall be prohibited.
  - D. Left turn across on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
5. Street tree pattern on shown on plan. Spacing as noted.
6. Street tree pattern on shown on plan. Spacing as noted.
7. Flanking strips between road and sidewalk 5' minimum. Flanking strips between sidewalk and building 12"-15" typical.





1. The Planned Unit Development (PUD) shall be in substantial conformity to the PUD Development Plan, subject to changes and revisions consistent with the land use planning, civil engineering, architecture, and the regulatory approval process, which will result in some plan amendments.
2. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 10,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 50 units. The commercial component of the PUD shall include a variety of retail, food service, and other uses.
3. Within the residential portion of the development, a variety of housing sizes shall be provided, including studios, 1 bedroom, and 2 bedroom units.
4. All proposed improvements shall be based on the site plan and shall be subject to the following driveway shall physically prohibit the improvements.
5. Street lighting shall be provided on all streets.
6. Left turn signs on Cherry Avenue shall be provided.
7. Left turn signs on Ridge Street shall be provided during the peak periods (7:30 AM and 4:45 PM).
8. Left turn signs on Ridge Street shall be provided during the peak periods (7:30 AM and 4:45 PM).
9. Minimum clearances shall be provided for all vehicles.
10. Minimum clearances shall be provided for all vehicles.
11. Minimum clearances shall be provided for all vehicles.
12. Minimum clearances shall be provided for all vehicles.
13. Minimum clearances shall be provided for all vehicles.
14. Minimum clearances shall be provided for all vehicles.
15. Minimum clearances shall be provided for all vehicles.
16. Minimum clearances shall be provided for all vehicles.
17. Minimum clearances shall be provided for all vehicles.
18. Minimum clearances shall be provided for all vehicles.
19. Minimum clearances shall be provided for all vehicles.
20. Minimum clearances shall be provided for all vehicles.





BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZM-09-07-16)  
STATEMENT OF FINAL PROFFER CONDITIONS  
For the William Taylor Plaza PUD  
Dated as of September 14, 2009

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE  
CITY OF CHARLOTTESVILLE:

The undersigned limited liability company 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 September 14, 2009.

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. In accordance with the "Land Purchase and Sale Agreement" approved by City Council October 6, 2008:
  - A. The Developer shall attempt to incorporate options for the City in the PUD for a designated City bus stop, which stop may be accepted and/or utilized by the City at the City's discretion.
  - B. The Developer will incorporate public access to the "Arboretum" planned for the PUD, or such other passive recreational space as may be approved as part of the PUD, which may be limited as to hours and usage.
  - C. The Developer shall contribute approximately \$253,000, per the terms of the Land Purchase and Sale Agreement, to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council. The contribution shall be made within 30 days of the approval of the final site plan or final plat approval, whichever occurs later.
  - D. All buildings within the Planned Unit Development shall be designed to a minimum rating of "Certified" under the LEED Green Building Rating System in effect at the time the design is made. Prior to issuance of a building permit for any building within the PUD, the Purchaser shall provide to the Director of Neighborhood Services ("DNS") for the City of Charlottesville a written confirmation from a LEED certified architect or engineer that such building, if constructed in accordance with the building plans, is designed to achieve a minimum "Certified" LEED rating. Before the Developer requests a certificate of occupancy for any building for which a LEED certified architect rendered an opinion, the Purchaser shall submit to the City's Director of NDS a written statement from the

architect or engineer that the building was built in conformance with plans on which his opinion was based.

2. The Developer has provided the City with a traffic study dated July 13, 2009 analyzing the impact of this project to the existing road networks. The submitted traffic study assumed a build out of 40 residential units and 40,000 square feet of commercial space. The study concluded that William Taylor Plaza would increase peak hour traffic at the most affected intersection by 5%.

Under the above stated unit count and commercial square footage assumptions (“Assumptions”), the Developer shall contribute \$10,000 in cash to the City’s Capital Improvements Program (C.I.P.) to be used for pedestrian safety and/or traffic calming improvements on 5th Street between Cherry Avenue and West Main Street. The Developer shall also design an eastbound right turn lane for Cherry Avenue at the intersection with Ridge Street. The design of the turn lane is valued at \$15,000. The Developer shall not be obligated to construct the turn lane, but shall provide the design to the City at no cost for the City’s use at its discretion.

In the event that the final site plan shows any variation from the above Assumptions, the Developer shall revise the traffic study for the project and submit the revision to the City for review prior to preliminary site plan approval. If the revised traffic study indicates that William Taylor Plaza will increase peak hour traffic at the most affected intersection by more than 5%, the Developer shall contribute to the C.I.P an additional \$5,000 cash per 1% increase over the 5% stated herein.

All proffered cash contributions shall be made prior to issuance of a Certificate of Occupancy.

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of 90% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.

7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.
8. A minimum of 45% of the total site area shall be preserved as Open Space. The "Arboretum" shall remain undeveloped and shall occupy a minimum of 20% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6" caliper in the "Arboretum" shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 100% of the waste and debris created by construction shall be taken to a local construction debris recycling facility for sorting and recycling, so long as such a facility continues to operate locally. The Developer shall provide positive documentation to the City upon request.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.

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 14<sup>th</sup> day of September, 2009.

Owner/Applicant:  
Rock Creek Properties, LLC

Owner/Applicant's Address:  
170 South Pantops Drive  
Charlottesville, VA 22911

By: 

Frank Ballif, Manager

**AN ORDINANCE  
APPROVING A REQUEST TO REZONE PROPERTIES LOCATED ON  
CHERRY AVENUE AND RIDGE STREET  
TO PLANNED UNIT DEVELOPMENT (PUD)**

**WHEREAS**, Southern Development (“Applicant”), agent for Cherry Avenue Investments, LLC, the Owner of property located at 529 Cherry Avenue, and Contract Purchaser of properties at 521-529 Ridge Street, identified on City Tax Map 29 as Parcels 145, 146, 147, 149, 150, 151 and 157, submitted an application seeking a rezoning of such property from R-2 (Residential) with Historic Overlay and R-3 (Residential), and CH (Mixed Use-Cherry Avenue Corridor), to Planned Unit Development (PUD), hereinafter the “Proposed Rezoning”; and

**WHEREAS**, joint public hearings on the Proposed Rezoning were held before the City Council and Planning Commission on August 11, 2009 and September 9, 2009, following notice to the public and to adjacent property owners as required by law; and

**WHEREAS**, on September 9, 2009, the Planning Commission voted to recommend approval of the Proposed Rezoning to the City Council on the basis of general welfare or good zoning practice; and

**WHEREAS**, the Applicant submitted a Preliminary Proffer Statement on June 23, 2009, as required by City Code Section 34-64(a), and presented the Preliminary Proffer Statement, with modifications, to the Planning Commission on August 11, 2009 and September 9, 2009; and

**WHEREAS**, the Applicant has submitted a Final Proffer Statement dated September 14, 2009, as required by City Code Section 34-64(c), and the Final Proffer Statement has been submitted and made a part of these proceedings; and

**WHEREAS**, legal notice of the public hearings held on August 11, 2009 and September 9, 2009 were advertised in accordance with Va. Code Sec. 15.2-2204; and

**WHEREAS**, this Council finds and determines that the public necessity, convenience, general welfare or good zoning practice requires the Proposed Rezoning; that both the existing zoning classifications (R-2 Residential with Historic Overlay, R-3 Residential, and Mixed Use-Cherry Avenue Corridor districts) and the proposed “PUD” zoning classification (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from R-2 Residential with Historic Overlay, R-3 Residential, and Mixed Use-Cherry Avenue Corridor to “Planned Unit Development”, subject to the proffered development conditions set forth within the Final Proffer Statement dated September 14, 2009, all of the property located at 529 Cherry Avenue and 521-529 Ridge Street, identified on City Tax Map 29 as Parcels 145, 146, 147, 149, 150, 151 and 157, consisting of approximately 2.9 acres.

Approved by Council  
November 2, 2009

  
Clerk of City Council

1. The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to change and revisions coincident with the land use planning, civil engineering, architecture, and the regulatory requirements of the City of Charlotte. The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a minimum of 20% of the gross finished square footage. Within the residential portion of the development, a variety of housing sizes shall be provided, including studios, 1 bedroom, & 2 bedroom units. Unless greater flexibility is determined to be allowed by the City Traffic Department, the design of these driveways shall physically prohibit the movements:
  - a. Left turn egress on Cherry Avenue shall be prohibited.
  - b. Left turn egress on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
  - c. Street tree pattern as shown on plan. Spacing as noted.
  - d. Sidewalks 6' minimum width as shown.
  - e. Planting strips between road and driveway, 5' minimum. Planting strips between sidewalk and building 12'-15' typical.

**BUILDING SETBACKS:**  
 FRONT: 0'  
 SIDE ADJACENT TO RESIDENTIAL: 25'  
 SIDE ADJACENT TO COMMERCIAL: 0'  
 REAR: 50'



William Taylor Plaza  
 Charlotteville, Virginia

William Taylor Plaza  
 Charlotteville, Virginia

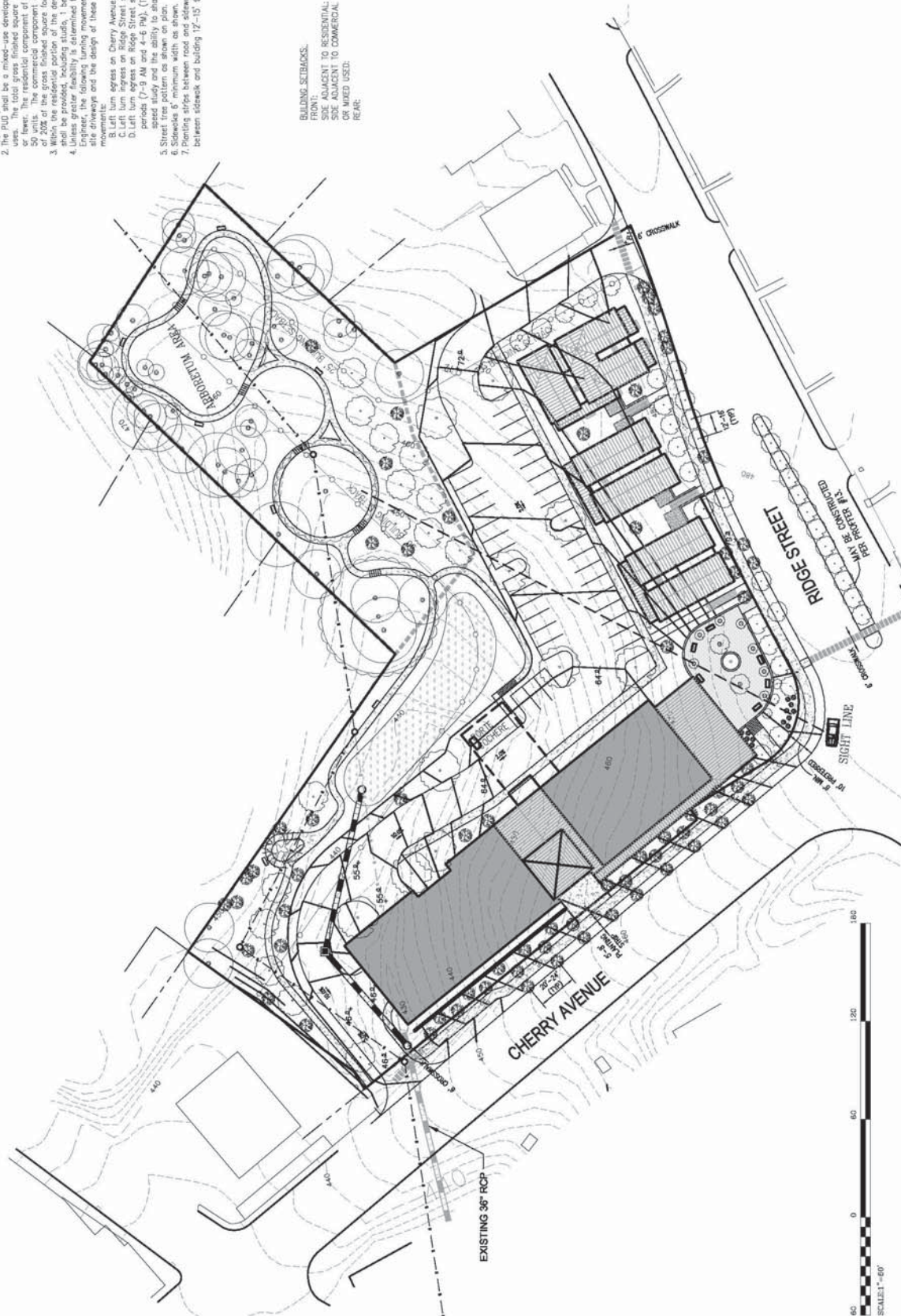
PUD Development Plan  
 Sheet 1 of 2  
 March 13, 2015

Dominion Engineering  
 Charlotteville, Virginia

- The Planned Unit Development (PUD) shall be in substantial conformity to this PUD Development Plan, subject to changes and revisions coincident with the final use planning, engineering, architecture, and the regulatory review process. The PUD shall be in substantial conformity to the regulatory code.
- The PUD shall be a mixed-use development, with residential and commercial uses. The total gross finished square footage shall be 100,000 square feet or fewer. The residential component of the PUD shall contain a maximum of 200 units. The commercial component of the PUD shall occupy a minimum of 20% of the gross finished square footage.
- When the residential portion of the development, a variety of housing sizes shall be provided, including studio, 1 bedroom, & 2 bedroom units. The PUD shall be designed to accommodate pedestrian and bicycle traffic. Egress from the development shall be provided. The following turning movement restrictions will be placed on the site driveways and the design of these driveways shall physically prohibit the movements:
  - Left turn egress on Cherry Avenue shall be prohibited.
  - Left turn egress on Ridge Street shall be prohibited during the peak periods (7-9 AM and 4-6 PM). (This is subject to change pending a speed study and the ability to share access with the adjacent property.)
  - Street tree pattern as shown on plan. Spacing as noted.
  - Sideways 5' minimum width on driveway, 5' minimum. Planting strips between sidewalk and building 12'-15' typical.

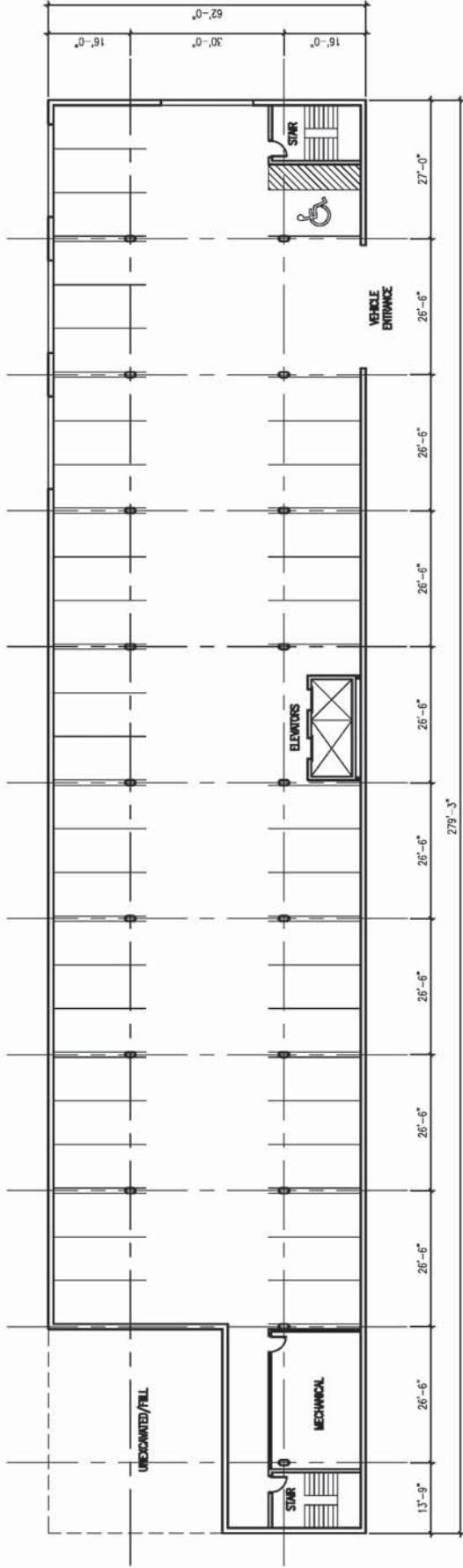
**BUILDING SETBACKS:**

FRONT ADJACENT TO RESIDENTIAL:	0'
SIDE ADJACENT TO COMMERCIAL:	25'
OR MIXED USED:	0'
REAR:	50'



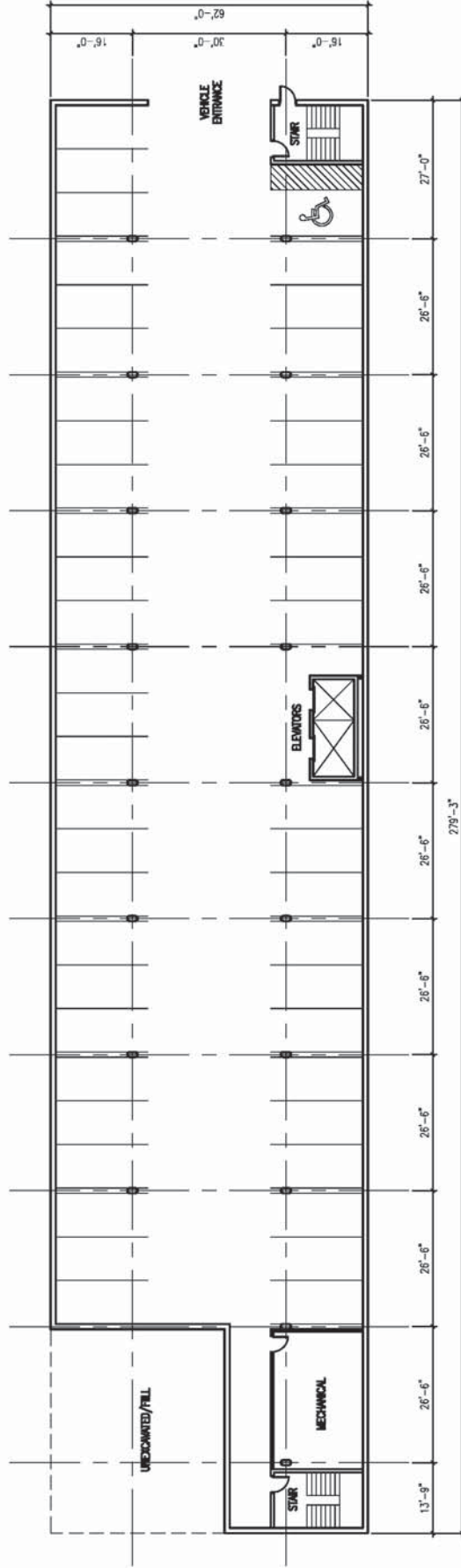


WILLIAM TAYLOR PLAZA - FAIRFIELD HOTEL  
BCA ARCHITECTS AND ENGINEERS



PARKING LEVEL 2  
15,992 SF (GROSS)  
48 PARKING SPACES

**PARKING LEVEL 2**  
SCALE: 3/64" = 1'-0" ELEV - 465



PARKING LEVEL 1  
15,992 SF (GROSS)  
48 PARKING SPACES

**PARKING LEVEL 1**  
SCALE: 3/64" = 1'-0" ELEV - 446





# William Taylor Plaza PUD Amendment

## **Characteristics That are the Same as the Current Approved Plan**

- Building arrangement and form
- BAR shall review details of all building architecture
- Wide boulevard sidewalks with street trees
- Proffers for pedestrian safety improvements and crosswalk signals
- Semi-public Plaza at the corner of Ridge & Cherry
- 45% of the site is required to be open space
- Hotel use is by right
- 2 levels of structured parking under the building
- LEED construction standards
- LID storm water management
- \$253,000 dedicated to affordable housing or Tonsler Park

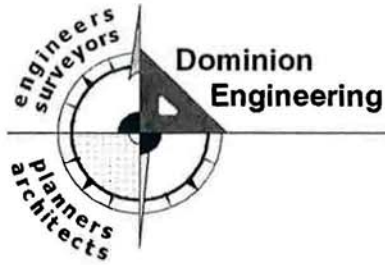
# William Taylor Plaza PUD Amendment

## **Existing PUD Zoning**

- 10% max surface parking
- 81,000 sf of impervious area
- Some parking visible from streets
- Arboretum is 20% of the site
- All commercial and residential uses are by right
- No setbacks to adjacent residential properties
- No plan for how to phase construction
- \$9,000 annual City tax revenue

## **Proposed PUD Zoning**

- 40% max surface parking
- 60,700 sf of impervious area
- Parking not visible from streets
- Arboretum is 25% of the site
- Inappropriate commercial and residential uses proffered out
- 25' side and 50' rear setbacks to adjacent residential properties
- Construction Phasing Plan has been proffered
- \$420,000 annual City tax revenue



172 South Pantops Drive  
Charlottesville, VA 22911

434.979.8121 (p)  
434.979.1681 (f)  
DominionEng.com

May 8, 2015

Mr. Charlie Armstrong  
Southern Development Group  
170 South Pantops Drive  
Charlottesville, Virginia 22911

**RE: William Taylor Plaza PUD – Impervious Area Analysis**

Dear Charlie,

This letter certifies the amount of impervious area proposed for the referenced project:

Original PUD prepared by Train Associates = 81,000 sf

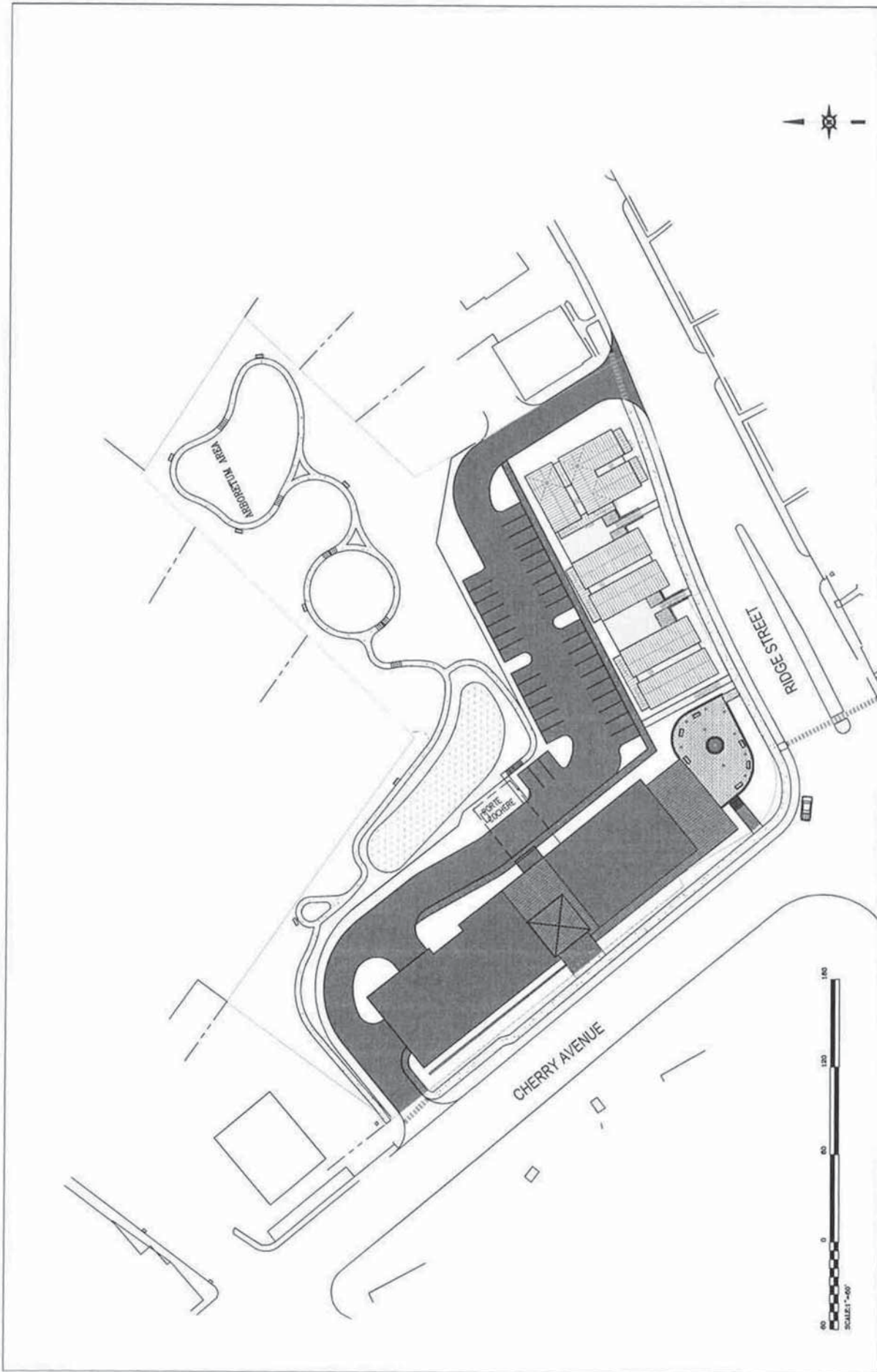
Amended PUD prepared by Dominion Engineering = 60,700 sf

The above impervious areas are exclusive of the sidewalk proposed in the arboretum areas. Please contact me if you have any questions or require additional information.

Sincerely,

Michael F. Myers, P.E.

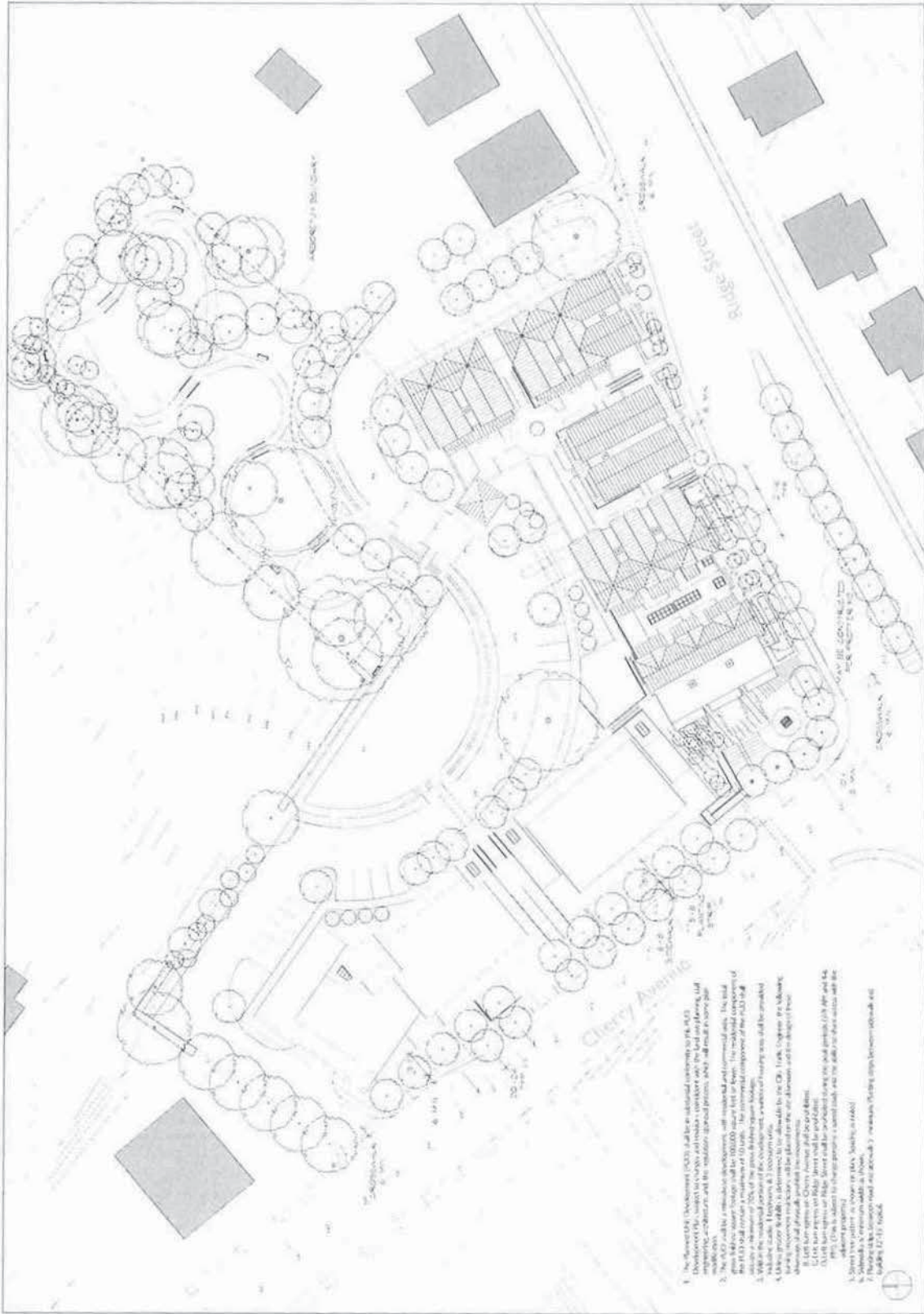




Dominion Engineering  
Charlottesville, Virginia

William Taylor Plaza  
Charlottesville, Virginia

Phasing Plan  
Sheet 2 of 2  
March 13, 2016



1. The "Planned Unit Development" (PUD) shall be an integrated community for the PUD. Development of the project shall include a mix of residential, commercial, and recreational uses. The total number of units shall be determined by the City of Charlottesville and shall be subject to the following conditions:
  - a. The PUD shall be a residential development, with residential and commercial uses. The total number of units shall be determined by the City of Charlottesville and shall be subject to the following conditions:
    - i. The PUD shall be a residential development, with residential and commercial uses. The total number of units shall be determined by the City of Charlottesville and shall be subject to the following conditions:
      - A. Units shall be available to the public for the PUD. Units shall be available to the public for the PUD.
      - B. Units shall be available to the public for the PUD. Units shall be available to the public for the PUD.
      - C. Units shall be available to the public for the PUD. Units shall be available to the public for the PUD.
      - D. Units shall be available to the public for the PUD. Units shall be available to the public for the PUD.

BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA  
IN RE: PETITION FOR REZONING (City Application No. ZM-14-00002)  
STATEMENT OF FINAL PROFFER CONDITIONS  
For the William Taylor Plaza PUD  
Dated as of June 3, 2015

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF CHARLOTTESVILLE:

The undersigned limited liability company 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 March 13, 2015.

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. In accordance with the "Land Purchase and Sale Agreement" approved by City Council October 6, 2008:
  - A. The Developer shall attempt to incorporate options for the City in the PUD for a designated City bus stop, which stop may be accepted and/or utilized by the City at the City's discretion.
  - B. The Developer will incorporate public access to the "Arboretum" planned for the PUD, or such other passive recreational space as may be approved as part of the PUD, which may be limited as to hours and usage.
  - C. The Developer shall contribute approximately \$253,000, per the terms of the Land Purchase and Sale Agreement, to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council. The contribution shall be made within 30 days of the approval of the final site plan or final plat approval, whichever occurs later.
  - D. All buildings within the Planned Unit Development shall be designed to a minimum rating of "Certified" under the LEED Green Building Rating System in effect at the time the design is made. Prior to issuance of a building permit for any building within the PUD, the Purchaser shall provide to the Director of Neighborhood Services ("DNS") for the City of Charlottesville a written confirmation from a LEED certified architect or engineer that such building, if constructed in accordance with the building plans, is designed to achieve a minimum "Certified" LEED rating. Before the Developer requests a certificate of occupancy for any building for which a LEED certified architect rendered an opinion, the Purchaser shall submit to the City's Director of NDS a written statement from the architect or engineer that the building was built in conformance with plans on which his opinion was based.

2. The Developer has provided the City with a traffic study dated July 13, 2009 analyzing the impact of this project to the existing road networks. The submitted traffic study assumed a build out of 40 residential units and 40,000 square feet of commercial space. The study concluded that William Taylor Plaza would increase peak hour traffic at the most affected intersection by 5%.

Under the above stated unit count and commercial square footage assumptions (“Assumptions”), the Developer shall contribute \$10,000 in cash to the City’s Capital Improvements Program (C.I.P.) to be used for pedestrian safety and/or traffic calming improvements on 5th Street between Cherry Avenue and West Main Street. The Developer shall also design an eastbound right turn lane for Cherry Avenue at the intersection with Ridge Street. The design of the turn lane is valued at \$15,000. The Developer shall not be obligated to construct the turn lane, but shall provide the design to the City at no cost for the City’s use at its discretion.

In the event that the final site plan shows any variation from the above Assumptions, the Developer shall revise the traffic study for the project and submit the revision to the City for review prior to preliminary site plan approval. If the revised traffic study indicates that William Taylor Plaza will increase peak hour traffic at the most affected intersection by more than 5%, the Developer shall contribute to the C.I.P. an additional \$5,000 cash per 1% increase over the 5% stated herein.

All proffered cash contributions shall be made prior to issuance of a Certificate of Occupancy.

3. All buildings fronting Cherry Avenue shall be restricted to non-residential uses on the ground level and shall have pedestrian access from the ground level onto Cherry Avenue.
4. A minimum of 60% of the total project parking will be accommodated in structured parking under the buildings. Parked cars will not be visible from Ridge Street or Cherry Avenue.
5. Sidewalks with a minimum width of 6 feet will be provided along the Ridge Street and Cherry Avenue road frontage in order to enhance the pedestrian environment. Where possible, 8 foot wide sidewalks will be provided. Sidewalk widths shall be as shown on the PUD Development Plan.
6. The Developer shall contribute \$5,000 to the City to be used toward pedestrian improvements at the intersection of Cherry Avenue and Ridge Street, to include striped crosswalks and countdown pedestrian signals.
7. The developer will provide a minimum of 1 bicycle rack or bicycle locker for every 10 parking spaces to encourage bicycle transportation to and from the development. Bicycle storage shall be provided within the parking garage.

8. A minimum of 45% of the total site area shall be Open Space. Except for utilities, trails and other park amenities, the "Arboretum" shall remain undeveloped and shall occupy a minimum of 25% of the site. Public access to the Arboretum shall be permitted during daylight hours.
9. Existing live trees larger than 6" caliper in the "Arboretum" shall be preserved.
10. A retention basin and other low impact development methods for the control of storm drainage shall be constructed on the property in accordance with specifications approved by the City Engineer for the City of Charlottesville and plans approved by the City Engineer for the City of Charlottesville.
11. Street trees shall be provided along Ridge Street and Cherry Avenue as shown on the PUD Development Plan. Landscaping on the interior of the site shall be provided in accordance with the City Zoning Ordinance. All landscaping and street trees shall be maintained by the Owner and/or Condominium Association.
12. 100% of the waste and debris created by construction shall be taken to a local construction debris recycling facility for sorting and recycling, so long as such a facility continues to operate locally. The Developer shall provide positive documentation to the City upon request.
13. The Developer is in negotiations with the City of Charlottesville to establish a public/private partnership for streetscape improvements such as landscaping, underground utilities, pedestrian safety improvements, and other corridor improvements on Ridge Street and Cherry Avenue that are not necessitated by this development. If an agreement between the parties can be reached, the developer will share in the cost of these improvements up to 50% of the total cost.
14. The uses and residential densities allowed within the PUD shall be those identified within the matrix titled "Use Types – William Taylor Plaza PUD."

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 3<sup>rd</sup> day of June, 2015.

Owner:  
Cherry Avenue Investments, LLC

Owner's Address:  
170 South Pantops Drive  
Charlottesville, VA 22911

By:   
Frank Ballif, Manager



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

Agenda Date: July 6, 2015

Action Required: Consideration of a Special Use Permit

Presenter: Brian Haluska, Principal Planner

Staff Contacts: Brian Haluska, Principal Planner

**Title: ZM15-00002 Lochlyn Hill PUD Amendment**

**Background:**

Milestone Partners, acting as agent for Meadowcreek Development, LLC has submitted a PUD amendment for a development located on Penn Park Lane. The original PUD was approved September 4, 2012. Changes to the approved proposal include a revised concept plan. The property is further identified on City Real Property Tax Map 48A Parcel 39 having frontage on Penn Park Lane. The site is zoned PUD and the total project area is approximately 22.47 acres.

**Discussion:**

The Planning Commission discussed this matter at their June 9, 2015 meeting.

**Citizen Engagement:**

The Planning Commission held a joint public hearing with City Council on this matter at their meeting June 9, 2015. The member of the public that spoke on the project mentioned general opposition to the project on the grounds that the property was one of the remaining open space and wildlife habitat in the City, as well as bringing an issue with late night noise at the site to the attention of the Commission and Council.

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

The City Council Vision of Quality Housing Opportunities for All states that "Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life states, and abilities" and further that, "Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers."

The City of Charlottesville Strategic Plan Goal to “Be a safe, equitable, thriving and beautiful community” states that the City will “Engage in robust and context sensitive urban planning.”

**Budgetary Impact:**

The proposed project is anticipated to increase the assessed value of the property, and result in an increase in property taxes. The residents that inhabit the neighborhood will require City services

**Recommendation:**

The Commission took the following action:

Mr. Santoski moved to recommend denial of this application for a Special Use Permit.

Mr. Lahendro seconded the motion. The Commission voted 4-2 to recommend denial of the Special Use Permit. Chairman Rosensweig was not present.

**Alternatives:**

City Council has several alternatives:

- (1) by motion, take action to approve the requested rezoning;
- (2) by motion, defer action on the rezoning, or
- (4) by motion, deny the requested rezoning.

**Attachments:**

Staff Report dated May 27, 2015

**ORDINANCE**  
**REZONING PROPERTY TO AMEND THE LOCHLYN HILL PUD**  
**(“AMENDED LOCHLYN HILL PUD”)**

**WHEREAS**, Meadowcreek Development LLC is the owner of property within the Lochlyn Hill PUD, and the owner has authorized Milestone Partners LLC (“Applicant”) to make application for a zoning map amendment with respect to the Lochlyn Hill PUD (City Application No. ZM15-00002, the “Application”) consisting of approximately 22.47 acres of land, identified as City Tax Map 48A Parcel 39, which was previously designated as a planned unit development (“PUD”) zoning district, by ordinance of city council approved September 4, 2012 (the “Subject PUD”); and

**WHEREAS**, pursuant to City Code §34-519 the Applicant seeks an amendment of the Subject PUD, as set forth within the Application and related materials presented to this Council, such related materials including: (i) revisions to the Concept Development Plan required by City Code §34-517(3) and (ii) revisions to the land use plan required by §34-517(4)( referenced by the applicant as pages 6, 7 and 15 of the “code of development” revised as of June 16, 2015) (collectively, the “2015 Application Materials”); and

**WHEREAS**, following a joint public hearing before this Council and the Planning Commission, duly advertised and held on June 9, 2015, the Planning Commission voted to recommend approval of the Application based on finding that the proposed amendment is required by the public necessity, convenience, general welfare or good zoning practice, and this Council likewise finds and determines that the rezoning proposed by the Application is required by the public necessity, convenience, general welfare or good zoning practice; and

**WHEREAS**, this Council finds and determines that in its other aspects, the proposed amendments to the Subject PUD conform 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 amendments to the Subject PUD, are consistent with the City’s adopted Comprehensive Plan; **NOW THEREFORE**,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

*Section 34-1. Zoning District Map.* Rezoning from Lochlyn Hill PUD (9/4/2012) to Amended Lochlyn Hill PUD, consisting of the following: (i) the Final Proffer Statement approved by Council on September 4, 2012, and (ii) the PUD Development Plan approved on September 4, 2012, amended by the 2015 Application Materials approved this date by Council.

Except as expressly set forth within the 2015 Application Materials approved this date by City Council, the provisions of the PUD Development Plan and the Final Proffer Statement approved for the Lochlyn Hill PUD on September 4, 2012, shall be and continue in full force and effect.

**City of Charlottesville**  
**Department of Neighborhood Development Services**  
**Staff Report**



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

**DATE OF HEARING: JUNE 9, 2015**  
**APPLICATION NUMBER: ZM15-00002**

**Project Planner:** Brian Haluska

**Date of Staff Report:** May 27, 2015

**Applicant:** Milestone Partners, acting as agent for the current property owner

**Applicant's Representative:** L.J. Lopez

**Current Property Owner:** Meadowcreek Development, LLC

**Application Information**

**Property Street Address:** Penn Park Lane

**Tax Map/Parcel #:** Tax Map 48A, Parcel 39

**Total Square Footage/ Acreage Site:** 22.47 Acres

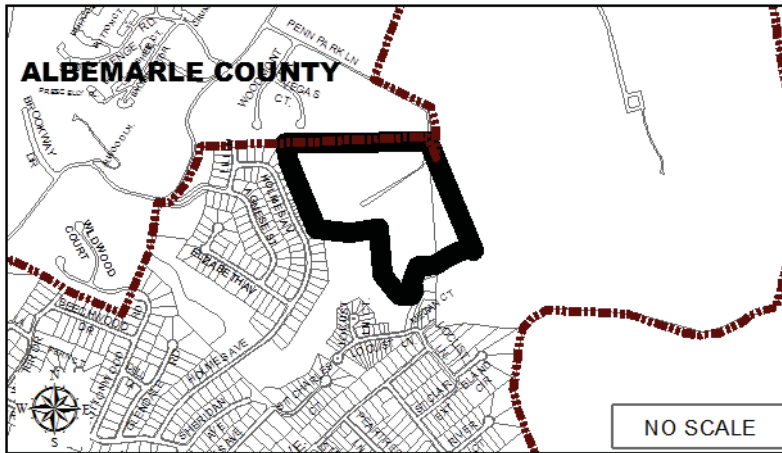
**Comprehensive Plan (Land Use Plan):** Low Density Residential

**Current Zoning Classification:** Planned Unit Development

**Applicant's Request**

The applicant is requesting modification of the approved concept plan for the Planned Unit Development (PUD) zoning approved for the above property by City Council on September 4, 2012. The applicant is proposing to change the concept plan's description of Block 2B of the original concept plan. The proposed amendment would also provide additional clarifying language regarding the types of units envisioned in each of the blocks in the PUD, and would enable some multi-family structures in Blocks 3 and 4A of the original concept plan, so that the developer could construct four-plex units.

## Vicinity Map



## Rezoning Standard of Review

Sec. 34-42. - Commission study and action.

- a. All proposed amendments shall be reviewed by the planning commission. The planning commission shall review and study each proposed amendment to determine:
  1. Whether the proposed amendment conforms to the general guidelines and policies contained in the comprehensive plan;
  2. Whether the proposed amendment will further the purposes of this chapter and the general welfare of the entire community;
  3. Whether there is a need and justification for the change; and
  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.
- b. Prior to making any recommendation to the city council, the planning commission shall advertise and hold at least one (1) public hearing on a proposed amendment. The planning commission may hold a joint public hearing with the city council.
- c. The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Petitions shall be deemed referred to the commission as of the date of the first planning commission meeting following the acceptance of the petition by the director of neighborhood development services.

Failure of the commission to report to city council within the one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

### **Planned Unit Development Standard of Review**

Sec. 34-490. - In reviewing an application for approval of a planned unit development (PUD) or an application seeking amendment of an approved PUD, in addition to the general considerations applicable to any rezoning the city council and planning commission shall consider whether the application satisfies the following objectives of a PUD district:

1. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern;
2. To encourage innovative arrangements of buildings and open spaces to provide efficient, attractive, flexible and environmentally sensitive design.
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;
4. To encourage the clustering of single-family dwellings for more efficient use of land and preservation of open space;
5. To provide for developments designed to function as cohesive, unified projects;
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;
7. To ensure preservation of cultural features, scenic assets and natural features such as trees, streams and topography;
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
9. To provide for coordinated linkages among internal buildings and uses, and external connections, at a scale appropriate to the development and adjacent neighborhoods;
10. To facilitate access to the development by public transit services or other single-vehicle- alternative services, including, without limitation, public pedestrian systems.

## Analysis

### **1. Consistency with Comprehensive Plan**

This area of the City has been identified for Low-Density Residential development as found on the Charlottesville Land Use Map in the 2013 Comprehensive Plan.

#### **a. Housing**

##### **Goal 3: Grow the City's Housing Stock**

Grow the City's housing stock for residents of all income levels.

**3.3:** Achieve a mixture of incomes and uses in as many areas of the City as possible.

**3.6:** Promote housing options to accommodate both renters and owners at all price points, including workforce housing.

### **2. Effect on Surrounding Properties and Public Facilities**

The proposed changes to the PUD primarily will impact the adjacent owners within the PUD. Staff anticipates no change in the impact to public facilities beyond the currently approved development.

### **3. Proffers**

No change to the approved proffer statement is proposed.

### **4. Development Plan**

The original Development Plan approved in 2012 showed a portion of the development known as "Block 2B" was to be "cottages" around a central green space. At their February regular meeting, the Planning Commission reviewed a site plan for this site and indicated to the applicant that the plan for that block did not comply with the concept plan as approved.

The applicant is requesting to amend aspects of the Development Plan as outlined below.

1. Edit the description of Block 2B so that it deletes any references to cottages.
2. Clarify the language regarding uses permitted in the each block.
3. Add provisions to permit additional unit types in Blocks 3 and 4A of the development. The applicants indicate interest in a "Stacked Townhouse" style of building that would house four units in a structure. This style of development is currently considered as multi-family residential in the City.

The applicant notes that the maximum permitted density in each block and the overall development is unchanged, so building a four-unit building would mean reducing unit counts elsewhere in the block to compensate.

### **Questions for the Planning Commission to Discuss**

- **Will the changes requested by the applicant affect the intent of the original PUD?**

The Planning Commission should assess the individual changes as a whole in order to gauge if the intent of the 2012 PUD is altered. Although changes to the original 2012 PUD are permissible, any change should create a better outcome than what is currently allowed. Please consider:

- How a change from an entire block of cottages ringing a green space on Block 2B differs from the proposed lot arrangement of Block 2B.
- How the addition of multi-family residential structures as a by-right use in Blocks 3 and 4A may impact those blocks and the overall PUD.
- How lowering the minimum number of units in Blocks 3 and 4A will affect the overall PUD.

### **Public Comments Received**

Staff has received no comments from the public regarding this change at the time of the drafting of the report. Staff did receive a phone call from an adjacent property owner, requesting more information on the content of the proposal.

### **Staff Recommendation**

The proposed amendment highlights one of the difficulties with crafting a PUD application. While City staff and the Planning Commission encourage a level of specificity that gives an accurate representation of the future development, as well as guidance on how the development will look, this specificity can result in less flexibility in the development as it moves towards site plan approval. In the case of this proposal, the applicant is requesting to substitute more general terms for single family housing, removing undefined terms such as “cottages” or “mid-sized units”. Staff has no concerns with this change, and does not feel that it will materially alter the overall PUD.

The more substantial change is the inclusion of multi-family residential in Block 3 and 4A. Staff has no concerns with the inclusion of units as described by the applicant. A “stacked townhouse” layout will permit the applicant to provide a wider variety of unit types within the development, and place those units in a location adjacent to other units of different sizes, rather than



segregating those units.

Staff's one concern with the proposed change is that the change opens the door to potentially structure with greater than 4 units. Staff, however, would rely on the amended concept plan to address that issue should it arise. The concept plan does not show any structures or lot arrangement conducive to large footprint apartment complex type buildings in these blocks. Thus, any attempt to construct a building that is not in line with the lot sizes shown in the concept plan would require another amendment to the PUD concept plan.

In light of the increased flexibility the amendment provides the applicant in meeting the goals of the PUD, staff recommends the application be approved.

### **Attachments**

1. Lochlyn Hill PUD Amendment Summary dated May 19, 2014
2. Updated Lochlyn Hill concept plan map
3. Resolution from original PUD approval

### **Suggested Motions**

1. I move to recommend approval of this application to amend the development plan for the Lochlyn Hill Planned Unit Development, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice.
2. I move to recommend approval of this application to amend the development plan for the Lochlyn Hill Planned Unit Development, on the basis that the proposal would serve the interests of the general public welfare and good zoning practice, with the following modifications proposed by the applicant:
  - a. ...

I move to recommend denial of this application to amend the concept plan for the Lochlyn Hill Planned Unit Development, on the basis that the proposal would not serve the interests of the general public welfare and good zoning practice.

June 16, 2015



City of Charlottesville  
Neighborhood Development  
Attn: Brian Haluska  
PO Box 911, City Hall  
Charlottesville, VA 22902

RE: Lochlyn Hill PUD Modification – Resubmission

Dear Brian:

Please find enclosed the following:

- Revised Pages 6-7+15 of the Code of Development (per staff comments)
- Revised Conceptual Development Plan (no change from Public Hearing)

Per the comments made by Staff, we have revised the Code of Development language on Pages 6-7+15, along with a modification to Table A, to reflect the discussion. Should staff have any additional comments or suggestions, we are amenable to further revision.

Please note the entire package of changes, as submitted with the initial submission, is being provided.

We look forward to working with you on this exciting residential development project that spans both the City and County jurisdictions. If there are any questions, please do not hesitate to contact me directly at [llopez@milestonepartners.co](mailto:llopez@milestonepartners.co) or 434.245.5803 (o) or 434.409.1005 (c).

Very truly yours,

A handwritten signature in black ink that reads "LJ Lopez III". The signature is stylized and cursive.

Louis J. Lopez III



## LOCHLYN HILL -- CODE OF DEVELOPMENT

balance of the neighborhood, as it will offer single family detached and townhouses in both a front loaded and rear alley loaded condition.

### **Block 2A**

Block 2A is situated solely in the City of Charlottesville and will be a continuation of the development pattern established in Block 1. Small setbacks, street trees, and pedestrian friendly streets will continue in this block and throughout the neighborhood. Front loaded, single family detached dwellings will comprise the majority of the product type in this block with a few, rear loaded, single family detached.

### **Block 2B**

A sub-block, 2B, will support single family detached front load and/or rear load dwellings. In addition, single family detached and/or duplex dwellings will be centralized around a common green space. Parking will be relegated from the primary street as much as possible.

### **Block 3**

Block 3 is situated with a majority of the block in the City and a portion in the County. The Albemarle County portion of the block is comprised of the remainder of the Village Green. Again, this will provide for central green space that is flexible and programmable for both passive and active recreation. This is anticipated to be a central meeting place for residents. The City of Charlottesville portion of Block 3 continues the already established pattern of development with single family detached dwellings and townhouses. The units in this block are all anticipated to be rear loaded.

### **Block 4A**

Block 4A includes single family detached dwellings and townhouses both rear and front loaded. Block 4 is located entirely within the City and will have direct access to the Meadowcreek and pedestrian access to the Rivanna Trail will be made possible by the installation of a bridge to cross the Meadowcreek.

### **Block 4B**

Block 4B is comprised of multi-family dwellings. This block is also adjacent to the Meadowcreek Golf Course and the multifamily use will take advantage of the grades on site to provide spectacular views of the golf course and surrounding mountain vistas.

### **Blocks 5 and 6**

In Blocks 5 and 6 the pedestrian friendly, tree lined streets, alley access, integrated townhomes and single family dwellings pattern of development continues. This block is adjacent to greenspace on its north and south boundaries. To the north is the Meadowcreek Golf Course, offering great views, and to the south is the central Village Green, offering active and passive recreation.

\* All uses described above may be included in any of the blocks and Table A, below, shall govern the uses to be included in the respective blocks.

\*Single family detached and/or duplex dwellings centralized around a common greenspace (as depicted in a portion of Block 2B) may be included in any of the neighborhood blocks

LOCHLYN HILL -- CODE OF DEVELOPMENT

**Land Uses Permitted/ Prohibited by Block**

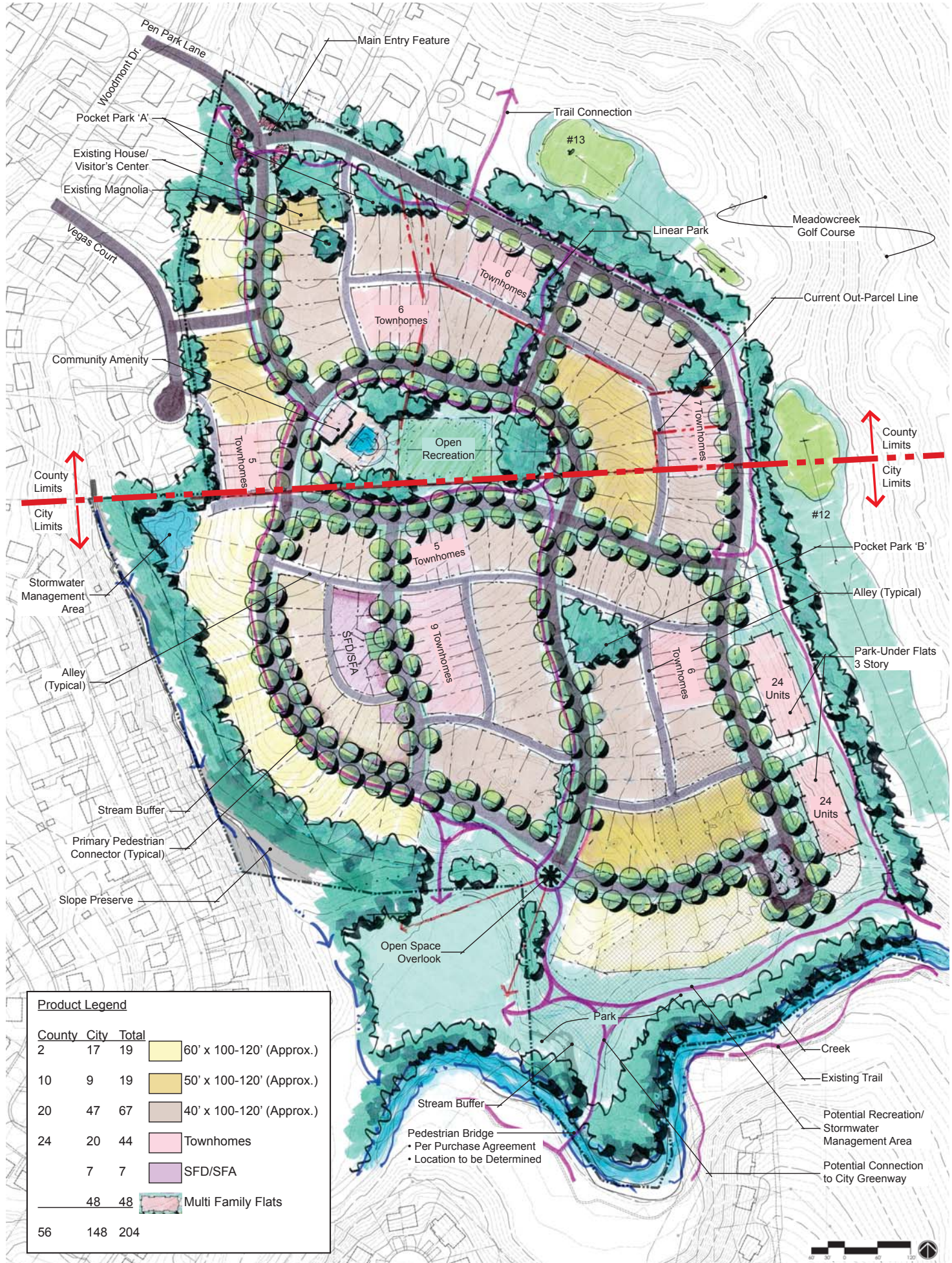
Table A establishes the uses that are permitted or prohibited by block. If the column under a Block has a “B” filled in, then the use in that row is permitted (i.e., it is by-right) within that block. If the column under a Block has a “S” filled in, then the use in that row is permitted within that block only through a Special Use Permit and a separate Special Use Permit would need to be filed and a separate legislative action would need to be taken by the City of Charlottesville City Council to permit that use. Finally, if a column is left blank, then the use is prohibited within that block.

Table A – Permitted/ Prohibited Uses by Block								
Detached single family dwelling		B	B	B	B	B		
Duplex, Townhouse		B	B	B	B	B		
Multi-family – 4 units or more		S	S	B	B	B		
Boarding house (rooming house)		S	S	S	S	S		
Accessory building structures and uses		B	B	B	B	B		
Accessory Apartment - Internal		B	B	B	B	B		
Accessory Apartment - External		B	B	B	B	B		
Houses of Worship		B	B	B	B	B		
Clubs, private - lodges, civic, fraternal, patriotic		S	S	S	S	S		
Farmers’ market		S	S	S	S	S		
Home Occupation <sup>1</sup>		P	P	P	P	P		
Education Facilities		S	S	S	S	S		
Utility Facilities		B	B	B	B	B		
Utility Lines		B	B	B	B	B		

1. Home Occupation shall be reviewed in accordance with the City’s Provisional Use Permit regulations and section 34-1172 of the zoning code.

LOCHLYN HILL -- CODE OF DEVELOPMENT

	Primary Dwelling Unit			Accessory Dwelling Unit		Block Area and Density
	MINIMUM <sup>1</sup>	SHOWN ON PUD DEVELOPMENT PLAN	MAXIMUM	MINIMUM	MAXIMUM	
<b>2A</b>	15	15	19	0	5	6.29 Acres 2.38 Units/Acre
<b>2B</b>	15	15	18	0	5	1.79 Acres 8.37 Units/Acre
<b>3</b>	30	30	40	7	15	5.77 Acres 5.19 Units/Acre
<b>4A</b>	40	40	50	8	15	6.4 Acres 5.47 Units/Acre
<b>4B</b>	15	48	48	0	5	1.93 Acres 24.87 Units/Acre
<b>City of Charlottesville</b>	135	148	175	15	50	
<b>County of Albemarle</b>	40	56	60	-	-	
<b>TOTAL</b>	<b>175</b>	<b>204</b>	<b>235</b>	<b>25</b>	<b>50</b>	



**Product Legend**

County	City	Total	Product
2	17	19	60' x 100-120' (Approx.)
10	9	19	50' x 100-120' (Approx.)
20	47	67	40' x 100-120' (Approx.)
24	20	44	Townhomes
7	7	14	SFD/SFA
48	48	96	Multi Family Flats
56	148	204	

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date: July 6, 2015

Action Required: Approval of Ordinance

Presenter: Craig Brown, City Attorney

Staff Contacts: Lt. C. S. Sandridge, Charlottesville Police Department  
Andrew Gore, Assistant City Attorney

**Title: Amend Section 20-11 of City Code Relating to the Enforcement Of Trespass Violations**

**Background:**

Section 20-11 of the City Code currently authorizes the Charlottesville Police Department (“CPD”) accept from a property owner a designation as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the owner’s property. This proposed amendment would expand Section 20-11 to authorize “lessees, custodians, or other persons lawfully in charge” to make such designations, in addition to owners, aligning Section 20-11 with state law.

**Discussion:**

Va. Code § 15.2-1717.1 authorizes localities to establish procedures that allow for “the owner, lessee, custodian, or other persons lawfully in charge” of property, to designate law-enforcement agencies to act as a "person lawfully in charge of the property" for the purposes of barring individuals from a property. A law-enforcement agency so designated may bar individuals from a property in much the same way as an owner. Remaining on or returning to a property after being lawfully barred constitutes an enforceable trespass violation. Currently, Section 20-11 authorizes CPD to accept designations for these purposes only from an owner of the property. This amendment would expand the authority of CPD to also accept such designations from lessees, custodians, or other persons lawfully in charge of the property, in accordance with Va. Code § 15.2-1717.1.

**Budgetary Impact:** The proposed change will have no budgetary impact.

**Recommendation:** Approve the proposed change to the ordinance.

**Alternatives:** Council may elect not to change the ordinance.

**Attachments:** Proposed ordinance

**AN ORDINANCE AMENDING AND RE-ORDAINING  
SECTION 20-11, ARTICLE I, CHAPTER 20  
OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED  
RELATING TO THE DESIGNATION OF POLICE  
TO ENFORCE TRESPASS VIOLATIONS**

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that Section 20-11, Article I, Chapter 20 of the Charlottesville City Code, 1990, as amended, is hereby amended and re-ordained as follows:

**Section 20-11. Designation of police to enforce trespass violations.**

The chief of police may accept a designation by the owner, lessee, custodian, or person lawfully in charge as those terms are used in Va. Code §18.2-119, of real property located within the city, designating the Charlottesville Police Department as a "person lawfully in charge of the property" for the purpose of forbidding another to go or remain upon the lands, buildings or premises of the owner as specified in the designation. Any such designation shall be in writing and shall be kept on file with the Charlottesville Police Department. The chief of police shall promulgate rules, regulations and/or a procedure for the acceptance and use of such designation.



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approval of Ordinance (1 <sup>st</sup> of 2 Readings)
Presenter:	Missy Creasy, Planning Manager, NDS
Staff Contacts:	Tony Edwards, Development Manager, NDS Lisa A. Robertson, Chief Deputy City Attorney
Title:	Amendments to Floodplain Management Regulations

**Background:** Last year, the state’s Department of Conservation and Recreation (DCR) notified City staff that the City would need to update its floodplain management regulations, in order to remain compliant with the requirements of the federal national flood insurance program (NFIP). DCR provided a model floodplain ordinance. The provisions of the model ordinance were substantially different than those in our existing floodplain regulations, so staff prepared a “replacement” ordinance based on DCR’s Model Ordinance.

The Planning Commission has reviewed the proposed ordinance on two (2) occasions, and staff has worked extensively to incorporate changes in response to public comment, and to follow up with DCR in order to obtain the state’s approval. Following the Planning Commission’s vote on May 12, 2015 to recommend approval of the proposed ordinance, the final draft approved by the Commission was sent to DCR, and DCR has provided a final approval and instructions to present this final ordinance to Council with a recommendation for adoption.

**Discussion:** Following is a list of the provisions that have been edited, at the request of DCR, following the Planning Commission’s recommendations. In the opinion of the City Attorney’s Office, none of the changes are sufficiently substantial as to necessitate additional public hearing or input.

**Sec. 34-241(b) (Applicability):** This section has been revised to indicate that public environmental restoration and flood control projects will be subject to the floodplain management regulations, the same as any other project. (*According to DCR, public projects are not, by virtue of their public purpose, allowed to be exempt or allowed an exception to compliance with floodplain regulations*).

**Sec. 34-254(b)(3) (Floodway requirements):** This section has been revised to state that proposed encroachments will not result in *any* increased flood levels

**Sec. 34-254(b)(ii) (placement of manufactured homes):** This subsection has been revised to correct a typo—the last sentence of the provision has been corrected to refer to Sec. 34-258(4).

**Sec. 34-254(b)(v) and (vi):** These subsections have been revised to clarify that, if the referenced uses are allowed, they still must comply with the basic floodway regulations set forth in subsection (i).

**Sec. 34-256(a) (Permit and application requirements):** The second sentence of this paragraph has been added (*no permit will be granted for any activity that would adversely affect the carrying capacity of a water channel*). Although the provision was already stated elsewhere, DCR believed that the sentence should also be added in this location.

**Sec. 34-1200 (definitions):** The definitions of *existing structure*, *FIRM*, *FIS*, and *new construction* have been edited, to achieve greater clarity.

The definition of *substantial improvement* has been revised, to delete reference to repetitive loss structures, and the definition of *repetitive loss* has also been deleted. Although the language approved by the Planning Commission was the same as DCR's model ordinance, after receiving public comment questioning the advisability of including reference to *repetitive loss*, the Planning Commission encouraged staff to inquire with DCR if this amendment could be made. DCR has confirmed that the reference to *repetitive loss* was not necessary to be included in order to receive the state's approval of this proposed ordinance.

**Alignment with Council Vision Areas and Strategic Plan:** N/A

**Community Engagement:** Public comment was received at the Planning Commission meetings.

**Budgetary Impact:** There will be no impact on the General Fund.

**Recommendation:** Adopt the amendments to the Floodplain Management regulations (Chapter 34, Article II, Division 1).

**Alternatives:** Changes to the City's existing ordinance are required if the City is to remain compliant with the national flood insurance program requirements.

**Attachments:** Proposed Ordinance

**ORDINANCE**  
**REPEALING THE EXISTING PROVISIONS OF CHARLOTTESVILLE CITY CODE**  
**CHAPTER 34, ARTICLE II, DIVISION 1**  
**(FLOOD HAZARD PROTECTION OVERLAY DISTRICT) AND**  
**ADOPTING, ENACTING AND RE-ORDAINING SUCH DIVISION**

WHEREAS, the Virginia Department of Conservation and Recreation (DCR) has notified the City's Department of Neighborhood Development Services (NDS) that the City's floodplain management regulations are outdated and should be replaced with new regulations implementing current minimum federal requirements governing the use and development of flood-prone areas of the city; and

WHEREAS, federal law and regulations specify that, in order for flood insurance under the National Flood Insurance Program (NFIP) to be available within the Charlottesville community, the City must adopt a floodplain management ordinance that includes provisions which meet or exceeds minimum NFIP criteria, as set forth within Title 44 Code of Federal Regulations, Subchapter B (Insurance and Hazard Mitigation), including, without limitation, Part 60 (Criteria for Land Management and Use); and

WHEREAS, DCR provided the City with a model floodplain ordinance to utilize as a guide for implementing the minimum federal requirements; and

WHEREAS, the City's Planning Commission, by motion, has recommended that City Council should approve the following ordinance, after conducting a public hearing upon notice as required by law; and

WHEREAS, this City Council finds and determines that the proposed zoning text amendment is required by the public necessity, convenience, general welfare and good zoning practice; now, therefore,

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

**1. The provisions of Chapter 34 (Zoning), Article II (Overlay Districts), Division 1 (Flood Hazard Protection Overlay District) are hereby REPEALED and, in their place the following provisions are hereby adopted, enacted and re-ordained to read as follows:**

**ARTICLE II – OVERLAY DISTRICTS**

**DIVISION 1. FLOOD HAZARD PROTECTION OVERLAY**

**Sec. 34-240. Authorization; purpose.**

(a) This ordinance is adopted pursuant to the authority granted to localities by Code of Virginia §§ 15.2 – 2280. This division may be referred to as the city's floodplain ordinance, or as the city's floodplain management regulations.

(b) The purpose of the regulations set forth within this division is to: prevent loss of life and property; deter the creation of health and safety hazards; prevent disruption of commerce and governmental services; avoid extraordinary and unnecessary expenditure of public funds for flood protection and relief; and prevent erosion of the city's tax base, by:

- (1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- (2) Restricting or prohibiting certain uses, activities, and development within areas subject to flooding;
- (3) Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage; and,
- (4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards; and
- (5) Meeting the requirements of the national flood insurance program, so that lands within the city may qualify for flood insurance availability.

**Sec. 34-241. Applicability.**

(a) The provisions set forth within this division shall constitute the floodplain management regulations for the City of Charlottesville, and they shall apply to the use and development of all privately and publicly owned lands within the jurisdictional boundaries of the City of Charlottesville which have been identified as areas of special flood hazard (SFHA) in accordance with the data and information set forth within the flood insurance study (FIS) and the accompanying flood insurance rate map (FIRM) provided by the Federal Emergency Management Agency (FEMA) to the City.

(b) Upon application to the Floodplain Administrator a permit may be issued for environmental restoration or flood control projects which are (i) designed or directed by the City or by a public body authorized to carry out environmental restoration or flood control measures, (ii) reviewed by the Floodplain Administrator, the City's VESCP and VSMP Administrators, and Director of Public Works, for compliance with the requirements of Chapter 10 of the City Code (Water Protection), and (iii) reviewed by the Floodplain Administrator for compliance with applicable provisions of this division.

**Sec. 34-242. Compliance and liability.**

(a) All uses, activities and development occurring within any SFHA, including placement of manufactured homes and other structures, shall be undertaken only upon the issuance of a permit by the City's Floodplain Administrator. Such permitted uses, activities and development shall be undertaken, conducted and established only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, such as the Virginia USBC, chapter 10 of the City Code (Water Protection), chapter 29 of the City Code (Subdivisions) and other articles within this chapter 34 (zoning).

(b) The degree of flood protection sought by this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. The applicability of this division to certain lands does not warrant or imply that areas outside the

floodplain, or land uses permitted within the floodplain, will be free from flooding or flood damage.

(c) The enactment of this division shall not create liability on the part of the city, or any officer or employee thereof, for any flood damage that results from reliance on the regulations set forth herein or any administrative determination lawfully made hereunder.

(d) The failure of a building, structure or development to be fully compliant with these floodplain management regulations shall constitute a violation of this ordinance. Any building, structure or development without a permit, certification, elevation certificate or other evidence or documentation of compliance required by this division shall be presumed in violation of this ordinance until such evidence or documentation is provided.

#### **Sec. 34-243. Records.**

Records of actions associated with administering this ordinance shall be maintained by the Floodplain Administrator in accordance with the applicable requirements of federal and state law and regulations.

#### **Sec. 34-244. Abrogation; greater restrictions.**

The regulations set forth within this division supersede any regulations currently in effect within any SFHAs. Notwithstanding the foregoing, the regulations of any ordinance remain in full force and effect, to the extent that such regulations are more restrictive.

#### **Sec. 34-245. Severability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this division shall be declared invalid for any reason, such decision shall not affect the remaining provisions of this division. The remaining provisions shall be and remain in full force and effect, and for this purpose the provisions of this division are hereby declared to be severable.

#### **Sec. 34-246. Penalty for Violations**

(a) Any person who fails to comply with any of the regulations set forth within this division shall be subject to the enforcement provisions set forth within City Code Sec. 34-81 through 34-89.

(b) Any person who fails to comply with floodproofing or other requirements of the USBC, or with the requirements of the City's VESCP or VSMP programs, may be subject to the enforcement provisions set forth within the USBC, or Chapters 5 or 10 of the City Code, as applicable.

(c) In addition to the above-referenced enforcement provisions, all other enforcement actions are hereby reserved to the city, including, without limitation, any action seeking declaratory or injunctive relief. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue, and any person upon whom such a fine or penalty has been imposed shall be required to correct, remedy or abate such violations.

(d) Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by the city to be a public nuisance and abated as such.

(e) Flood insurance coverage may be withheld from buildings and structures constructed in violation of this division.

**Sec. 34-247. Designation of floodplain administrator.**

(a) The director of neighborhood development services is hereby designated by city council as the city official responsible for administration of the regulations set forth within this division, and the director is referred to throughout this division as the Floodplain Administrator. The Floodplain Administrator is authorized and directed to administer the provisions of this division, and in doing so the Floodplain Administrator may:

- (1) Perform the duties and responsibilities set forth herein;
- (2) Delegate duties and responsibilities set forth herein to qualified technical personnel, plan examiners, inspectors, and other city officials, employees, or agents;
- (3) Enter into a written agreement or written contract with another locality or independent contractor, to engage such locality or contractor to serve as the city's agent for administration of the provisions of this division, or specific provisions set forth herein; however, administration of any part of these regulations by an agent shall not relieve the city of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program.

(b) The Floodplain Administrator, and any person(s) acting pursuant to Sec. 34-247(2) or (3), above, shall have authority to render interpretations of the provisions of this division and to establish policies and procedures in order to clarify the application of these provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code. Interpretations shall be made by means of written determinations. The administrator's determinations may be appealed to the city's board of zoning appeals, in accordance with the procedures provided within Sections 34-126 through 34-139 of the City Code. Any person who appeals an interpretation of the boundaries of the city's SFHA, as applied to specific land, may submit independent technical evidence to the board.

**Sec. 34-248. Duties and responsibilities of floodplain administrator.**

The duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (1) Review applications for permits proposing the use or development of land, to determine whether proposed uses, activities, construction and development will be located in a SFHA;
- (2) Interpret floodplain boundaries, and provide BFE and flood hazard information available from the FIS/FIRM or other sources;
- (3) Coordinate with the City's Building Official, to administer and enforce the flood provisions of the USBC and to review applications to determine whether proposed activities will be reasonably safe from flooding;
- (4) Review applications to determine whether all necessary permits have been obtained from

- the federal, state or local agencies from which approval is required, including, without limitation: permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures); any alteration of a watercourse; any change of the course, current, or cross section of a stream or body of water, including any change to any BFE;
- (5) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies as may have authority over such alteration (e.g., the Virginia Department of Environmental Quality, United States Army Corps of Engineers) and have submitted copies of such notifications to FEMA;
  - (6) Approve applications and issue permits authorizing development in a SFHA, if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met;
  - (7) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations, or to determine if non-compliance has occurred or violations have been committed;
  - (8) Review elevation certificates and require incomplete or deficient certificates to be corrected;
  - (9) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analysis prepared by or for the city, within six months after such data and information becomes available, if the analyses indicate changes in BFEs;
  - (10) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
    - (i) The FIS/ FIRM (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
    - (ii) Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations;
  - (11) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action;
  - (12) Advise the board of zoning appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and provide a recommendation;
  - (13) Administer the requirements related to proposed work on existing buildings:
    - (i) Make determinations as to whether buildings and structures that are located in SFHAs and that are damaged by any cause have been substantially damaged; and

- (ii) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage;
- (14) Undertake other actions, as determined appropriate by the Floodplain Administrator due to the circumstances, including, but not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with federal, state, and other local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and rendering determinations as to whether specific properties have been substantially or repetitively damaged by flooding.
- (15) Notify FEMA when the corporate boundaries of the city have been modified and:
  - (i) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
  - (ii) If the FIS/FIRM for any annexed area includes SFHAs that have regulatory requirements not set forth in these floodplain management regulations, prepare amendments to adopt appropriate floodplain management regulations for such SFHAs and submit the amendments to the city council for adoption; such adoption shall take place at the same time as, or prior to, the date of annexation and a copy of the amended floodplain management regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and to FEMA;
- (16) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHAs, number of permits issued for development in the SFHAs, and number of variances issued for development in the SFHAs;
- (17) Take into account actual flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land use, development and management throughout the entire jurisdictional area of the city, whether or not those hazards have been specifically delineated geographically via mapping, surveying, or otherwise.

**Sec. 34-249. Use and interpretation of FIS/ FIRM.**

(a) The Floodplain Administrator shall make interpretations, where needed, as to the exact location of SFHAs on specific lot(s) or parcel(s) of land, using data and information from the FIS/ FIRM, or other data and information permitted by federal law, federal regulations or these floodplain management regulations. Whenever reference is made within this division to delineation of SFHAs, the reference to delineation shall include, without limitation, interpretations of the Floodplain Administrator. The basis for delineation of SFHAs in relation to specific lot(s) or parcel(s) of land



shall be as specified within paragraph (b) of this section and within Sec. 34-254.

(b) The following shall apply to the use and interpretation of the FIS/FIRM by the Floodplain Administrator:

- (1) SFHA designations furnished within the FIS/ FIRM shall govern the location of such SFHAs.
- (2) Where field surveyed topography indicates that adjacent ground elevations contiguous to the flood hazard boundary are below the BFE, even in areas not delineated as a SFHA within the FIS/FIRM, the area shall be considered as a SFHA and shall be subject to the requirements of these regulations;
- (3) Where field surveyed topography indicates that adjacent ground elevations are above the BFE, the area shall be regulated as a SFHA unless the applicant obtains a LOMR removing the area from the SFHA.
- (4) Within SFHAs designated within the FIS/ FIRM, in which BFE and floodway data have not been provided, and in areas where no SFHAs have been designated: any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used by the Floodplain Administrator;
- (5) BFEs and designated floodways identified within the FIS/FIRM shall take precedence over BFEs and floodway boundaries determined using any other sources, if such other sources show reduced floodway widths and/or lower BFE;
- (6) Notwithstanding the foregoing: sources of data other than the FIS/ FIRM shall be reasonably used if such sources show increased BFEs and/or larger floodway areas than are identified within the FIS/FIRM;
- (7) If a preliminary FIS/ FIRM has been provided by FEMA:
  - (i) Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided by FEMA for the purposes of administering these regulations;
  - (ii) Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data and shall be used where no BFEs and/or floodway areas are identified within the effective FIS/FIRM;
  - (iii) Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary BFEs or floodway areas exceed the BFEs and/or designated floodway widths in the existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

(c) Any property owner aggrieved by a determination of the Floodplain Administrator rendered pursuant to this section may appeal such determination to the city's board of zoning appeals.

### **Sec. 34-250. Jurisdictional boundary changes.**

(a) In the event that, following the adoption of this ordinance, the jurisdictional boundaries of the city are modified by annexation, then the Albemarle County floodplain ordinance in effect on the date of annexation shall remain in effect within the annexed areas, and shall be enforced by the city, until such time as the city adopts a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIS/ FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the city will adopt amendments to these regulations to adopt the FIS/ FIRM and appropriate requirements for such area, and such adoption shall take place at the same time as, or prior to, the date of annexation and a copy of the amended regulations shall be provided to the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and to FEMA.

(b) The city will notify the Federal Insurance Administration (FIA) and its Virginia State Coordinating Office in writing, whenever the boundaries of the city have been modified by annexation, or the city has otherwise either assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. A copy of a map of the city suitable for reproduction, clearly delineating the new corporate limits or new area for which the city has assumed or relinquished floodplain management regulatory authority must be included with the notification.

### **Sec. 34-251. SFHA boundary changes.**

The delineation of any SFHA relative to a specific lot or parcel of land may be revised by the city's Floodplain Administrator, when natural or man-made changes have occurred; when more detailed studies have been conducted or undertaken by the USACE or other qualified agency; or when a property owner documents the need for such revision. However, prior to any such revision, approval must be obtained from FEMA.

### **Sec. 34-252. Submitting technical data.**

A community's BFEs may increase or decrease as a result of physical land changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, the city shall notify FEMA of such changes by submitting technical or scientific data. Such a submission is necessary so that, upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

### **Sec. 34-253. Letters of map revision.**

When development in the floodplain causes, or will cause, a change in any BFE, then the landowner, including any state or federal agency, must notify FEMA by applying for a CLOMR (conditional letter of map revision) and then subsequently, a LOMR (letter of map revision). Examples of circumstances requiring action in accordance with this section include, but are not limited to, the following:

- (1) Any development that causes an increase in the BFEs within a floodway;

- (2) Any development occurring in Zones A and AE without a designated floodway, which will cause a rise of more than one (1) foot in the BFE; and
- (3) Any alteration or relocation of a stream, including but not limited to installation of culverts, bridges and crossings.

**Sec. 34-254. Basis for delineation of SFHAs; regulatory requirements.**

(a) The basis for the delineation of the city's SFHA by the city's Floodplain Administrator shall be the FIS/ FIRM (as defined in Sec. 34-1200), including any subsequent revisions or amendments thereto, and other data and information, in accordance with the provisions of Sec. 34-249 and as provided within paragraph (b) of this section.

- (1) The city may identify and regulate LFHAs (local flood hazard or ponding areas) that are not identified within the FIS/ FIRM. These LFHAs may be delineated on a LFHM (local flood hazard map) using best available topographic data and locally derived information, such as: flood of record, historic high water marks or approximate study methodologies.
- (2) Upon approval of a LFHM by city council in accordance with the procedures for amendment of the city's zoning district map, the LFHM shall be considered SFHAs subject to the city's floodplain management regulations.

(b) The city's SFHA shall consist of AE Zones and A Zones, as defined within Sec. 34-1200.

(c) AE Zone requirements. The following provisions shall apply within AE zones:

- (i) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the BFE more than one (1) foot at any point within the city.
- (ii) Development activities which increase the BFE by more than one (1) foot may be permitted, provided that the applicant first applies, with the endorsement of the Floodplain Administrator on a community acknowledgement form, for a CLOMR and receives the approval of FEMA.
- (iii) All new construction and substantial improvements shall comply with all applicable regulations set forth within this division, including, without limitation, secs. 34-256 to 34-261.

(d) *A Zone Requirements.* The following provisions shall apply within A Zones:

- (i) The Floodplain Administrator shall obtain, review and reasonably utilize any BFEs and floodway information from federal, state, and other acceptable sources, when available. Where the specific BFE cannot be determined within this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Floodprone Quadrangles, etc., then the applicant for a proposed use, activity or development shall determine the BFE. The applicant shall use federal, state and other sources of information acceptable to the Floodplain Administrator, and shall use technical methods in accordance with subparagraph (ii), below, for any development that involves 5 acres or 50 lots

(whichever is less). However the Floodplain Administrator may require the use of technical methods for other uses, activities or developments, as appropriate to achieve the purposes of this division.

- (ii) Technical methods shall correctly reflect currently accepted non-detailed technical concepts, consistent with methods used in the FIS, such as flood hazard analyses, point on boundary, known high water marks from past floods, or detailed methodologies including hydrologic and hydraulic engineering analysis. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
  - (iii) The Floodplain Administrator shall have the authority to require hydrologic and hydraulic engineering analysis for any development and to determine the BFE. When such BFE data is utilized, the lowest floor shall be elevated to or above a point that is one (1) foot above the BFE. During the permitting process the Floodplain Administrator shall obtain the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and, if the structure has been flood-proofed in accordance with the requirements of this division, documentation of the elevation to which the structure has been flood-proofed.
  - (iv) Upon establishment of a BFE and floodway in accordance with this section, development within an approximated floodplain shall be subject to the requirements of paragraphs (b)(1) and (b)(2) of this section, as applicable.
- (e) *Floodway requirements.* The following provisions shall apply within a floodway:
- (i) Within a floodway, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic engineering analysis that the proposed encroachment will not result in any increased flood levels within the community, affect normal flood flow, increase erosion within or adjoining to the floodway, cause the diversion of flood waters during the occurrence of the base flood discharge, increase peak flows or velocities in a manner likely to lead to added property damage or hazards to life, or increase the amounts of damaging materials that might be transported in floods during the occurrence of the base flood discharge. Hydrologic and hydraulic engineering analysis shall include an engineer's certification that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.
  - (ii) The placement of manufactured homes is prohibited, except that, in an existing manufactured home park or subdivision, A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the encroachment standards of section (iii), below, are met and provided further that the requirements of Sec. 34-258(4) are satisfied.
  - (iii) Development or uses which increase the BFE may be permitted, provided that the applicant first applies – with the endorsement of the Floodplain Administrator on a community acknowledgement form—for a CLOMR in accordance with Sec. 34-253 and receives the approval of FEMA.
  - (iv) All new construction and substantial improvements shall comply with all

applicable regulations within this division, including, without limitation, secs. 34-256 to 34-261.

- (v) Subject to compliance with (i), above, and other applicable provisions of these floodplain regulations, the following uses may be permitted by the Floodplain Administrator within a floodway, if otherwise allowed within the underlying zoning district classification, so long as they do not require any new structure(s): fill, dumping of materials or waste, storage of materials or equipment; (A) agricultural uses and (B) outdoor recreational uses; (C) open uses, such private alleys and driveways, off-street parking, and loading areas related to uses outside the floodway; and (D) public facilities, including public streets and alleys, railroads, bridges, and facilities of public service corporations.
  
- (vi) The following uses may be permitted within a floodway, following the approval of a special exception granted by the board of zoning appeals, if such use is otherwise allowed within the underlying zoning district classification: (A) accessory uses; (B) uses which may be authorized by a temporary use permit; (C) lots for the sale of new and used cars, trucks, farm equipment, campers, mobile homes; boats; (D) marinas, boat rentals, docks, piers, wharves; and (E) storage yards for non-floatable and readily transportable equipment or machinery. Prior to granting any such special exception, in addition to any other standards to be applied by the board of zoning appeals, the board of zoning appeals must find that the requirements of subsection (i), above are satisfied.

#### **Sec. 34-255. Overlay concept.**

(a) The requirements of this division shall govern the use and development of land within SFHAs, and these floodplain management regulations shall apply within SFHAs in addition to the regulations of any other district(s) enumerated in city code Sec. 34-216 and in addition to other development regulations set forth within chapters 34 (zoning) or 29 (subdivisions).

(b) If there is any conflict between the provisions of this division and the requirements of any other ordinance, law, or regulation, the provisions of Sec. 34-6(b) shall govern the interpretation of the conflicting provisions.

#### **Sec. 34-256. Permit and application requirements.**

(a) *Permit required*--No use, activity or development shall be established or conducted within any SFHA, except upon the approval of a permit by the Floodplain Administrator. Under no circumstances shall a permit be issued to authorize any use, activity, and/or development that would adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system. Every permit approved by the Floodplain Administrator shall be subject to the conditions set forth within Sec. 34-257 of this division.

(b) *Applications*—Every application seeking a permit from the Floodplain Administrator, and all other applications seeking an approval from the city allowing the use or development of land, or authorizing any land disturbing activity, within any SFHA shall include the following information:

- (1) The BFE at the site, obtained from the FIS/ FIRM or, if not established on the FIS/ FIRM,

established in accordance with Sec. 34-254(b)(2);

- (2) The proposed elevation of the lowest floor (including basement);
- (3) For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed;
- (4) Information from a topographic survey, showing existing and proposed ground elevations; and
- (5) Documentation or evidence of the location of the applicable SFHA, as determined in accordance with Secs. 34-249 and 34-254(b)(2).

**Sec. 34-257. General permit conditions.**

The following provisions shall each apply as a condition of the validity of every permit approved by the Floodplain Administrator:

- (1) New construction and substantial improvements shall be performed in accordance with the requirements of this division and the USBC, and shall be anchored as necessary to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be securely anchored to an adequately anchored foundation system, to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment

to them or contamination from them during flooding and approved by the local health department;

- (9) In all SFHAs, the following requirements shall apply:
- (i) Prior to any proposed alteration or relocation of any wet channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the USACE, VADEQ, and the VAMRC (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the VADCR (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.
  - (ii) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

### **Sec. 34-258. Elevation and construction standards.**

In all SFHAs where BFEs have been provided in the FIS/ FIRM or established in accordance with Sec. 34-254, above, the following provisions shall apply:

- (1) *Residential construction*--new construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above a point that is one (1) foot above the BFE.
- (2) *Non-Residential Construction*--New construction or substantial improvement of any commercial, industrial, or other non-residential building (including manufactured homes) shall have the lowest floor, including basement, elevated to or above a point that is one (1) foot above the BFE. Non-residential buildings may be flood-proofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE, plus 1 foot, are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect licensed by the Commonwealth of Virginia shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation to which such structures are floodproofed, shall be provided at the time the finished floor is completed. An Elevation Certificate shall be provided and maintained by the Floodplain-Administrator within the records required by this division.
- (3) *Space Below the Lowest Floor*—in the SFHAs, any fully enclosed areas of new construction or of substantially improved structures, which are below the lowest floor:
  - (i) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator); and
  - (ii) Shall be constructed entirely of flood resistant materials below the lowest floor, and

shall include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings shall either be certified by a professional engineer or architect licensed by the Commonwealth of Virginia, or must meet or exceed the minimum design and installation criteria referenced in subparagraphs (iii) – (viii) below.

- (iii) There must be provided a minimum of two openings on different sides of each enclosed area subject to flooding.
- (iv) The total net area of all openings must be at least one (1) square inch for each square foot of enclosed floor area subject to flooding.
- (v) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- (vi) The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- (vii) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- (viii) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(4) *Manufactured homes and recreational vehicles:*

- (i) all manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including, without limitation, applicable elevation and anchoring requirements referenced in Sec. 34-257 and this Sec. 34-258.
- (ii) all recreational vehicles placed on a site within an SFHA must: be on the site for fewer than 180 consecutive days and must either: be fully licensed and ready for highway use, or meet all the elevation and anchoring requirements set forth within this division for manufactured homes.

(5) *New above-ground storage tanks* - all above-ground propane storage tanks, including new tanks installed to replace an existing tank, must meet the following requirements:

- (i) Tanks that are associated with new or existing utility service or that are attached to or located under a building, tank inlets, fill openings, outlets, and vents, shall be elevated above the elevation specified in ASCE / SEI 24.05 or most current standard.
- (ii) Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

(6) *Placement of fill materials*—in addition to other applicable requirements set forth within this division, proposed development that involves or includes the use of fill shall meet the following requirements:



- (i) Fill shall be of a material that does not pollute surface water or groundwater;
- (ii) Fill shall be the minimum amount necessary to achieve the intended purpose. The application for a permit shall include a statement of the intended purpose of the proposed fill; provided, however, that if the purpose of the fill is to achieve elevation requirements of this division, the permit application shall include a geotechnical engineer's certified analysis of alternative elevation methods;
- (iii) The application for a permit shall include the compaction specifications to be utilized in the placement of the fill, along with the location and dimensions of the proposed fill area(s); the amount, type and source of fill material; and the certification of a geotechnical and/or structural engineer that the quantity of proposed fill is the minimum necessary to achieve the intended purpose of the fill; and
- (iv) The area(s) proposed for fill shall be effectively protected against erosion, by measures described within an erosion and sediment control plan approved pursuant to Chapter 10 of the City Code. For a development that is not subject to the requirement for an erosion and sediment control plan, the fill area(s) shall be protected by vegetative cover, riprap, gabions, bulkhead or other method(s) deemed necessary by the Administrator that the proposed development will be reasonably safe from flooding and does not create any health or safety hazards.

**Sec. 34-259. Standards for subdivisions and other developments.**

(a) All proposed subdivisions and other developments shall be designed in a manner consistent with the need to minimize flood damage;

(b) All proposed subdivisions and other developments shall have public utilities and facilities such as sewer, gas, electrical and water systems located and designed for construction in a manner that will minimize flood damage;

(c) All proposed subdivisions and other developments shall provide drainage adequate to reduce exposure to flood hazards, and

(d) All final development plans for commercial, industrial, or residential developments shall include BFE data obtained from the FIS/ FIRM or established using detailed technical methods referenced within Sec. 34-254(b)(2).

**Sec. 34-260. Existing structures.**

(a) A structure, or use of a structure or premises, located within an SFHA and which lawfully existed before the enactment of this division, but which is not in conformity with the regulations of this division, may be continued subject to the following conditions:

- (1) Existing structures and uses in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic engineering analysis performed in accordance with standard engineering practices that the proposed expansion or enlargement would not increase the

BFE.

- (2) Substantial improvements to an existing structure, or use of an existing structure, shall be allowed only if the entire structure, inclusive of such improvements, will conform to the USBC and applicable provisions of this division.
- (3) Except as provided in (1) and (2), preceding above, any other modification, alteration, repair, reconstruction, or improvement to an existing structure, or use of an existing structure, of any kind, shall conform to the USBC and applicable provisions of this division.

(b) For any application seeking a permit for work referenced within (a)(2) or (a)(3), above, the Floodplain Administrator, in coordination with the Building Official, shall:

- (1) Estimate market value, or require the applicant to obtain a professional appraisal, prepared by a qualified independent appraiser, of the fair market value of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement, or repair of substantial damage; and
- (4) If the Floodplain Administrator determines that the work constitutes substantial improvement, or repair of substantial damage, he or she shall notify the applicant that compliance with the flood resistant construction requirements of this division and of the USBC is required.

### **Sec. 34-261. Variances.**

(a) Variances shall be granted by the BZA only upon a determination (i) that a failure to grant the variance would result in exceptional hardship to the applicant; (ii) that the granting of such variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, any nuisances, any fraud or victimization of the public, or any conflict with federal, state or city laws, regulations or ordinances. Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

(b) Generally, the granting of variances will be limited to lots having a size of less than one-half acre; however, circumstances may require the BZA to deviate from this general provision. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the BZA for new construction or substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, in conformance with the provisions of this section.

(c) Variances may be granted by the BZA for new construction, substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that the criteria of this section are met, and the structure, use or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(d) In considering applications for variances, the BZA shall consider relevant factors and procedures specified by state statutes and city ordinances, and the BZA shall also consider the following additional factors:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway that will increase the BFE.
- (2) The danger that materials may be swept on to other lands or downstream to the injury of others.
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The requirements of the facility for a waterfront location.
- (7) The availability of alternative locations not subject to flooding for the proposed use.
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- (10) The safety of access by ordinary and emergency vehicles to the property in time of flood.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (12) The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon the additional determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the proposed variance is the minimum necessary to preserve the historic character and design of the structure.
- (13) Such other factors which are relevant to the purposes of this ordinance.

(e) The BZA may refer any application for a variance, and accompanying documentation, to a professional engineer licensed by the Commonwealth of Virginia, or other qualified person or agency, for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(f) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the approval of a variance to construct a structure below the BFE increases the risks to life and property and will result in increased premium rates for flood insurance. A record shall be maintained by the Floodplain Administrator of this notification as well as all actions of the BZA pursuant to this section, including justification for the issuance of the variances. Any variances approved by the BZA shall be noted in the annual or biennial report submitted by the Floodplain Administrator to the Federal Insurance Administrator.

2. That Section 34-1200 of Article X (Definitions) of Chapter 34 (Zoning), are hereby amended and re-enacted, to read as follows:

## ARTICLE X. DEFINITIONS

### Sec. 34-1200. Definitions.

The following words or phrases, when used in this chapter, will have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

...

“A” Zone – The areas shown on the city’s FIS/ FIRM as areas for which no detailed flood profiles or elevations (BFEs) are provided, but the boundary of the base flood has been approximated. Such areas may also be referred to as the “approximated floodplain”.

“AE” Zone – The areas shown on the city’s FIS/ FIRM as areas for which BFEs have been provided and the floodway has not been delineated.

Adjacent grade means, when used within the City’s floodplain management regulations (see Article II, Division 1), the elevation of the ground surface next to the walls of a structure. The lowest adjacent grade refers to the lowest natural elevation of the ground surface next to the walls of a structure. The highest adjacent grade refers to the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year. Also known as “regulatory flood”, the “one-hundred-year flood”, and the “one-percent-annual-chance flood”.

BFE, or base flood elevation means the ~~crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard~~ water surface elevations of the base flood in relation to the datum specified on the FIS/ FIRM; that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

Basement means a portion of the building partly underground, but having more than half its clear height below the average grade of the adjoining ground. When used within the City’s floodplain management regulations (see Article II, Division 1), the term “basement” means any area of a building or structure having its floor sub-grade (below ground level) on all sides.

Development means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any commercial or industrial purpose or is to contain three (3) or more residential dwelling units. As the term is used within the city’s floodplain management ~~hazard protection district~~ regulations (see Article II, Division 1), it shall also mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building ~~for purposes of Article II, section 34-240 et seq.~~ means, when used within the City’s floodplain management regulations (see Article II, Division 1), a non-basement building

constructed so that ~~which has its lowest elevated floor is elevated raised~~ above ground level by means of ~~fill, solid foundation perimeter walls, pilings, or columns, (posts, and piers), or shear walls.~~

*Encroachment* – When used within the City’s floodplain management regulations (see Article II, Division 1), the term shall mean the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Existing structure* means, when used within the City’s floodplain management regulations (see Article II, Division 1), buildings and structures for which the start of construction occurred prior to June 15, 1979.

*FEMA* means the Federal Emergency Management Agency.

*FIRM, or flood insurance rate map (“official flood map”)* means the Flood Insurance Rate Map prepared by FEMA for Albemarle County, Virginia and incorporated areas and the independent City of Charlottesville, dated February 4, 2005, and subsequent revisions or amendments thereto. This document is an official map of ~~a community~~ the city established by FEMA on which the Federal Emergency Management Agency on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the land within the jurisdictional boundaries of the City of Charlottesville community. The term shall include the digital version of such FIRM provided by FEMA, referred to as a Digital Flood Insurance Rate Map (DFIRM). The FIRM accompanies the FIS; whenever reference is made to the “FIRM”, or to “FIS/ FIRM” such references shall include information and data included within the FIS. Also known as the “official flood map.”

*FIS, or flood insurance study* means the ~~official~~ Flood Insurance Study dated February 4, 2005, prepared by FEMA for Albemarle County, Virginia and incorporated areas and the independent City of Charlottesville, and any subsequent revisions or amendments thereto. This study is a report provided by FEMA, containing information and maps, that compiles and presents flood risk data for specific flood hazard areas within the City. ~~The FIS the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations. The FIS is commonly referred to as being accompanied by the FIRM; whenever reference is made to the “FIS” or to “FIS/FIRM” such references shall include information and data included within the FIRM.~~

*Flood or flooding* means, when used within the City’s floodplain management regulations (see Article II, Division 1), ~~for purposes of Article II, section 34-420 et seq. a general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters, and (ii) the unusual and rapid accumulation of runoff of surface waters from any source, including, without limitation: or (ii) the collapse or subsidence of land along the shore of a lake or other body of water, as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood, or by some similarly unusual and unforeseeable event. The terms shall also include mudflows which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

*Floodplain*: See means “SFHA or “area of special flood hazard area.”

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to properties structures ~~that are subject to flooding and~~ which will reduce or eliminate flood damage to ~~real estate or~~ improved real property, water and sanitary sewer facilities, structures and ~~their~~ contents of buildings or structures. Whenever documentation of the elevation to which structures have been floodproofed is required, such documentation shall show such elevation in relation to the datum specified on the city's FIS/ FIRM.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved ~~in order to carry and discharge the base flood waters of the one hundred year flood, as designated in the FEMA flood study/ map dated February 4, 2005, as amended,~~ without ~~cumulatively~~ increasing the water surface elevation ~~at any point~~ more than one foot ~~at any point~~ more than one (1) foot above the base flood elevation and provided that hazardous velocities are not produced. The area within a floodway shall be either (a) areas defined in the FIS and shown on the accompanying FIRM, or (b) established in accordance with methods and procedures specified in Sec. 34-255.

Floodway fringe means ~~that portion of the floodplain that lies between the floodway and the outer limits of the floodplain, as designated in the flood study/ map prepared by FEMA dated February 4, 2005 (as amended).~~

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building or structure.

Historic structure means, when used within the City's floodplain management regulations (see Article II, Division 1), any structure that is: (i) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on such National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (iv) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior, in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis means analyses performed by a professional engineer licensed by the Commonwealth of Virginia, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, BFEs, floodway information and boundaries, and flood profiles.

LOMC or letter of map change means an official FEMA determination, given by letter, that amends, revises or reviews the effective FIS/ FIRM for the city. Letters of Map Change include: LOMAs, LOMRs, and CLOMRs, which are described as follows:

LOMA or letter of map amendment means an amendment based on technical data showing that a property was incorrectly included in a designated SFHA. A LOMA amends or revises the effective FIRM and establishes that an area of land, as described with reference to

specific metes and bounds, or a building or structure, is not located in an SFHA.

LOMR or letter of map revision means a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A letter of map revision based on fill (LOMR-F) is a determination that a building, structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer exposed to flooding associated with the base flood; in order to qualify for a LOMR-F, the fill must have been permitted and placed in accordance with the city's floodplain management regulations.

CLOMR or conditional letter of map revision means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements with respect to delineation of SFHAs. A CLOMR does not revise the effective FIS/ FIRM.

Lowest floor means the floor of the lowest enclosed area (including basement) of a building or structure. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements of the city's floodplain management regulations.

Manufactured home means a structure subject constructed to federal standards, as described within Code of Virginia § 36-85.16, regulation which is transportable in one (1) or more sections, and is (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site, which is built on a permanent chassis and is designed to be used as a single family dwelling, for use as a dwelling, with or without a permanent foundation, when connected to the required utilities, and The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For purposes of the city's floodplain management regulations the term "manufactured home" also means recreational vehicles (e.g., park trailers, travel trailers, and other similar vehicles) placed on a site located within an SFHA for greater than 180 consecutive days.

Manufactured home park or manufactured home subdivision - When used within the City's floodplain management regulations (see Article II, Division 1), the term shall mean means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MSL or Mean Sea Level means the National Geodetic Vertical Datum (NGVD) to which base flood elevations shown on the FIRM are referenced an elevation point that represents the average height of the ocean's surface, such as the halfway point between the mean high tide and the mean low tide, which is used as a standard in reckoning land elevation.

New construction means, when used within the City's floodplain management regulations (see Article II, Division 1), and for the purposes of determining insurance rates, construction of improvements to real property, for which the start of such construction commenced on or after June 15, 1979, and includes any subsequent improvements to such structures.

NFIP - the National Flood Insurance Program.

Recreational vehicle - When used within the City's floodplain management regulations (see

Article II, Division 1), the term shall mean~~means~~ a vehicle which is: ~~(i)~~ built on a single chassis; ~~four hundred~~ ~~(ii)~~ 400 square feet or less when measured at the largest horizontal projection; ~~(iii)~~ designed to be self-propelled or permanently towable by a light duty truck; and ~~(iv)~~ designed primarily ~~not for use as a permanent dwelling~~ but as temporary living quarters for recreational camping, travel, or seasonal use and not for use as a permanent dwelling. A recreational vehicle is deemed ready for highway use if it is on wheels or a parking system, is attached to a site only by quick-disconnect type utilities ~~and~~ or security services, and has no permanent attached additions.

SFHA or special flood hazard area means an area of land subject to a one percent (1%) or greater chance of being flooded in any given year, the boundaries or dimensions of which shall be as identified within the city's FIS/ FIRM or as determined by the city's floodplain administrator in accordance with the provisions of Article II, Division 1 of this ordinance.

Start of construction - When used within the City's floodplain management regulations (see Article II, Division 1), the term shall mean the date a building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the date on which the building permit was issued. Actual start shall be interpreted to refer to the first placement of permanent construction of a building or structure on a site (e.g., the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation) or the placement of a manufactured home on a foundation. Relative to the substantial improvement of a building or structure within an SFHA, the actual start shall be interpreted to refer to the first alteration of any wall, ceiling, floor, or other structural part of a building or structure, whether or not that alteration affects the external dimensions of the building or structure. Permanent construction excludes land preparation (e.g., clearing, grading, and filling); installation of streets and/or walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings and structures, such as garages or sheds not designed for use as a permanent dwelling or not part of the main building or structure on the site.

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things: dwellings, buildings, etc. When used within the City's floodplain management regulations (see Article II, Division 1) includes a building or other structure, including, without limitation, a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. For the purpose of determination of setback, signs shall be excluded as structures.

Substantial damage means for purposes of Article II, section 34-420, et seq., when used within the city's floodplain management regulations (see Article II, Division 1) damage of any origin sustained by a building or structure, whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the fair market value of the structure. The fair market value of the building refers to (i) the appraised value of the initial repair or improvement, or (ii) in the cause of damage, the assessed value of the building prior to the damage occurring.

Substantial improvement means, when used within the City's floodplain management regulations (see Article II, Division 1), for purposes of Article II, section 34-240, et seq., any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure; (i) the cost of which equals or exceeds ~~fifty (50)~~ 50 percent (50%) of the fair market value of the building or structure before the start of construction of the improvement, or (ii) such ~~This term includes building or structures which has~~ have incurred substantial damage, regardless of the actual repair work



performed. The term does not, however, include either: (i) any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure. Historic structures undergoing any repair or rehabilitation that would constitute a "substantial improvement" as such term is used for purposes of the city's floodplain management regulations, must comply with all floodplain management regulations that do not preclude the structure's continued designation as a historic structure. Documentation that a specific floodplain management regulation will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the state's Historic Preservation Officer.

USACE – the United States Army Corps of Engineers

USBC or uniform statewide building code means the effective version of the Virginia Uniform Statewide Building Code, and building regulations adopted and promulgated pursuant thereto, applicable to a specific development or construction activity.

VADEQ – the Virginia Department of Environmental Quality.

Watercourse means a natural or artificial channel through which water flows, including, without limitation: any lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically, as well as any specifically designated areas of special flood hazard, in which substantial flood damage may occur.

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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approval of Ordinance
Presenter:	Doug Ehman, Parks Division Manager
Staff Contacts:	Doug Ehman, Parks Division Manager
<b>Title:</b>	<b>Tree Conservation Nomination</b>

**Background:** The City passed an ordinance on November 4, 2013 allowing trees considered to be important to be protected. Two trees have been approved for protection to date. The owner of a White Oak tree at 1604 East Market Street has requested designation as a Memorial tree.

**Discussion:** Trees nominated for this protection are reviewed by staff from various departments as well as the Tree Commission before being brought to Council for final approval. This application has been reviewed and is being recommended for protection under the ordinance. The attached application form describes the tree and the basis for its designation as a Memorial tree.

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

The Tree Commission activities support the City Council's "Green City" vision.

**Charlottesville City Council Vision 2025: A Green City :**

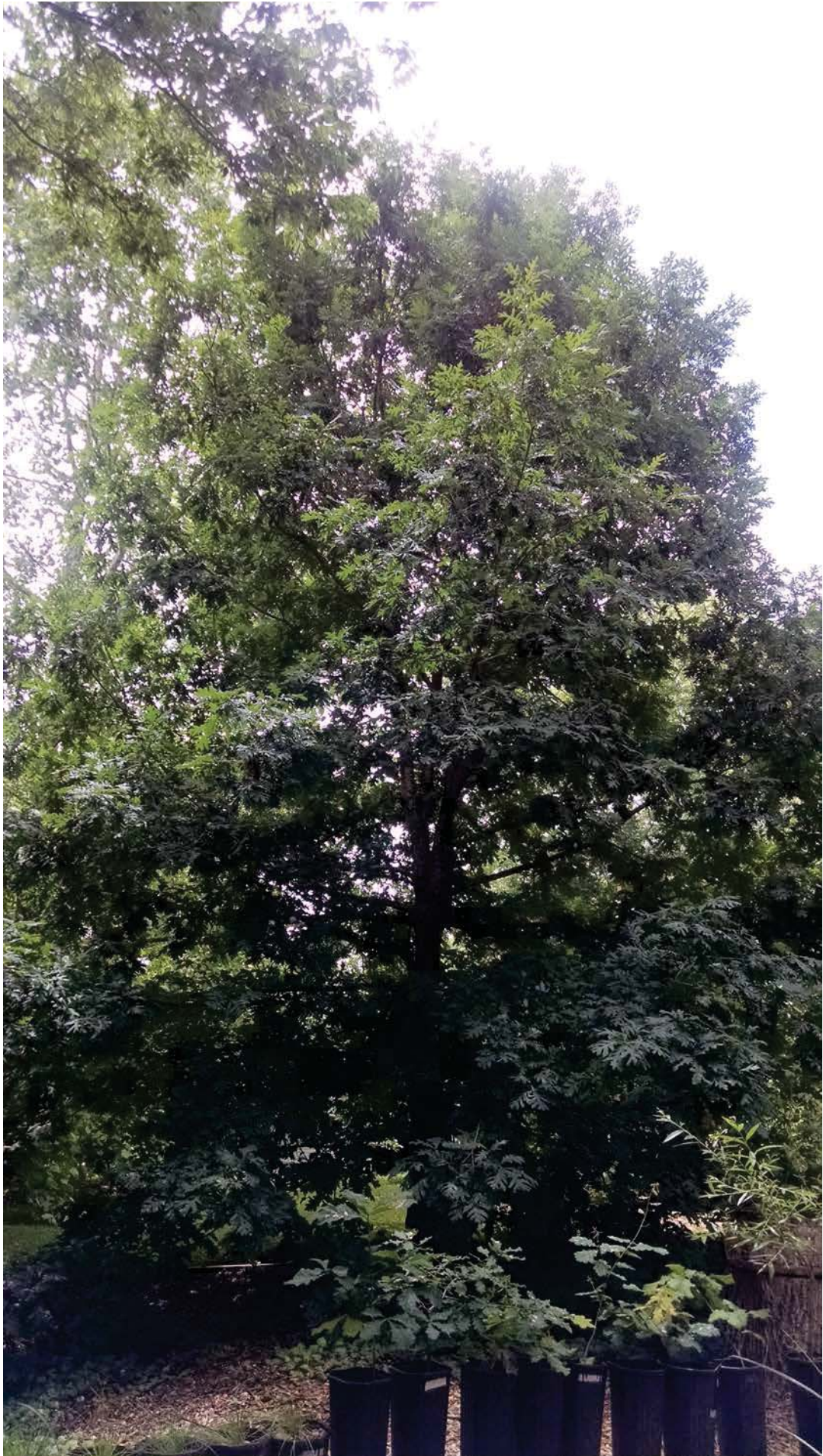
"Charlottesville citizens live in a community with a vibrant urban forest, tree-lined streets, and lush green neighborhoods. We have an extensive natural trail system, along with healthy rivers and streams. We have clean air and water, we emphasize recycling and reuse, and we minimize stormwater runoff. Our homes and buildings are sustainably designed and energy efficient."

**Community Engagement:** Tree Commission meetings are open to the public. A public hearing will be held at the July 6, 2015 Council meeting to give the public an opportunity to comment on the proposed designation.

**Budgetary Impact:** This report has no impact on the General Fund.

**Recommendation:** Approve ordinance to protect this tree under City Code Sections 18-5, *et seq.*

**Attachments:** Staff review forms, map and photograph



**ORDINANCE**  
**DESIGNATING A CERTAIN TREE AS A PROTECTED TREE**  
**UNDER THE CITY'S TREE CONSERVATION ORDINANCE**

**WHEREAS**, the City of Charlottesville (the City) adopted a Tree Conservation Ordinance on November 4, 2013 to preserve certain significant trees within the City of Charlottesville; and

**WHEREAS**, per Section 18-5 *et seq.* of the City Code (Tree Conservation Ordinance), the City Arborist and Tree Commission may make recommendations to Council on a quarterly basis to consider designation of certain trees as Heritage, Memorial, Specimen, or Street trees; and

**WHEREAS**, Bill Emory, owner of the property at 1604 East Market Street, has made application to the City to designate a White Oak tree (*Quercus alba*) on his property as a Memorial tree because it is the offspring of a massive white oak tree near Brooks Hall on the UVA grounds that was destroyed in a 2003 windstorm; and

**WHEREAS**, after the required review by City staff, the City Arborist and the Tree Commission, the Tree Commission has recommended that the above-described tree be afforded protection by designation under the Tree Conservation Ordinance; and

**WHEREAS**, City Council has considered the report and recommendation of the City Arborist and the Tree Commission, and conducted a public hearing on July 6, 2015; now, therefore,

**BE IT ORDAINED** by the Council for the City of Charlottesville that the above-described White Oak tree, located on private property at 1604 East Market Street, is hereby designated as a Memorial Tree, notable as the offspring of the White Oak tree near Brooks Hall (UVA) destroyed in a storm in 2003.

## Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted        sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to [ehmand@charlottesville.org](mailto:ehmand@charlottesville.org).

Application Number: 002

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

**Nominator:** Name (Print) Bill Emory  
E-Mail: billemory@gmail.com  
Phone: 977-1243  
Signature:       

**Tree to be nominated:**

Address: 1604 E Market Street

Location description (if address unknown: Please include sketch below if needed):       

Common name or Latin name of tree (if known): quercus alba

Category of Tree (check one): Public:  Private (If selected see added requirements below)

Designation Requested (check one):

**Heritage tree** means a tree that has notable historic or cultural interest.

**Memorial tree** means a tree that is intended to be a special commemorating memorial.

**Specimen tree** means a tree that is notable by virtue of its outstanding size and quality for its particular species.

**Street tree** means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

I'd like to see this category open to include trees planted by people for broader memorial intent. I have a quercus alba in my backyard that is an offspring of the massive tree on grounds at UVA, next to Brooks Hall, that blew down September 18, 2003. I'd like that to qualify as a memorial tree, it preserves the memory (and memorializes the genetics) of that massive white oak on the Corner.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner:            Name (Print) Bill Emory  
                      E-Mail: billemory@gmail.com  
                      Phone: 977-1243

<b>If Private Tree:</b>	<b>Requested</b>	<b>Received</b>
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

<b>All Nominations:</b>	<b>Assigned</b>	<b>Returned</b>
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	
Nominator Notified:	_____	
Owner Notified:	_____	
Loaded in GIS:	_____	

## Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 002

Date Received: 11-24-14

Date Assigned: 12-5-14

Date Returned:

Verification of Information:

Common Name: White oak Genus/Species: Quercus alba

Location: 1604 E Market Street

Public:  Private:

DBH in inches: 13 Height in feet: 35 Average Crown Spread in feet:33

General Condition: Poor  Good  Excellent

Designation Requested: Memorial

Narrative assessment, summary and recommendation:

The applicant provided information related the Brook Hall white oak, which is the parentage and acorn source for this tree. There does not appear to be objections or utility issues from reviewing City staff or from the City Arborist to approve this tree as a Memorial Tree under the Tree Conservation Ordinance. Therefore the Tree Commission recommends that this tree receive the status of Memorial Tree under the Charlottesville Tree Conservation Ordinance.

Name: John Schmidt, PLA, ASLA

Signature:

Date: 3-25-15



Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 002

Date Received: 11/24

Date Assigned:

Date Returned:

Verification of Information: Common Name: White oak Genus/Species: Q.alba

DBH in inches: 13 Height in feet: 35 Average Crown Spread in feet:33

General Condition: Poor  Good  Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

Condition rating 85 out of 100 . It is Healthy,vigorously growing young white oak

Designation Requested: memorial tree

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

N/A

Name (Printed) Timothy A. Hughes

Signature: TAH

Date: 11/26/2014

## Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 002

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

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

Date Returned: 11/24/2014

Nominator:    Name (Print): Bill Emory  
                  E-Mail: billemory@gmail.com  
                  Phone: 977-1243  
                  Signature: \_\_\_\_\_

Please place  
address,  
description and  
location sketch  
of tree in box

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? No If yes please detail below:

Name (Printed) Missy Creasy

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

Date: 11/24/2014

## Tree Conservation-Public Works Report (all fields expand)

Application Number: 002

Date Received: November 21, 2014

Date Assigned: November 21, 2014

Date Returned: December 4, 2014

Nominator: Name: Bill Emory  
E-Mail: billemory@gmail.com  
Phone: 977-1243  
Signature: \_\_\_\_\_

Address of tree/and or description of location: 1604/& 1602 E Market Street

Add location sketch if needed:

See attached GIS. No utilities identified other than Gas –see below.

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

A ½ inch gas line runs down the property (see attached GIS photo) and a visual observation places the tree approximately 12' from the gas main. If work on the gas main is required in the future, Utilities would attempt to avoid disturbing the tree; however if necessary for the public's safety or for any other reason required in Utilities' view, the City would utilize the exceptions outlined in the Tree Preservation Ordinance as follows, or any other exception that may be relevant and applicable:

**Sec. 18-9. - Designation.**

(1)

*By written request.* Any person may submit a written request to the administrator seeking designation by ordinance of a tree located on private property as a heritage, memorial, specimen or street tree. The request must describe the tree in question, its location, and the factors which support its designation as a heritage, memorial, specimen or street tree. Any submission for designation of a tree by a person who is not the property owner must include written consent of the property owner for the submission. The administrator, upon receipt of such a request, shall forward a copy to the tree commission for review and recommendation to the city arborist.

**Sec. 18-7. - Administration and enforcement.**

Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the general district court by the administrator or his or her designee.

**Sec. 18-11. - Exceptions.**

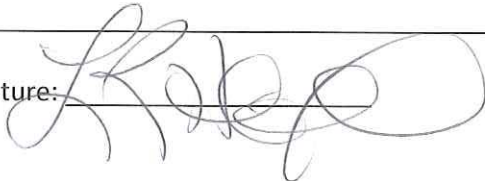
**The provisions of this article shall not apply to:**

**(2) Emergency work to protect life, limb or property; or**

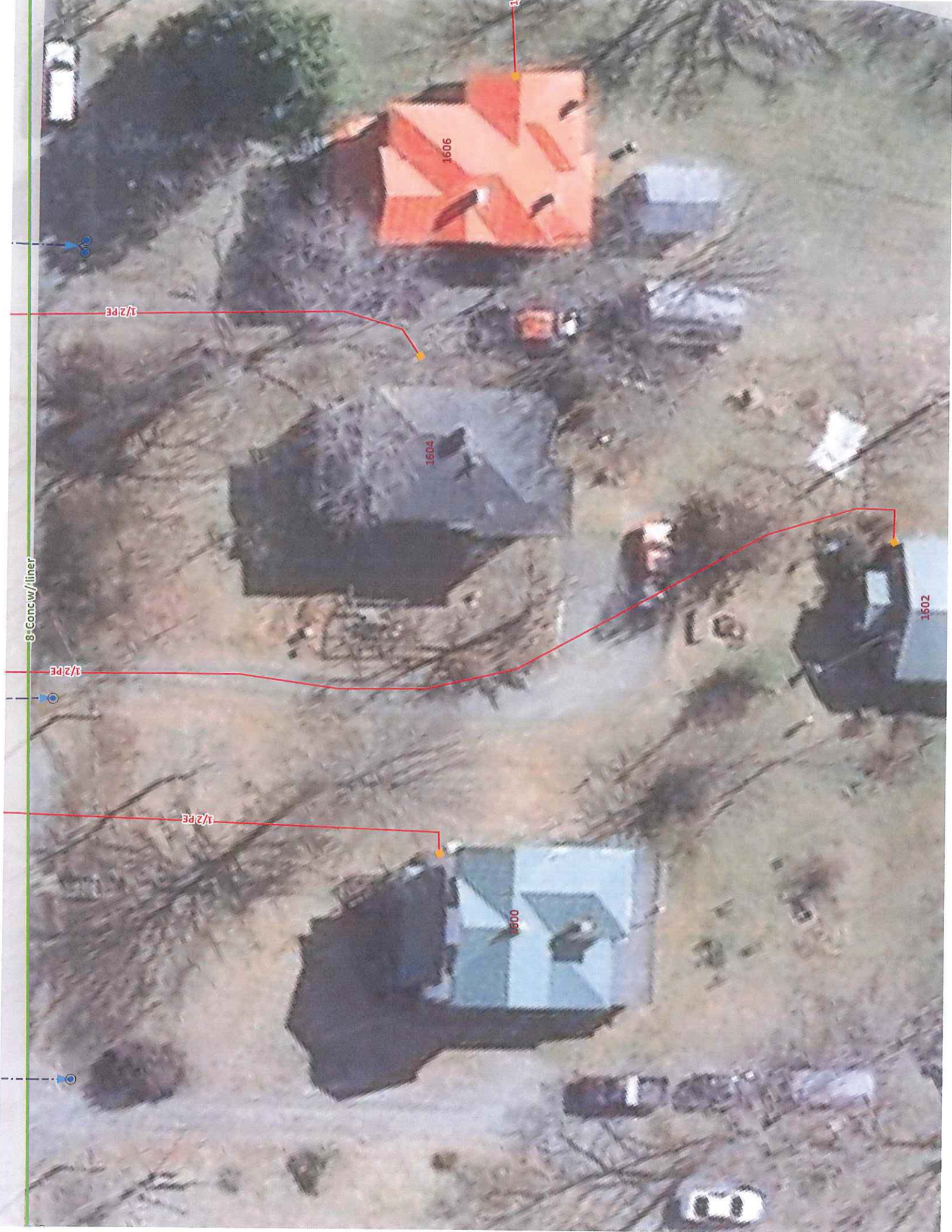
**(3)**

**Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;**

Name: Lauren Hildebrand, Director of Utilities

Signature: 

Date: December 4, 2014



CITY OF CHARLOTTESVILLE

Office of the Clerk of City Council

P.O. Box 911 • Charlottesville, Virginia 22902  
Telephone: (434) 970-3113



June 19, 2015

Bill Emory  
1604 East Market Street  
Charlottesville, VA 22902

By Certified Mail

RE: Designation of White Oak Tree as Memorial Tree

Dear Mr. Emory:

You have submitted an application to the City Tree Commission to have a certain white oak tree on your property at 1604 East Market St. designated as a Memorial Tree under the City's tree conservation ordinance (City Code Sections 18-5, *et seq.*). After the required review of the application, the Tree Commission recommended to City Council that the tree be so designated. Pursuant to Sec. 18-9(b)(2) of the City Code, a public hearing on the designation will be held at Council's regular meeting on Monday, July 6, 2015 at 7:00 p.m. You are invited and encouraged to attend the meeting.

Notice of the public hearing will also be published in the Daily Progress on June 23, 2015. If you have any questions about the process, please feel free to call Doug Ehman at 970-3021.

Sincerely,

A handwritten signature in cursive script that reads 'Paige Rice'.

Paige Rice  
Clerk of Council

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

Agenda Date: July 6, 2015

Action Required: Consideration of a Special Use Permit

Presenter: Brian Haluska, Principal Planner

Staff Contacts: Brian Haluska, Principal Planner

**Title: SP14-00007 201 Garrett Street**

**Background:**

Russell E. Nixon of Nixon Land Surveying, LLC, has submitted a special use permit for a mixed-use development at 201 Garrett Street. The request is for residential density in excess of 43 dwelling units per acre, up to 171 dwelling units per acre. The site plan proposes 233 new multi-family residential units, 49,580 square feet of new commercial space, and 142 on-site parking spaces. The property is further identified on City Real Property Tax Map 28 Parcel 113. The site is zoned Downtown Extended Corridor with Parking Modified Zone Overlay. The property is approximately 1.366 acres.

**Discussion:**

The Planning Commission discussed this matter at their June 9, 2015 meeting.

The topics of discussion that the Commission focused on were:

- The building's relationship with Garrett Street and its impact on the pedestrian realm along the street.
- The Strategic Investment Area plan, and how well the building conforms to the plan.
- The height and massing of the building.
- The impact of the parking garage on the project overall.

**Citizen Engagement:**

The Planning Commission held a joint public hearing with City Council on this matter at their meetings on April 14, 2015 and June 9, 2015. The members of the public that spoke on the project were in opposition to the proposal. The objected to the height of the building, the scale of the project, and the impact that the additional units would have on parking and traffic in the area.

Staff has received a substantial amount of written comment from the public, and it is attached to the staff report.

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

The City Council Vision of Economic Sustainability states that “The Downtown Mall, as the economic hub of the region, features arts and entertainment, shopping, dining, cultural events, and a vibrant City Market” and further that, “The City has facilitated significant mixed and infill development within the City.”

The City Council Vision of Quality Housing Opportunities for All states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life states, and abilities” and further that, “Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers.”

The City of Charlottesville Strategic Plan Goal to “Be a safe, equitable, thriving and beautiful community” states that the City will “Engage in robust and context sensitive urban planning.”

**Budgetary Impact:**

The proposed project is anticipated to increase the assessed value of the property, and result in an increase in property taxes. Additionally, the increased residential density along Garrett Street will likely result in a small increase in the number of customers at businesses located near the project site.

**Recommendation:**

The Commission took the following action:

Mr. Santoski moved to recommend denial of this application for a Special Use Permit.

Mr. Lahendro seconded the motion. The Commission voted 4-2 to recommend denial of the Special Use Permit. Chairman Rosensweig was not present.



**Alternatives:**

City Council has several alternatives:

- (1) by motion, take action to approve the requested SUP;
- (2) by motion, request changes to the requested SUP, and then approve an SUP;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

**Attachments:**

Staff Report dated May 27, 2015

**RESOLUTION  
APPROVING A SPECIAL USE PERMIT  
AS REQUESTED BY APPLICATION NO. SP14-00007  
FOR A PROPOSED MIXED USE DEVELOPMENT AT 201 GARRETT STREET**

**WHEREAS**, MTE, LLC (“Applicant”) has submitted application SP14-00007 (“Application”) seeking approval of a special use permit for property located at 201 Garrett Street, further identified on City Tax Map 28 as Parcel 113 (“Subject Property”), consisting of approximately 1.366 acres; and,

**WHEREAS**, the special use permit seeks the following: additional residential density of up to 171 dwelling units per acre, pursuant to City Code §34-580; and

**WHEREAS**, the Subject Property is zoned “DE” (Downtown Extended Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3); and

**WHEREAS**, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on June 9, 2015, the Planning Commission reviewed this application and determined that the proposed special use permit would not serve the interests of the public necessity, convenience, general welfare or good zoning practice, and the Planning Commission has communicated its recommendation to City Council; and

**WHEREAS**, this Council finds and determines that, under suitable regulations and safeguards, the proposed special use permit will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code. NOW, THEREFORE,

**BE IT RESOLVED** by the City Council of the City of Charlottesville, that a special use permit is hereby approved, to permit the proposed mixed use development described within the Application, generally described as follows: construction of a mixed use building up to 101 feet in height, containing 49,580 square feet of commercial space (including both office and retail uses); containing 233 dwelling units (171 dwelling units per acre); and providing 142 automobile parking spaces within a parking structure (garage) located under the building (collectively, the “Development”); and

**AND BE IT FURTHER RESOLVED** that this special use permit is granted subject to suitable regulations and safeguards set forth following below:

1. General. The design and other characteristics of the Development shall remain, in all material aspects, as described within the application materials for SP14-0007. Any material change in the proposed Development shall require Council’s approval of an amendment of this SUP.
2. Visual Impacts.
  - a. Along the Garrett Street frontage, the maximum height of the building streetwall shall be 45 feet; after 45 feet, there shall be a minimum stepback of 10 feet along the entire length of such streetwall.
  - b. The property owner shall provide, as part of its final site plan submission, elevations depicting the Garrett Street building façade, for review and approval by the director of

neighborhood development services. The director shall approve such elevations, upon a determination that the design implements measures, consistent with maintaining a reasonable financial viability of the development, to minimize adverse visual impacts along Garrett Street.

- c. All outdoor lighting and light fixtures shall be full cut-off luminaires.
  - d. Effective no later than the date of issuance of the certificate of occupancy for any residential dwelling unit(s), the owner of the building shall establish and enforce rules regulating the use and appearance of exterior balconies. These rules will be set forth within a written instrument that will be binding and enforceable as to all residential and occupants of the building (for example, a deed of restrictive covenants recorded in the city's land records and enforceable by an owners' association; written lease agreements, etc.).
3. Parking garage. There shall be no more than one (1) vehicular entrance/exit for the Development. The single entrance/exit shall have not more than two (2) lanes of traffic, unless a traffic impact analysis provided by the owner to the City's traffic engineer demonstrates to the satisfaction of the City's traffic engineer that more than 2 lanes are necessary. The parking garage shall have a separate entrance/exit for pedestrians.
  4. Loading Areas. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.
  5. Traffic circulation. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.
  6. Construction.
    - a. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
    - b. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
    - c. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a

person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.

- d. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
- e. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of framing.
- f. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.
- g. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.

**City of Charlottesville**  
**Department of Neighborhood Development Services**  
**Staff Report**



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

**DATE OF HEARING: JUNE 9, 2015**  
**APPLICATION NUMBER: SP14-00007**

**Project Planner:** Brian Haluska, AICP  
**Date of Staff Report:** May 27, 2015

**Applicant:** Russ Nixon, Nixon Land Surveying, authorized representative of MTE, LLC  
**Current Property Owners:** MTE, LLC

**Application Information**

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

Tax Map 28 Parcel 113 - 201 Garrett St.

**Total Square Footage/Acreage Site:** 1.366 acres

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

**Current Zoning Classification:** Downtown Extended Corridor with Parking Modified  
Zone Overlay

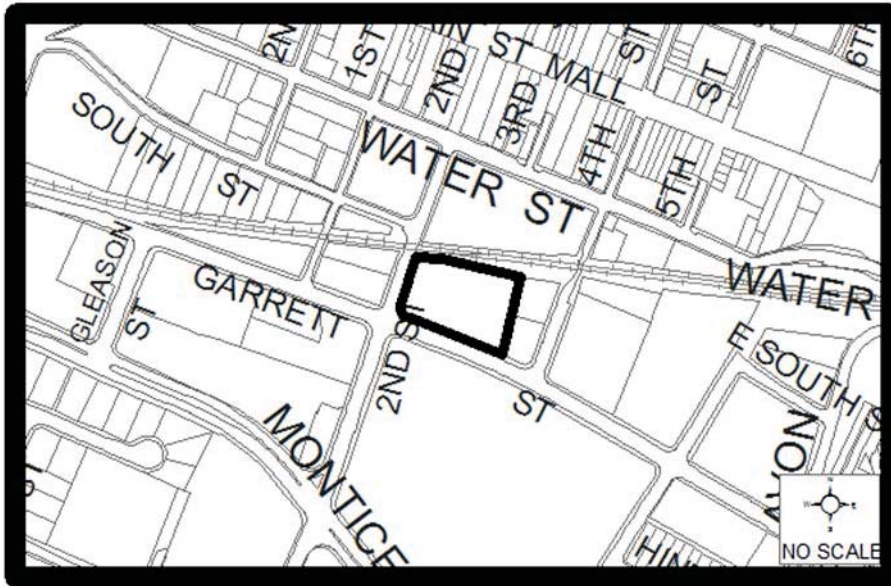
**Tax Status:** The City Treasurer's office confirms that the taxes for the properties were current  
as of the drafting of this report.

**Applicant's Request**

Special Use Permit for:

1. **Density** up to 171 dwelling units per acre, per City Code Sec. 34-580

## Vicinity Map



## Background/ Details of Proposal

The applicant has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for an expanded mixed-use building located at 201 Garrett Street. The Property has additional street frontage on 2<sup>nd</sup> Street SE. The proposed development plan shows a 101 foot tall building with 233 residential units (i.e., density of 171 DUA) and 49,580 square feet of new commercial space that includes office and retail space. The building as proposed would have parking for 142 cars located in structured parking under the building.

The developer has stated that he hopes to have the new residential units average 450 square feet in size, and may be as small as 300 square feet. His stated goal is to meet a price point below the current average rents in the downtown area.

The Downtown Extended Corridor zoning permits a maximum height of 101 feet by right. The maximum density permitted by right is 43 units per acre in a mixed-use development having 25 to 75 percent of the gross floor area designed and occupied for residential use, and up to 240 units per acre by special use permit.

## **Land Use and Comprehensive Plan**

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

The property is current being used for commercial purposes. The existing building houses three restaurants, as well as retail establishments and office space. The building is currently being expanded to add additional office space and 4 residential units.

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

“Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area.”

**Zoning History:** In 1949, the property was zoned **C Industrial**. In 1958, the property was zoned **M-1 Restricted Industrial**. In 1976, the property was zoned **M-1 Restricted Industrial**. In 1991, the property was zoned **M-1 Restricted Industrial**. In 2003, the property was rezoned to **Downtown Extended Corridor**.

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

**North:** Immediately north of the property are railroad tracks and the Water Street Parking Garage. One block further north is the Landmark Hotel project. These properties are zoned Water Street Corridor with ADC District Overlay.

**South:** Immediately south of the property are multi-story structures that are used for low-income residential housing, known as Friendship Court. Further south is the IX Complex of commercial uses. These properties are zoned Downtown Extended Corridor.

**East:** Immediately adjacent to the east is a surface parking lot. Further east is the Norcross Station apartment complex. These properties are zoned Downtown Extended Corridor.

**West:** Immediately adjacent to the west is a one-story commercial building that primarily houses retail uses. Beyond that property is a vacant lot that has been approved for a four-story mixed-use building. These properties are zoned Downtown Extended Corridor.

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

The site does not have any notable natural resources. The site is mostly paved and developed. There are some trees along the edge of the property, some of which have been impacted by the construction of the addition on the corner of 2<sup>nd</sup> Street SE and Garrett Street.

The current building on the property was constructed in the early 1980's.

## **COMPREHENSIVE PLAN ANALYSIS:**

The Comprehensive Plan is generally supportive of high density, mixed-use developments along the major corridors in the City, especially along Garrett Street. The Comprehensive Plan also contains language that supports creation of housing opportunities for all residents of the City. Lastly, the Comprehensive Plan places a strong emphasis on supporting development that is multi-modal, particularly developments that encourage biking and walking.

Specific items from the Comprehensive Plan that support the application are as follows:

### **Land Use**

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

### **Economic Sustainability**

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

### **Housing**

- Achieve a mixture of incomes and uses in as many areas of the City as possible. (Housing, 3.3)
- Consider the range of affordability proposed in rezoning and special use permit applications, with emphasis on provision of affordable housing for those with the greatest need. (Housing, 3.5)
- Promote housing options to accommodate both renters and owners at all price points, including workforce housing. (Housing, 3.6)
- Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones. (Housing, Goal 7)
- Ensure that the City's housing portfolio offers a wide range of choices that are integrated and balanced across the City to meet multiple goals including: increased sustainability, walkability, bikeability, and use of public transit, augmented support for families with children, fewer pockets of poverty, sustained local commerce and decreased student vehicle use. (Housing, Goal 8)
- Encourage mixed-use and mixed-income housing developments. (Housing, 8.1)
- Encourage housing development where increased density is desirable and strive to coordinate those areas with stronger access to employment opportunities, transit routes, and commercial services. (Housing, 8.3)



- Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity. (Housing, 8.5)

**Transportation**

- Encourage a mix of uses in priority locations, such as along identified transit corridors and other key roadways, to facilitate multimodal travel and increase cost effectiveness of future service. (Transportation, 2.4)
- Promote urban design techniques, such as placing parking behind buildings, reducing setbacks and increasing network connectivity, to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways. (Transportation, 2.6)
- Encourage the development of transit-oriented/supportive developments. (Transportation 6.6)

**Historic Preservation and Urban Design**

- Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City. (Historic Preservation and Urban Design, 1.3)

Specific items from the Comprehensive Plan that may not support the application are as follows:

**Land Use**

- When considering changes to land use regulations, respect nearby residential areas. (Land Use, 2.1)

**Historic Preservation and Urban Design**

- Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting and enhancing the distinct characteristics of each neighborhood. (Historic Preservation and Urban Design, 1.2)

The site falls within the City’s Strategic Investment Area, and is a key property identified in the plan because of its frontage on 2<sup>nd</sup> Street SE. 2<sup>nd</sup> Street SE between the rail road tracks and Monticello Avenue was identified in the plan as a central axis for initial activity in the area.

The Strategic Investment Area Plan adopted by the City offers the following points of guidance for the site:

- The property is designated as being in the Mixed-Use Urban Center (Transect T5) in the SIA Regulating Plan. (Page VI-3)
- The T5 transect aims for 4-5 1/2 story mid- and low-rise residential developments. (Page VI-4)
- The property is designated as a “Secondary Infill Property” (Page VI-6)
- The adjacent surface parking lots are shown as a potential location for mid-rise multi-family housing. (Page VI-10)

- The plan's building envelope standards show heights of 4-5 stories on the site. (Page VI-14)
- 2<sup>nd</sup> Street Se is designated as a primary retail frontage, while Garrett Street east of 2<sup>nd</sup> is not. (VI-18)

## **Public and Other Comments Received**

### **PUBLIC COMMENTS**

The Planning Commission held a preliminary discussion on this matter at their meeting on January 13, 2015. Several members of the public expressed concern about and opposition to the project. The comments cited the impacts to parking in the area around the project and the impact to traffic in the area. Many of the comments in opposition to the project suggested that the by right density would be preferable.

The City held a preliminary site plan review conference on January 7, 2015. Members of the Gleason's Condominium Owners Association expressed their opposition to the project at that time, citing many of the same concerns they presented to the Planning Commission on January 13, 2015.

The Planning Commission held an opportunity for public comment at their meeting on April 14, 2015. Two members of the public spoke in opposition to the proposal, citing the unclear nature of the plan, and that the proposed building was out of scale with the surrounding properties.

The written correspondence regarding the SUP request received by staff in advance of the meeting is attached to this report. Comment specific to the May submission begin on Page 26 of this document.

### **PLANNING COMMISSIONS COMMENTS AT PRELIMINARY DISCUSSION**

1. **Height of the building on Garrett Street.** Commissioners were concerned about how the building could meet the guidelines for building envelope in the SIA.
2. **Concern about whether or not the unit sizes proposed are unique to downtown.** The applicant submitted that the size of the units would be unique to downtown and offer to fill a gap in the residential inventory. Commissioners raised the question of whether or not the units were rare downtown, as well as the challenges that living in a smaller footprint presents.

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

#### **Public Works (Water and Sewer):**

The applicant has sent the projected impact of the structure on the City water and sewer services, and the loads have been passed on to the Rivanna Water and Sewer Authority for the required letter of acceptance. Staff does not anticipate any problems with serving the projected demands.

**Public Works (Storm Drainage/Sewer):** The proposed project will develop an area of land that is currently almost entirely impervious surface, and the resulting development will be required to provide Stormwater management and treatment in accordance with current state regulations and engineering standards. The applicant is required to provide a stormwater management plan as part of a final site plan submission. A preliminary site plan is required to detail the developer's "Stormwater concept" prepared by a professional engineer or landscape architect, in accordance with current provisions of City Code 34-34-827(d)(9).

## **Staff Analysis and Recommendation**

### **ANALYSIS**

#### **Assessment of the Development as to its relation to public necessity, convenience, general welfare, or GOOD ZONING PRACTICE:**

The City has zoned the Downtown Extended Corridor with the intent of providing an area for higher intensity development. The proposal looks to take advantage of this location and desire for higher intensity development by delivering up to 233 residential units within easy walking distance of the Downtown Mall and the IX property.

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

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

The height of the building is roughly similar to the height of the nearby Landmark Hotel project and the height of the approved Market Plaza project. The height is not out of character for the location in which it is proposed, but it does exceed the height of all the structures immediately adjacent to the site.

The Planning Commission stated a concern about the height of the project along Garrett Street, and how the scale of the building would impact the pedestrian experience along the street. Staff notes that the height conforms to the code but note additional setbacks may mitigate the massing and scale.

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

The proposed project will impact traffic on the streets adjacent to the building. The applicant shows vehicular access on Garrett Street. The trip generation for the residential portion of the project shows an added 1000 trips per day, with the maximum hourly impact being 80 additional trips in the PM peak hour according to the ITE Manual.

As the project is currently designed, the maximum number of residential units would fall short of the number requested in the special use permit because of parking limitations. The Parking Modified Overlay zone requires an applicant to provide the

required parking spaces either on-site or within 1000 feet of the property. The applicant's latest site plan shows 199 parking spaces, which is 62 spaces short of the parking necessary to support a complete build-out of the site.

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

The proposed project represents a use that is similar to surrounding uses in terms of impacts from lights, dust, odor and vibration. Vibration from parking cars will be internal to the site. The lighting external to the building will be required to meet the City's lighting regulations.

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

The proposal would result in a net gain in space for businesses on the site.

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

This proposed residential use is not projected to present an undue burden on community facilities. Staff has previously raised the point that the Pollocks Greenway element in the Strategic Investment Area plan is aimed at serving residential developments south of the Downtown Mall, and the proposed development at this location would feed into the demand for that facility.

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

The proposed development would result in additional residential units in the downtown area. The requested special use permit would increase the permitted number of units on the site from 57 units to 233. The applicant has stated that he intends to construct units with an average square footage of around 450 square feet. The developer has stated that this type of residential product does not exist in the downtown area, and the target rents would be below the average rent in the downtown area.

The developer added a note to the SUP materials and the site plan outlining that they will comply with the Section 34-12 of the City Code.

## RECOMMENDATION

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the increase in density is reasonable at this location and that the impacts of the development can be addressed through conditions placed on the special use permit.

### General

- 1) The design, height, density, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the application materials dated May 18, 2015, submitted to the City for and in connection with SP14-00007 ("Application"). Except as the design details of the Development may subsequently be modified to comply with any other provision(s) of these SUP Conditions, any change of the Development that is inconsistent with the Application shall require a modification of this SUP.

### Massing and Scale

- 2) **Visual impacts.** The developer shall work with staff to achieve a final design that will minimize the visual impacts of the building on the Garrett Street elevation, while still maintaining a financially viable project.
  - a. All outdoor lighting and light fixtures shall be full cut-off luminaires.
  - b. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners' associations; written leases; etc.).
- 3) **On-site parking garage:** The on-site parking garage shall meet the following requirements:
  - a. There shall be no more than one (1) vehicular entrance or exit for the Development. This single entrance/ exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

### Massing and Scale

- 4) A building setback of 10 feet after 45 feet in height on the side facing Garrett Street.

## Construction

- 5) Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
- 6) The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
- 7) The developer shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
- 8) The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.
- 9) Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

## **Traffic**

### 10) **Generally:**

- a. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.
- b. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.
- c. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.

## **Attachments**

1. Copy of City Code Sections **34-157** (General Standards for Issuance) and **34-162** (Exceptions and modifications as conditions of permit)
2. Copy of City Code Section **34-541** (Mixed-Use Districts – Intent and Description)
3. Suggested Motions for your consideration
4. Public Input received in advance of the preliminary discussion
5. Revised SUP packet
6. Preliminary Site Plan

## Attachment 1

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

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

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



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

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

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

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

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

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

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

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

## Attachment 2

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

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

*Primary streets:* All streets are primary.

*Linking streets:* None.

- (2) *Downtown Extended Corridor.* **Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area. Within the Downtown Extended district, the following streets shall have the designations indicated:**

*Primary streets:* Garrett Street, Monticello Avenue, 6th Street, Market Street, Carlton Road and 10th Street, N.E.

*Linking streets:* Avon Street, Dice Street, 1st Street, 4th Street, Gleason Street, Goodman Street, Oak Street, and Ware Street.

- (3) *North Downtown Corridor.* The Downtown North Corridor district is the historic center of the City of Charlottesville, and contains many historic structures. In more recent years this area has also developed as the heart of the city's legal community, including court buildings and related law and professional offices, and commercial and retail uses supporting those services. Within this area, residential uses have been established both in single-use and in mixed-use structures. Many former single-family dwellings have been converted to office use. The regulations for this district are intended to continue and protect the nature and scale of these existing patterns of development. Within the Downtown North Corridor district, the following streets shall have the designations indicated:

*Primary streets:* 8th Street, N.E. (between High Street and Jefferson Street), 5th Street, N.E., 1st Street, 4th Street, N.E., High Street, Jefferson Street, Market Street, 9th Street, 9th Street, N.E., 2nd Street, N.E., 2nd Street, N.W., 7th Street, N.E., 6th Street, N.E., and 3rd Street, N.E.

*Linking streets:* East Jefferson Street (east of 10th Street, N.E.), 8th Street, 11th Street, N.E., Lexington Street, Locust Street, Maple Street, Sycamore Street.

- (4) *West Main North Corridor.* The West Main North district is established to provide low-intensity mixed-use development at a scale that respects established patterns of commercial and residential development along West Main Street and neighborhoods adjacent to that street. When compared with the area further south along West Main Street, lots within this area are smaller and older, existing buildings (many of them historic in character) have been renovated to accommodate modern commercial uses. Within this district, established buildings are located in close proximity to the street on which they front, and one (1) of the primary goals of this district is to provide a uniform street wall for pedestrian-oriented retail and commercial uses. Within the West Main Street North district, the following streets shall have the designations indicated:

*Primary streets:* 4th Street, 14th Street, 10th Street, Wertland Street, and West Main Street.

*Linking streets:* Cream Street, Commerce Street, 8th Street, Elsom Street, 7th Street, 6th Street, 10½ Street and, 12th Street.

- (5) *West Main South Corridor.* Property on the south side of West Main Street are much deeper, and generally larger in size, than those to the north, and established non-commercial uses typically are separated from adjacent residential neighborhoods by railroad tracks and street rights-of-way. The purpose of this zoning district is to encourage pedestrian-friendly mixed-use development, at an intensity slightly greater than that to the north of West Main. The permitted uses and building heights, those allowed by-right and by special permit, respect the scenic character of the West Main Street corridor. Within the West Main Street South district, the following streets shall have the designations indicated:

*Primary streets:* Jefferson Park Avenue, 9th/10th Connector, Ridge Street, 7th Street, and West Main Street.

*Linking streets:* Dice Street, 11th Street, 5th Street, 4th Street, and 7th Street.

- (6) *Cherry Avenue Corridor.* This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages. Within the Cherry Avenue Corridor district the following streets shall have the designations indicated:

*Primary streets:* Cherry Avenue, 9th/10th Connector.

*Linking streets:* 4th St., 5th St., Delevan St., Estes St., Grove St., King St., Nalle St., 9th St., 6th St., 6½ St., 7th St.

- (7) *High Street Corridor.* The areas included within this district represent a section of High Street that has historically developed around medical offices and support services, as well as neighborhood-oriented service businesses such as auto repair shops and restaurants. The regulations within this district encourage a continuation of the scale and existing character of uses established within this

district, and are intended to facilitate infill development of similar uses. Within the High Street corridor district the following streets shall have the designations indicated:

*Primary streets:* East High Street and Meade Avenue.

*Linking streets:* 11th Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow Street.

- (8) *Neighborhood Commercial Corridor district.* The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods. Within this district the following streets shall have the designations indicated:

*Primary streets:* Bainbridge St., Carlton Ave., Douglas Ave., Fontaine Ave., Garden St., Goodman St., Hinton Ave., Holly St., Lewis St., Maury Ave., Monticello Rd., and Walnut St.

*Linking streets:* None.

- (9) *Highway Corridor district.* The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where the most intense commercial development in Charlottesville occurs. Within this district the following streets shall have the designations indicated:

*Primary streets:* Bent Creek Road, Carlton Rd., Emmet Street, 5th Street, Harris Road, Hydraulic Road, Monticello Ave., and Seminole Trail.

*Linking streets:* Angus Road, East View Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Mountain View Street, Seminole Circle, and Zan Road.

- (10) *Urban Corridor.* The intent of the Urban Corridor district is to continue the close-in urban commercial activity that has been the traditional development patterns in these areas. Development in this district is both pedestrian and auto oriented, but is evolving to more of a pedestrian center development pattern. The regulations provide for both a mixture of uses or single use commercial activities. It encourages parking located behind the structure and development of a scale and character that is respectful to the neighborhoods and university uses adjacent. Within this district the following streets shall have the designations indicated:

*Primary streets:* Barracks Road, Emmet Street, and Ivy Road.

*Linking streets:* Arlington Boulevard, Cedars Court, Copeley Drive, Copeley Road, Earhart Street, Massie Road, Meadowbrook Road, Millmont Street and Morton Drive.

(11)*Central City Corridor.* The intent of the Central City Corridor district is to facilitate the continued development and redevelopment of the quality medium scale commercial and mixed use projects currently found in those areas. The district allows single use development, but encourages mixed use projects. The regulations are designed to encourage use of and emphasize proximity to natural features or important view sheds of natural features. Development allowed is of a scale and character that is appropriate given the established development that surrounds the district. Within the Central Corridor district the following streets shall have the designations indicated:

*Primary streets:* East High Street, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street, Preston Avenue, and River Road.

*Linking streets:* Albemarle Street, Booker Street, Caroline Avenue, Dale Avenue, 8th Street, Forest Street, 9th Street, and West Street.

(12)*Water Street Corridor District.* The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.

*Primary streets:* All.

*Linking streets:* None.

(13)*South Street Corridor District.* Adjacent to the downtown area and wedged against the railroad tracks is a small grouping of large historic homes, many of which have been converted to offices and/or apartments. In order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor District has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area.

*Primary streets:* South Street.

*Linking streets:* None.

(14)*Corner District.* The Corner District is established to provide low-intensity missed-use development to primarily serve the area surrounding the University of Virginia. It encourages development at a scale that respects the established character of the historic commercial area adjacent to the central grounds of the University. Within the district two- and three-story buildings front the streets establishing a pedestrian scale for retail and commercial uses.

*Primary streets:* University Avenue, West Main Street, Wertland Street, Elliewood Avenue 13th Street and 14th Street.

*Linking streets:* Chancellor Street, 12th Street, 12½ Street and 13th Street.

### **Attachment 3**

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

I move to recommend approval of a special use permit as requested in SP14-00007, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice.

OR

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

I move to recommend approval of a special use permit as requested in SP14-00007, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the conditions referenced in the staff report dated, subject to the following revisions:

*[List desired revisions]*

#### **Denial Options:**

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

## **Attachment 4**

Sue and I own a condo in the Gleason. We are strongly opposed to the proposed construction of 229 apartments (vs zoned for 56) at 201 Garret Street. This density and lack of parking is very concerning, not to mention the undefined timeline for construction.

Please pass along

### **Dick Fader**

---

Dear Mr. Haluska,

I am an owner and resident of a condo unit in the Gleason. I am writing to **STRONGLY OPPOSE** the request by MTE, LLC for a Special Use Permit to develop a mixed-use complex on the property located at 201 Garrett Street.

The proposal, as outlined in your letter of December 19th, 2014, would be in violation of the zoning regulation, which allows a maximum of 57 residential units. MTE, LLC is proposing 229 units. This would have serious damaging effects on the neighborhood in several ways:

- Traffic congestions would be unbearable
- Traffic would create a serious hazard for the residents living right across the street with small children
- The complex would not have adequate parking for its size
- The complex would drastically change the ratio of owner-occupied/rental units in the neighborhood
- Noise, pollution and other negative environmental impacts would not be unacceptable

Zoning regulations have an important purpose: to protect the integrity and balance of the neighborhood. NO exception should be granted.

Why not try to find creative solutions to utilize the Landmark building, which has been sitting empty for years, instead of erecting yet another complex?

Thank you for your consideration.

Best regards,

Salvatore N. Moschella

Ms. Creasy.

We are a property owner at 126 Garrett Street and would like provide some input of the proposed development of 201 Garrett Street.

The proposed request to increase residential density by over 400 percent from 59 units to 227 units is not compatible with the long range goals or existing densities in the neighborhood. The zoning density by right of 57 units seems appropriate for multi-family housing. I would understand and could even support a request for less than a 400% increase in allowable units.

I would offer that an increase of 400% should merit a rezoning and all the related infrastructure review that a rezoning entails.

Best,

JP Williamson  
HM Gleason's Holdings

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#### COMMENTS ON GLASS HAUS PROPOSAL

We are neighbors of the Glass Haus and strongly oppose the current proposal to build an apartment house on the Glass Haus site that exceeds the zoning rules by a factor of more than 4.

The proposal is completely out of scale with neighboring buildings and irresponsibly fails to provide for parking when the area is already paralyzed by inadequate parking.

Worst yet, the developer has proven with his on-again off-again work on the current building at the corner of the proposed site that he has neither the ability nor the inclination to undertake a construction project in Charlottesville in a responsible and timely manner. If approved, this project would be a disruptive eyesore for at least a decade and might never be completed. The Charlottesville boards responsible for reacting to the developer's ridiculous proposal need to take care not to create another debacle like the Landmark hotel which continues to be a blot on downtown and which the City seems incapable of solving.

We applaud a responsible residential development of the Glass Haus site. It would constitute a positive contribution to the downtown mall area. We understand that the current zoning would permit approximately 50 residential units with retail stores on the first floor. This is the type of building that should be built provided it is no more than 5 stories high (including any penthouse - where did the silly idea of not counting penthouse floors arise?) and provided that adequate parking is provided . (eg, 1.5 spaces per unit ).

We urge to City of Charlottesville to insist that the developer comply with the law. Some have suggested that the developer's proposal is so over the top that he expects to settle with the City on something in between but way beyond what is legally permitted. We are confident that the



City will not be fooled by such machinations and will send the developer back to his drawing boards for a proposal that complies with the law.

Thank you.

Dee and Dickson Brown

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Dear Mr. Haluska,

Please relay the following objections and concerns to the Planning Commission as it prepares for the meeting tonight.

At the January 6 site plan meeting, I made clear that the owners at 200 Garrett Street do not wish the city to allow Mr. Kuttner to increase the density of his property. We believe that the current density is appropriate for the neighborhood and Charlottesville. Please reject the proposal. I represent the 44 owners and residents of the Gleason Unit Owners Condominium. The principal reason for our position is that any increase in density will exacerbate the currently difficult parking problems in the area. Mr. Kuttner failed to explain how he would provide sufficient parking for 229 new residential units and new commercial and retail operations, as well as provide for the businesses in the Glass House complex. Eventually, he will finish the building at the corner now under construction, which will stimulate additional residential, commercial and retail traffic and demand for parking, but for which we see no evidence that he has provided any net additional parking.

Current Glass House businesses & restaurants (approximately 20)=an unknown number of required parking spaces (he currently provides approx. 63)

New 4-story building (currently in construction) with residences, retail and offices=an unknown number of required spaces (no additional spaces added at this point)

Proposed new buildings that appear to eliminate 63 parking spaces currently provided for businesses=about 80 garage spaces to be built (it appears from the Jan 6 meeting that the three new buildings would require a minimum of 271 parking spaces)

This means that he would need to show ability to provide 271 spaces, plus 63 replacement spaces, plus unknown number for building currently in construction, or at a minimum, 334 spaces.

In the site plan meeting, he dismissed our concerns about parking by stating that parking will not be a problem in ten years, as “no one will have cars.” He also suggested that residents of his project and other people could use the Water Street parking lot (which does not allow overnight parking, is closed on Sunday morning and closes at midnight). He mentioned that he might be able to lease a lot on 4th Street (60 spaces). None of his explanations are reasonable ways to address how his proposals would not make an already demonstrably bad parking situation much, much worse, to the detriment of all residents in the area and the businesses whose customers and

employees park on Garrett Street and adjacent areas.

Do not increase the current allowed density. The Gleason Condominium represents sensible building. We provide 43 condominiums (10 commercial and 33 residential) with 112 covered parking spaces within our building.

Do not open the door for more of what Mr. Kuttner calls “affordable housing.” 229 units of 450 square feet each in a neighborhood south of the railroad tracks that already supports Friendship Court and the Crescent Building is not the kind of development this area needs. This neighborhood needs more owner-occupied residences. The Gleason is evidence that demand for this kind of housing exists.

Do not negotiate with Mr. Kuttner for some density that exceeds the currently allowed number of units. Tell him to return with a plan that meets the currently designated density.

Sincerely,

Jeanne Maushammer, Board of Directors, Gleason Unit Owners Association  
200 Garrett Street, Unit 509  
434-202-1185

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Dear Mr. Haluska,

My wife Annelise and I are residents (unit 513) of the Gleason. I write on our behalves to register our firm objection to granting a Special Use Permit to developer Oliver Kuttner to enable him to increase the density of residential units across the street from us. He proposes to build 229 units of about 450 square feet each and provide no parking. What this means is he is proposing to construct a private dorm for UVa students or something of this nature. This is entirely unacceptable and we urge that the Special Use Permit not be granted.

Thank you for your considertation

Joseph L. Brand  
[Joseph.brand@squirepb.com](mailto:Joseph.brand@squirepb.com)  
434-202-7448

Dear Mr. Haluska—

Please pass this message to the Planning Commission for its consideration for this evening's meeting.

When we met last week with Mr. Kuttner on the site plan, there was much discussion that, if his plans do not work out, the market would correct the problem in the long run. He would either have to change his plans or suffer the consequences in a huge financial loss. But his company could easily declare bankruptcy and he could walk away with limited losses while we, the neighbors and all the citizens of Charlottesville, are stuck with extensive costs that the market does not assess against the cause of the problem. If the market does not like his proposals, all the citizens of this city could end up with what could be another Landmark Hotel eyesore/disaster for years and years. And the deleterious effects would be inflicted on people and businesses well beyond our immediate neighborhood. So, how does a city protect its image and its people from such a situation? There is at least one way: It could do the right thing and require responsible development. Or, it could take a chance on something radical and approve his request, but require a surety bond good for at least 20 years in an amount equaling the projected cost of demolition/removal of the problem and returning the site to its status quo ante. That is one way to make sure costs are assessed against the source of the problem, not the citizens and taxpayers of the city. Of course, it would be better to avoid the problem to start with.

Robert J. Maushammer, Ph. D.  
200 Garrett Street, Unit 509  
434-202-1185

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To whom it may concern:

I am strongly opposed to the current proposal for developing the project at 201 Garrett St.. It is wrong on so many counts, it is hard to know where to begin.

Height and setback: From the developer's drawings it looks as if at least one of the buildings will be over six stories high. You will be turning this part of Charlottesville into dark canyons for streets if you keep allowing buildings to go ever higher. The current development on the corner, by the same developer, actually doesn't allow for adequate tree canopies. The two existing trees have been pruned badly and will probably die because there is inadequate space for the root systems. The right to build to the current lot lines means that there will hardly be room for any trees and inadequate sidewalks. I walk my golden retriever around downtown all the time and it is nearly impossible to pass anyone on the sidewalk without stepping into the street or median. When the opposite side of the street is developed according to the city's future plan, there might only be room for ginkgo trees. That would be sad. It seems ironic that by increasing the density so much that the streets will become darker and less appealing to pedestrians which runs counter to the city's effort to make walking more attractive.

Density and Parking: The proposal has way too many units not to mention the lack of on-site parking. Does anyone really think that no one will have a car who lives there? Yes,

Charlottesville has a public transit system and is developing bike lanes, which is good, but we do not live in a climate that lends itself to biking 365 days of the year for the vast majority of the people. Inevitably, there will be many people that have cars and they will overwhelm the street parking that exists now. Where will visitors to any of these and surrounding buildings park if the street parking is always monopolized? What about service vehicles, delivery vans, emergency vehicles?

Rental vs. Owned units: It seems to me that there is way too much rental property in this area and not enough home/condo owners. Home ownership brings more stability to a neighborhood than transient renters. I would like to see the city encourage a more diverse mix of residential options.

In summary, the thirty year plan for this area is to increase the overall density of this area. I don't disagree with that vision but I do not think that this is the right project as it is currently proposed.

Thank you,

Louisa Bradford  
200 Garrett St., #402  
Charlottesville, VA 22902

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Dear Mr. Haluska,

I live at 200 Garrett St. and received your letter concerning the Application for Special Use Permit submitted by Nixon Land Surveying, LLC for 201 Garrett St.

I generally support the intended use, but have several questions and comments I hope you can address at the Site Plan Conference on January 7:

1. Your letter of 12/19 states that the proposed project will include 271 parking spaces, but the Nixon application states that 'The parking garage will have approximately 80 parking spaces.' I assume that Nixon's statement is in error.
2. If I understand the zoning code correctly, 43-578 states that a streetwall can have a maximum height of 50' before a 10' setback is required. The rendering in the application does not show a setback, but a vertical wall of 8 stories.
3. There are a number of beautiful pines along Garrett that will be in front of the new building that appear to be beyond the 15' max required setback. Is the developer planning to keep the trees, and, if yes, will he need a variance for the set back requirement?
4. The parking required in the DE District for the new development includes 19 for office 5(?) for retail and 229 for residential, for a total of 253 spaces. Providing 271 spaces leaves 18 spaces for the existing uses: two restaurants, one bakery, the existing office spaces to remain and the new building being built on the corner (which appears to be

larger than what's shown in the rendering). If this is correct, the project will aggravate the existing parking problems in the area.

5. There is no mention of how the 60 (approximately) existing on-site parking spaces will be replaced.
6. There are 7 existing off-street parking spaces on Second St. that the developer is planning to eliminate and use for outdoor dining.

Thank you for addressing these questions. Unfortunately I can't attend the hearing on the 7th.

Regards,  
Kevin Silson, AIA  
434-243-8032

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Dear Charlottesville Planning Commission:

Mr. Kuttner's has asked the city to approve his so-far unspecific plans for two nine-floor buildings at 201 Garrett St. housing more than 220 small apartments. In making his presentation he alluded to New York City and driverless cars.

As a resident of Charlottesville for 47 years, and of Garrett Street for four years, I'm very concerned about the lack of skepticism and probing with which his ideas have so far been greeted by the city. I was very glad that a member of the Planning Commission stated that more details were needed.

The city is aware of course that parking is already a problem at all hours in this area. Mr. Kuttner's assurance that parking would be provided was not yet backed up by details.

Yes, the future of our inner cities is verticality. That part of the Kuttner plan is acceptable for a fine city like ours. It's also swell that the area beyond the railroad tracks will gradually become part of downtown. But thoughtful advocates of verticality always add that it should be relieved by green spaces nearby.

Has the city any provision at all for a downtown green space beyond the tracks nearby? Mr. Kuttner's analogies to Manhattan do not convince, yet even Manhattan has some elegant handkerchief parks. I'd personally be willing to contribute to the city's purchase of nearby plots 103, 105, and 107, for a fine handkerchief park where children could watch the trains go by, and pets could be aired, and everyone on this side of the tracks could get a bit of horizontality and greenness.

Speaking of children, Mr. Kuttner does not mention children at all. Is downtown to be only for adults. Will those families in Mr. Kuttner's apartments where children are born have to move away?

When I moved here 48 years ago, the Main Street Mall was to be built. The willow oaks that were put in were little saplings. The foresight and humane imagination that built the Mall and put in the saplings needs to be continued on the other side of the tracks.

Speaking of foresight, does Mr. Kuttner's futuristic claim that driverless cars will solve his parking problem have much credibility? What do we do if the state and city authorities decide that they are not ready for driverless cars? And don't they need to be parked somewhere near? And must everyone afford to buy a new driverless car to live in a tiny apartment?

Mr. Kuttner can't be blamed for taking care of his own interests. But don't we have an obligation to insure the livability of Charlottesville just as the planners did half a century ago? Do we really want permanent road rage and double parking not all that far from the old courthouse, the Mall and the Academical Village?

Let's encourage Mr. Kuttner to explain exactly how his plan will work for the general neighborhood. And perhaps he would want to help the city acquire the green space that such a concentration of dwellings calls for in a city which is, after all not Manhattan?

E. D. Hirsch, Jr.

200 Garrett Street # 505

296 2631

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**Comments on the Proposal Dated May 18, 2015 for the  
Development of 201 Garrett Street**

by Robert J. Maushammer

In my oral presentation before the Planning Commission on April 14, I pointed out that multiple inconsistencies in the documents presented by Mr. Kuttner made it impossible to understand what he was proposing. His latest application continues to exhibit multiple inconsistencies and shortfalls. These problems make it difficult to understand his newest proposal. They also undercut confidence that the project, if approved, will be carried out essentially as proposed. On top of everything else, the proposal still falls very short of providing the number of parking spaces required by the Charlottesville Code of Ordinances.

**Problem No. 1: Parking**

—The number of required parking spaces is incorrectly calculated. The cover sheet of the site plan uses the figure of 31,580 square feet of office space in the two new buildings to get to 32 spaces required for offices. However, the floor-by-floor data on that same page total 49,580 square feet of office space. Thus, 50 parking spaces are needed. This raises the overall requirement to 316.

—Only 149 parking spaces would be provided on site, with another 57 indicated as available on the surface lot next door (but no evidence of long-term availability is presented). The project would have only 206 parking spaces, 110 short of the number required by the Code.

—Also, it is not clear that the parking requirements for the building currently under construction are correct, as the structure now has more office space, what with 4 floors and mezzanines on 3 of those floors.

—How does the developer intend to meet the parking requirements of the Code? The proposal is silent on that point. Among other options, the Code does allow payment into a City parking fund at a standard amount per space, currently about \$18,000 per space.

—Neighborhood residents and their guests, and the customers and employees of downtown businesses, clearly have a difficult time parking at present. Their problems would multiply if adequate parking is not provided for this project. And the businesses taking space in the development—and their clients—will face the same problem. Inadequate parking could well be the flaw dooming the project's financial success.

#### Problem No. 2: Density and Massing

—The special use permit application indicates the developer is requesting approval of 233 dwelling units for the property, including 229 in two new buildings and 4 in the building under construction. However, the site plan indicates the two new buildings would provide 90 dwelling units each, or 180 in total. If 180 is the correct figure, why does the developer continue to ask for approval for 229 new dwelling units? And are there, in any case, only 2 residences under construction in the corner building?

—The requested density is 3 or 4 times the by-right density, depending on which is the real request. Either way, the project would be out of character for the neighborhood, which adheres to the much lower by-right densities established in the Code.

—Two nine-story urban towers will be as massive-looking in the neighborhood as the Flats project is on West Main Street. The mixed uses are like uses already in the area, to be sure, but the scale is entirely inconsistent with the neighborhood.

#### Problem No. 3: Construction Sequencing

—The proposal notes the project will be developed in two stages, with the building facing Garrett Street to be constructed first. Will parking facilities for the entire project be built in Phase 1? If not, and Phase 2 never happens, how many parking spaces will have been provided in Phase 1? The site plan drawings indicate only 49 spaces under the first building (plus 7 current spaces off of 2nd Street), versus the 142 apparently required for that much of the project.

—Will part of the Glass Building be demolished as part of Phase 1? If not, then the parking required would increase above the 142 required for the Phase I part of the project, to provide parking for the whole Glass House building. Building all of the parking spaces shown under the Phase 1 building and under the plaza between it and the unconstructed building in Phase 2 would still leave a big shortfall in parking spaces.

—The temporary construction access proposed by the developer is on Garrett Street. If Phase 1 is ultimately the building on Garrett Street, how will construction access be provided for the second phase?

#### Problem No. 4: Construction Details

—The proposal does not indicate the location for vehicular access for deliveries and garbage collection—only parking entrances.

—The proposal indicates areas in the garage for bike storage that seem very small to accommodate the 165 bicycle spaces required for the dwellings and nonresidential uses involved in the proposed project. This is surprising, given the developer's intent to rent to people who would not have many motor vehicles. Such bicycle storage spaces are very much in the public interest.

—Will the plaza between the Phase 1 and 2 buildings be hard surfaced? If not, what pedestrian access would be provided to the Phase 2 building? Will vehicular access be provided from 2nd Street, as the site plan indicates? Will the 4 white pines and 1 pin oak currently planted along Garrett Street remain or will they be removed? The site plan indicates they remain, even though they would be either under or right against garage walls.

—Is the 8-foot minimum distance for separating buildings, as established in the Code (Section 34-1102), applicable to this project?

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The request for a variance of density from the allowed 59 units to 233 units raises a series of questions that I would like the Planning Commission to ask the developer and share his answers with those of us who will be most directly affected, the neighbors on Garrett Street. (The City Code establishes a per-acre density of 43 dwelling units by right; this property has 1.366 acres.)

What is the history of determining that 43 units per acre is the desired maximum density in the neighborhood? Isn't it still valid?

Is it fair to the people who purchased property in this neighborhood knowing that zoning limited density, and who now are seeing a developer asking for special consideration that will harm those buyers as well as neighbors?

What advantage to Charlottesville and the neighborhood is there in raising this density?

What explanation has Mr. Kuttner given for needing this increase? Why isn't the current density sufficient for his desire to provide the type of housing he claims is needed?

From my attendance at several Planning Commission meetings, the members talked about factors which did not seem related to density per se, but since they addressed these things, I ask:

--How has Mr. Kuttner verified that he will be able to meet his goal of "affordable housing" at \$1000 per month? Why is that a desirable goal?

--What evidence has Mr. Kuttner submitted to indicate there is a need for this type of unit? There probably is a need for some of these units, but what indication do we have that there are not already enough units out there and that there is a need for 233 more units? As I stated at the last meeting, I found approximately eleven units within walking distance and renting for under \$1150 (Mr. K. does not include the cost of commercial parking in his \$1000, so with parking, that would be approximately \$1130).



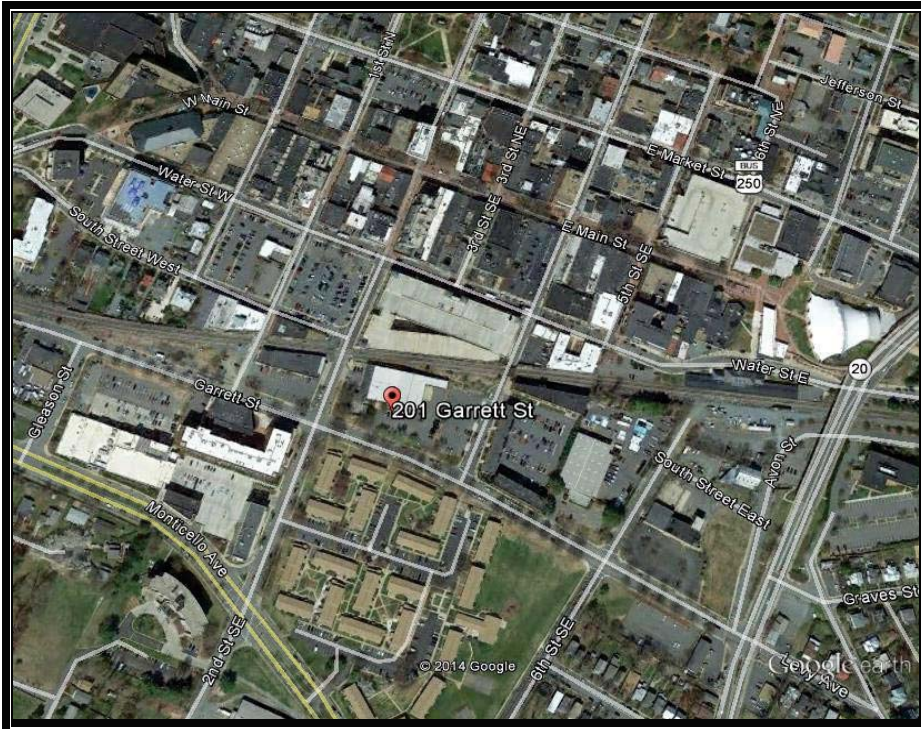
--Has the Planning Commission taken into consideration the already approved multi-use developments at 101 Garrett Street as well as the soon to be started Market Plaza (70 residential units), which is only two blocks from 201 Garrett Street? When one considers that these will be adding to the available housing, does Mr. Kuttner's proposal make sense?

There is an on-going study of downtown parking conditions, updating the previous study. This was necessitated because the previous study became outdated. Is it possible that the new study will indicate that more on-site parking will be necessary in approving new projects/developments in the future? If so, should we not wait until this study is completed before the special exception is granted?

Has the Commission weighed the advantages of rental housing versus residential home ownership (condos or townhouses) in this area? Wouldn't it be better to encourage home ownership and a deeper commitment to the area?

The Planning Commission is asked to provide an opinion on whether a special exception should be given to a developer who claims he needs this exception in order to build what he has said is desirable and needed. While attending various meetings, I have not heard any of the above questions asked by the Commission or addressed by Mr. Kuttner. While it is interesting to look at the design and parking considerations, I do not understand how this proposal can even be considered until the above questions have been asked and answered.

Jeanne Maushammer  
200 Garrett St. Unit 509  
Charlottesville, VA 22902  
Telephone: 434-202-1185



**201 Garrett Street, Charlottesville, Va.  
Tax Map Parcel #28-113  
Property of MTE, LLC  
December 16, 2014  
Revised 03/23/15  
Revised 04/21/15  
Revised 05/18/15**

## **APPLICATION FOR SPECIAL USE PERMIT**



*Nixon Land Surveying, LLC*  
*Land Surveying, Planning & Environmental Consulting*  
*1063 Airport Road, Suite C*  
*Lynchburg, VA 24502*  
*434-237-3600 (office)*  
*434-237-0699 (fax)*



*Nixon Land Surveying, LLC*  
*Land Surveying, Planning & Environmental Consulting*  
*1063 Airport Road, Suite C*  
*Lynchburg, VA 24502*  
*434-237-3600 (office)*  
*434-237-0699 (fax)*

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May 18, 2015

City of Charlottesville  
Department of Neighborhood Development Services  
P.O. Box 911, City Hall  
Charlottesville, Va. 22902

Salutations,

An application for Special Use Permit is being proposed for the property located at 201 Garrett Street, Charlottesville, Virginia. The purposed is to increase the by-right density of number of residential dwelling units. The following report is an information accessory to the application.

Best Regards,

A handwritten signature in blue ink, appearing to read 'Russell E. Nixon', is written over a light green rectangular background.

Russell Nixon, LS

**Narrative:**

MTE, LLC is proposing to develop a mixed-use apartment complex and parking garage at the property located at 201 Garrett Street. The tax map parcel number is 28-113. The property is located in the “Downtown Extended Corridor” (DE) zoning district and the “Parking Modified Zone”. The proposed project will have 233 residential apartment units. The parking garage will have approximately 142 parking spaces. The parking garage adjacent to this site will account for 57 parking spaces and allow for a total count of 199 spaces provided for this site.

This project will serve the City of Charlottesville’s growing residential needs. This site currently houses existing office, restaurants, and retail spaces making it ideal for this residential mixed use addition to the site. It is in close proximity to the downtown mall area and will increase the pedestrian traffic in that vicinity as well as increase of patronage to the existing commercial community.

**Special Use Request:**



**Existing Conditions**



**Proposed Development**

MTE, LLC is requesting a Special Use Permit for this property to allow an increase in the by-right density of the residential units for this property from 56 dwelling units to 233 dwelling units.

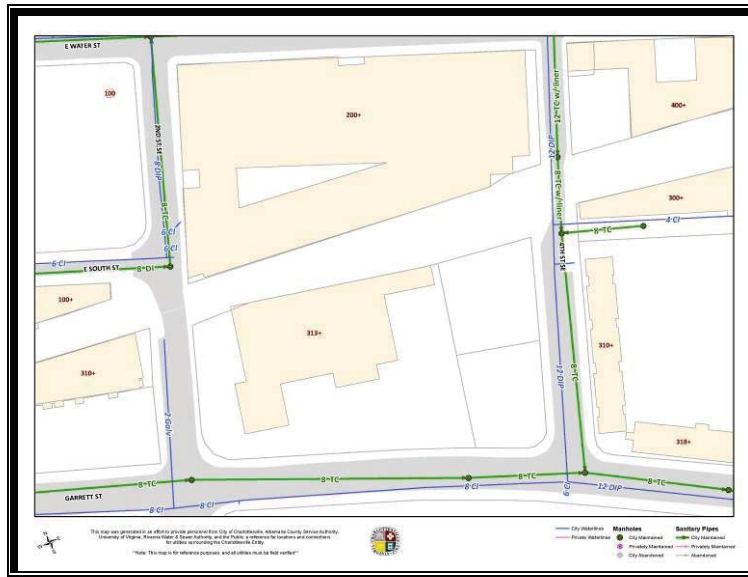
**Harmony of Development:**

The proposed mixed use project is surrounded by neighboring mixed use multi-family residential, retail, parking garage and office spaces use. The property to the north is missed use parking garage and retail. The property to the east is multi-family residential. The property to the south is also multi-family residential. The properties to the west are missed use office and retail. The proposed project is consistent with the existing uses and zoning district uses in this area.

## Affordable Housing Requirements:

The Affordable housing requirements can be met by the implementation of one or the other of these two solutions noted. It is the intent of this development to meet all affordable housing requirements of Charlottesville. This development will in its entirety comprise of 127,850 sqft of residential floor area, the required units for affordable housing over the next thirty years will be 8, based on the following formula:  $127,850 - 59,506 \text{ sqft of lot area} = 68,344 \text{ sqft}$ , then  $68,344 \text{ sqft} \times 5\% = 3,417.2 \text{ sqft of required area for affordable housing}$ . If the apartment units have an average area of 450 sqft then 8 units will be required to be rented under the City of Charlottesville Affordable Housing requirements. OR the Client can pay \$276,795.25 into the Charlottesville Affordable Housing Fund by this formula  $127850 \text{ sqft} \times \$2.165 = \$276,795.25$

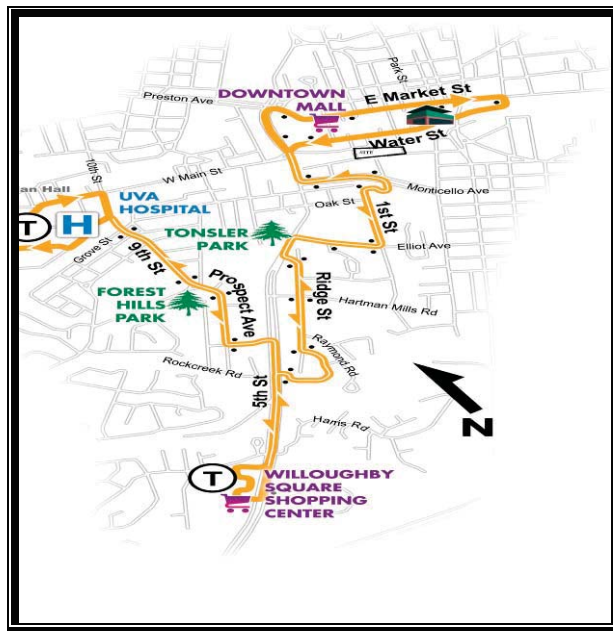
## Public Facilities:



**Existing Utilities**

This property is currently served by public water and sewer. Fire flow testing demonstrates that water service is feasible for this site. Septic sewer mains are also ample to meet the needs of this development.

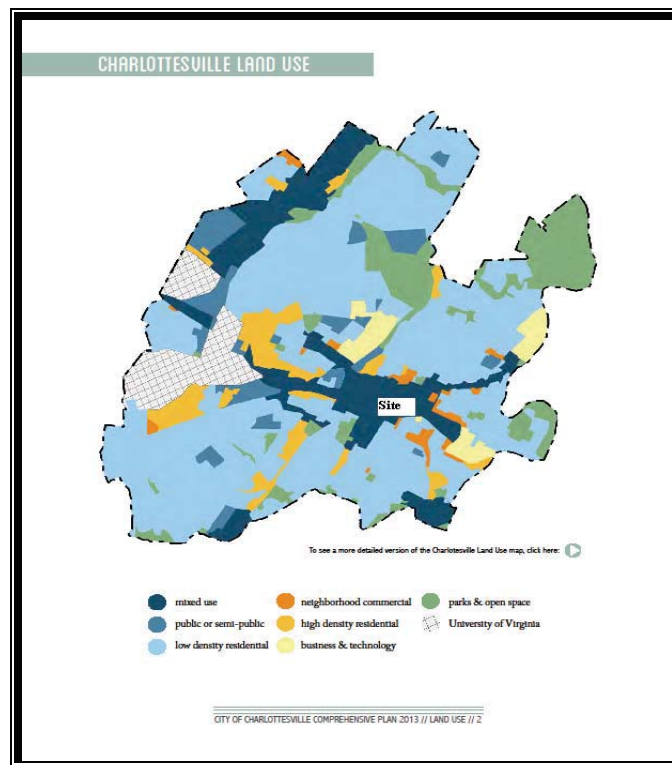
**Public Access and Transportation:**



**Charlottesville Transit Route**

The site is located in the Parking Modified Zone which is designed to promote alternative transportation other than personal motor vehicular transportation. The property has convenient access to the City of Charlottesville’s area transit system. It is located just several blocks from the downtown mall area with ample pedestrian walkways. Upon completion of this project an increase in pedestrian activity is expected to flow into the downtown area.

**Compliance with Comprehensive Plan 2013:**



**Comprehensive Plan Map 2013**

The proposed project located at 201 Garrett Street complies with the proposed uses of the 2013 Comprehensive Plan for this area in Charlottesville.

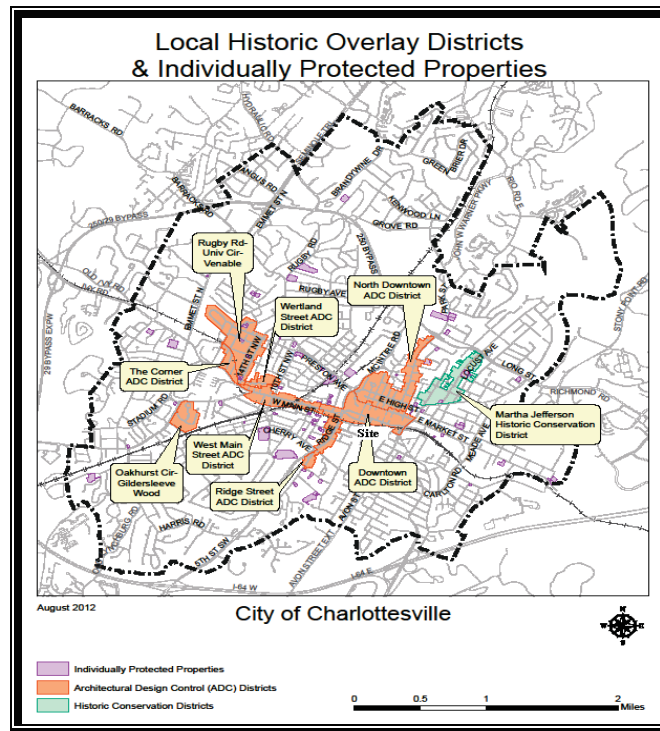
**Building Code:**

The structures and site will be designed to comply with all applicable building code regulations.

**Impact on Schools and Facilities:**

The project target market is young and adult professionals wanting to be located close to the downtown mall area. The dwelling units design will most likely not be attractive to families with children. The overall impact on schools and facilities is expected to be minimal.

**Design Control District:**



**Design Control District Map**

This property is not located in the design control district and is not subject to bar review.

**Potential Adverse impacts on the Community:**

Potential adverse impacts to be considered include, but are not limited to, the following:

- Noise and Lighting:  
The project will be in compliance with all the City of Charlottesville’s lighting and noise ordinances and should have no adverse affect on the community.
- Traffic and Parking:

Due to the discouragement of personal motor vehicular transportation in the “Parking Modified Zone” this site is designed as such. Parking will be available on this site but not to the density of the development. The impact on traffic and parking congestion should be low and pedestrian traffic should increase.

- Business Displacement:  
There should be no displacement of existing businesses on this site.
- Massing and Scale of Project:  
This project massing and scale will be consistent with the surrounding buildings and potential future building.

## EXHIBITS



**Aerial View**





**Proposed South (Front from Garrett Street) Elevation**



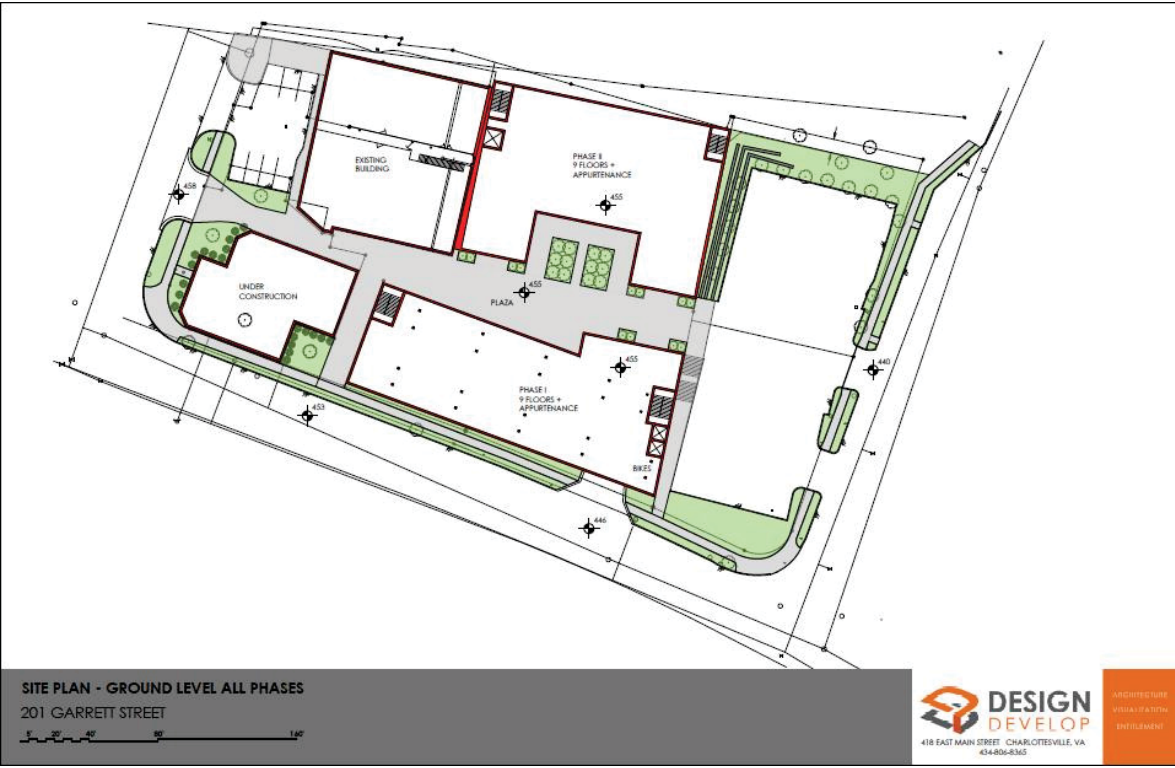
**Proposed East (4<sup>th</sup> Street Side) Elevation**

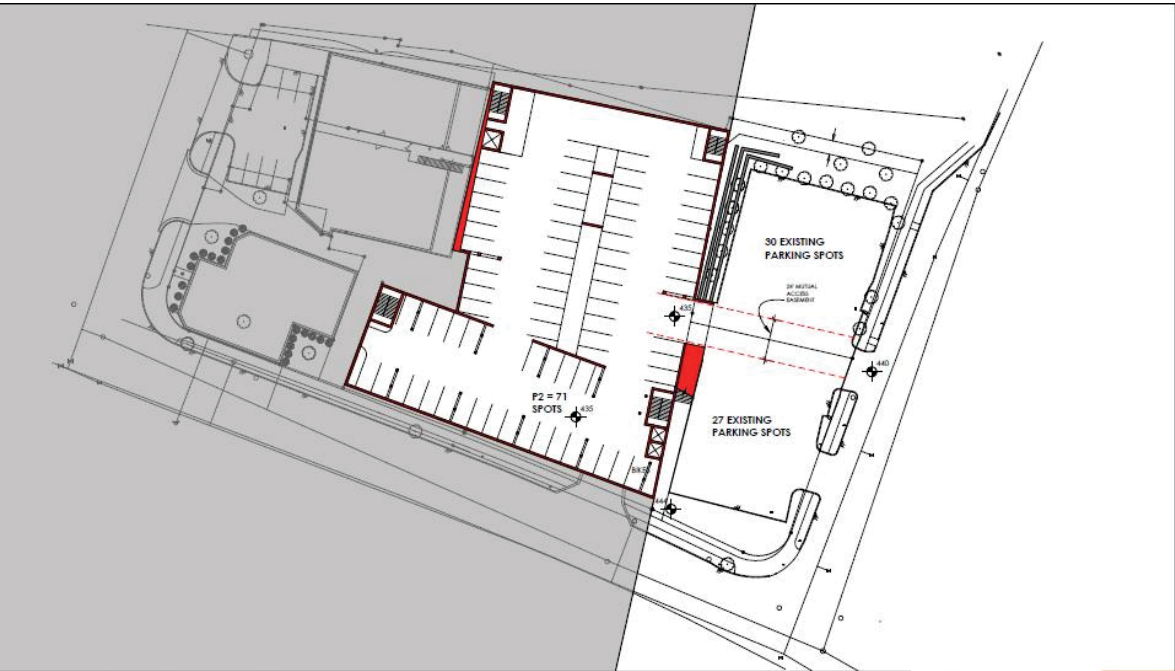


**Proposed West (2<sup>nd</sup> Street Side) Elevation**

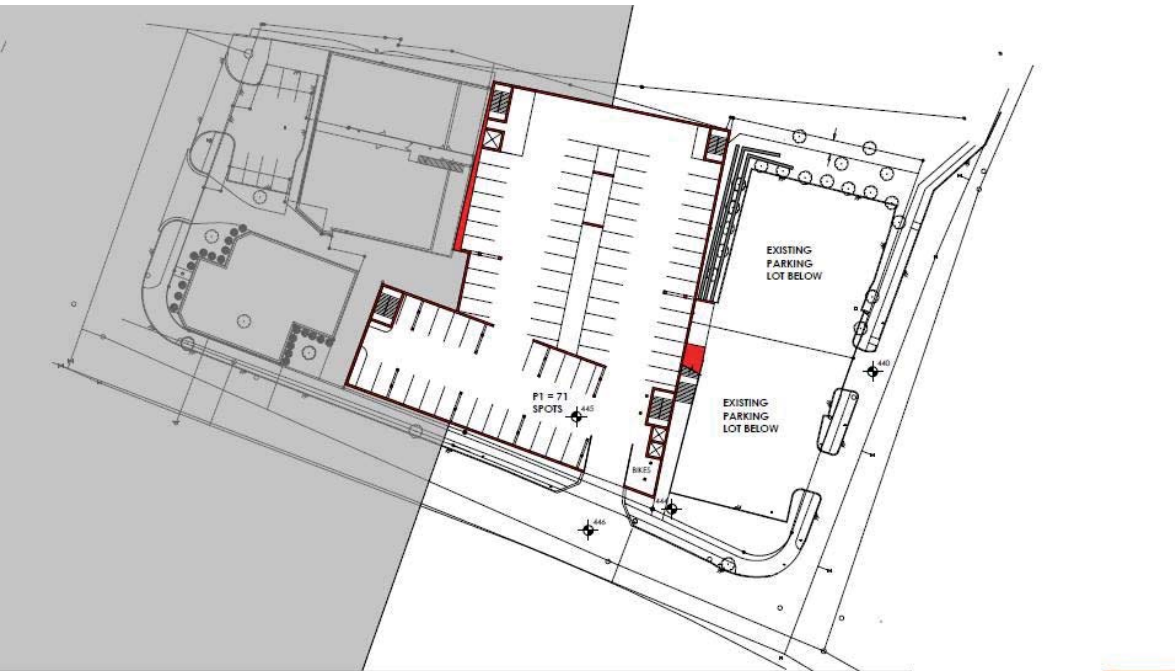
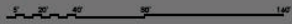


**Proposed North (Facing Railroad) Elevation**





CONCEPTUAL PARKING ANALYSIS - LEVEL P2  
201 GARRETT STREET



CONCEPTUAL PARKING ANALYSIS - LEVEL P1  
201 GARRETT STREET

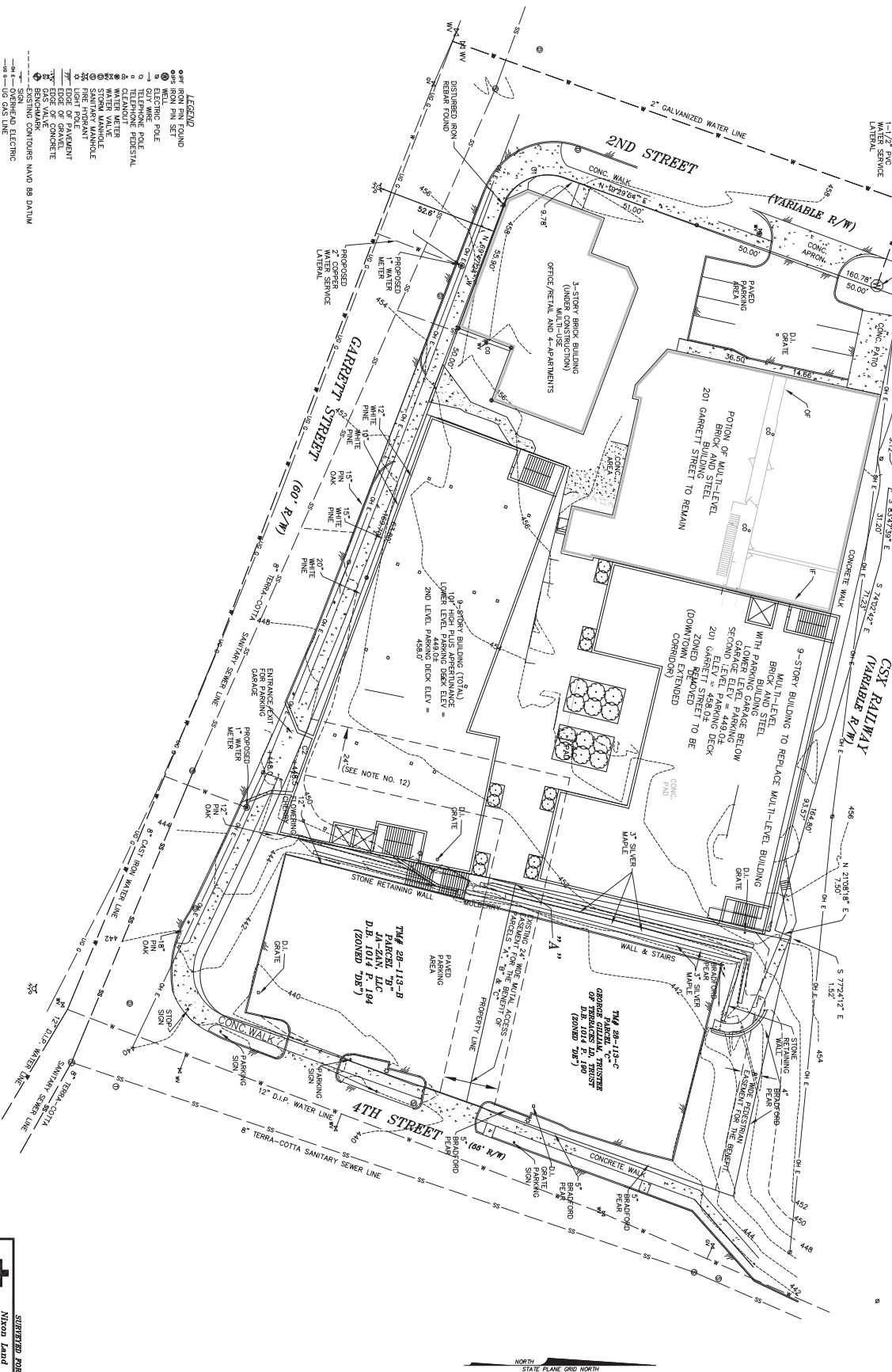




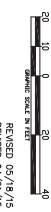




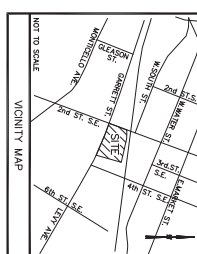
# SITE PLAN



- LEGEND**
- IRON PIN FOUND
  - WELL PIN SET
  - ELECTRIC POLE
  - TELEPHONE POLE
  - TELEPHONE PESTIVAL
  - WATER METER
  - SANITARY MANHOLE
  - LIGHT POLE
  - EDGE OF PAVEMENT
  - EDGE OF CONCRETE
  - BENCHMARK
  - EXISTING CONTOURS NAVD 88 DATUM
  - OVERHEAD ELECTRIC
  - UG GAS LINE
  - UG WATER LINE
  - UG FURNACE LINE
  - UG WATER LINE
  - EXISTING LANDSCAPING TO REMAIN
  - TREE CANOPY



NORTH STATE PLANE GRID NORTH



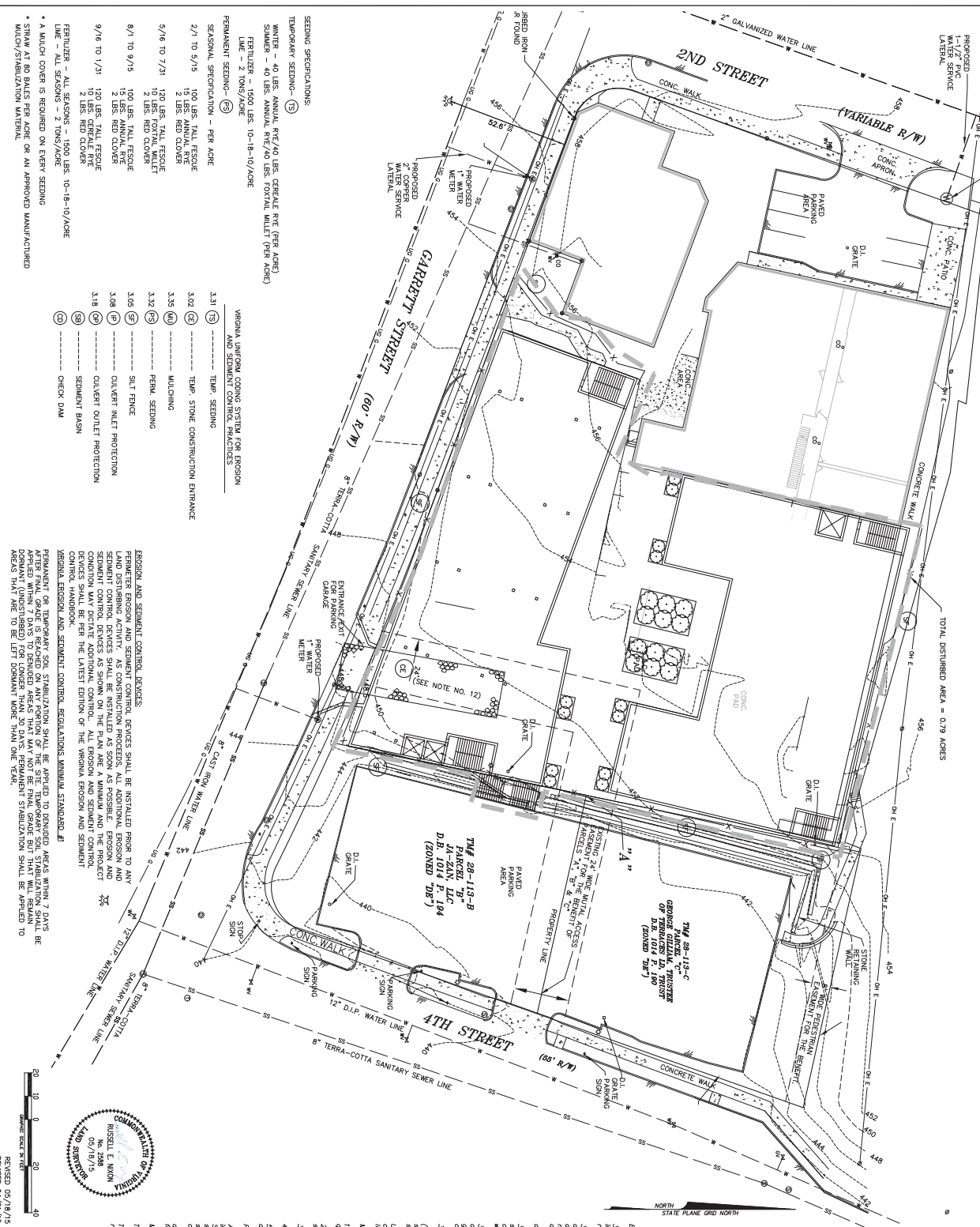
**SUBMITTED FOR:**  
 Nixon Land  
 SUBMITTING: L.L.C.  
 10000 Lakeside Blvd  
 Alexandria, VA 22304  
 Phone: (703) 233-0000  
 Email: info@nixonland.com

**DATE:** 05/18/15  
**SCALE:** 1"=50'  
**BY:** J.E.B./R.B./S.E./D.M.  
**CHECKED:** J.E.B./R.B./S.E./D.M.  
**DATE:** 05/18/15

**CITY OF CHARLOTTESVILLE, VIRGINIA**  
**M.T.E., LLC**  
 CIVIL ENGINEERS ARCHITECTS INTERIORS  
 100 N. BRUNNEN ST. SUITE 200  
 CHARLOTTESVILLE, VA 22902  
 PHONE: (434) 248-1111  
 FAX: (434) 248-1112  
 WWW.MTE.LLC



# EROSION AND SEDIMENT CONTROL PLAN



**SEEDING SPECIFICATIONS:**

**TEMPORARY SEEDING (15)**

WATER - 40 LBS. ANNUAL, ONE/40 LBS. CEREAL RYE (PER ACRE)  
 SUMMER - 40 LBS. ANNUAL, ONE/40 LBS. FORTYAL WILLET (PER ACRE)  
 LIME - 2 TONS/ACRE

**PERMANENT SEEDING (16)**

WATER - 100 LBS. TALL FESCUE  
 SUMMER - 100 LBS. TALL FESCUE  
 LIME - 2 TONS/ACRE

**SEASONAL SPECIFICATION - PER ACRE**

2/1 TO 5/15 100 LBS. TALL FESCUE  
 5/16 TO 7/31 120 LBS. TALL FESCUE  
 8/1 TO 9/15 100 LBS. TALL FESCUE  
 9/16 TO 1/31 120 LBS. TALL FESCUE  
 2 LBS. RED CLOVER  
 2 LBS. RED CLOVER

**PERMITS:**

FERTILIZER - ALL SEASONS - 100 LBS. 10-18-10/ACRE  
 LIME - ALL SEASONS - 2 TONS/ACRE

\* STRAW AT 80 BALS PER ACRE OR AN APPROVED MANUFACTURED MULCH/STABILIZATION MATERIAL.

**VERMONT AIRBORN CONING CONTROL FOR EROSION AND SEDIMENT CONTROL PRACTICES**

3.31 (15) TEMP. SEEDING  
 3.32 (16) PERM. SEEDING  
 3.33 (17) MULCHING  
 3.34 (18) SILT FENCE  
 3.35 (19) OULVERT INLET PROTECTION  
 3.36 (20) OULVERT OUTLET PROTECTION  
 3.37 (21) SEDIMENT BASIN  
 3.38 (22) CHECK DAM

**EROSION AND SEDIMENT CONTROL DEVICES:**

PERMITS OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DISTURBED AREAS WITHIN 7 DAYS OF DISTURBANCE. PERMANENT SOIL STABILIZATION SHALL BE APPLIED TO DISTURBED AREAS WITHIN 30 DAYS OF DISTURBANCE. PERMANENT SOIL STABILIZATION SHALL BE APPLIED TO DISTURBED AREAS WITHIN 30 DAYS OF DISTURBANCE. PERMANENT SOIL STABILIZATION SHALL BE APPLIED TO DISTURBED AREAS WITHIN 30 DAYS OF DISTURBANCE.

**STORM WATER MANAGEMENT & EROSION AND SEDIMENT CONTROL NARRATIVE**

**PROJECT DESCRIPTION**

The project consists of building a new 9 story commercial and residential building with two stories being for parking garage use. The construction will involve removing and grading the site, installing foundation, erecting steel frame, and erecting concrete structure. The site is currently a parking lot and steel and glass building with existing underground storm water detention.

**ADJACENT PROPERTY**

The adjacent property will share in the control of the storm water and not significant impact is expected by this development. The existing underground storm water storage will be utilized and shared with both sites.

**STORM WATER MANAGEMENT**

Stormwater management for this project will consist of underground detention and water conveyance through underground storm pipe and drop inlets. This site and facility will not change the use of this site or the storm water detention facility. The quantities will not change and the storm detention will not change.

**EROSION AND SEDIMENT CONTROL**

3.02 Temporary Construction Entrance (TCE) - A stone pad, located at points of vehicular access to the site, to prevent mud from being tracked onto adjacent property.

3.03 Silt Fence (SF) - A temporary sediment barrier constructed of posts, wire fabric and, in some cases, a wire support fence, placed across or at the toe of a slope or in other drainage way to intercept and detain sediment and decrease flow velocities from drainage areas of limited size. Silt fence is to be installed along the downhill side of any disturbed area.

3.04 Permanent Seeding (PS) - Establishment of perennial vegetation cover by planting seed on rough-graded areas that will not be brought to final grade for a year or more when permanent, long-lived vegetation cover is needed on fine-grained soils.

3.05 Mulching (ML) - Application of plant residues or other suitable materials to disturbed surfaces to prevent erosion and reduce overland flow velocities. Fasten plant and mulch by mowing outside residue and providing insulation against extreme heat or cold.

3.06 Soil Stabilization Blankets & Matting (S/M) - The installation of a protective blanket (Treatment 1) or a soil stabilization mat (Treatment 2) on a prepared planting of a slope, channel or shoreline.

Unless otherwise indicated, all erosion and sediment control practices shall be constructed and maintained according to minimum standards and specifications of the Vermont Handbook.

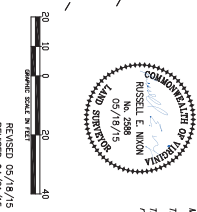
**MANAGEMENT STRATEGIES**

1. Construction will be sequenced so that grading operations can begin and end as quickly as possible.
2. Sediment trapping measures will be installed as a first step in grading and will be removed and replaced immediately following installation.
3. Permanent seeding or other stabilization will follow immediately after finished grading.
4. Areas, which are not to be disturbed, will be clearly marked by flags, signs, etc.
5. After achieving adequate stabilization, the temporary ERS controls will be cleaned up and removed.

**PERMANENT STABILIZATION**

All areas disturbed by construction shall be stabilized with permanent seeding immediately following final grading. Seeding shall be done in accordance with the Seeding Specifications. Areas that have been brought to final grade and have been seeded to protect the site from erosion shall be maintained for a minimum of 12 months. In all seeding areas, grass seed shall be applied at a rate of 100 lbs. per acre. The contractor shall seed and add a sufficient stand of grass. When the contractor is to reseed seed maintenance.

The contractor is responsible for maintaining all erosion and sediment control measures. These shall be checked daily and after each significant rainfall. Any deficiencies shall be repaired immediately.



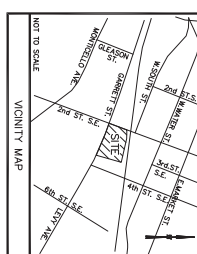
REVISIONS

NO. 1	DATE	DESCRIPTION
1	05/18/15	ISSUED
2	05/27/15	REVISED

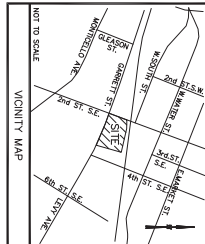
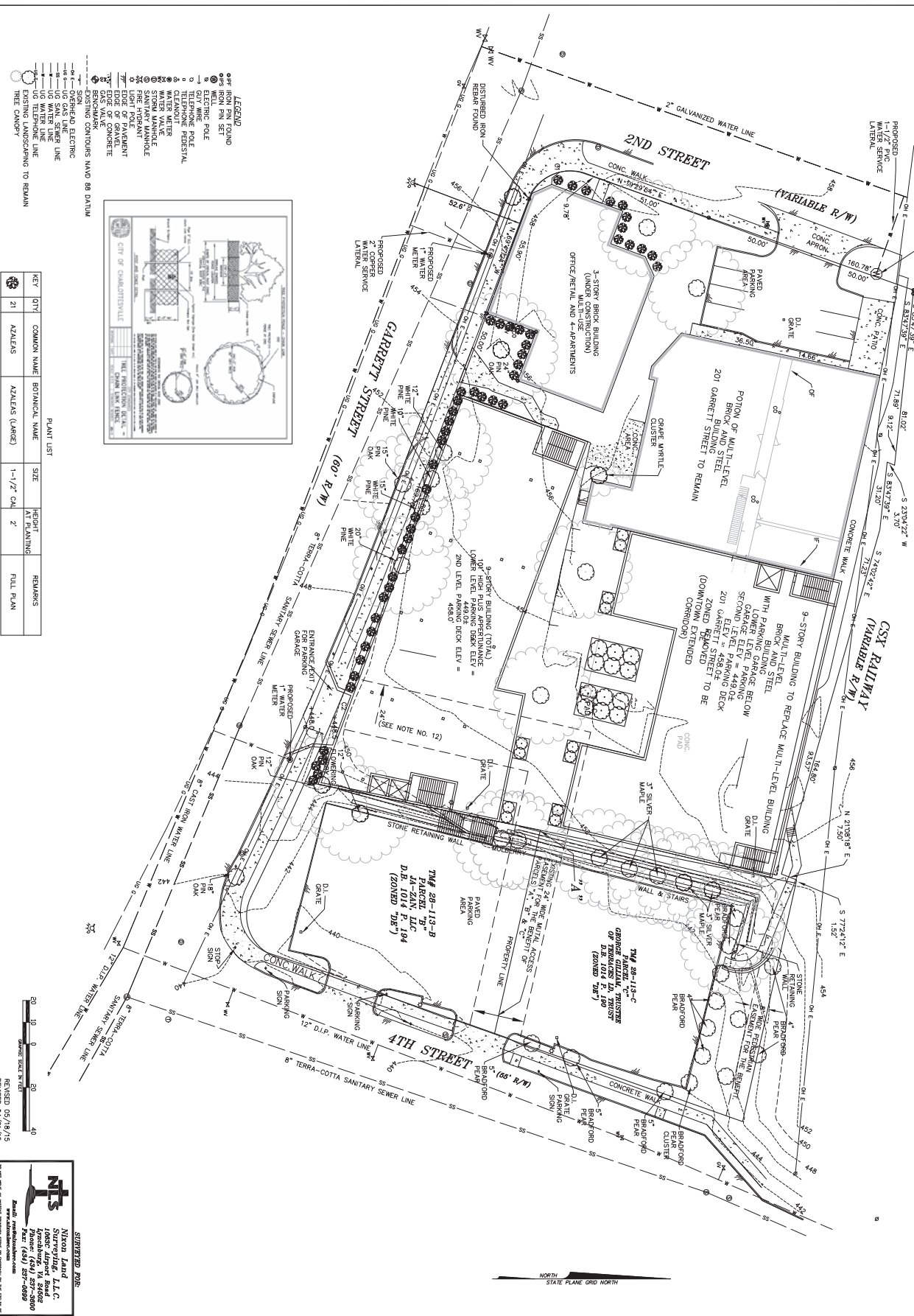
**PREPARED BY:** NIXON LAND SURVEYING, L.L.C.  
 1000 W. 10th Street  
 Montpelier, VT 05602  
 Phone: 802.241.4141  
 Fax: 802.241.4142  
 www.nixonland.com

**DATE:** 05/18/15  
**SCALE:** 1" = 20'  
**DATE:** 05/27/15  
**SCALE:** 1" = 20'  
**DATE:** 05/27/15  
**SCALE:** 1" = 20'

**APPROVED BY:** M.T.E. LLC  
 1000 W. 10th Street  
 Montpelier, VT 05602  
 Phone: 802.241.4141  
 Fax: 802.241.4142  
 www.mte.com



# LANDSCAPE PLAN



**SUBMITTED FOR:**  
**NIXON LAND DEVELOPMENT, LLC**  
 10000 N. NIXON ROAD  
 CHARLOTTE, NC 28268  
 PHONE: 704.541.2500  
 FAX: 704.541.2500

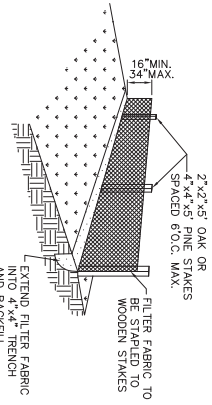
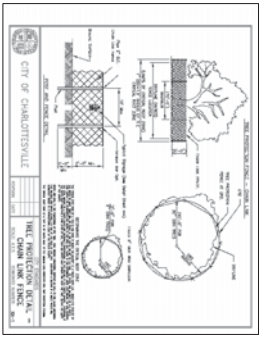
**DATE:** 05/18/15  
**SCALE:** 1"=50'  
**PROJECT:** 8 OF 8 CONN. DEV. SUBDIVISION, NIXON DEVELOPMENT

**DATE:** 05/18/15  
**SCALE:** 1"=50'  
**PROJECT:** 8 OF 8 CONN. DEV. SUBDIVISION, NIXON DEVELOPMENT

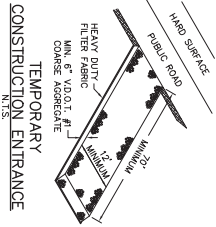


KEY	QTY	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
21		AZALEAS	AZALEAS (LARGE)	1-1/2' CAL	2'	FULL PLAN

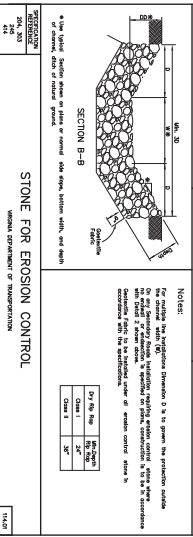
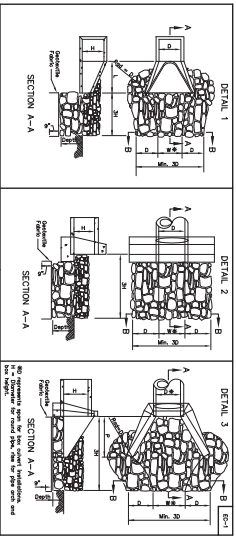




SILT FENCE  
(WITHOUT WIRE SUPPORT)  
N.T.S.

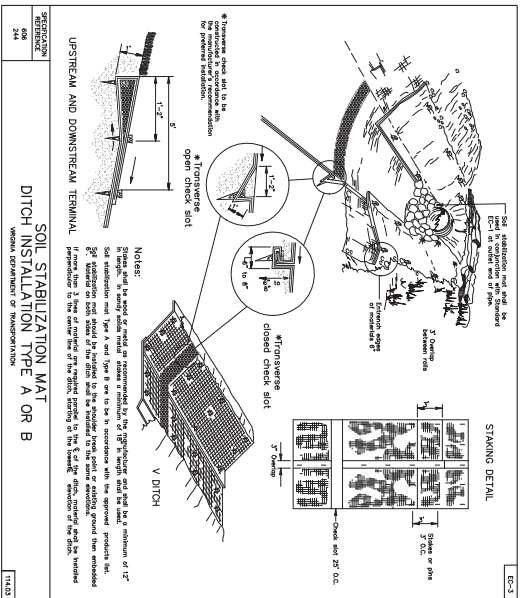


TEMPORARY CONSTRUCTION ENTRANCE  
N.T.S.

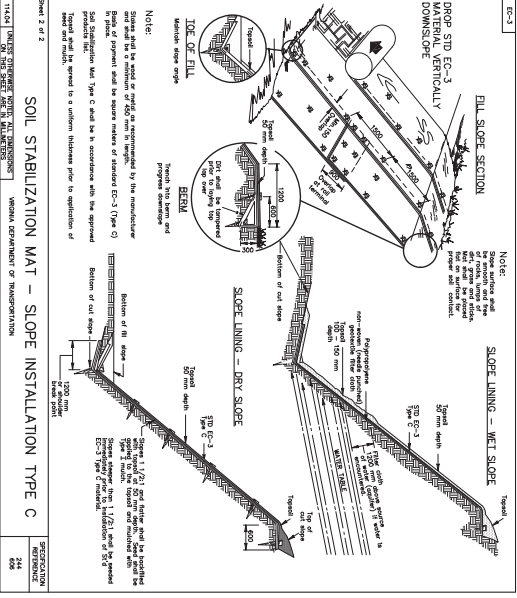


STONE FOR EROSION CONTROL  
VIRGINIA DEPARTMENT OF TRANSPORTATION

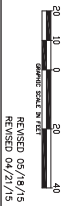
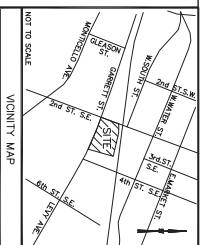
# DETAIL SHEET



SOIL STABILIZATION MAT - SLOPE INSTALLATION TYPE A OR B  
VIRGINIA DEPARTMENT OF TRANSPORTATION



SOIL STABILIZATION MAT - SLOPE INSTALLATION TYPE C  
VIRGINIA DEPARTMENT OF TRANSPORTATION



REVISED 05/18/15  
REVISED 04/27/13

**SUBMITTED FOR:**  
Nixon Land Surveying, LLC  
1500 N. Highway 17, Suite 100  
Charlottesville, VA 22904  
Phone: (434) 253-9900  
Fax: (434) 253-9900  
www.nixonland.com

**DATE:** 05/18/15  
**SCALE:** 1"=20'  
**DATE:** 05/18/15  
**SCALE:** 8" OR 8' GRAPHIC  
**DATE:** 05/18/15

**APPROVED FOR:**  
SITE PLAN FOR  
PROPERTY OF  
**M.T.E. LLC**  
CITY OF CHARLOTTESVILLE, VIRGINIA  
DATE: 05/22/15

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	July 6, 2015
Action Required:	Approval of Resolution
Presenter:	Kathy McHugh, Housing Development Specialist
Staff Contacts:	Kathy McHugh, Housing Development Specialist
<b>Title:</b>	<b>Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity Down Payment Assistance Program - \$225,000</b>

**Background:**

Funding through the Charlottesville Affordable Housing Fund (CAHF) of \$225,000 is being sought to provide assistance to Habitat for Humanity of Greater Charlottesville (Habitat) to support them in providing down payment assistance to families (earning between 25% and 60% of Area Median Income) looking to purchase affordable homes in higher income or mixed income neighborhoods within the City of Charlottesville. A map of these areas is provided in the attached Habitat proposal.

**Discussion:**

Incorporation of affordable housing throughout the City is a key goal of the City's Comprehensive Plan. This goal is impacted by a number of factors including high land cost, limited availability of land and federal housing / funding policies that has effectively promoted concentration of low to moderate income residents in low income census tracts.

To help address this issue and to work toward the goal of incorporating affordable units in higher income areas of our City, Habitat has proposed a down payment assistance project that will be used to provide deeper subsidies to home buyers than are typically needed when homes are located in lower-cost neighborhoods that correspond with lower median family income levels.

From a practical standpoint, the proposed project would work by Habitat purchasing lots and building homes within higher income neighborhoods. Homes would then be offered to partner families, with additional down payment assistance provided through the CAHF. These homes would typically be single family homes built to be in character with the neighborhood, unless the site allows otherwise; however, Habitat is committed to ensuring that these homes blend in and complement the existing surroundings. The cost of providing these homes will be higher due to both increased land costs and the need to construct detached single family homes, rather than the attached model that Habitat typically builds.

While Habitat has requested \$450,000 to assist 20 families, staff recommends approaching this as a "pilot initiative" (much like the Block by Block program) that would provide \$225,000 for 10 homebuyers initially. This will give Habitat an opportunity to test out this new approach and for the

City to evaluate the success, with the intent to come back to City Council to request additional funds at a later time (contingent upon program outcomes and availability of funds). This pilot effort will also allow for future adjustments in the amount of the request, as staff will have actual costs to better inform the amount needed for down payment assistance. Following is a brief overview of the proposal:

Timing - Habitat is not requesting up CAHF front assistance; rather they are asking that CAHF funding be provided at the closing on individual homes for qualified homebuyers. This means that Habitat will not be able to access City funds until they have successfully purchased property in a qualified census tract, constructed a home, and identified a qualified buyer for that specific property. This places all the risk and responsibility for successful implementation on Habitat, effectively limiting the risk of the CAHF investment.

Supported Affordable Housing - Due to the financing model used by Habitat, direct mortgages, equity sharing and use of the right of first refusal offers the supported affordable mechanisms necessary to qualify Habitat housing units as “supported affordable housing” per City policy. Accordingly, the proposed project will help the City toward its goal of incorporating 15% supported affordable housing throughout the City.

Identification of Homebuyers to be Assisted - Habitat is sensitive to the City’s desire to serve its own residents, particularly those who come from families experiencing generational poverty. To this end, Habitat has made a concerted effort to identify potential partner families that meet these criteria through both programmatic and outreach initiatives. Specifics are identified in the attached Habitat proposal (see May 4, 2015 letter from Dan Rosensweig attached).

At present, Habitat has 55 families that are working toward their sweat equity requirements to qualify for a home. Of these families 44 (80%) either live and/or work in the City. A total of 39 (71%) live in Charlottesville and 29 (53%) work in the City. The proposed down payment assistance program would be limited to only those families who have lived and/or worked in the City for a minimum of six (6) months.

Leverage - Habitat provides direct mortgages to homebuyers and they also use grants, private donations, and volunteer labor to lower housing costs and / or provide supplemental assistance to make homes more affordable to partner families between 25% - 60% AMI. Additionally, Habitat has secured a commitment from a local donor to match every private dollar donated toward this proposed project, effectively doubling the impact of fund raising efforts.

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

Approval of this agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options. This proposal also meets a number of goals / objectives of the Comprehensive Plan. These are outlined in the attached Habitat proposal.

**Community Engagement:**

There has not been any specific community engagement or public input on this proposal.

**Budgetary Impact:**

The proposed project will require \$225,000 from currently unallocated CAHF funds.

**Recommendation:**

The proposed project is targeted toward addressing one of the City's most challenging goals (i.e., the incorporation of affordable housing throughout the City). The proposed cost of \$22,500 per housing unit is consistent with other investments made with CAHF money and the risk to the City is limited by the fact that our funds will not be released until everything is in place. Based on these factors and the need to further supported affordable housing, staff recommends approval of the attached resolution.

**Alternatives:**

Council could elect not to fund this request and/or to reduce funding further below the recommended pilot funding; however, no other viable projects have been identified (previously or pending) that would help the City achieve the incorporation of affordable units into higher income areas. There are no known alternatives to this unique proposal.

**Attachments:**

Habitat Proposal dated May 4, 2015  
Resolution

May 4, 2015

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

RE: Incorporating Affordable Units throughout the City

Dear Ms. McHugh,

As you know, the goal of incorporating affordable units throughout the City is a key priority in the 2013 Comprehensive Plan update and also one of the most elusive housing goals we have. A variety of factors, including high land costs, lack of available land and federal housing/funding policy, has promoted a higher concentration of low-income residents across six census tracts in the City.

One strategy for countering this concentration is to create mixed-income neighborhoods where opportunities exist. This year, Habitat for Humanity of Greater Charlottesville will begin work on our sixth mixed-income community in the City - Harmony Ridge on 5<sup>th</sup> Street.

The other strategy for achieving a mixture of housing options throughout the City is more challenging and involves finding opportunities to incorporate affordable housing in areas of town that are outside of low-income census tracts and that, to a large degree, are built out with only infill opportunities available.

As Habitat plans its next two years of house construction and rehabilitation, we are committed to addressing this key City strategic challenge head on, while also continuing to provide new mixed-income housing opportunities where possible. As such, we'd like to partner with the City to build forty homes in 2016-17 across a minimum of four census tracts, with homes in at least three districts with an average median income at or above 100% of the area median income (identified on the attached map in forest green and teal). All eligible homes will be in either high census tract districts or in mixed-income developments.

All families eligible for funding through this program will be required to have lived and/or worked in the City for at least six months and will earn between 25% and 60% of area median income. Because building in these environments is more expensive, the families will need larger down payment assistance subsidies than if we were building in lower-cost neighborhoods.

As such, we respectfully request a grant of \$450,000 in FY '16 from the Charlottesville Affordable Housing Fund (CAHF) in order to provide down payment assistance to 20 families. As this is a two year-commitment to work toward de-concentrated affordable and workforce housing in the City, we'd like to reserve an additional \$450,000 for FY '17 for up to 20 more families. In order to protect the City's interests, we would propose that our agreement be structured such that the money be allocated for this purpose, but not dispersed until we close on a home with a qualifying family.

We are very sensitive to the City's desire to serve its own residents, particularly those who come from generational poverty families. In an effort to meet this critical need, while still complying with fair housing practices, we have made a concerted effort over the past couple of years to reach more deeply into Charlottesville City target communities.



- In 2012, we initiated a two-phased family selection program that identifies and works with long-time City residents with credit issues who would otherwise be great homeowner candidates.
- We've conducted outreach sessions in target City communities to inspire, encourage and aid with applications.
- We've worked with the Charlottesville Abundant Life Ministries to identify potential Partner Families from the Prospect/Orangedale neighborhood.
- We've partnered with the Charlottesville Redevelopment and Housing Authority to build a percentage of our homes in partnership with residents coming out of public housing or off of CRHA Housing Choice Vouchers.
- Finally, and perhaps most importantly, this year we hired a community organizer to work with City faith, civic and community leaders to identify and support prospective Partner Families from City target neighborhoods.

As a result of these efforts, 44 of the 55 families currently working on their sweat equity requirements toward homeownership live and/or work in the City. The funds from this allocation will be reserved for families who have lived and/or worked in the City for at least six months.

We are very excited about partnering with the City to address these key strategic initiatives and about providing a helping hand up out of housing poverty to 20 new, hard-working families each of the next two years.

Thank you very much for your consideration of this proposal. And please feel free to call me if you need any additional information.

Sincerely,

Dan Rosensweig  
President and CEO

## Geographical Area/Demographic Groups

Habitat's service area is Charlottesville, Albemarle, Louisa and Greene. Funding will be used for down payment assistance for up to 40 Habitat Partner families whose homes will be built within the City of Charlottesville.

Funding will be designated for families who live in targeted City neighborhoods, residents of public or subsidized housing, the elderly and other low/moderate income clientele. Habitat has made numerous efforts to attract applicants from public housing and/or hold a CRHA voucher and has initiated a program to work with families who need assistance to improve their credit so that they can qualify for the Habitat program. Seventy percent of the families selected to build homes at Sunrise Park came from CRHA public housing, from privately held subsidized housing or from the Housing Choice voucher program. All families eligible for support from this fund will have lived and/or worked in the City for a minimum of six months. Each home will be in a high census tract district or a mixed-income neighborhood.

Current Partner Families:

Total	Live and/or work in City	Live in City	Work in City
55	44	39	29

## Outcomes/Performance Measurement

The desired outcome is to build 40 Habitat family homes, all in mixed-income communities, including homes in at least three of the top census tracts measured by median family income.

## Proposed timeline

August 2015	FY '16 CAHF funds allocated
September 2015 – December 2016	Funds drawn down as homes close
August 2016	FY '17 CAHF allocated
September 2016 – December 2017	Funds drawn down as homes close

## Organizational Capacity

Since its founding in 1991, Habitat for Humanity of Greater Charlottesville has built more than 150 houses and sold them to local low-income families. We have built more than 50 homes in the past three years and currently have 24 homes in various stages of construction. Funding largely controls the number of homes we build per year.

Habitat is in a good position to build the units mentioned in this proposal. We have completed the Habitat portions of our second and third mixed income communities at Sunrise Park and Belmont Cottages, both in the Belmont neighborhood of Charlottesville. We have a good strategy for growing despite rising costs. We also have a strong board, robust committees and a dedicated staff.

But our greatest strength is our Partner Families. We have approved 55 partner families who are currently providing sweat equity, taking home ownership and good neighbor classes and are saving their down payment in preparation for home ownership. Their mortgages, combined with help from various subsidies, such as CAHF funds, allow us to carry on with our next building projects.

Applicants for Habitat Partner Family homes must have lived in our service area for at least one year. They will be considered if they meet one of the following need criteria:

- 1) Homeless or living in transitional housing
- 2) Physical problems with the dwelling
- 3) Public Housing or Housing Choice Vouchers
- 4) Crowded housing
- 5) High crime neighborhood
- 6) Families who pay more than 40 percent of income in rent

### **Willingness to Partner**

Achieving homeownership through the Habitat program is not easy, but in almost every case, the process is transformative and leads to a break in the cycle of generational poverty. Of the more than 150 homes Habitat Families have purchased in the area, only three have foreclosed. Partner Families must complete a minimum of 100 hours of sweat equity for the family plus 100 hours for each adult who will live in the new home. Anyone who reaches the age of 18 at any time during the application process up through Board approval will be considered an adult. Sweat equity opportunities for the disabled, elderly and others unable to partner this way are made through office work, through our resale store or at some other convenient venue such as fundraising events, community outreach opportunities, etc. Additionally, children of partner families may earn sweat equity by participating in our Youth United Program.

### **Recent Organizational History and Building Standards**

In 2013, Habitat completed work on Sunrise, the first trailer park transformation in the nation without resident displacement. Currently, Habitat owns and maintains the Southwood Mobile Home Park with the goal of managing it responsibly for current residents and redeveloping it sustainably and compassionately as a mixed-income community without displacement for current and future residents.

At 342 units with 1,500 people, Southwood is the largest single location of affordable housing in the area.

One of our goals is to build homes that are as sustainable and energy efficient as possible. All of our homes meet Earthcraft certification with several certified as LEED. Our Sunrise Park homes are Energy Star 3.0 certified. We also follow the Federal Lead Based Paint regulations.

All of our homes are designed for aging in place with first floor bedrooms and bathrooms, wider doorways and at least one zero step entry. We have built homes for senior citizens, as well as families with children and single individuals.

### **Long-Term Project Funding/Project Sustainability**

Homeowner mortgages are one of the biggest sources of funding for our homes, however, we also have grant funding commitments from the Self-Help Opportunities Program (funded by HUD through Habitat for Humanity International), churches, individual donors, civic groups, businesses and other means of fundraising. Additionally, a local donor has committed to match every private dollar donated toward **Project 20**. This gift will help more families achieve success, faster.

However, for us to sustain our homebuilding operations, we need to insure that individual homes pay for themselves through mortgages and mortgage subsidies. As such, we are requesting \$450,000 per year in funding from the Charlottesville Affordable Housing Fund; it will be used as down payment

assistance for up to 40 families who earn between 25 and 60 percent of AMI. These families generally live in the City's targeted neighborhoods, Public Housing or are recipients of a Housing Choice Voucher. This additional subsidy will allow us to reach more deeply into the long-term low income community, with an emphasis on providing a permanent hand up out of poverty to families who are at the lower end of our AMI scale and who have been in poverty situations for more than one generation. It will also allow us to meet the City's numerous goals of locating affordable housing integrated with market rate housing.

We hope the City will view this funding as a long-term investment in affordable, work-force and mixed-income housing in our community. Habitat has several mechanisms that protect the City's and its own investment in affordable housing. When the partner family decides to sell the house, Habitat has the right of first refusal to purchase the house and resell it to another low-income family. In addition, HFHGC uses 50% equity sharing. The first time each home is resold, Habitat receives half of the appreciation. This is a permanent equity sharing agreement that takes effect the first time the home is sold out of the family, regardless of how much time has elapsed. Additionally, Habitat families receive a final forgivable mortgage that dissolves over time, allowing them to earn equity simply by staying in and caring for their homes. Conceivably, a Habitat home could remain within a family for generations. But when the home is sold outside the family, the funding is reinvested in more affordable housing.

### **Habitat for Humanity of Greater Charlottesville Relationship and Collaboration with Other Programs in the Community**

Habitat for Humanity of Greater Charlottesville focuses on affordable home ownership for local, low-income wage earners who earn between 25-60% of AMI. Additionally, Habitat owns and operates the Southwood Mobile Home Park, the largest single location of affordable housing in the area. Community partnerships are key in helping Habitat serve the approximately 2,000 local residents in Habitat homes or trailer pads. At Southwood alone, we partner with more than 25 other local agencies to work with the current and future residents of the park.

We work particularly closely with several local non-profits whose missions are closely aligned with ours. The Piedmont Housing Alliance (PHA) has been very helpful in referring potential partner families to us and has served families with housing needs, but with incomes above our 60% of AMI threshold. We consider Albemarle Housing Improvement Program (AHIP) a close partner as our clientele tends to overlap. Additionally, we are continuing to work with the Charlottesville Redevelopment and Housing Authority to identify residents (in public housing and with housing choice vouchers), who will become Habitat Family Partners, and help them make the transition to new housing. As part of our agreement with the City of Charlottesville, our goal is that at least 25% of our homes at Burnett Commons III will be sold to CRHA families. We are also exploring a partnership with five CRHA families who live in scattered site public housing units who may wish to purchase the home in which they live.

Additionally, we have partnered with the Thomas Jefferson Community Land Trust to construct the first two land trust homes in the state of Virginia and have helped Region X construct a group home in our Paton Street neighborhood. We have also formed a partnership with the PHA and with The Charlottesville Abundant Life Ministries to create new mixed-income opportunity, Harmony Ridge, in the City this year.

We have also partnered with a variety of jobs training programs through the City of Charlottesville, CRHA, CATEC and PVCC to provide internship and job skills opportunities to low-income residents

of the area. Finally, we collaborate with dozens of civic groups, faith organizations and businesses in our community, who participate as house sponsors and volunteers.

Our funding request is based on numerous goals and objectives in the Comprehensive Plan and in the City Council vision statement.

**From the City Council Vision:**

Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities.

**From the Housing Chapter of the Comprehensive Plan:**

**Vision:** In order to be a truly world class city, Charlottesville must provide sufficient housing options to ensure safe, appealing, environmentally sustainable and affordable housing for all population segments and income levels, including middle income.

**Goal 2:** Maintain and improve the City's housing stock for residents of all income levels

**Goal 3:** Grow the City's housing stock for residents of all income levels

3.2 Incorporate affordable units throughout the City, recognizing that locating affordable units throughout the community benefits the whole City

3.3 Achieve a mixture of incomes and uses in as many areas of the City as possible

**Goal 4:** Promote an assortment of funding initiatives to meet the needs of owners, renters and the homeless with varying levels of income

4.2 Continue to fund programs that provide assistance to those unable to afford market rate housing options in the City

4.3 Promote long-term affordability of units by utilizing industry strategies and mechanisms

**Goal 5:** Support projects and partnerships (i.e. private, non-profits, private developers and governmental agencies) for affordable housing, including workforce housing and mixed-use and mixed-income developments

5.7 Support housing programs at the local and regional level that encourage mixed income neighborhoods and discourage the isolation of very low and low income household

**Goal 7:** Offer a range of housing options to meet the needs of Charlottesville's residents, including those presently underserved, in order to create vibrant residential areas or reinvigorate existing ones

7.3 Encourage appropriate design so that new supported affordable units blend into existing neighborhoods, thus eliminating the stigma on both the area and residents

**Goal 8:** Ensure that the city's housing portfolio offers a wide range of choices that are integrated

and balanced across the city to meet multiple goals including: increased sustainability, walkability, bikeability, and use of public transportation, augmented support for families with children, fewer pockets of poverty, sustained local commerce and decreased student vehicle use

8.1 Encourage mixed-use and mixed-income housing developments.

8.7 Encourage the incorporation of green sustainable principles (e.g. LEED, Earthcraft Virginia, Energy Star, etc.) in all housing development to the maximum extent feasible both as a way to be more sustainable and to lower housing costs

Throughout the plan, it is made clear that housing is fundamental to social inclusion and that housing and jobs go hand in hand. With the help of CAHF funds, these Habitat homes will be places that expand a sense of prosperity and community to 40 local families who have been working to achieve this dream.

### **Reinvestment in the Community:**

In 2014, the Weldon Cooper Center for Public Service performed an economic impact study, focusing on the effects of Habitat home building in the community. The study can be found in its entirety at <http://cvillehabitat.org/eis>.

The findings in this study describe the large return on investment that the City gets when it partners with Habitat. Among the most relevant statistics are:

**\$8.3m** – Habitat’s Industrial Impact on the Community in 2013

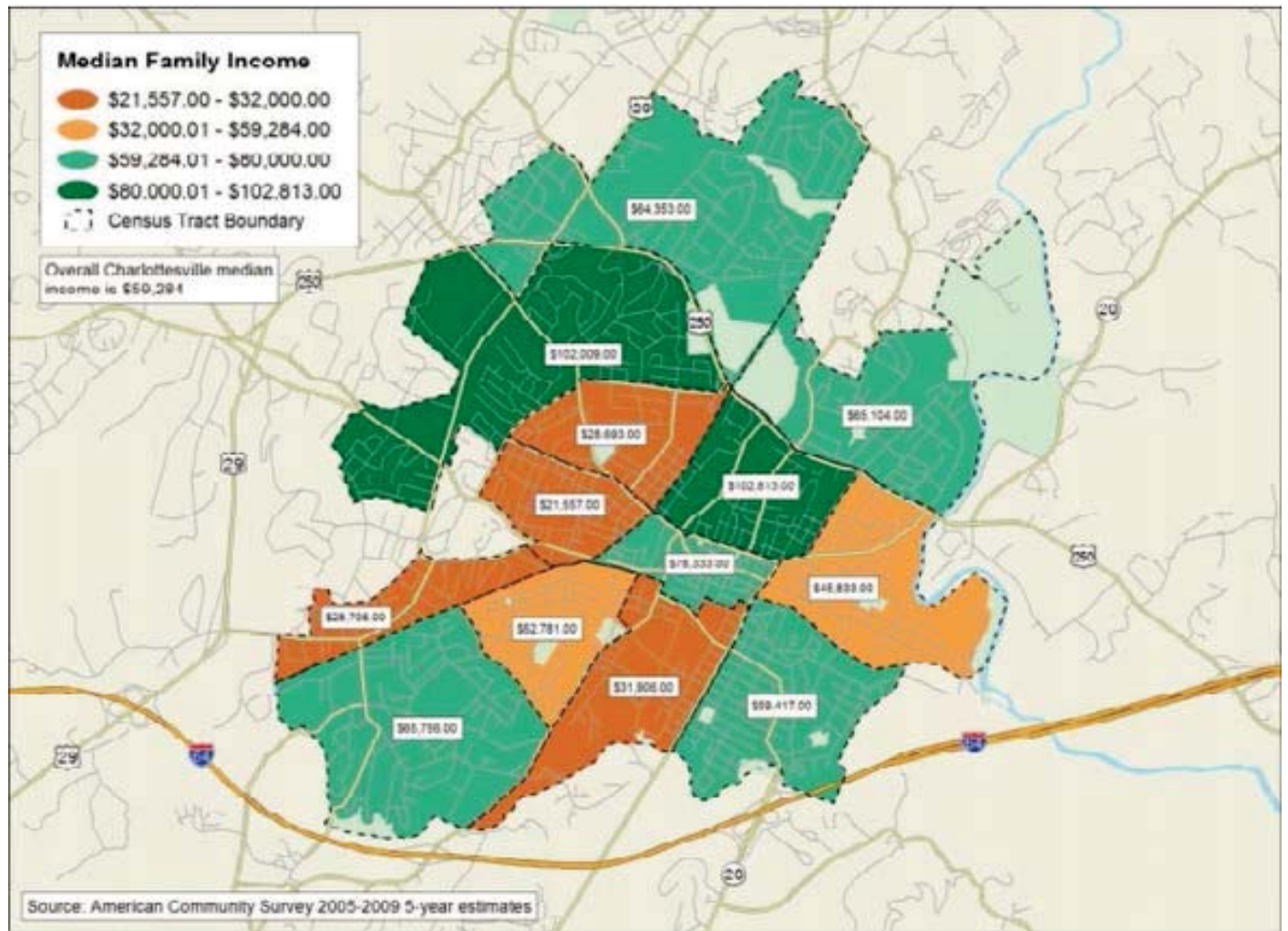
**10x** – The transformation of the Sunrise Trailer Court into a mixed-income development increased tax revenues by a factor of 10, from \$11,000 in personal property tax to \$110,000 annually post-redevelopment

**\$6m** – The amount of home equity earned by Habitat partner families since our inception in 1991

**\$8m** – The amount of mortgage interest savings accrued by our families since 1991 via our zero interest mortgage program

**100** – The percentage of families who reported that their lives had improved since becoming Habitat partner families

**29/30** – Families who reported a change in their children’s grades for the better after purchasing a Habitat home



**RESOLUTION**

**Allocation of Charlottesville Affordable Housing Fund (CAHF) for Habitat for Humanity  
Down Payment Assistance Program \$225,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$225,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Habitat for Humanity of Greater Charlottesville for the purpose of providing a down payment assistance program.

Fund: 426

Project: CP-084

G/L Account: 599999

Habitat for Humanity of Greater Charlottesville      \$225,000



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



<b>Agenda Date:</b>	July 6, 2015
<b>Action Required:</b>	Approval of Resolution
<b>Presenter:</b>	Kathy McHugh, Housing Development Specialist
<b>Staff Contacts:</b>	Kathy McHugh, Housing Development Specialist
<b>Title:</b>	Allocation of Charlottesville Affordable Housing Fund (CAHF) for Albemarle Housing Improvement Program (AHIP) Scattered Site Rehabilitation, Block by Block Charlottesville (BXBC) 10 <sup>th</sup> & Page Phase 2, BXBC Orangedale & Prospect Phase 1, and Emergency Repair Program- \$1,090,000

**Background:**

City Council has historically approved funding on an as needed basis for AHIP to undertake various housing rehabilitation related initiatives. To this end, funding is currently needed to comprehensively provide for continuation of on-going City housing rehabilitation efforts and to expand the successful Block by Block Charlottesville (BXBC) program.

Current funding through CAHF for scattered site substantial housing rehabilitation and emergency repairs is virtually exhausted given on-going and planned projects. At this time, there is approximately \$26,000 remaining in Scattered Site funds and about \$23,000 in Emergency Repair Program funds. There is also \$55,000 in HOME funds available for housing rehabilitation; however, HUD compliance requirements restrict use of funds and extend the timeline required in some cases making this funding less flexible than CAHF. Regardless, available funding is insufficient to fund current requests that are pending or in the case of emergency repairs – anticipated to be needed in this current fiscal year. Additionally, there is a need for additional funding to expand the Block by Block Charlottesville (BXBC) project currently on-going in the Tenth and Page Neighborhood and proposed to be expanded to the Orangedale and Prospect neighborhood.

**Discussion:**

The AHIP proposal for funding outlined herein is attached and provides additional detail; however, to summarize the request the following provides an overview of each proposed project:

*Scattered Site Rehabilitation* – This program is the only means by which low income property owners can access funds to make necessary repairs to their homes. In addition to the current and proposed BXBC project areas, there are 63 families on the AHIP list waiting for this funding. Additional funds are needed to keep this program viable and to allow those outside of the BXBC project areas to access

funds. Funding of \$264,000 is requested herein to provide for an estimated 8 rehabs at an average of \$33,000 per job.

*Block by Block Charlottesville (BXBC)* - Since funding was initially provided for BXBC – Tenth & Page in December 2012, AHIP has consistently worked in the original project area (i.e., west of 10th Street over to 11th Street and from Page Street up to Grady Avenue) to provide rehabilitation assistance to a total of 23 home owners. To date, City funding committed to this project of \$950,000 has been used to leverage \$436,000 in private donations and other grants. This means that for every \$1 of committed City funding, AHIP was able to leverage 46 cents of “other” money. Of the rehab work done, 22 have been done or are in the process of being done with City money (note one property owner had two houses on the same parcel) and an additional two (2) properties have been done with private funds. Since AHIP has been able to successfully raise private funds and have used this to complete two full rehabs, it is anticipated that roughly \$85,000 in CAHF money will be left over from Phase 1. These funds are proposed to be used to offset the amount needed for Phase 2 as proposed below.

*Block by Block Charlottesville (BXBC) – 10<sup>th</sup> & Page Phase 2* - Proposed herein is Phase 2 of the 10<sup>th</sup> and Page BXBC project, which will address the remaining part of the neighborhood east of 10th Street over to 8th Street at the railroad tracks and between Page and West Street. This area includes 171 housing units with 102 owner occupied units (59%) and 71 rental properties (41%). Planning is currently on-going for this area as is outreach to gauge interest and determine how to best address proposed project area needs. The request for Phase 2 seeks \$264,000 from CAHF to provide six (6) energy efficiency focused homeowner and rental housing rehabilitation (pending approval of revised rehab policies to formalize the rental rehab program) as well as more extensive repairs to accessory buildings and for adding new accessory spaces (as funding allow). Demolition and rebuild will also be allowed based on a determination of unsuitable for rehab (taking economic, structural conditions and historic value of the property into consideration).

*Block by Block Charlottesville (BXBC) – Orangedale & Prospect Phase 1* - Additional funding is also being sought for Phase 1 of a BXBC focused initiative in the Orangedale and Prospect (O&P) neighborhood. The proposed O&P target neighborhood includes the Orangedale subdivision from 5th Street to Orangedale Avenue, and from Rockcreek Road up to Cherry Avenue, including that section of 7½ Street SW and 9th Street SW, and Elm and Pine Streets. Based on information gathered from the City Assessor online records, AHIP has identified 344 units in the O&P neighborhood. This includes 188 owner occupied units (54%) and 156 rental units (46%). These numbers do not include 202 multi-family rental units at Greenstone on 5<sup>th</sup> or the 18 units owned by Community Services Housing.

While planning efforts are still on-going, the current request of \$462,000 (for 12 homes) is based on a conservative estimate of known need which has been assessed through AHIP’s waiting list. It is hoped that efforts can begin immediately, with programmatic flexibility to adjust implementation based on planning study results; however, given the enthusiastic response of the neighborhood, AHIP wants to have some funding available to start rehab and energy efficiency efforts immediately.

In addition to proposed BXBC – O&P effort, AHIP will also be assisting Piedmont Housing Alliance (PHA) with targeted homeowner repairs for those homebuyers assisted through the down payment

assistance program approved by City Council at their May 18, 2015 meeting. This program allocated \$62,500 for the purpose of addressing deferred maintenance issues and energy efficiency upgrades in homes to be assisted through the down payment program. These improvements will be done and paid for separately from those proposed herein; however, should PHA encounter a property that requires more extensive repairs, use of the BXBC program would be an option to the extent that the loan to value requirements can be met.

While there is still a need for more comprehensive and targeted BXBC rehab projects (using a phased approach), current efforts are already making an impact in one City neighborhood (e.g., Tenth and Page) and expansion into the Orangedale and Prospect area will only increase the number of successful outcomes for this program. Further, while staff would ultimately like to continue work in other areas of the City, limited funding dictates that we must target areas based on known levels of need.

Emergency Repair Program (ERP) – This popular program is an indispensable tool in the housing rehab toolbox and it is necessary for any successful housing rehabilitation effort. This program provides funds to promptly address emergency type repairs that frequently are used to stabilize a home until such time as additional funds are available to do more substantial repairs. At present, AHIP has spent or committed all but \$23,000 of the most recent infusion of ERP funds (approved March 2, 2015) and there is still additional need. To address the funding needs of this on-going program an additional \$100,000 is being sought herein.

While there is always more need than funding available, the above request should provide adequate funding to carry AHIP's programs through the current fiscal year, while utilizing their organizational and operational capacity (which has been generated in part due to BXBC efforts) to the benefit of City rehab efforts.

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

Approval of this agenda items aligns directly with the City Council Vision for Charlottesville to provide quality housing opportunities for all. The proposed action also aligns with the Strategic Plan at goal 1.3 which speaks to increasing affordable housing options. The proposed rehabilitation efforts are also supported by objective 2.1 of the Comprehensive Plan - *Preserve and improve the quality and quantity of the existing housing stock through the renovation, rehabilitation and/ or expansion of existing units as a means of enhancing neighborhood stability.*

**Community Engagement:**

Possible interest in an Orangedale and Prospect focused project was first discussed at the July 17, 2014 City Council housing work session with the Housing Advisory Committee as a possible area to consider for a pilot homeownership initiative. City staff committed to look at the project and come back to Council with recommendations. Staff also held a focus group on September 24, 2014 which eventually led to requests for both planning grant and down payment assistance programs focused in the Orangedale and Prospect area. A study of the proposed BXBC 10<sup>th</sup> & Page project was also included in the planning assistance provided.

Scattered Site Rehabilitation, BXBC, and Emergency Repair Program are all on-going efforts which have been previously discussed with the community / public on a variety of occasions. Efforts have traditionally received strong support from the community, the Housing Advisory Committee (HAC) and Council in the past.

**Budgetary Impact:**

The proposed project will require approximately \$1,005,000 from currently unallocated CAHF funds. An estimated \$85,000 of previously awarded funding for BXBC – 10<sup>th</sup> & Page Phase 1 will be recaptured and used for BXBC – 10<sup>th</sup> & Page Phase 2. This amount may vary slightly depending on the final amount of unspent funds, however, the final figure may not be known for a few more months.

**Recommendation:**

Staff recommends approval of the attached resolution, recognizing that the CAHF will likely recapture \$85,000 to be used toward meeting this budgetary requirement.

**Alternatives:**

Council could elect not to fund this request and/or to reduce funding for one or more components; however, these actions would negatively impact the City’s ability to provide housing rehabilitation and emergency repair services to its low income residents.

**Attachments:**

AHIP FY 16 Funding Request  
Resolution



## AHIP

### Funding Request to City of Charlottesville Neighborhood Development Services

### FY16 Rehab Production and Funding Goals

June, 2015

## SUMMARY

AHIP is requesting \$1,090,000 in funds to support scattered-site and target-area rehab activities for FY16 (July 1, 2015 through June 30, 2016).

Owner-occupied rehab efforts keep City residents safe at home, protect their assets, improve City neighborhoods, and preserve the City's stock of affordable housing. In FY15, AHIP and the City, through our joint rehab and emergency repair efforts, will help approximately 79 households and 140 people.

City funding leverages volunteer contributions, in-kind contributions, and private donations. The first phase of the 10th & Page BXBC initiative brought in \$436,000 in private donations and grants.

## PROGRAM AREAS

### ■ Scattered-site rehab

AHIP's scattered-site rehab effort serves homeowners outside of our target-area neighborhoods. We currently have 63 families on our list waiting for this funding. In FY14, AHIP completed five scattered-site projects (all funded by CAHF), at an average cost of \$29,333. In the current year (FY15), AHIP has completed or has in progress four scattered-site projects, at an average cost of \$30,423. We have four more jobs in the pipeline that are expected to range in cost from \$20,000 to \$49,000.

### **Production aims and funding projections:**

AHIP proposes to complete 8 scattered-site rehabs at an average cost of \$33,000.

Direct job costs (materials, labor)	\$ 240,000
Service delivery/administrative	24,000
<b>Total</b>	<b><u>\$ 264,000</u></b>

■ BXBC: 10th & Page (Phase 2)

Phase 1 of the 10th & Page BXBC effort addressed the target area west of 10th Street over to 11th Street and from Page Street up to Grady Avenue. Phase 2 will address the remaining part of the neighborhood east of 10th Street over to 8th Street at the railroad tracks and between Page and West Street. This area includes 171 units with 102 owner occupied units (59 percent) and 71 rental properties (41 percent). Our current waiting list includes 10 families waiting for rehabs and six waiting for emergency repairs. In FY14, the average per-project investment of City dollars within the BXB program was \$32,058. (The average per-project cost from all funding sources was \$46,242, which covered energy upgrade tasks, not including volunteer hours or in-kind donations.) The actual costs of the first 12 units completed ranged from \$13,358 to \$95,468.

We are in the midst of a more comprehensive planning effort for Phase 2, but initial projections are based upon original survey data, data from Phase 1, and wait list information for families who fall within the Phase 2 target area.

**Production aims and funding projections:**

AHIP proposes to complete six BXB Phase 2 rehabs at an average cost of \$44,000.

Direct job costs (materials, labor)	\$ 240,000
Service delivery/administrative	24,000
<b>Total</b>	<b><u>\$ 264,000</u></b>

■ BXBC: Orangedale & Prospect (Phase 1)

AHIP is currently working on a planning grant to assess the existing conditions of owner occupied and rental units, to determine resident interest in the rehab program and also a first-time homebuyer program, to determine interest of landlords in a rental rehab program, and to identify existing owners who may be interested in selling houses to first-time homebuyers. We are partnering with the Piedmont Housing Alliance to provide homebuyer education, financial counseling services, and down payment assistance. Rehab funding will be

set aside for five first-time buyers in the neighborhood to insure they are buying a home with upgraded systems, energy efficient HVAC and appliances, and lower maintenance costs.

AHIP has worked extensively in the Orangedale & Prospect neighborhood. From 2009 through 2014, AHIP worked on 50 houses in the neighborhood covering emergency repairs, housing rehabs, and energy efficiency upgrades. We currently have 26 families on the waiting list, which includes 13 waiting for rehabs and 13 waiting for emergency repairs. All of the families on the emergency repair list own their homes so these are likely to become rehabs and/or energy efficiency upgrades.

The proposed Orangedale & Prospect target neighborhood includes the Orangedale Subdivision from 5th Street to Orangedale Avenue, and from Rockcreek Road up to Cherry Avenue, including that section of 7½ Street SW and 9th Street SW, and Elm and Pine Streets. Based on information gathered from the City Assessor Online Records, we have identified 344 units in the O&P neighborhood. This includes 188 owner occupied units (54 percent) and 156 rental units (46 percent). These numbers do not include 202 multi-family rental units at Greenstone on 5th or the 18 units owned by Community Services Housing.

We are in the process of sending out surveys to homeowners, tenants, and landlords to gather information on conditions and interest in various programs for the neighborhood. This initial estimate is based on existing waitlist data and past production data, but a more thorough analysis is in process.

**Production aims and funding projections:**

- For Year 1 (FY16), AHIP proposes to complete 12 O&P BXBC Phase 1 rehabs/energy upgrades at an average cost of \$38,500. In addition, AHIP proposes completing five small rehabs/energy upgrades for homebuyers working with Piedmont Housing Alliance in the O&P neighborhood.

Direct job costs (materials, labor)	\$ 420,000
Service delivery/administrative	42,000
<b>Total Year 1</b>	<b><u>\$ 462,000</u></b>

N.B.: We are planning this as a two-year project, and are aiming to complete an additional 12 rehab projects in FY17.

\*Piedmont Housing Alliance is requesting rehab funding for first-time homebuyers.

### ■ Scattered-site emergency Repair

AHIP administers Charlottesville’s Emergency Repair program, responding to urgent home repair crises for very low-income City residents. In FY15, AHIP helped 46 Charlottesville households with critical repairs: handicap ramps, water heaters, plumbing, electrical, and structural emergencies. For FY16, we are aiming to complete 30 emergency repairs at an average cost of \$3,300 per project.

Direct job costs (materials, labor)	\$ 78,200
Service delivery	21,780
<b>Total</b>	<b><u>\$ 100,000</u></b>



**RESOLUTION**  
**Charlottesville Affordable Housing Fund Assistance for**  
**Albemarle Housing Improvement Program**  
**Scattered Site Rehabilitation, Block by Block Charlottesville (BXBC) 10<sup>th</sup> & Page, BXBC**  
**Orangedale and Prospect & Emergency Repair Program**  
**\$1,090,000**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$1,090,000 be allocated from previously appropriated funds in the Charlottesville Affordable Housing Fund to the Albemarle Housing Improvement Program for the purpose of providing rehabilitation and emergency home repair services in the following manner:

Fund: 426

Project: CP-084

G/L Account: 599999

Albemarle Housing Improvement Program Scattered Site Rehabilitation	\$264,000
Albemarle Housing Improvement Program BXBC 10 <sup>th</sup> & Page (Phase 2)	\$264,000
Albemarle Housing Improvement Program BXBC Orangedale & Prospect	\$462,000
Albemarle Housing Improvement Program Emergency Repair Program	\$100,000

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



Agenda Date:	July 6, 2015
Action Required:	Report Only – no verbal presentation
Presenter:	Report Only – no verbal presentation
Staff Contacts:	Dan Sweet, Stormwater Utility Administrator Dan Frisbee, Water Resources Specialist Lauren Hildebrand, Director of Utilities
<b>Title:</b>	<b>Draft Chesapeake Bay TMDL Action Plan</b>

**Background:**

The City of Charlottesville operates under the General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4 General Permit) issued by the Virginia Department of Environmental Quality (VADEQ), which is effective from July 1, 2013 - June 30, 2018. A requirement of the MS4 General Permit is that operators develop a Chesapeake Bay Total Maximum Daily Load (TMDL) Action Plan to comply with the permit's Special Condition for the Chesapeake Bay TMDL (Special Condition). MS4 operators are required to complete the Action Plan by June 30, 2015 and submit it to VADEQ as a component of the MS4 Annual Report by October 1, 2015.

**Discussion:**

In its Phase I and Phase II Chesapeake Bay TMDL Watershed Implementation Plans (WIP), the Commonwealth of Virginia committed to utilizing MS4 permits to ensure implementation of stormwater best management practices (BMP) on existing developed lands, taking a phased approach to reducing nutrient and sediment discharges from MS4s. MS4 operators are required by the Special Condition to reduce nitrogen (N), phosphorus (P), and total suspended solids (TSS) loads from regulated MS4 acres. The required reductions equate to 9% of N, 16% of P, and 20% of TSS from impervious regulated acres and 6% of N, 7.25% of P, and 8.75% of TSS from pervious regulated acres. The phased approach requires MS4 operators to achieve 5.0% of their total required reductions in N, P, and TSS during the 2013-2018 MS4 General Permit cycle; 35% of the total reductions during the 2018-2023 permit cycle; and the remaining 60% of the total reductions in the 2023-2028 permit cycle. The City is required to implement stormwater BMPs to achieve the required nutrient and sediment reductions. Eligible BMPs include:

- Structural BMPs
- Land Use Change
- Urban Stream Restoration
- Urban Nutrient Management
- Nutrient Trading
- Redevelopment (if the pollutant load prior to redevelopment is reduced)
- Street Sweeping

The City's required 5% reductions per the 2013-2018 MS4 General Permit cycle are 151 pounds of N, 35 pounds of P, and 15,399 pounds of TSS. The Action Plan documents BMPs that achieve reductions of 1,598 pounds of N, 770 pounds of P, and 538,081 pounds of TSS. These reductions are achieved through a combination of structural BMPs, stream restoration, street sweeping, urban nutrient management, and land use change. Structural BMPs include facilities that exceed state stormwater management requirements (oversized BMPs), facilities that were required to comply with the City's more stringent stormwater management requirements, and facilities that were voluntary. Most of the BMPs included in the Action Plan are already installed and in operation. There are also several planned and funded projects that are expected to be completed by June 30, 2018 that the City can include in the Action Plan.

The Action Plan indicates that the City exceeds the 5% reduction requirements of the current MS4 General Permit. The plan documents that the City has achieved 53% of the total N reduction, 111% of the total P reduction, and 175% of the total TSS reduction required by the Special Condition. It should be noted that these numbers include the Meadow Creek Stream Restoration Project. The status of the eligibility of the nutrient and sediment reductions achieved by this project is undetermined at this time given regulatory uncertainties. If the Meadow Creek Stream Restoration Project is determined to be ineligible during VADEQ's review and approval of the City's Action Plan, the remaining BMPs in the Action Plan will achieve 35% of the total N reduction, 41% of the total P reduction, and 71% of the TSS reductions required by the Special Condition.

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

The City's draft Chesapeake Bay TMDL Action Plan supports City Council's "Green City" vision. It contributes to Goal 2 of the Strategic Plan, "Be a safe, equitable, thriving, and beautiful community", and objective 2.5, "to provide natural and historic resources stewardship".

#### **Community Engagement:**

The Special Condition requires "an opportunity for receipt and consideration of public comment regarding the draft Chesapeake Bay TMDL Action Plan". City staff posted the draft Action Plan for public comment on the City's Water Resources Protection Program website and the "A Green City" Facebook page on June 30, 2015. The City also published a press release regarding the draft Action Plan on June 30, 2015 and is soliciting public comment through July 31, 2015.

#### **Budgetary Impact:**

There is no impact on the General Fund. Any funds required to implement planned projects included in the Action Plan will be funded by the Stormwater Utility enterprise fund or expensed and reimbursed to a Grants Fund.

#### **Recommendation:**

Not Applicable

#### **Alternatives:**

Not Applicable

#### **Attachments:**

The draft Chesapeake Bay Total Maximum Daily Load Action Plan



# City of Charlottesville, Virginia

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## DRAFT Chesapeake Bay TMDL Action Plan



*MS4 General Permit Registration Number VAR040051*



City of Charlottesville, Virginia  
Draft Chesapeake Bay TMDL Action Plan

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## A. Introduction

The City of Charlottesville, Virginia's corporate limits and population of just under 44,000 people are located within the 750 square mile Rivanna River watershed. The Rivanna River watershed is part of the larger James River watershed, the largest watershed in Virginia; the James River is a major tributary of the Chesapeake Bay. Originating from springs in the foothills of the Blue Ridge Mountains, the Rivanna River flows along the eastern portion of Charlottesville and forms a boundary with neighboring Albemarle County. The Rivanna River and its urban tributaries provide important ecological, recreational, and cultural value to the city.

The City's 10.4 square miles contain approximately thirty-five miles of open waterways, with approximately thirteen additional miles of waterways that flow inside of the stormwater infrastructure system. Charlottesville consists of three main drainage areas. Along the eastern portions of the city, approximately 1.3 square miles of land drain through tributaries of or directly into the Rivanna River. The Meadow Creek and Moores Creek watersheds are the two largest drainage areas within the city and both drain into the Rivanna River. The Meadow Creek watershed spans the northern portion of the city and has a highly urbanized drainage area of approximately eight square miles, about 70 percent of which is located within the city limits. Moores Creek, which has its headwaters in Albemarle County, forms the southern boundary of the City; approximately 3.8 square miles of the city drain into the creek. The thirty-five square mile Moores Creek watershed encompasses diverse land uses including highly urbanized areas, suburban and rural, agricultural, as well as open space within Charlottesville and Albemarle County.

The City has a municipal separate storm sewer system (MS4), meaning there are two separate conveyance systems for stormwater and sewage, with wastewater from residents and businesses flowing to the wastewater treatment plant, and stormwater draining untreated directly into local surface waters. As a result of stormwater runoff's impacts to water quality, stormwater discharges from MS4s are regulated by the United States Environmental Protection Agency (EPA) under the Clean Water Act and by the Commonwealth of Virginia under the Virginia Stormwater Management Act. The regulations governing MS4s were developed and implemented in two phases. The first phase began in the early 1990s, requiring operators of MS4s serving populations of greater than 100,000 people to apply for and obtain a permit to discharge stormwater collected by their systems into waterways. The second phase of MS4 regulations became effective March 23, 2003, and requires that operators of small MS4s (less than 100,000 people) in "urbanized areas" obtain permit coverage for stormwater discharges. Small MS4s include stormwater systems operated by cities such as Charlottesville, as well as counties, towns, community colleges, and public universities.

In Virginia, discharges from small MS4s are regulated by the Department of Environmental Quality (DEQ), under the *General Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems* (MS4 General Permit). Under that permit, small MS4s must develop, implement, and enforce a stormwater management program that addresses six "*minimum control measures (MCMs)*" to control the discharge of pollutants from the MS4 to "the maximum extent practicable" through the development and implementation of best management practices (BMP).

As required by the EPA and Commonwealth of Virginia, the City of Charlottesville operates and enforces a stormwater management program. The City was originally issued a stormwater discharge permit from DEQ on March 4, 2003 (Permit No. VAR040051). Subsequently, regulatory authority and program oversight was transferred to the Virginia Department of Conservation and Recreation (DCR) in January 2005, and the permit expired on December 9, 2007. This permit was administratively extended while new permit requirements were being finalized. The City's second MS4 General Permit was issued by DCR on July 9, 2008 and remained in effect until July 1, 2013. Regulatory authority and program oversight was transferred back to DEQ in 2013, and the City's third MS4 General Permit was issued on July 1, 2013 and will remain in effect until June 30, 2018.

The third MS4 General Permit includes a Special Condition for the Chesapeake Bay TMDL (Special Condition), which requires the City to make reductions of three pollutants of concern (POC), total nitrogen, total phosphorus, and total suspended solids, from existing developed lands. As defined in the Commonwealth of Virginia's Phase I and II Watershed Implementation Plans, the City must make POC reductions to meet the Level 2 (L2) Scoping Run for existing developed lands. This equates to an average reduction of 9.0% of nitrogen loads, 16% of phosphorus loads, and 20% of total suspended solids loads from impervious regulated acres and 6.0% of nitrogen loads, 7.25% of phosphorus loads and 8.75% total suspended solids loads from pervious regulated acres. Regulated acres are those lands that are owned or operated by the City, as well as lands that are served by the City's MS4. The Special Condition requires that the City develop and implement a Chesapeake Bay TMDL Action Plan that describes how the City will meet the required POC reductions, including the means and methods that will be employed to achieve compliance. This document serves as the City's official Chesapeake Bay TMDL Action Plan (Action Plan). The City utilized the DEQ Guidance Memo No. 15-2005, *Chesapeake Bay TMDL Special Condition Guidance*, dated May 18, 2015 (the Guidance), as well as feedback from DEQ staff in the development of this Action Plan.

## **B. Chesapeake Bay TMDL Action Plan**

### **1. Current Program and Existing Legal Authority (General Permit Section I.C.2.a.(1))**

*A review of the current MS4 program implemented as a requirement of this state permit including a review of the existing legal authorities and the operator's ability to ensure compliance with this special condition;*

The City has reviewed its currently implemented MS4 Program Plan, including a review of the existing legal authorities and our ability to ensure compliance with the Special Condition. We have determined that our current MS4 Program Plan, augmented by this Action Plan, and the existing legal authorities provide the City the necessary tools to ensure compliance with the Special Condition.

Several components of the City's MS4 Program will be used to meet the Special Condition. As of July 1, 2014 the City serves as a local Virginia Stormwater Management Program (VSMP) authority. The Department of Neighborhood Development Services (NDS) is responsible for administering the post-construction stormwater management site plan review process. NDS Engineering staff is responsible for evaluating compliance of development and redevelopment



projects with State and local stormwater regulations. The goal of the site plan review process is to ensure that stormwater management requirements are met for new development and redevelopment projects within the City.

The City's Water Protection Ordinance, Article III Stormwater Management, addresses the control of post-construction runoff in order to protect downstream land and receiving waterways. Article III requires development sites that disturb greater than or equal to 6,000 square feet of land to prepare a Stormwater Management Plan, and sites that disturb greater than or equal to one acre to apply for coverage under DEQ's General Permit for Discharges of Stormwater from Construction Activities and develop a site-specific stormwater pollution prevention plan. The ordinance, which was most recently revised and adopted in May 2014, details the plan requirements for the control of water quality and quantity, review and approval procedures and conditions, maintenance and inspection requirements, and penalties and injunctions. Additionally, the City Standards and Design Manual contains City-specific minimum standards and design criteria for stormwater management in development and redevelopment projects. POC reductions resulting from projects disturbing less than one acre of land, as well as those from redevelopment projects, will be credited towards meeting the City's required POC reductions during this MS4 General Permit cycle.

All permanent stormwater management facilities (SMF) installed in the city to satisfy local or state stormwater management requirements are tracked by NDS Engineering staff. A database has been developed that tracks MS4 General Permit required information including type of SMF, geographic location, number of acres treated by the SMF, impaired surface water the SMF discharges into, date the SMF was brought on-line, sixth order hydrologic unit code in which the SMF is located, ownership information, existence of a maintenance agreement, and information related to inspections and enforcement actions. The City has a program to ensure regular inspection and maintenance of structural SMFs within the City. New SMFs are added to the inspection program following the construction inspection. City-owned SMFs are inspected annually and non-City owned SMFs are inspected at least once every five years.

Other components of the City's MS4 Program that contribute to meeting the Special Condition requirements include our green stormwater infrastructure retrofit efforts, street sweeping program, stream buffer plantings, and nutrient management plans (above and beyond those required by the MS4 General Permit). The City's illicit discharge detection and elimination program may also provide POC reductions on a case-by-case basis.

The following legal authorities are utilized by the City to ensure compliance with the MS4 General Permit requirements, including the Special Condition:

- City of Charlottesville Water Protection Ordinance
- City of Charlottesville Standards and Design Manual
- City of Charlottesville Land Disturbing Permit
- City of Charlottesville-approved Erosion and Sediment Control Plan
- City of Charlottesville Agreement in Lieu of an Erosion and Sediment Control Plan
- City of Charlottesville Inspection Report
- City of Charlottesville Notice to Comply
- City of Charlottesville Stop Work Order

- City of Charlottesville-approved Final Site Plan
- City of Charlottesville-approved Stormwater Management Plan
- City of Charlottesville Stormwater Management Bond
- City of Charlottesville Stormwater Management Facility Maintenance Agreement
- Virginia Erosion and Sediment Control Law and Regulations
- Virginia Erosion and Sediment Control Handbook
- Virginia General Permit for Discharges of Stormwater from Construction Activities
- Virginia Stormwater Management Law and Regulations
- Virginia Stormwater Management Handbook
- Virginia Stormwater BMP Clearinghouse

**2. New or Modified Legal Authority** (*General Permit Section I.C.2.a.(2)*)

*The identification of any new or modified legal authorities such as ordinances, state and other permits, orders, specific contract language, and interjurisdictional agreements implemented or needing to be implemented to meet the requirements of this special condition;*

No new or modified legal authorities are required for the City to comply with the requirements of the Special Condition.

**3. Means and Methods to Address Discharges from New Sources** (*General Permit Section I.C.2.a.(3)*)

*The means and methods that will be utilized to address discharges into the MS4 from new sources;*

The City has and will continue to address discharges from new sources, defined as pervious and impervious urban land uses served by the MS4 developed or redeveloped on or after July 1, 2009. New sources will be addressed through the City's local VSMP, which regulates post-construction stormwater management requirements at the state and local level, as described above in *Section 1, Current Program and Existing Legal Authority*. The City's more stringent local ordinance, also described above in *Section 1, Current Program and Existing Legal Authority*, addresses discharges from sources that disturb greater than or equal to 6,000 square feet of land. Since these sources disturb less than one acre, no additional POC offsets are required under the Special Condition. As such, POC reductions resulting from the implementation of eligible BMPs may be counted towards the City's required POC reductions.

**4. Estimated Existing Source Loads and Calculated Total Pollutant of Concern (POC) Required Reductions** (*General Permit Section I.C.2.a.(4) and (General Permit Section I.C.2.a.(5))*)

*An estimate of the annual POC loads discharged from the existing sources as of June 30, 2009, based on the 2009 progress run. The operator shall utilize the applicable [Table/Tables] in this section based on the river basin to which the MS4 discharges by multiplying the total existing acres served by the MS4 on June 30, 2009, and the 2009 Edge of Stream (EOS) loading rate;*

*A determination of the total pollutant load reductions necessary to reduce the annual POC loads from existing sources utilizing the applicable [Table/Tables] in this section based on the river*

*basin to which the MS4 discharges. This shall be calculated by multiplying the total existing acres served by the MS4 by the first permit cycle required reduction in loading rate. For the purposes of this determination, the operator shall utilize those existing acres identified by the 2000 U.S. Census Bureau urbanized area and served by the MS4.*

The following sections of the Action Plan describing the methodologies used by the City to determine our pervious and impervious MS4 regulated area and corresponding required POC reductions are largely excerpted from the *Technical Memo Re: Baseline Data for the City of Charlottesville's Chesapeake Bay TMDL Action Plan* (Timmons Group, 2015), which is included as Appendix A.

#### Size and Extent of the MS4

The entire jurisdictional area of the City of Charlottesville lies within a 2010 U.S. Census designated urbanized area. As such, the size and extent of the City's MS4 was evaluated within the entire 10.2 square mile City jurisdictional boundary. The City's MS4 regulated land includes all lands owned and operated by the City, and all conveyances and drainage areas served by the City's MS4. The evaluation of regulated land was done using a Geographic Information System (GIS), including various GIS data layers (such as waterways and stormwater drainage infrastructure), topography, 2009 aerial photography from the Virginia Base Mapping Program (VBMP), and corresponding land cover data.

#### *Coordination with Adjacent MS4 Permittees*

The City shares jurisdictional boundaries with three other MS4 permittees; the County of Albemarle (County), the University of Virginia (UVA), and the Virginia Department of Transportation (VDOT). To address slight differences between digital maps, the County, UVA, and the City have agreed to use the City's jurisdictional boundary as a common delineation between the permittees' regulated areas. Each permittee has agreed to take responsibility for the POC loads within their regulated area boundary regardless of sheetflow draining to or from another jurisdiction. POC reduction credit for BMPs installed on any lands with inter-jurisdictional sheetflow will be received by the permittee that installs the BMP. The City agreed to include within its regulated area all lands solely owned and operated by the City (parcels and rights-of-way) that lie within the County and UVA. Correspondingly, the County and UVA agreed to include within their respective regulated areas, lands that lie within the City's jurisdictional boundary which they solely own and operate; as such, these lands were excluded from the City's regulated area. These lands are depicted in Figure 1 of Appendix A. GIS files were shared with the County and UVA to ensure all lands were accounted for.

#### *City Owned/Operated Lands*

The most recent City parcel data was used to determine parcels and rights-of-way owned/operated by the City. Areas within the City boundary that lack any parcel/right-of way information (ownership voids) were also considered City-owned. In addition, the City owns some parcels within the County's urbanized area. These areas were all considered to be regulated land under the City's MS4 permit.

### *MS4 Conveyances and Drainage Areas*

An existing 2011 City storm sewer outfall mapping study (URS, 2011) was used as the basis in determining the size and extent of the City's MS4. Outfall drainage areas were reviewed and modified where necessary to include all areas that drain through the City's storm sewer system. All public roadways within the City, with the exception of Interstate 64, are operated by the City. As such, the MS4 area also includes all City road rights-of-way and all lands that drain or sheet flow to those rights-of-way. Piped conveyances of stream flow under public roadways were also considered City MS4 outfalls. Consistent with the definition of "outfall" in 9 VAC 25-870-10, bridges and isolated box culverts were not considered part of the MS4.

### *Excluded Lands*

All lands owned/operated by other MS4 permittees (County, UVA, and VDOT) were excluded from the City's regulated area. Lands regulated under the General VPDES for Stormwater Associated with Industrial Activity (Industrial General Permit) were also excluded. These lands are depicted in Figure 1 of Appendix A. There were no Individual VPDES Permits for stormwater discharges in the City's jurisdictional area. Forested lands were delineated, as discussed below, but not excluded from the regulated area.

### 2009 Land Cover

The City's land cover as of June 30, 2009 was estimated for four different categories: impervious, pervious, forest, and open water. Raster data from the Rivanna River Basin Commission's (RRBC) 2009 Land Cover Map was processed in GIS to create a polygon feature class for the four land cover types. A quality control assessment was performed for the land cover feature class, comparing it with the 2009 VBMP aerial imagery. The assessment concluded that the total area of forested lands within the City was over-estimated and the total area of impervious was under-estimated by the RRBC Land Cover Map. As such, the City's 2011 impervious cover shapefile was used as the primary data source to classify impervious cover. A second quality control assessment was performed on the 2011 impervious cover, comparing it to the 2009 VBMP aerial imagery to validate impervious cover and remove newer impervious cover associated with development or redevelopment of land between July 1, 2009 and 2011. In addition, railroad track and ballast corridors were added as assumed impervious cover. Forested areas were also reclassified using Virginia Department of Forestry standards. The resulting land cover map can be found as Figure 3 in Appendix A.

### Regulated Acreage

Two variations of regulated land acreage were evaluated. The first variation includes all land within the City's jurisdictional boundary, plus all City owned/operated lands outside of the jurisdictional boundary that fall within the urbanized area, and excludes lands owned/operated by other MS4s and those regulated under an Industrial General Permit. This variation is considered conservative by assuming all lands within the City's jurisdictional boundary are regulated. A map of Variation 1 is included as Figure 4 in Appendix A. The second variation, consistent with the Guidance, includes only lands owned/operated by the City and all conveyances and drainage areas of the City's MS4. Similar to Variation 1, this variation excludes lands owned/operated by other MS4s and those regulated under an Industrial General Permit. This variation is considered more prescriptive and in line with the definition of "Regulated Land" per the Guidance. The City opted to use Variation 2 to represent their regulated land, determine their existing source loads,

and calculate their required POC reductions. A map of Variation 2 is included as Figure 5 in Appendix A.

Existing Source Loads

The City’s existing source loads were calculated using the 2009 land cover data and clipping it to the Regulated Area - Variation 2. Table 2a from the MS4 General Permit is provided with the City’s regulated area (total existing acres served by the City’s MS4 as of 6/30/09).

MS4 General Permit, Table 2a: Calculation Sheet for Estimating Existing Source Loads for the James River Basin *Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				
Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	2009 EOS Loading Rate (lbs/acre)	Estimated Total POC Load Based on 2009 Progress Run
Regulated Urban Impervious	Nitrogen	2,079.59	9.39	19,527.35
Regulated Urban Pervious		2,987.34	6.99	20,881.51
Regulated Urban Impervious	Phosphorus	2,079.59	1.76	3,660.08
Regulated Urban Pervious		2,987.34	0.50	1,493.67
Regulated Urban Impervious	Total Suspended Solids	2,079.59	676.94	1,407,757.65
Regulated Urban Pervious		2,987.34	101.08	301,960.33

First Permit Cycle Required POC Reductions

The City’s MS4 General Permit required POC reductions (5% of L2 Scoping Run) were calculated using the 2009 land cover data and clipping it to the Regulated Area - Variation 2. Table 3a from the MS4 General Permit is provided with the City’s regulated area (total existing acres served by the City’s MS4 as of 6/30/09). Note: the City has used the more accurate loading rates included in DEQ’s May 18, 2015 Guidance for calculation of our 5% of L2 POC reduction requirements.

MS4 General Permit, Table 3a: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle for the James River Basin *Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				
Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	First Permit Cycle Required Reduction in Loading Rate (lbs/acre)	Total Reduction Required First Permit Cycle (lbs)
Regulated Urban Impervious	Nitrogen	2,079.59	0.042255	87.87
Regulated Urban Pervious		2,987.34	0.02097	62.64

Regulated Urban Impervious	Phosphorus	2,079.59	0.01408	29.28
Regulated Urban Pervious		2,987.34	0.0018125	5.41
Regulated Urban Impervious	Total Suspended Solids	2,079.59	6.7694	14,077.58
Regulated Urban Pervious		2,987.34	0.442225	1,321.08

**5. Means and Methods to Meet the Required Reductions and Schedule** (*General Permit Section I.C.2.a.(6)*)

*The means and methods, such as management practices and retrofit programs that will be utilized to meet the required reductions included in subdivision 2 a (5) of this subsection, and a schedule to achieve those reductions. The schedule should include annual benchmarks to demonstrate the ongoing progress in meeting those reductions;*

Appendix D contains a spreadsheet that lists the means and methods that have been or will be implemented between July 1, 2009 and the end of the first permit cycle to achieve the required POC reductions for existing development. The spreadsheet demonstrates that the City has exceeded the 5% of L2 POC reduction requirements with practices that have already been implemented and will further reduce loads with planned projects. Specifically, the means and methods included in the Action Plan will result in the following percent reductions of the City’s 5% of L2 POC reduction requirements: 53.1% of nitrogen, 111.0% of phosphorus, and 174.7% of total suspended solids. In accordance with the Guidance, the City expects that the POC reductions in excess of the 5% of L2 requirements will be guaranteed at the efficiencies available at the time the Action Plan is submitted to DEQ, and that the excess POC reductions will be applied to L2 POC reduction requirements in subsequent MS4 Permit cycles.

The spreadsheet includes a summary page that serves as a ledger providing the following information:

- Total 5% of L2 POC reduction requirements for nitrogen, phosphorus, and total suspended solids
- Practices that have been or will be implemented
- Approximate latitude and longitude location for each practice
- Nitrogen, phosphorus, and total suspended solids loads that will be reduced by each practice

In addition to the summary ledger, the spreadsheet contains tables organized in the categories below that document the pollutant reduction calculations for each implemented or planned project. The spreadsheet also contains a table with all of the information used in the calculations for each implemented or planned project. All practices included were installed after July 1, 2009. POC reductions were calculated based on the methodologies described and efficiencies provided in the Guidance. In accordance with the Guidance, the City understands that the POC reduction efficiencies available at the time of Action Plan submittal to DEQ will be guaranteed, regardless

of downward efficiency adjustments that may occur after the Action Plan is submitted. Consistent with the Guidance, the BMPs that the City is including in the Action Plan have been placed in the following categories:

1. Redevelopment
2. Stricter Development Requirements
3. Oversized BMPs
4. Voluntary Projects (BMPs Applied to Existing Development)
5. Stream Restoration
6. Land Use Change
7. Urban Nutrient Management
8. Street Sweeping

Projects with land disturbance areas equal to or greater than one acre were subject to VSMP requirements for stormwater management. The City reviewed all relevant site plan documentation and utilized the included calculations (file calculations) to determine POC reductions. The calculations on file only provide phosphorus reductions. Eligible phosphorus, nitrogen, and total suspended solids reductions were determined using the methodology described in Appendix V.E. of the Guidance in combination with best professional judgment.

The City has stricter development requirements that require projects that disturb equal to or greater than 6,000 square feet to implement stormwater management practices. The City has also voluntarily implemented practices that were not required to meet local or state stormwater management requirements. In these instances, the City compared the pollutant reductions from the file calculations with the Virginia Stormwater BMP Clearinghouse (Clearinghouse), Chesapeake Bay Program Retrofit Curves/Equations (Retrofit Curves) and the Chesapeake Bay Program Established Efficiencies (CBP Efficiencies). The Retrofit Curves were utilized to determine total suspended solids reductions when the Clearinghouse efficiencies for phosphorus and nitrogen were used. Upon determination that the practice met all applicable standards and requirements for use of more than one specific methodology, the methodology that produced the most advantageous POC reductions was used.

Table 1 of the spreadsheet provides information on redevelopment projects eligible to receive credit for POC reductions. The City considers eligible redevelopment projects to be sites that were previously utilized and had impervious areas altered in a manner that resulted in a reduction in post development pollutant loading ( $L_{\text{post}}$ ) when compared to pre development pollutant loading ( $L_{\text{pre}}$ ). This was accomplished through a net reduction in impervious surface and/or implementation of BMPs. The POC reductions considered eligible are the sum of  $L_{\text{post}} - L_{\text{pre}}$  plus additional POC reductions from BMPs. The calculations on file only provide phosphorus reductions. Nitrogen and total suspended solids reductions were determined using the methodology described in Appendix V.E. of the Guidance in combination with best professional judgment.

Some of the practices included in Table 1 are associated with projects that were required to meet the City's stricter local requirement. In these instances the methodology described above for stricter development requirements and voluntary practices was applied.

Table 2 of the spreadsheet provides information on projects that had land disturbance areas greater than 6,000 square feet but less than an acre and therefore were subject to stricter development controls. The City included the entire reductions associated with the practices given that the practices were not required to comply with VSMP stormwater management requirements.

Table 3 of the spreadsheet provides information on projects associated with land disturbance areas greater than one acre subject to VSMP requirements for stormwater management that implemented oversized BMPs. These projects had an increase in post development pollutant loading ( $L_{\text{post}}$ ) when compared to pre development pollutant loading ( $L_{\text{pre}}$ ). The file calculations were used to determine the eligible pollutant reductions for these practices. The difference between the required reductions and the provided reductions was considered eligible.

Table 4 of the spreadsheet provides information on practices that the City has implemented after July 1, 2009 or plans to implement that were not required by state or local stormwater management regulations. The entire POC reductions associated with these practices were considered eligible.

Two of the practices included in Table 4 do not currently “function as designed”. Work is ongoing to repair and rehabilitate these practices. The non-functioning practices are identified via footnote in Table 4. An estimated implementation date for planned projects is also included in Table 4.

Table 5 of the spreadsheet lists implemented or planned stream restoration projects that are eligible pollutant reduction practices. An estimated implementation date for planned projects is included in Table 5. The City is using the interim rates developed by the Chesapeake Bay Program to calculate reductions associated with stream restoration projects. Appendix E provides documentation of the degraded nature of the stream prior to restoration for all included stream restoration projects.

Table 6 of the spreadsheet lists a planned land use change BMP. POC reductions associated with the land use change were calculated using the methodology described in Appendix V.H of the Guidance.

Table 7 of the spreadsheet lists implemented or planned urban nutrient management plans that were developed for public lands one contiguous acre or less. POC reductions were calculated using the methodology described in Appendix V.K of the Guidance.

Table 8 of the spreadsheet provides information on the City’s street sweeping program. POC reductions were calculated using the qualifying street lanes method described in Appendix V.G combined with best professional judgment.

The City recognizes that additional practices will be implemented on an ongoing basis as sites are developed and redeveloped, or as retrofit opportunities arise, and will submit an updated summary ledger and calculation tables to DEQ with our MS4 Annual Reports. This will also



provide a mechanism to report implementation of planned projects and update planned POC reductions with calculations based on actual constructed conditions. This reflects an adaptive management approach that the City will employ, and as such the City reserves the right to add, remove, and/or substitute means and methods in this Action Plan as long as the 5% of L2 POC reduction requirements are achieved.

**6. Means and methods to offset increased loads from new sources initiating construction between July 1, 2009 and June 30, 2014** (*General Permit Section I.C.2.a.(7)*)

*The means and methods to offset the increased loads from new sources initiating construction between July 1, 2009, and June 30, 2014, that disturb one acre or greater as a result of the utilization of an average land cover condition greater than 16% impervious cover for the design of post-development stormwater management facilities. The operator shall utilize the [applicable table] in this section to develop the equivalent pollutant load for nitrogen and total suspended solids. The operator shall offset 5.0% of the calculated increased load from these new sources during the permit cycle.*

The City has utilized an average land cover condition of 16% for the design of post-development stormwater management facilities, and as a result there is no requirement under the Special Condition to offset increased loads from new sources initiating construction between July 1, 2009 and June 30, 2014.

**7. Means and methods to offset increased loads from grandfathered projects that begin construction after July 1, 2014** (*General Permit Section I.C.2.a.(8)*)

*The means and methods to offset the increased loads from projects as grandfathered in accordance with 9VAC25-870-48, that disturb one acre or greater that begin construction after July 1, 2014, where the project utilizes an average land cover condition greater than 16% impervious cover in the design of post-development stormwater management facilities. The operator shall utilize Table 4 in this section to develop the equivalent pollutant load for nitrogen and total suspended solids.*

The City has and will continue to utilize an average land cover condition of 16% for the design of post-development stormwater management facilities for grandfathered projects, and as a result there is no requirement to offset increased loads from grandfathered projects initiating construction after July 1, 2014.

**8. A list of future projects, and associated acreage that qualify as grandfathered** (*General Permit Section I.C.2.a.(10)*)

*A list of future projects and associated acreage that qualify as grandfathered in accordance with 9VAC25-870-48*

The following projects have been approved or had an obligation of locality, state, or federal funding prior to July 1, 2012, but did not receive coverage under the General Permit for Discharges of Stormwater from Construction Activities prior to July 1, 2014:

Route 29 / Route 250 Interchange – 4.5 acres  
Hillsdale Drive Extended – disturbed acreage unknown at this time

Route 20 Bridge Replacement – project in design, disturbed acreage unknown at this time

**9. An estimate of the expected cost to implement the necessary reductions (General Permit Section I.C.2.a.(11))**

*An estimate of the expected costs to implement the requirements of this special condition during the state permit cycle;*

The City has been able to meet and exceed the required POC reductions with projects that have been brought on-line after July 1, 2009 and prior to the submittal of the Action Plan. Many of these projects were related to private development and redevelopment activities. As a result, there are no additional expected costs to the City associated with those projects. The City is also proposing new projects as part of the Action Plan, but they are not necessary to meet the 5% of L2 POC reductions required during this permit cycle and therefore an estimate of the expected costs to the City are not required to be included in the Action Plan.

**10.a Public Comments on Draft Action Plan (GENERAL PERMIT REQUIREMENTS)**  
*(General Permit Section I.C.2.a.(12))*

*An opportunity for receipt and consideration of public comment regarding the draft Chesapeake Bay TMDL Action Plan.*

This draft Action Plan was posted to the City’s official website on June 30, 2015 for solicitation of public comment. A press release, as well as a post on the City’s “Green City” Facebook page, regarding the draft Action Plan and the opportunity for public comment was also distributed on June 30, 2015. The draft Action Plan is also included as a Report on the July 6, 2015 Charlottesville City Council meeting agenda, at which time additional public comment is welcomed. The public comment period will continue through July 2015.



**March 2, 2015**

## **TECHNICAL MEMO**

### **Re: Baseline Data for the City of Charlottesville's Chesapeake Bay TMDL Action Plan**

#### **ESTIMATED EXISTING SOURCE LOADS AND CALCULATED TOTAL POC REQUIRED REDUCTIONS**

The City of Charlottesville (City) hired Timmons Group to assist with the estimation of the City's existing nitrogen, phosphorus, and total suspended solids source loads and calculation of required pollutants of concern (POC) reductions, in accordance with the Special Condition for the Chesapeake Bay TMDL of the City's MS4 General Permit. The following technical memorandum summarizes the methodology employed to achieve these estimates and calculations. Timmons Group collaborated closely with City staff and utilized the Department of Environmental Quality's Chesapeake Bay TMDL Special Condition Guidance (Guidance) dated August 18, 2014 throughout this project.

#### **SIZE AND EXTENT OF THE MS4**

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The entire jurisdictional area of the City of Charlottesville lies within a 2010 U.S. Census designated urbanized area. As such, the size and extent of the City's MS4 was evaluated within the entire 10.2 square mile City jurisdictional boundary. The City's MS4 regulated land includes all lands owned and operated by the City, and all conveyances and drainage areas served by the City's MS4. The evaluation of regulated land was done using a Geographic Information System (GIS), including various GIS data layers (such as waterways and stormwater drainage infrastructure), topography, 2009 aerial photography from the Virginia Base Mapping Program (VBMP), and corresponding land cover data.

#### *COORDINATION WITH ADJACENT MS4 PERMITTEES (MOU)*

The City shares jurisdictional boundaries with the three other MS4 permittees; the County of Albemarle (County), the University of Virginia (UVA), and the Virginia Department of Transportation (VDOT). The County, UVA, and the City have agreed to use the City's jurisdictional boundary as a common delineation between the permittees' regulated areas. The City agreed to include within its regulated area, all lands solely owned and operated by the City (parcels and rights-of-way) that lie within the County and UVA. Correspondingly, the County and UVA agreed to include within their respective regulated areas, lands

which they solely own and operate; as such, these lands were excluded from the City's regulated area. GIS files were shared with the County and UVA to ensure all lands were accounted for. At the time of issuance of this document, GIS files have not been shared with VDOT. Figure 1 shows the ownership of solely owned and/or operated parcels and ROW for the corresponding MS4 permittees.

#### *CITY OWNED/OPERATED LANDS*

The most recent City parcel data (provided by the City) was used to determine parcels and rights-of-way owned/operated by the City (see Figure 1). Areas within the City boundary that lack any parcel/right-of-way information (ownership voids) were also considered City-owned. In addition, the City owns some parcels within the County's urbanized area. These areas were all considered to be regulated land under the City's MS4 permit.

#### *MS4 CONVEYANCES AND DRAINAGE AREAS*

An existing 2011 City storm sewer outfall mapping study (URS 2011) was used as the basis in determining the size and extent of the City's MS4. Outfall drainage areas were reviewed and modified where necessary to include all areas that drain through the City's storm sewer system. All public roadways within the City, with the exception of Interstate 64, are operated by the City. As such, the MS4 area also includes all City road rights-of-way and all lands that drain or sheet flow to those rights-of-way. Piped conveyances of stream flow under public roadways were also considered City MS4 outfalls. Consistent with the definition of "outfall" in 9 VAC 25-870-10, bridges and isolated box culverts were not considered part of the MS4. Figure 2 shows the total area served by the City's MS4 conveyances and drainage areas.

#### *EXCLUDED LANDS*

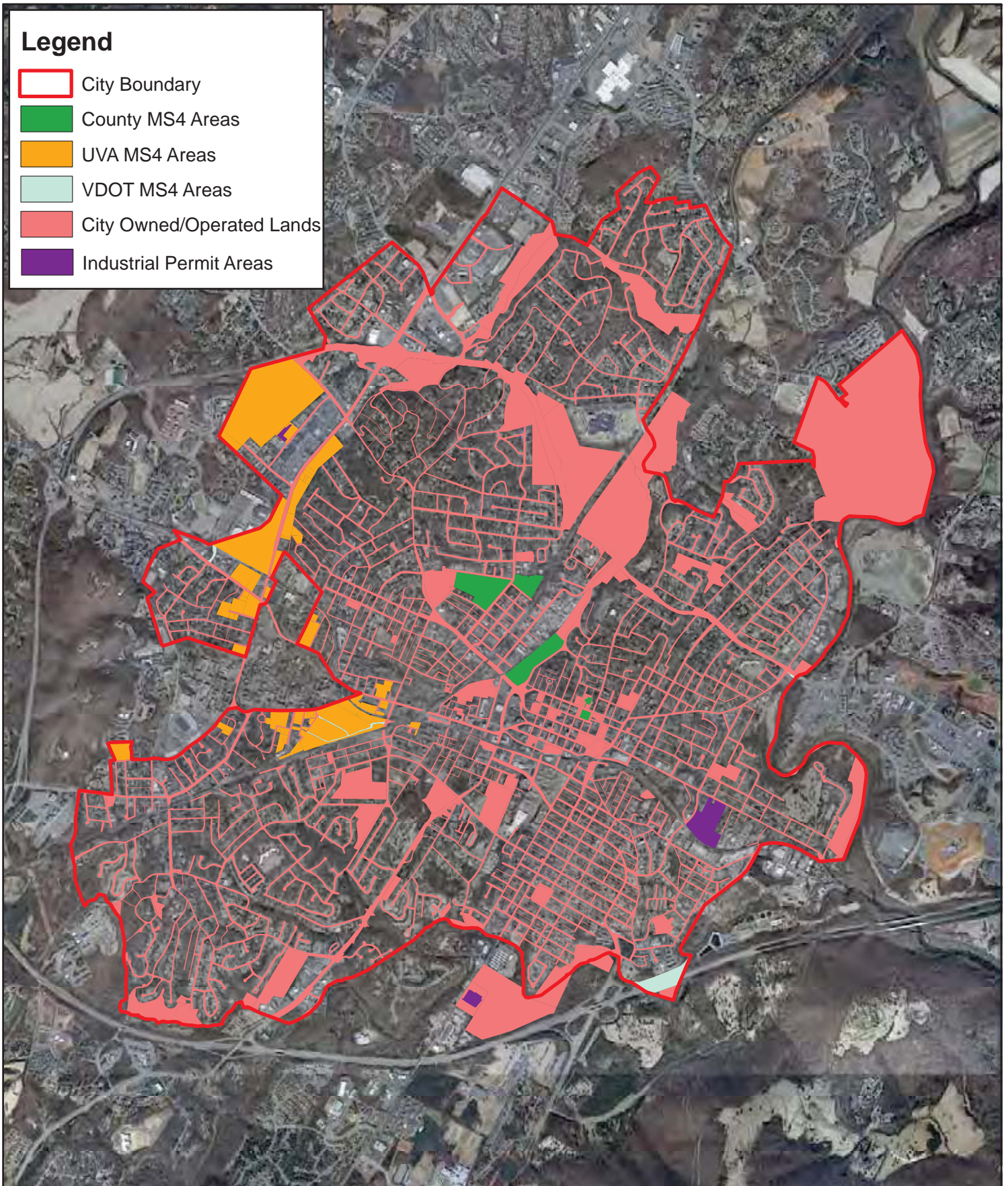
All lands owned/operated by other MS4 permittees (County, UVA, and VDOT) were excluded from the City's regulated area. Lands regulated under the General VPDES for Stormwater Associated with Industrial Activity (Industrial General Permit) were also excluded (see Figure 1). There were no Individual VPDES Permits for stormwater discharges. Forested lands were delineated, as discussed below, but not excluded from the regulated area.

## **2009 LAND COVER**

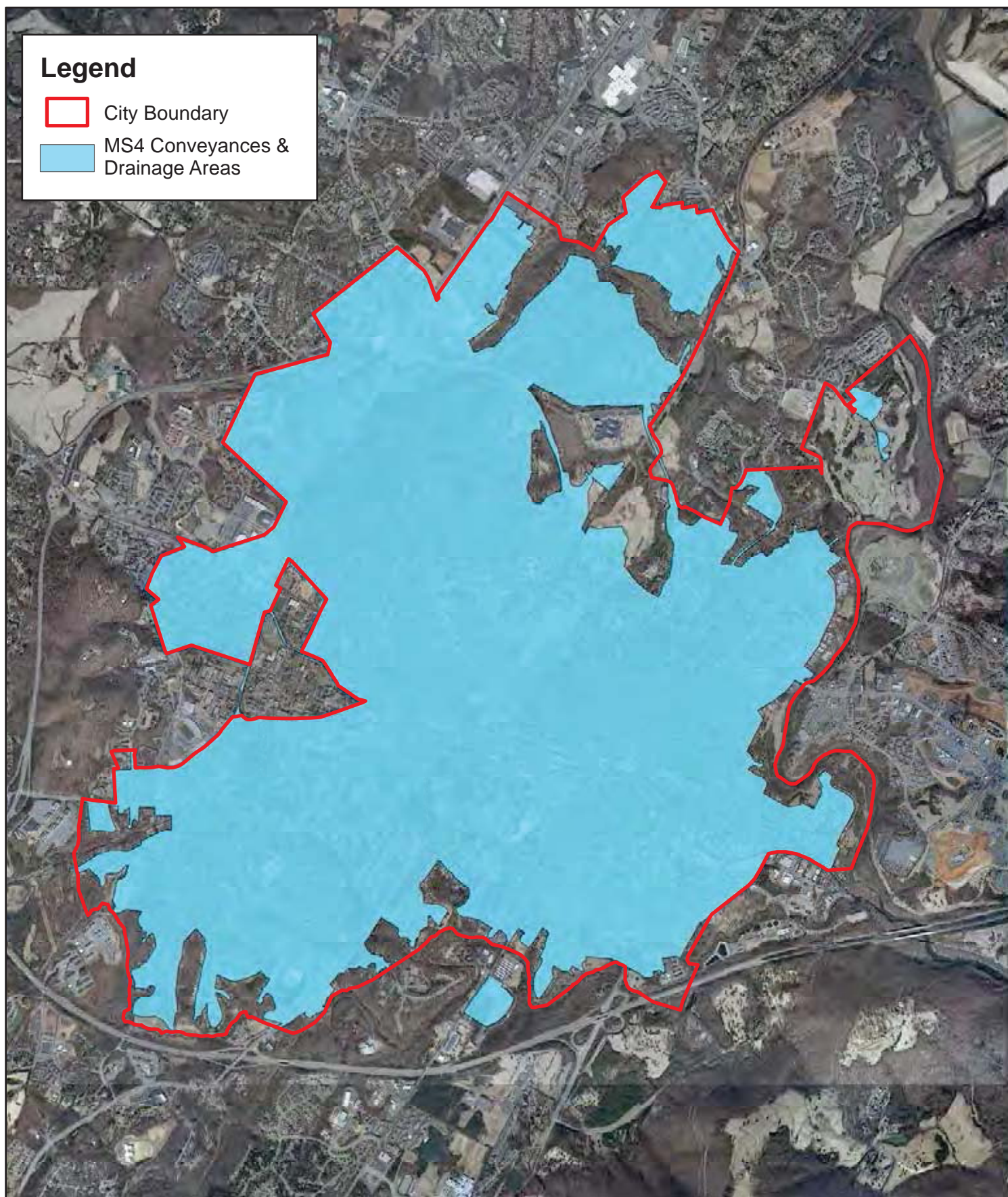
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The City's land cover as of June 30, 2009 was estimated for four different categories: impervious, pervious, forest, and open water. Raster data from the Rivanna River Basin Commission's (RRBC) 2009 Land Cover Map was processed in GIS to create a polygon feature class for the four land cover types. A quality control assessment was performed for the land cover feature class, comparing it with the 2009 VBMP aerial imagery. The assessment concluded that the total area of forested lands within the City was over-estimated and the total area of impervious was under-estimated by the RRBC Land Cover Map. As such, the City's 2011 impervious cover shapefile was used as the primary data source to classify impervious cover. A second quality control assessment was performed on the 2011 impervious cover, comparing it to the 2009 VBMP aerial imagery to validate impervious cover and remove newer impervious cover associated with development or redevelopment of land between 2009 and 2011. In addition,



**Figure 1: MS4 Ownership**



**Figure 2: MS4 Conveyances and Drainage Areas**



**Legend**

-  City Boundary
-  MS4 Conveyances & Drainage Areas

railroad track and ballast corridors were added as assumed impervious cover. Forested areas were also reclassified using the Virginia Department of Forestry standards:

*The minimum area for classification as forest is 1 acre with a minimum width of 120 feet stem-to-stem. Forested strips must be at least 120 feet wide for a continuous length of at least 363 feet in order to meet the 1 acre minimum. Unimproved roads, trails, and other clearings in forest areas are classified as forest if less than 120 feet wide or smaller than 1 acre.*

Figure 3 shows the resultant land cover conditions and total acreages.

## REGULATED ACREAGE

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Two variations of regulated land acreage were evaluated for the City. The first variation includes all land within the City’s jurisdictional boundary, plus all City owned/operated lands outside of the jurisdictional boundary that fall within the urbanized area, and excludes lands owned/operated by other MS4s and those regulated under an Industrial General Permit. This variation is considered conservative by assuming all lands within the City’s jurisdictional boundary are regulated. Figure 4 shows the extents of Regulated Area – Variation 1.

The second variation, consistent with the Guidance, includes only lands owned/operated by the City and all conveyances and drainage areas of the City’s MS4. Similar to Variation 1, this variation excludes lands owned/operated by other MS4s and those regulated under an Industrial General Permit. This variation is considered more prescriptive and in line with the definition of “Regulated Land” per the Guidance.

Figure 5 shows the extents of Regulated Area – Variation 2.

The resultant regulated areas and land cover conditions for these two variations are provided in Table 1.

**Table 1: Comparison of Regulated Area Variations**

<b>Land Cover</b>	<b>Variation 1 (Acres)</b>	<b>Variation 2 (Acres)</b>
Impervious	2,188.65	2,079.59
Pervious	3,263.93	2,987.34
Forest	899.43	634.49
Open Water	39.69	31.02
<b>Total Acreage</b>	<b>6,391.7</b>	<b>5,732.44</b>

Variation 2 represents a 10% reduction in total regulated area. The City opted to use Variation 2 to represent their regulated land, determine their existing source loads, and calculate their required POC reductions.

**Figure 3: 2009 Land Cover**

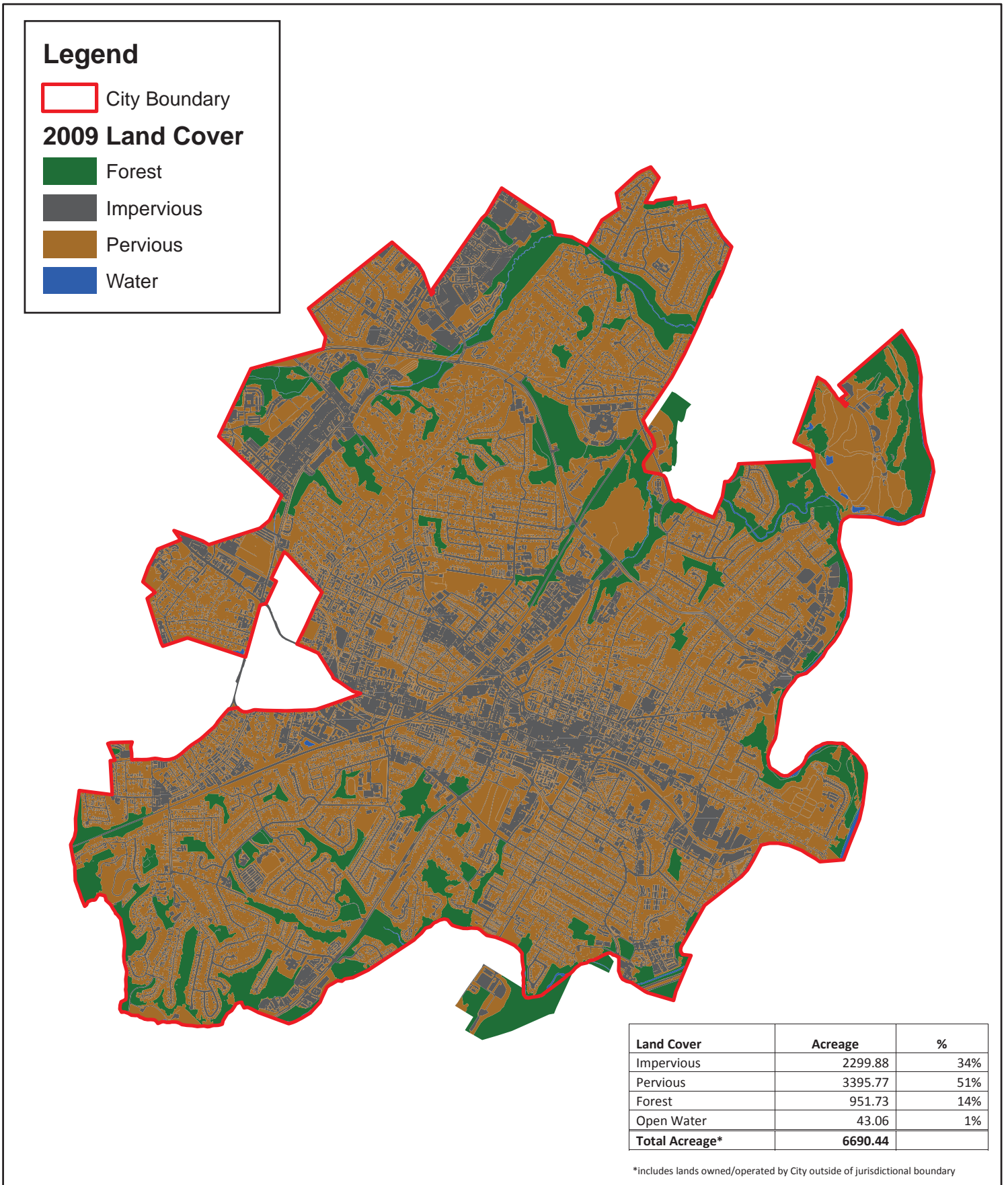
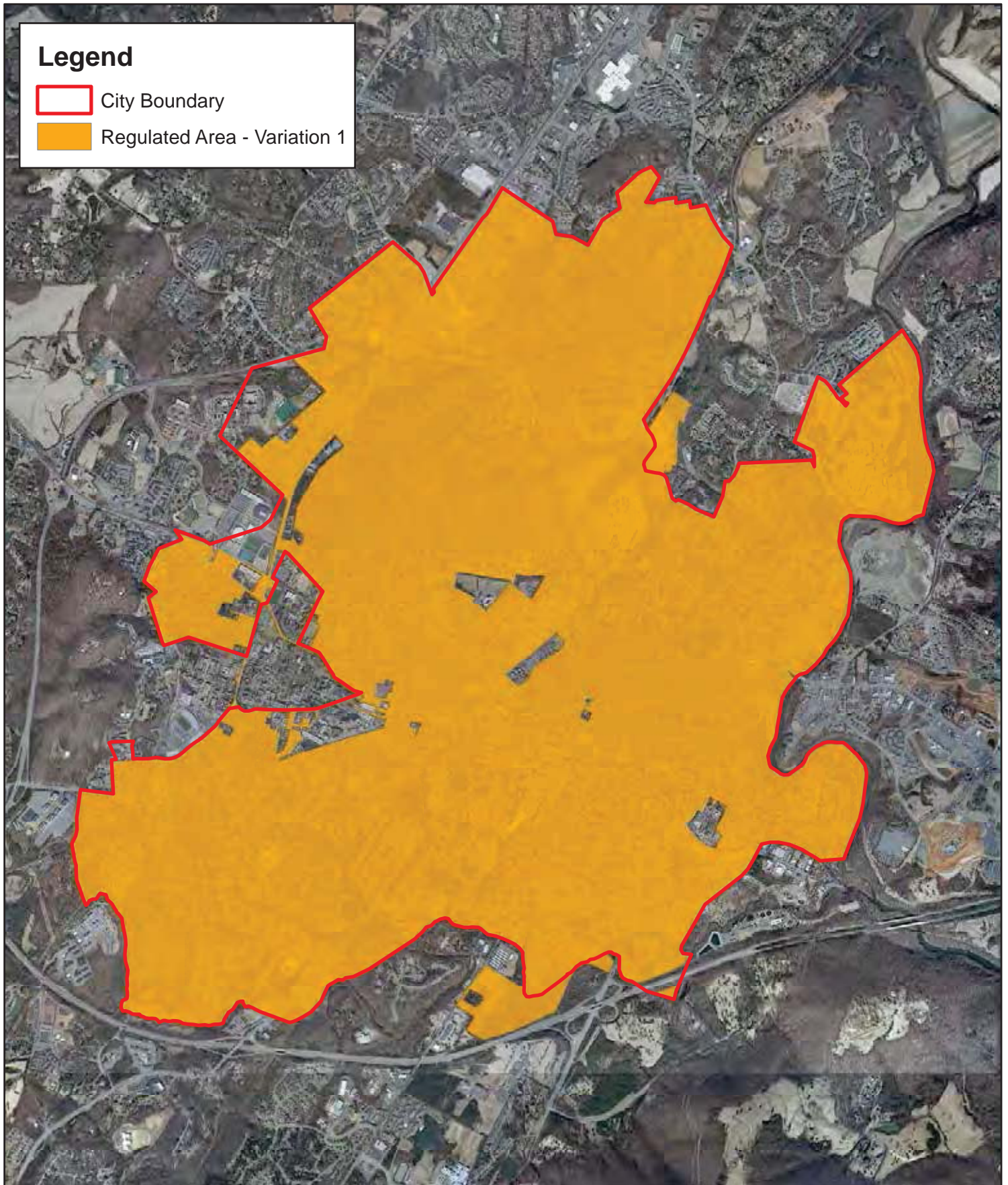




Figure 4: Regulated Area - Variation 1



**Legend**



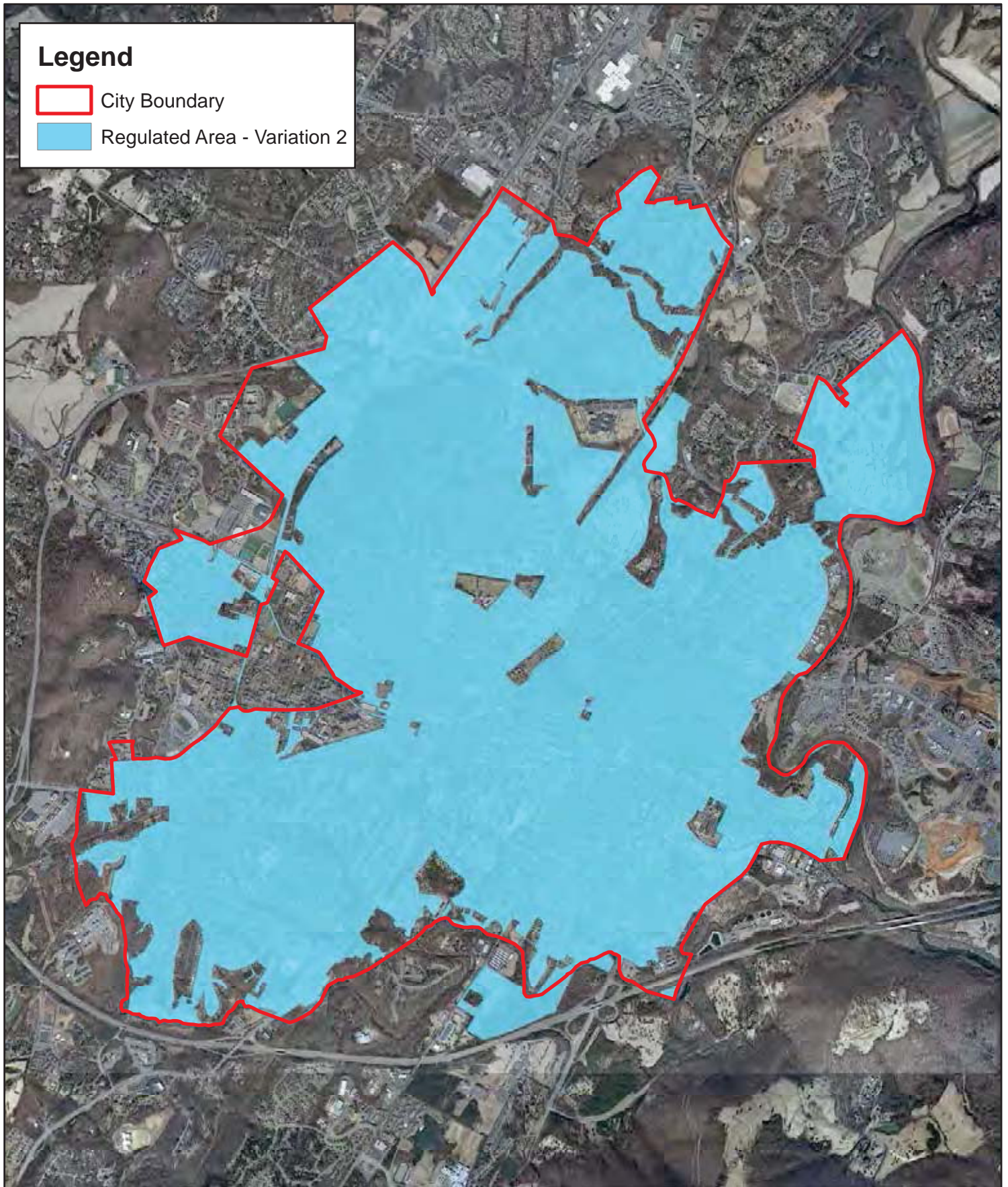


-  City Boundary
-  Regulated Area - Variation 1

Figure 5: Regulated Area - Variation 2



**Legend**

-  City Boundary
-  Regulated Area - Variation 2

## Appendix B

MS4 General Permit, Table 2a: Calculation Sheet for Estimating Existing Source Loads for the James River Basin				
*Based on Chesapeake Bay Program Watershed Model Phase 5.3.2				
Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	2009 EOS Loading Rate (lbs/acre)	Estimated Total POC Load Based on 2009 Progress Run
Regulated Urban Impervious	Nitrogen	2,079.59	9.39	19,527.35
Regulated Urban Pervious		2,987.34	6.99	20,881.51
Regulated Urban Impervious	Phosphorus	2,079.59	1.76	3,660.08
Regulated Urban Pervious		2,987.34	0.50	1,493.67
Regulated Urban Impervious	Total Suspended Solids	2,079.59	676.94	1,407,757.65
Regulated Urban Pervious		2,987.34	101.08	301,960.33

## Appendix C

MS4 General Permit, Table 3a: Calculation Sheet for Determining Total POC Reductions Required During this Permit Cycle  
for the James River Basin

\*Based on Chesapeake Bay Program Watershed Model Phase 5.3.2

Subsource	Pollutant	Total Existing Acres Served by MS4 (6/30/09)	First Permit Cycle Required Reduction in Loading Rate (lbs/acre)	Total Reduction Required First Permit Cycle (lbs)
Regulated Urban Impervious	Nitrogen	2,079.59	0.042255	87.87
Regulated Urban Pervious		2,987.34	0.02097	62.64
Regulated Urban Impervious	Phosphorus	2,079.59	0.01408	29.28
Regulated Urban Pervious		2,987.34	0.0018125	5.41
Regulated Urban Impervious	Total Suspended Solids	2,079.59	6.7694	14,077.58
Regulated Urban Pervious		2,987.34	0.442225	1,321.08

Appendix D

City Of Charlottesville Summary Page Ledger:  
Management Practices and Retrofit Programs to Achieve 5% Reductions Required For Existing Development

		Location (Lat/Long)	Nitrogen	Phosphorus	Total Suspended Solids
<b>1. Total Reductions Required</b>			150.52	34.70	15,398.65
<b>2. Reduction Practices Implemented / To be Implemented</b>					
Site Name	BMP Type				
ABC Preschool	Bioretention	38.0286/-78.4726	-1.75	-0.25	-89.56
Saint Thomas Aquinas Priory	8'x4' Filterra	38.0386/-78.5163	-1.33	-0.24	-101.39
Saint Thomas Aquinas Priory	Bioretention	38.0388/-78.5157	-2.03	-0.31	-110.92
Cabell Ave Apartments	4'x6' Filterra	38.0419/-78.4966	-0.69	-0.13	-58.40
Brody Jewish Student Center	Bioretention	38.0426/-78.5021	-1.34	-0.24	-92.51
Brody Jewish Student Center	Bioretention	38.0428/-78.5019	-0.72	-0.12	-45.38
Kroger Fueling Center	4'x6' Filterra	38.0599/-78.4928	-0.56	-0.11	-46.89
Jaunt Parking Lot	Permeable Pavers	38.0151/-78.4705	-2.61	-0.51	-205.46
1600 Monticello Ave.	Raintank Infiltration	38.0164/-78.4756	-1.20	-0.24	-102.89
601 Park Street	Bioretention	38.0348/-78.4762	-3.55	-0.50	-174.10
1327 Carlton Ave	Bioretention	38.0214/-78.4666	-0.74	-0.22	-100.86
Brookwood	Bioretention	38.0168/-78.4941	-2.36	-0.40	-149.72
Rives Park	Bioretention	38.0173/-78.4707	-1.12	-0.07	-103.50
Timberlake Place	Bioretention + Rain Garden	38.0231/-78.4625	-0.06	-0.01	-5.10
Meade Park Aquatic Center	2 Bioretention Areas	38.0279/-78.4654	-4.28	-0.30	-395.98
Whole Foods	Sand Filter	38.06/-78.4884	-0.10	-0.04	-16.98
CHS Stadium Improvements	Bioretention	38.052/-78.4712	-4.44	-0.44	-451.03
Hydraulic Road Substation	Filterra & Biopave	38.058/-78.4904	0.00	-1.54	0.00
Sunrise Park	Permeable Pavement	38.0208/-78.467	-11.25	-0.52	-1,141.25
Fontaine Fire Station	2 Bioretention Areas	38.0259/-78.5198	0.00	-0.16	0.00
	Cistern	38.0254/-78.5201			
	Dry Swale	38.0496/-78.5058			
Arlington & Millmont Apartments	4'x6' Roof Drain Filterra	38.04978/-78.50564	0.00	-0.75	0.00
	4'x6' Roof Drain Filterra	38.0504/-78.50507			
Wertland Street	2 BaySavers	38.0354/-78.4959 38.0352/-78.495	0.00	-0.56	0.00
Smith Aquatic Center	Biofilter-1	38.0276/-78.4975	-3.21	-0.45	-571.56
	Biofilter-2 + Rain Garden	38.0271/-78.4972			
Boys & Girls Club	Biofilter	38.0273/-78.4983	-2.17	-0.37	-220.06
250 Bypass@McIntire Rd.	Enhanced Ext. Detention	38.04505/-78.47251			
	Bioretention #1	38.04328/-78.47466	0.00	-1.77	0.00
	Bioretention #2	38.04119/-78.47637			
	11 - Filterras	38.04254/-78.4746			
CTS OPERATIONS CENTER	SWM#1 Bioretention	38.0126/-78.4878			
	SWM#2 Bioretention	38.0122/-78.488			
	SWM#3 Bioretention	38.0119/-78.4875			
	SWM#4 Underground Storage	38.0114/-78.4872			
	SWM#5 Extended Detention	38.0118/-78.4861	0.00	-0.39	0.00
	SWM#6 Bioretention	38.0123/-78.4875			
	SWM#7 Bioretention	38.0129/-78.4873			
	SWM#8 Bioretention	38.0132/-78.4873			
	SWM#9 Rainwater Harvesting	38.0122/-78.4876			
Jefferson School	Enhanced Extended Detention	38.0322/-78.4864	-20.48	-2.04	-2,067.82
Martha Jefferson	Bioswale	38.0322/-78.4718	-37.19	-2.18	-3,387.40
Pace Center	Water Quality Swale	38.0214/-78.4652	-6.66	-1.28	-538.75
	Bioretention	38.0213/-78.4649			
Retail at Barracks Road	4'x6' Filterra	38.0497/-78.5026	-0.84	-0.16	-67.68
600 Preston Place	Permeable Pavers	38.0411/-78.4982	-1.23	-0.21	-80.62
	Raintank Drywell	38.041/-78.4983			
	Bioretention	38.0296/-78.484			
Blue Moon Fund	Cistern to Vegetated Swale	38.0295/-78.4841	-1.57	-0.28	-105.86
	Infiltration	38.0296/-78.484			
CHS MLK	Bioretention	38.053/-78.4772	-23.31	-0.74	-1,364.53
Rugby Road	Permeable Pavers	38.05472/-78.49006	-1.60	-0.22	-76.02
Azalea Park	Constructed Wetland	38.0105/-78.5132	-93.78	-12.01	-6,719.67
City Yard Smart Sponge Inserts	Catch Basin Filters	38.0332/-78.4884	0.00	0.00	-1,408.04
CHS Parking Lot	Permeable Pavement + Bioretention	38.0512/-78.4751	-17.93	-0.55	-1,188.02
909 E. Market	Permeable Asphalt	38.0298/-78.4746	-0.34	-0.08	-31.61
Old Lynchburg Road*	Bioretention	38.0171/-78.5147	-7.95	-1.42	-561.95
Forest Hills Park	Bioretention	38.0231/-78.4975	-52.31	-6.41	-2,040.34
Venable Bioretention*	Bioretention	38.0381/-78.4959	-2.59	-0.53	-214.86
Rock Creek	Stream Restoration	38.02317/-78.50182	-12.94	-11.73	-7,741.80
Meadowcreek Golf Course	Stream Restoration	38.05582/-78.44941	-12.75	-11.56	-7,629.60
Moores Creek at Azalea Park	Stream Restoration	38.0098/-78.51492	-119.21	-108.08	-71,334.43
Meadow Creek	Stream Restoration	38.06384/-78.47599	-541.40	-488.54	-320,496.92
Charlottesville High School	Land Use Change	38.0512/-78.4751	-2.43	-0.55	-171.89
Pen Park	Urban Nutrient Management	38.05494/-78.45036	-0.39	-0.01	0.00
Washington Park	Urban Nutrient Management	38.04138/-78.49126	-0.53	-0.02	0.00
Venable School	Urban Nutrient Management	38.03732/-78.49577	-0.59	-0.02	0.00
Azalea Park	Urban Nutrient Management	38.01057/-78.51649	-0.52	-0.02	0.00
Quarry Park	Urban Nutrient Management	38.01471/-78.4771	-0.22	-0.01	0.00
Quarry Park	Urban Nutrient Management	38.015/-78.4777	-0.45	-0.02	0.00
Quarry Park	Urban Nutrient Management	38.01497/-78.47657	-0.32	-0.01	0.00
Burnley Moran School	Urban Nutrient Management	38.03497/-78.46253	-0.36	-0.01	0.00
Charlottesville High School	Urban Nutrient Management	38.05279/-78.47378	-0.30	-0.01	0.00
Street Sweeping	Street Sweeping	City Wide	-591.85	-110.93	-106,669.33
<b>3. Total Reductions Implemented / To be Implemented</b>			-1,597.55	-770.27	-538,080.69
<b>4. Total Reductions In Excess of Reductions Required</b>			(1,447.03)	(735.58)	(522,682.03)

**Table 1: Redevelopment**

SITE INFORMATION									
Site Name	Jefferson School		Martha Jefferson		Pace Center		Retail at Barracks Road		
BMP Type	Enhanced Extended Detention	Bioswale	Water Quality Swale	Bioretention	4'x6' Filterra				
Year Built	FY13	PLANNED FY16	FY14	FY14	FY14				
Site Area (Ac)	4.11	5.14	2.76	0.72	0.10				
Drainage Area to BMP-Impervious (Ac)	1.33	0.92	0.31	0.35	0.02				
Drainage Area to BMP-Pervious (Ac)	0.89	0.00	0.15	0.23	15.0				
Volume Provided (CF)	6496.0	2335.8	251.6	2558.8					
POLLUTANT REDUCTION CALCULATIONS									
METHODOLOGY 1	File Calcs	File Calcs	File Calcs	File Calcs	TB 6				
L-PRE	6.11	9.84	4.46	0.68	0.74				
L-POST	6.01	8.96	3.18	0.74	0.85				
P REMOVED BY BMP (LBS)	1.94	1.30	0.00	0.00	NA				
METHODOLOGY 2	NA	NA	NA	NA	NA				
N REMOVAL EFFICIENCY	x	x	x	x	x				
P REMOVAL EFFICIENCY	x	x	x	x	x				
TSS REMOVAL EFFICIENCY	x	x	x	x	x				
N REDUCTION (LBS)	20.48	37.19	6.66	0.84	0.84				
P REDUCTION (LBS)	2.04	2.18	1.28	0.16	0.16				
TSS REDUCTION (LBS)	2067.82	3387.40	538.75	67.68	67.68				

**Table 1: Redevelopment**

SITE INFORMATION		600 Preston Place		Blue Moon Fund	
Site Name					
BMP Type		Permeable Pavers	Raintank Drywell	Bioretention	Infiltration
Year Built		FY13	FY13	FY11	FY11
Site Area (Ac)		0.369		0.27	
Drainage Area to BMP-Impervious (Ac)		0.06	0.06	0.11	0.02
Drainage Area to BMP-PerVIOUS (Ac)		0.09	0.00	0.06	0.01
Volume Provided (CF)		645.2	257.9	450.0	315.0
<b>POLLUTANT REDUCTION CALCULATIONS</b>					
METHODOLOGY 1		File Calcs	File Calcs	File Calcs	File Calcs
L-PRE		0.57		0.32	
L-POST		0.55		0.29	
P REMOVED BY BMP (LBS)		0.13		0.19	
METHODOLOGY 2		CBP Curves	CBP Curves	CBP Curves	CBP Curves
N REMOVAL EFFICIENCY		66.7%	62.3%	62.2%	66.7%
P REMOVAL EFFICIENCY		78.8%	72.9%	72.8%	78.8%
TSS REMOVAL EFFICIENCY		84.9%	78.1%	78.0%	84.9%
N REDUCTION (LBS)		1.23		1.57	
P REDUCTION (LBS)		0.21		0.28	
TSS REDUCTION (LBS)		80.62		105.86	

**Table 2: Stricter Development Requirements**

SITE INFORMATION										
Site Name	ABC Preschool		Saint Thomas Aquinas Priory		Cabell Ave Apartments		Brody Jewish Student Center		Brody Jewish Student Center	
BMP Type	Bioretention		8'x4' Filterra		4'x6' Filterra		Bioretention		Bioretention	
Year Built	FY13		FY13		FY13		FY11		FY11	
Site Area (Ac)	0.31		< 1ac		< 1ac		0.65		0.38	
Drainage Area to BMP-impervious (Ac)	0.14		0.17		0.16		0.18		0.07	
Drainage Area to BMP-PerVIOUS (Ac)	0.17		0.06		0.22		0.10		0.06	
Volume Provided (CF)	567.5		20.0		2496.2		530.4		1134.1	
POLLUTANT REDUCTION CALCULATIONS										
METHODOLOGY	CBP Efficiencies		TB 6		TB 6		CBP Curves		CBP Curves	
N REMOVAL EFFICIENCY	70.0%		68.0%		68.0%		56.0%		66.7%	
P REMOVAL EFFICIENCY	75.0%		74.0%		74.0%		65.4%		78.8%	
TSS REMOVAL EFFICIENCY	80.0%		85.0%		85.0%		70.1%		84.9%	
N REDUCTION (LBS)	1.75		1.33		2.03		1.34		0.72	
P REDUCTION (LBS)	0.25		0.24		0.31		0.24		0.12	
TSS REDUCTION (LBS)	89.56		101.39		110.92		92.51		45.38	



**Table 2: Stricter Development Requirements**

SITE INFORMATION									
Site Name	Kroger Fueling Center	Jaunt Parking Lot	1600 Monticello Ave.	601 Park Street	1327 Carlton Ave	Brookwood			
BMP Type	4'x6' Filterra	Permeable Pavers	Raintank Infiltration	Bioretention	Bioretention	Bioretention			
Year Built	FY12	FY13	AFTER 7/1/2009	FY13	FY12	AFTER 7/1/2009			
Site Area (Ac)	0.5	0.388	0.52	0.887	0.333	0.45			
Drainage Area to BMP-Impervious (Ac)	0.08	0.35	0.16	0.32	0.26	0.25			
Drainage Area to BMP-Pervious (Ac)	0.01	0.09	0.00	0.57	0.07	0.20			
Volume Provided (CF)	15.0	2350.0	Not Provided	741.2	Not provided	1138.5			
POLLUTANT REDUCTION CALCULATIONS									
METHODOLOGY	TB 6	CBP Curves	CBP Efficiencies	CBP Curves	CBP Efficiencies	CBP Curves			
N REMOVAL EFFICIENCY	68.0%	66.6%	80.0%	50.8%	25.0%	63.0%			
P REMOVAL EFFICIENCY	74.0%	77.8%	85.0%	59.2%	45.0%	73.7%			
TSS REMOVAL EFFICIENCY	85.0%	83.5%	95.0%	63.5%	55.0%	79.0%			
N REDUCTION (LBS)	0.56	2.61	1.20	3.55	0.74	2.36			
P REDUCTION (LBS)	0.11	0.51	0.24	0.50	0.22	0.40			
TSS REDUCTION (LBS)	46.89	205.46	102.89	174.10	100.86	149.72			

**Table 3: Oversized BMPs**

SITE INFORMATION							
Site Name	Rives Park	Timberlake Place	Meade Park Aquatic Center	Whole Foods	CHS Stadium Improvements	Hydraulic Road Substation	
BMP Type	Bioretention	Bioretention + Rain Garden	2 Bioretention Areas	Sand Filter	Bioretention	Filterra & Biopave	
Year Built	AFTER 7/1/2009	PLANNED FY16	FY11	FY11	AFTER 7/1/2009	AFTER 7/1/2009	
Site Area (Ac)	3.69	2.09	5.62	3.76	1.09	9.11	
Drainage Area to BMP-impervious (Ac)	0.41	1.38	0.52	3.61	0.31	1.03	
Drainage Area to BMP-PerVIOUS (Ac)	0.33	2.40	0.27	0.15	0.17	0.00	
Volume Provided (CF)	1350.7	3787.4	3712.0	Not Provided	1692.8	2791.0	
POLLUTANT REDUCTION CALCULATIONS							
METHODOLOGY	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	
L-PRE	1.63	0.92	2.49	1.66	1.91	14.97	
L-POST	2.02	2.68	2.94	7.84	2.21	15.60	
P REMOVED BY BMP (LBS)	0.46	1.77	0.75	6.22	0.74	2.17	
N REDUCTION (LBS)	1.12	0.06	4.28	0.10	4.44	0.00	
P REDUCTION (LBS)	0.07	0.01	0.30	0.04	0.44	1.54	
TSS REDUCTION (LBS)	103.50	5.10	395.98	16.98	451.03	0.00	

**Table 3: Oversized BMPs**

SITE INFORMATION		Sunrise Park		Fontaine Fire Station		Arlington & Millmont Apartments	
Site Name	Permeable Pavement AFTER 7/1/2009	2 Bioretention Areas AFTER 7/1/2009	Cistern PLANNED FY17	Dry Swale FY14	4'x6' Roof Drain Filterra FY14	4'x6' Roof Drain Filterra PLANNED FY16	
BMP Type	3.63	1.45		4.72			
Year Built	0.40	0.58	0.21	0.49	0.15	0.17	
Site Area (Ac)	1.42	0.00	0.10	0.41	0.00	0.00	
Drainage Area to BMP-impervious (Ac)	2164.0	2360.0	2267.0	4973.0	51.0	51.0	
Drainage Area to BMP-Pervious (Ac)							
Volume Provided (CF)							
<b>POLLUTANT REDUCTION CALCULATIONS</b>							
<b>METHODOLOGY</b>							
L-PRE	File Calcs 4.14	File Calcs 0.84		File Calcs 6.44			
L-POST	4.29	1.68		6.87			
P REMOVED BY BMP (LBS)	0.67	1		1.18			
N REDUCTION (LBS)	11.25	0		0.00			
P REDUCTION (LBS)	0.52	0.16		0.75			
TSS REDUCTION (LBS)	1141.25	0		0.00			

**Table 3: Oversized BMPs**

SITE INFORMATION				
Site Name	Wertland Street	Smith Aquatic Center		Boys & Girls Club
BMP Type	2 BaySavers	Biofilter-1	Biofilter-2 + Rain Garden	Biofilter
Year Built	FY14	FY11	FY11	FY11
Site Area (Ac)	4.27	2.12		1.81
Drainage Area to BMP-impervious (Ac)	1.82	0.59	1.12	0.67
Drainage Area to BMP-PerVIOUS (Ac)	0.31	0.32	0.09	0.75
Volume Provided (CF)	1210.8	1254.8	830.0	1970.0
<b>POLLUTANT REDUCTION CALCULATIONS</b>				
METHODOLOGY	File Calcs	File Calcs		File Calcs
L-PRE	4.94	8.84		1.56
L-POST	6.37	10.26		2.36
P REMOVED BY BMP (LBS)	1.99	1.87		1.17
N REDUCTION (LBS)	0.00	3.21		2.17
P REDUCTION (LBS)	0.56	0.45		0.37
TSS REDUCTION (LBS)	0.00	571.56		220.06

**Table 3: Oversized BMPs**

SITE INFORMATION		250 Bypass@Mcintire Rd.			
Site Name	Enhanced Ext. Detention PLANNED FY16	Bioretention #1 PLANNED FY16	Bioretention #2 PLANNED FY16	11 - Filterras PLANNED FY16	
BMP Type					
Year Built					
Site Area (Ac)	16.30				
Drainage Area to BMP-impervious (Ac)	0.83	0.62	0.19	2.52	
Drainage Area to BMP-PerVIOUS (Ac)	2.07	0.34	0.59	0.30	
Volume Provided (CF)	Not Provided	Not Provided	Not Provided	Not Provided	
<b>POLLUTANT REDUCTION CALCULATIONS</b>					
METHODOLOGY					
L-PRE	File Calcs				
L-POST	16.00				
P REMOVED BY BMP (LBS)	20.00				
N REDUCTION (LBS)	5.77				
P REDUCTION (LBS)	0.00				
TSS REDUCTION (LBS)	1.77				
	0.00				

**Table 3: Oversized BMPs**

SITE INFORMATION		CTS OPERATIONS CENTER									
Site Name		SWM#1 FY10	SWM#2 FY10	SWM#3 FY10	SWM#4 FY10	SWM#5 FY10	SWM#6 FY10	SWM#7 FY10	SWM#8 FY10	SWM#9 FY10	
BMP Type											
Year Built						5.96					
Site Area (Ac)											
Drainage Area to BMP-impervious (Ac)		0.15	0.64	0.16	1.65	0.53	0.17	0.10	0.01	0.77	
Drainage Area to BMP-PerVIOUS (Ac)		0.07	0.75	0.07	0.16	0.31	0.05	0.10	0.18	0.00	
Volume Provided (CF)		Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	
<b>POLLUTANT REDUCTION CALCULATIONS</b>											
METHODOLOGY											
L-PRE						File Calcs					
L-POST						2.80					
P REMOVED BY BMP (LBS)						9.12					
N REDUCTION (LBS)						6.71					
P REDUCTION (LBS)						0.00					
TSS REDUCTION (LBS)						0.39					
						0.00					

**Table 4: Voluntary BMPs**

SITE INFORMATION					
Site Name	CHS MLK	Rugby Road	Azalea Park	City Yard Smart Sponge Inserts	
BMP Type	Bioretention	Permeable Pavers	Constructed Wetland	Catch Basin Filters	
Year Built	FY10	FY10	FY13	FY11	
Site Area (Ac)	NA	NA	NA	NA	
Drainage Area to BMP-Impervious (Ac)	2.26	0.11	8.80	2.60	
Drainage Area to BMP-PerVIOUS (Ac)	1.73	0.22	19.30	0.00	
Volume Provided (CF)	5760.0	484.3	43310.0	0.0	
POLLUTANT REDUCTION CALCULATIONS					
METHODOLOGY 1	CBP Efficiencies	CBP Curves	CBP Curves	CBP Efficiencies	
N REMOVAL EFFICIENCY	70.0%	62.5%	37.4%	40.0%	
P REMOVAL EFFICIENCY	75.0%	73.1%	58.8%	60.0%	
TSS REMOVAL EFFICIENCY	80.0%	78.3%	74.8%	80.0%	
N REDUCTION (LBS)	23.31	1.60	93.78	0.00	
P REDUCTION (LBS)	0.74	0.22	12.01	0.00	
TSS REDUCTION (LBS)	1364.53	76.02	6719.67	1408.04	

**Table 4: Voluntary BMPs**

SITE INFORMATION						
Site Name	CHS Parking Lot	909 E. Market	Old Lynchburg Road*	Forest Hills Park	Venable Bioretention*	
BMP Type	Permeable Pavement + Bioretention	Permeable Asphalt	Bioretention	Bioretention	Bioretention	
Year Built	PLANNED FY16	PLANNED FY16	FY14	PLANNED FY16	FY10	
Site Area (Ac)	NA	NA	NA	NA	NA	
Drainage Area to BMP-Impervious (Ac)	1.91	0.06	1.07	3.10	0.39	
Drainage Area to BMP-Pervious (Ac)	1.29	0.00	2.53	10.20	0.06	
Volume Provided (CF)	12739.0	1187.5	2314.0	7531.0	1838.0	
<b>POLLUTANT REDUCTION CALCULATIONS</b>						
METHODOLOGY 1						
N REMOVAL EFFICIENCY	CBP Curves	CBP Curves	CBP Curves	CBP Curves	CBP Curves	
P REMOVAL EFFICIENCY	66.5%	66.7%	28.7%	51.8%	63.4%	
TSS REMOVAL EFFICIENCY	77.8%	78.8%	45.0%	60.5%	74.2%	
N REDUCTION (LBS)	83.5%	84.9%	57.3%	64.9%	79.6%	
P REDUCTION (LBS)	17.93	0.34	7.95	52.31	2.59	
TSS REDUCTION (LBS)	0.55	0.08	1.42	6.41	0.53	
	1188.02	31.61	561.95	2040.34	214.86	

\* BMP REQUIRES REPAIRS TO ATTAIN "FUNCTIONING AS DESIGN STANDARD"



**Table 5: Stream Restoration**

<b>SITE INFORMATION</b>					
Site Name	Rock Creek	Meadowcreek Golf Course	MoORES Creek - Azalea Park	Meadow Creek	
BMP Type	Stream Restoration	Stream Restoration	Stream Restoration	Stream Restoration	
Year Built	FY14	FY11	PLANNED FY16	FY13	
Linear Feet	345.00	170.00	1,880.00	7,372.00	
Drainage Area Regulated Impervious (Ac)	71.29	15.61	243.74	1,280.53	
Drainage Area Regulated Pervious (Ac)	131.18	28.43	526.10	1,400.61	
Drainage Area Unregulated Impervious (Ac)	0.00	0.00	349.21	21.40	
Drainage Area Unregulated Pervious (Ac)	0.00	0.00	1,369.37	78.56	
Drainage Area Forest (Ac)	28.43	22.21	6,721.22	1,017.85	
Drainage Area Total	230.90	66.25	8,860.43	3,777.55	
<b>POLLUTANT REDUCTION CALCULATIONS</b>					
Unregulated Adjustments N (LBS)	0.00	0.00	0.00	0.00	
Unregulated Adjustments P (LBS)	0.00	0.00	0.00	2.33	
Unregulated Adjustments TSS (LBS)	0.00	0.00	0.00	3,477.79	
N REDUCTION (LBS)	12.94	12.75	119.21	541.40	
P REDUCTION (LBS)	11.73	11.56	108.08	488.54	
TSS REDUCTION (LBS)	7,741.80	7,629.60	71,334.43	320,496.92	

Table 6: Land Use Change

Site	Location	Square Feet	Land Use From	Conversion	N Reduction (lbs/yr)	P Reduction (lbs/yr)	TSS Reduction (lbs/yr)
Charlottesville High School	Lower Parking Lot	15,397	Impervious	Grass	2.43	0.55	171.89
	<b>Total</b>				2.43	0.55	171.89

Table 7: Urban Nutrient Management

Site	Field	Square Feet	P Load	P Removal Rate	P Removed	N Load	N Removal Rate	N Removed
Pen Park	Softball field	27,000	0.31	4.50%	0.01	4.33	9%	0.39
Washington Park	Softball field	37,000	0.42	4.50%	0.02	5.94	9%	0.53
Venable School	Little League/Soccer Field	40,800	0.47	4.50%	0.02	6.55	9%	0.59
Azalea Park	Softball field	36,000	0.41	4.50%	0.02	5.78	9%	0.52
Quarry Park	Tee Ball Field	15,000	0.17	4.50%	0.01	2.41	9%	0.22
Quarry Park	Little League Baseball	31,000	0.36	4.50%	0.02	4.97	9%	0.45
Quarry Park	Little League Baseball	22,000	0.25	4.50%	0.01	3.53	9%	0.32
Burnley Moran School	Tee Ball/Open Field	25,000	0.29	4.50%	0.01	4.01	9%	0.36
Charlottesville High School	Multi-purpose Field	40,500	0.46	4.50%	0.01	6.50	9%	0.30
	<b>Totals</b>	<b>274,300</b>	<b>3.15</b>		<b>0.13</b>	<b>44.02</b>		<b>3.68</b>

**Table 8: Street Sweeping**

Qualifying Street Lanes Method	
1. Lane Miles Swept (Annually)	2,000
2. Convert to Total Impervious Area Swept	
2,000 miles x 5,280 (number of feet/mile) = length of area swept	10,560,000.00
10,560,000 x 6.5 (width of area swept) = total square feet of area swept	68,640,000.00
84,480,000 / 43,560 (square feet/acre) = total acres of area swept	1,575.76
3. Multiply Impervious Acres Swept by Pre-Sweeping Annual Nutrient Loads	
1,575.76 x 1.76 (pounds/acre/year TP in James River Basin)	2,773.33
1,575.76 x 9.39 (pounds/acre/year TN in James River Basin)	14,796.36
1,575.76 x 676.94 (pounds/acre/year TSS in James River Basin)	1,066,693.33
4. Multiply Pre-Sweeping Baseline Loads by Pickup Factors to Determine Annual POC Reductions	
x .04 (TP pounds/year for mechanical sweeper)	110.93
x .04 (TN pounds/year for mechanical sweeper)	591.85
x .10 (TSS pounds/year for mechanical sweeper)	106,669.33

**SITES LESS THAN 1 ACRE**

Site Name Date of Site Plan Year Built	ABC Preschool 2013 FY13	Saint Thomas Aquinas Priority 2012 FY13	Saint Thomas Aquinas Priority 2012 FY13	Cabell Ave Apartments 2011 FY13	Brody Jewish Student Center 2009 FY11	Brody Jewish Student Center 2009 FY11	Kroger Fueling Center 2012 FY12	Juamt Parking Lot 2012 FY13	1600 Monticello Ave. 2011 AFTER 7/12/009	601 Park Street 2011 FY13	1327 Carlton Ave 2013 FY12
Use/Long Redevelopment or New Development Site Area (Ac) Methodology Used Methodology 2	38.0286/-78.4726 Redevelopment 0.31 CBP Efficiencies	38.0386/-78.5163 Redevelopment <1.1ac TB 6	38.0386/-78.5157 Redevelopment <1.1ac CBP Curves	38.0419/-78.4966 Redevelopment <1.1ac TB 6	38.0426/-78.5021 Redevelopment 0.65 CBP Curves	38.0426/-78.5019 Redevelopment 0.38 CBP Curves	38.0599/-78.4928 Redevelopment 0.5 TB 6	38.0151/-78.4705 Redevelopment 0.388 CBP Curves	38.0164/-78.4756 Redevelopment 0.52 CBP Efficiencies	38.0348/-78.4762 Redevelopment 0.887 CBP Curves	38.0214/-78.4666 Redevelopment 0.333 CBP Efficiencies
Pre-development Pollutant Loading (Lb/yr) Post-development Pollutant Loading (Lb/yr) Lpost - Lpre Phosphorus RR per $\frac{L_{post}}{L_{pre}}$ (Lb/yr) Phosphorus RR per 10% Reduction (Lb/yr) Phosphorus Removed by BMP(s) (Lb/yr) Phosphorus removed beyond pre-developed pollutant loads (Phosphorus Removed - (Lpost-Lpre))	0.22 0.32 0.1 0.18 0.12 0.16 0.06	Not provided Not provided - Not provided Not provided Not provided	Not provided Not provided - Not provided Not provided Not provided	Not provided Not provided - Not provided Not provided Not provided	1.34 1.62 0.28 Not provided 0.41 0.2 -0.08	0.63 0.97 0.34 Not provided 0.4 0.08 -0.26	0.9 1.02 0.12 0.21 0.12 0.12 0.00	0.17 0.67 0.5 0.5 Not provided 0.5 0.00	0.51 0.64 0.13 0.4 0.18 0.18 0.05	0.42 0.76 0.34 0.42 0.38 0.38 0.04	0.219 0.566 0.347 0.42 0.368 0.368 0.02
BMP TYPE Drainage Area to BMP-Imperious (Ac) Drainage Area to BMP-Perious (Ac) Drainage Area to BMP-Forest (Ac) Drainage Area to BMP-Imperious unregulated (Ac) Drainage Area to BMP-Perious unregulated (Ac) Unregulated imperious TP baseline (lbs) Unregulated perious TP baseline (lbs) Volume Provided (CF)	Bioretention 0.14 0.17	8'x4' Filterra 0.168 0.055	Bioretention 0.16 0.221	4'x6' Filterra 0.10 0.01	Bioretention 0.07 0.06	4'x6' Filterra 0.08 0.01	Permeable Pavers 0.35 0.09	Permeable Pavers 0.35 0.09	Rainrank Infiltration 0.16	Bioretention 0.32 0.57	Bioretention 0.26 0.073
P REDUCTION PER PLANS (LBS) N REDUCTION PER TABLE 4 OF MSA PERMIT (LBS) TSS REDUCTION PER TABLE 4 OF MSA PERMIT (LBS)	567.5	20	2,496.2	15	1134.05	15	2350.00	Not Provided	Not Provided	741.15	Not provided
APPENDIX A-LE CALCULATIONS STEP 1. P ELIGIBLE PER PLANS (LBS) STEP 2. TSS LOADING PER TABLE 4 (LBS/YR) STEP 3. TOTAL TSS REDUCTIONS (LBS/YR) STEP 4. ELIGIBLE TSS REDUCTIONS (LBS/YR) STEP 5. ELIGIBLE TSS REDUCTIONS (LBS/YR)											
TECHNICAL BULLETIN 6 EFFICIENCY P REMOVAL EFFICIENCY N REMOVAL EFFICIENCY TSS REMOVAL EFFICIENCY P REDUCTION (LBS) N REDUCTION (LBS) TSS REDUCTION (LBS)		74% 68% 85% 0.24 0.13 0.69 101.39	74% 68% 85% 0.11 0.56 0.69 46.89	74% 68% 85% 0.13 0.69 58.40							
CLEARINGHOUSE EFFICIENCY P REMOVAL EFFICIENCY N REMOVAL EFFICIENCY TSS REMOVAL EFFICIENCY P REDUCTION (LBS) N REDUCTION (LBS)											
RETROFIT CURVES TYPE (ST OR RR) RUNOFF VOLUME (INCHES) P REMOVAL EFFICIENCY N REMOVAL EFFICIENCY TSS REMOVAL EFFICIENCY P REDUCTION (LBS) N REDUCTION (LBS) TSS REDUCTION (LBS)	RR 1.12 71.9% 61.5% 0.24 1.54 86.27	ST 0.03 3.5% 2.3% 0.01 0.04 5.38	RR 4.30 78.8% 66.7% 84.9% 0.31 2.03 110.92	ST 0.04 4.6% 2.9% 0.01 0.03 4.03	RR 4.46 78.8% 66.7% 84.9% 0.12 0.72 45.38	ST 0.05 5.9% 3.7% 7.5% 0.03 0.01 4.12	RR 1.85 77.8% 66.6% 83.5% 0.51 2.61 205.46	RR 1.85 77.8% 66.6% 83.5% 0.51 2.61 205.46	ST #VALUE! #VALUE! #VALUE! #VALUE! #VALUE! #VALUE!	RR 0.64 59.2% 50.8% 63.5% 0.50 3.55 174.10	ST #VALUE! #VALUE! #VALUE! #VALUE! #VALUE! #VALUE!
CHESAPEAKE BAY RAMP EFFICIENCY P REMOVAL EFFICIENCY N REMOVAL EFFICIENCY TSS REMOVAL EFFICIENCY P REDUCTION (LBS) N REDUCTION (LBS) TSS REDUCTION (LBS)	75% 70% 80% 0.25 1.75 89.56	60% 40% 80% 0.19 0.78 95.43	75% 70% 80% 0.29 2.13 104.52	60% 40% 80% 0.11 0.40 54.96	45% 25% 55% 0.07 0.60 29.40	60% 40% 80% 0.09 0.33 44.13	20% 10% 55% 0.13 0.39 135.31	20% 10% 55% 0.13 0.39 135.31	85% 80% 95% 0.24 1.20 102.89	45% 25% 55% 0.38 1.75 150.83	45% 25% 55% 0.22 0.74 100.86
MAXIMUM PROPOSED CREDITS PER SITE (LBS) MAXIMUM NITROGEN CREDITS PER SITE (LBS) MAXIMUM SUSPENDED SOLID CREDITS PER SITE (LBS)	0.25 1.33 89.56	0.24 1.33 101.39	0.31 2.03 110.92	0.13 0.69 58.40	0.12 0.72 45.38	0.11 0.36 46.89	0.51 2.61 205.46	0.51 2.61 205.46	0.24 1.20 102.89	0.50 3.55 174.10	0.22 0.74 100.86

Site Name	Brookwood 2008	Rives Park 2013	Timberlake Place 2011	Meade Park Aquatic Center 2008	Whole Foods 2009	CHS Stadium Improvements 2012	Hydraulic Road Substation 2013	Sunrise Park 2011	Fontaine Fire Station 2011	Fontaine Fire Station 2012	Arlington & Willmont Apartments 2012
Date of Site Plan	AFTER 7/1/2009	AFTER 7/1/2009	PLANNED FY16	FY11	FY11	AFTER 7/1/2009	AFTER 7/1/2009	AFTER 7/1/2009	PLANNED FY17	FY14	
Year Built	38.0186/78.4941	38.0173/78.4707	38.0231/78.4625	38.0279/78.4654	38.06/78.4884	38.052/78.4712	38.058/78.4804	38.0208/78.467	38.0254/78.5201	38.0496/78.5058	
Use/Long	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment	
Site Area (Ac)	0.45	3.69	2.09	5.62	3.76	1.09	9.11	3.63	1.45	4.718	
Methodology Used	CRP Curves	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	
Pre-development Pollutant Loading (Lb/yr)	0.2	1.63	0.92	2.49	1.66	1.91	14.97	4.14	0.84	NA	
Post-development Pollutant Loading (Lb/yr)	0.56	2.02	2.68	2.94	7.84	2.21	15.6	4.29	1.68	6.44	
Phosphorus RR per 10% Reduction (Lb/yr)	0.36	0.38	1.76	0.45	6.17	Not Provided	11.53	2.68	0.84	0.87	
Phosphorus Removed by BMP(s) (Lb/yr)	0.36	0.46	1.77	0.75	6.22	0.74	2.17	0.67	1	1.18	
Phosphorus removed beyond pre-developed pollutant loads (Phosphorus Removed - (Lpct-Lpre))	0.00	0.07	0.01	0.30	0.04	0.44	1.54	0.52	0.16	0.75	
BMP TYPE	Bioretention	Bioretention	Bioretention + Rain Garden	2 Bioretention Areas	Sand Filter	Bioretention	Filters & Biogro	Permeable Pavement	2 Bioretention Areas	Cistern	Dry Swale
Drainage Area to BMP-impervious (Ac)	0.25	0.41	1.38	0.52	3.61	0.31	1.03	0.40	0.58	0.21	0.491
Drainage Area to BMP-Pervious (Ac)	0.2	0.33	2.398	0.27	0.15	0.17	0	1.42	0	0.10	0.41
Drainage Area to BMP-Forest (Ac)											
Drainage Area to BMP-Impervious unregulated (Ac)											
Drainage Area to BMP-Pervious unregulated (Ac)											
Unregulated impervious TP baseline (lbs)											
Volume Provided (CF)	1138.5	1350.745	3787.38	3712.00	Not Provided	1692.78	2791	2164.00	2360.00	2267.00	4973
P REDUCTION PER PLANS (LBS)											
N REDUCTION PER TABLE 4 OF MSA PERMIT (LBS)											
TSS REDUCTION PER TABLE 4 OF MSA PERMIT (LBS)											
APPENDIX A CALCULATIONS											
STEP 1. P ELIGIBLE PER PLANS (LBS)	0.07	10.50	13.94	0.30	0.04	0.44	1.54	0.52	0.16	0.75	
STEP 2. TSS LOADING PER TABLE 4 (LBS/YR)	850.22	1237.45	930.19	40.77	40.77	11.49	656.04	1805.66	22.31	22.31	
STEP 3. TOTAL TSS REDUCTIONS (LBS/YR)	7.35	9.76	16.31	10.70	16.31	7.48	44.00	14.49	44.00	44.00	
STEP 4. ELIGIBLE TN REDUCTIONS (LBS/YR)	680.17	989.96	902.41	989.96	2639.88	758.56	4459.69	1470.46	11.25	11.25	
STEP 4. ELIGIBLE TSS REDUCTIONS (LBS/YR)	103.50	103.50	5.10	395.98	16.98	451.03	0.00	1141.25	0.00	0.00	
TECHNICAL BULLETIN 6 EFFICIENCY											
P REMOVAL EFFICIENCY											
N REMOVAL EFFICIENCY											
TSS REMOVAL EFFICIENCY											
P REDUCTION (LBS)											
N REDUCTION (LBS)											
TSS REDUCTION (LBS)											
CLEARINGHOUSE EFFICIENCY											
P REMOVAL EFFICIENCY											
N REMOVAL EFFICIENCY											
P REDUCTION (LBS)											
N REDUCTION (LBS)											
TSS REDUCTION (LBS)											
RETROFIT CURVES											
TYPE (ST OR RR)	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR	RR
RUNOFF VOLUME (INCHES)	1.25	0.91	0.76	1.97	0.75	1.50	0.75	1.49	1.12	2.97	2.79
P REMOVAL EFFICIENCY	73.7%	67.9%	63.7%	78.1%	63.4%	76.1%	63.4%	75.9%	72.0%	62.0%	78.8%
N REMOVAL EFFICIENCY	63.0%	58.1%	54.5%	66.8%	54.2%	65.1%	54.2%	65.0%	61.5%	35.2%	66.7%
TSS REMOVAL EFFICIENCY	79.0%	72.8%	68.3%	83.9%	67.9%	81.5%	67.9%	81.4%	77.1%	78.8%	84.9%
P REDUCTION (LBS)	0.40	0.60	2.31	0.82	0.48	0.48	1.15	1.07	0.26	0.26	0.84
N REDUCTION (LBS)	2.36	3.58	16.20	4.52	2.67	2.67	5.75	8.89	3.35	0.94	4.99
TSS REDUCTION (LBS)	149.72	226.33	803.15	318.09	185.14	451.03	473.57	337.40	302.81	119.99	317.37
CHESAPEAKE BAY RAMP EFFICIENCY											
P REMOVAL EFFICIENCY	45%	75%	75%	75%	60%	45%	20%	20%	45%	10%	75%
N REMOVAL EFFICIENCY	25%	70%	70%	70%	40%	25%	10%	10%	25%	5%	70%
TSS REMOVAL EFFICIENCY	55%	80%	80%	80%	80%	55%	55%	65.0%	55%	10%	80%
P REDUCTION (LBS)	0.24	0.66	2.72	0.79	0.28	0.28	0.36	0.28	0.46	0.04	0.80
N REDUCTION (LBS)	4.31	20.80	4.74	13.98	1.02	1.02	1.37	1.37	1.36	0.13	5.23
TSS REDUCTION (LBS)	104.20	481.25	303.44	1967.13	126.87	126.87	383.40	222.87	215.94	15.23	299.06
MAXIMUM PROPOSED CREDITS PER SITE (LBS)	0.40	0.07	0.01	0.30	0.04	0.44	1.54	0.52	0.16	0.75	
MAXIMUM NITROGEN CREDITS PER SITE (LBS)	2.36	1.12	0.06	4.28	0.10	4.44	0.00	11.25	0.00	0.00	
MAXIMUM SUSPENDED SOLID CREDITS PER SITE (LBS)	149.72	103.50	5.10	395.98	16.98	451.03	0.00	1141.25	0.00	0.00	



SITES > 1 ACRE W/ REDUCED POST-DEVELOPMENT LOADS														
Site Name	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	CTS OPERATIONS CENTER	Jefferson School	Martha Jefferson	Pace Center	Pace Center
Date of Site Plan	2008										2013	2012	2012	
Year Built	FY10	FY10	FY10	FY10	FY10	FY10	FY10	FY10	FY10	FY10	FY13	PLANNED FY16	FY14	FY14
Lat/Long	38.0126/-78.4878	38.0122/-78.488	38.0119/-78.4875	38.0114/-78.4872	38.0118/-78.4861	38.0132/-78.4875	38.0129/-78.4873	38.0132/-78.4875	38.0122/-78.4876	38.0322/-78.4864	38.0322/-78.4878	38.0322/-78.4878	38.0214/-78.4652	38.0213/-78.4649
Redevelopment or New Development	Redevelopment										Redevelopment	Redevelopment	Redevelopment	
Site Area (Ac)	5.96										4.11	5.14	2.76	
Methodology Used	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs
Pre-development Pollutant Loading (Lb/yr)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Post-development Pollutant Loading (Lb/yr)	2.8										6.11	9.84	4.46	
Post - Lpse	9.12										6.01	8.96	3.18	
Phosphorus RR per $\frac{Lb/yr}{Lpse}$ (Lb/yr)	6.6										-0.1	-0.88	-1.28	
Phosphorus Removed by BMP(s) (Lb/yr)	6.71										0.51	0.1	0	
Phosphorus removed beyond pre-developed pollutant loads (Phosphorus Removed - Lpse-Lpse)	0.39										1.94	1.3	0	
BMP TYPE	Bioretention	Bioretention	Bioretention	Underground Storage	Extended Detention	Bioretention	Bioretention	Bioretention	Bioretention	Bioretention	Enhanced Extended Detention	Biowave	Water Quality Swale	Bioretention
Drainage Area to BMP-Impervious (Ac)	0.15	0.64	0.16	1.65	0.53	0.17	0.10	0.01	0.77	0.92	1.33	0.92	0.31	0.35
Drainage Area to BMP-Pervious (Ac)	0.07	0.75	0.07	0.16	0.31	0.05	0.10	0.18	0	0	0.89	0	0.15	0.23
Drainage Area to BMP-Forest (Ac)														
Drainage Area to BMP-Impervious unregulated (Ac)														
Drainage Area to BMP-Pervious unregulated (Ac)														
Unregulated impervious TP baseline (lbs)														
Unregulated impervious TP baseline (lbs)														
Volume Provided (CF)	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided	Not Provided
P REDUCTION PER PLANS (LBS)	0.39										6.956.00	2335.75	251.55	2558.75
N REDUCTION PER TABLE 4 OF MSA PERMIT (LBS)											0.1	0.88	1.28	
TSS REDUCTION PER TABLE 4 OF MSA PERMIT (LBS)											42.09	4,576	6,656	538,752
APPENDIX A-LE CALCULATIONS											Curves for TN & TSS	Bay % for TN & TSS		
STEP 1. P ELIGIBLE PER PLANS (LBS)											1.94	1.30		
STEP 2. N LOADING PER TABLE 4 (LBS/YR)											31.25	46.59		
STEP 2. TSS LOADING PER TABLE 4 (LBS/YR)											2529.61	3771.26		
STEP 3. TOTAL TN REDUCTIONS (LBS/YR)											19.96	32.61		
STEP 3. TOTAL TSS REDUCTIONS (LBS/YR)											2025.73	3017.01		
STEP 4. ELIGIBLE TN REDUCTIONS (LBS/YR)											19.96	32.61		
STEP 4. ELIGIBLE TSS REDUCTIONS (LBS/YR)											2025.73	3017.01		
TECHNICAL BULLETIN 6 EFFICIENCY											2025.73	3017.01		
P REMOVAL EFFICIENCY														
N REMOVAL EFFICIENCY														
TSS REMOVAL EFFICIENCY														
P REDUCTION (LBS)														
N REDUCTION (LBS)														
TSS REDUCTION (LBS)														
CLEARINGHOUSE EFFICIENCY														
P REMOVAL EFFICIENCY														
N REMOVAL EFFICIENCY														
TSS REMOVAL EFFICIENCY														
P REDUCTION (LBS)														
N REDUCTION (LBS)														
TSS REDUCTION (LBS)														
TYPE (ST OR RR)														
RUNOFF VOLUME (INCHES)														
P REMOVAL EFFICIENCY														
N REMOVAL EFFICIENCY														
TSS REMOVAL EFFICIENCY														
P REDUCTION (LBS)														
N REDUCTION (LBS)														
TSS REDUCTION (LBS)														
CHESAPEAKE BAY BMP EFFICIENCY														
P REMOVAL EFFICIENCY														
N REMOVAL EFFICIENCY														
TSS REMOVAL EFFICIENCY														
P REDUCTION (LBS)														
N REDUCTION (LBS)														
TSS REDUCTION (LBS)														
MAXIMUM PHOSPHORUS CREDITS PER SITE (LBS)											2.04	2.18		1.28
MAXIMUM NITROGEN CREDITS PER SITE (LBS)											2048	3719		666
MAXIMUM SUSPENDED SOLID CREDITS PER SITE (LBS)											20728	33740		53275



SITES < 1 ACRE W/ REDUCED POST DEVELOPMENT LOADS									
Site Name	600 Preston Place	600 Preston Place	600 Preston Place	Blue Moon Fund	Blue Moon Fund	Blue Moon Fund			
Date of Site Plan	2011	FY13	FY13	2009	FY11	FY11			
Year Built	38.0411/78.4982	38.0411/78.4983	38.0411/78.4983	38.0256/78.484	38.0256/78.484	38.0256/78.484			
Use/Long	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment	Redevelopment			
Site Area (Ac)	0.369	0.369	0.369	0.27	0.27	0.27			
Methodology Used	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs	File Calcs			
Pre-development Pollutant Loading (Lb/yr)	0.57	0.57	0.57	0.32	0.32	0.32			
Post-development Pollutant Loading (Lb/yr)	0.55	0.55	0.55	0.29	0.29	0.29			
Phosphorus RR per $\frac{1}{1000000}$ (Lb/yr)	-0.02	-0.02	-0.02	-0.03	-0.03	-0.03			
Phosphorus RR per 10% Reduction (Lb/yr)	0.39	0.39	0.39	Not provided	Not provided	Not provided			
Phosphorus Removed by BMP(s) (Lb/yr)	0.04	0.04	0.04	Not provided	Not provided	Not provided			
Phosphorus removed beyond pre-developed pollutant loads (Phosphorus Removed - (Lpwt-Lpre))	0.13	0.13	0.13	0.19	0.19	0.19			
BMP TYPE	0.15	0.15	0.15	0.22	0.22	0.22			
Drainage Area to BMP-Impervious (Ac)	4x6 Filterra	4x6 Filterra	4x6 Filterra	4x6 Filterra	4x6 Filterra	4x6 Filterra			
Drainage Area to BMP-Pervious (Ac)	0.10	0.06	0.06	0.11	0.11	0.11			
Drainage Area to BMP-Forest (Ac)	0.02	0.09	0	0.06	0.06	0.06			
Drainage Area to BMP-Impervious unregulated (Ac)									
Drainage Area to BMP-Pervious unregulated (Ac)									
Unregulated Impervious TP baseline (lbs)									
Unregulated pervious TP baseline (lbs)									
Volume Provided (CF)	15	645.2	257.92	450.00	202.00	315.00			
P REDUCTION PER PLANS (LBS)	0.02	0.02	0.02	0.03	0.03	0.03			
N REDUCTION PER TABLE 4 OF M54 PERMIT (LBS)	0.04	0.04	0.04	0.156	0.156	0.156			
TSS REDUCTION PER TABLE 4 OF M54 PERMIT (LBS)	8.418	8.418	8.418	12.627	12.627	12.627			
APPENDIX A CALCULATIONS									
STEP 1. P ELIGIBLE PER PLANS (LBS)									
STEP 2. N LOADING PER TABLE 4 (LBS/YR)									
STEP 3. TOTAL TN REDUCTIONS (LBS/YR)									
STEP 4. ELIGIBLE TN REDUCTIONS (LBS/YR)									
STEP 5. ELIGIBLE TN REDUCTIONS (LBS/YR)									
STEP 6. ELIGIBLE TSS REDUCTIONS (LBS/YR)									
TECHNICAL BULLETIN 6 EFFICIENCY									
P REMOVAL EFFICIENCY	74%								
N REMOVAL EFFICIENCY	68%								
TSS REMOVAL EFFICIENCY	85%								
P REDUCTION (LBS)	0.14								
N REDUCTION (LBS)	0.73								
TSS REDUCTION (LBS)	59.26								
CLEARINGHOUSE EFFICIENCY									
P REMOVAL EFFICIENCY									
N REMOVAL EFFICIENCY									
P REDUCTION (LBS)									
N REDUCTION (LBS)									
RETROFIT CURVES									
TYPE (ST OR RR)	ST	RR	RR	RR	RR	RR			
RUNOFF VOLUME (INCHES)	0.04	3.12	1.18	1.18	1.50	5.79			
P REMOVAL EFFICIENCY	4.6%	78.8%	72.8%	72.8%	76.0%	78.8%			
N REMOVAL EFFICIENCY	2.9%	66.7%	62.3%	62.2%	65.0%	66.7%			
TSS REMOVAL EFFICIENCY	5.9%	84.9%	78.1%	78.0%	81.5%	84.9%			
P REDUCTION (LBS)	0.01	0.11	0.08	0.16	0.06	0.02			
N REDUCTION (LBS)	0.03	0.78	0.35	0.87	0.41	0.41			
TSS REDUCTION (LBS)	4.09	40.48	31.72	60.20	23.72	9.31			
CHESAPEAKE BAY BMP EFFICIENCY									
P REMOVAL EFFICIENCY	60%	20%	85%	45%	10%	85%			
N REMOVAL EFFICIENCY	40%	10%	80%	25%	10%	80%			
TSS REMOVAL EFFICIENCY	80%	55%	95%	55%	50%	95%			
P REDUCTION (LBS)	0.11	0.03	0.09	0.10	0.01	0.03			
N REDUCTION (LBS)	0.43	0.12	0.45	0.35	0.06	0.16			
TSS REDUCTION (LBS)	55.77	26.23	38.50	42.43	14.54	10.41			
MAXIMUM PROPOSED CREDITS PER SITE (LBS)	0.16	0.21	0.21	0.28	0.28	0.28			
MAXIMUM NITROGEN CREDITS PER SITE (LBS)	0.84	1.23	1.23	1.57	1.57	1.57			
MAXIMUM SUSPENDED SOLID CREDITS PER SITE (LBS)	67.88	86.92	86.92	105.86	105.86	105.86			



Name: Rock Creek  
 Linear Feet of Restoration: 172.5

345

POC Reductions		
	TP	TSS
TN	11.73	7741.8

Acres Draining Stream Restoration Project					
	Urban Impervious Acres	Urban Pervious Acres	Total Urban Acres	Forested Acres	
Regulated Land*	71.29	131.18	202.47	26.74	
Unregulated Land	0	0	0	1.69	
		Total	202.47	28.43	
				Total	230.9

\*Based on Regulated\_Landcover2 - Includes UVA MS4 areas within watershed

Total Reductions for Regulated and Unregulated Urban Lands			
	Ratios	TN Credit	TSS Credit
Regulated Acres	0.8769	11.34	6788.58
Unregulated Acres	0.0000	0.00	0.00
Forested Acres	0.1231	1.59	953.22

Total Baseline Unregulated Land Reductions Adjustment					
	Loading rate (Table 3a)	x 20	x Unregulated Acres	Total Reduction	Subtract from Credit
Regulated Urban Impervious	0.042255	0.8451	0	0	0.00
Regulated Urban Pervious	0.02097	0.4194	0	0	0.00
Regulated Urban Impervious	0.01408	0.2816	0	0	0.00
Regulated Urban Pervious	0.0018125	0.03625	0	0	0.00
Regulated Urban Impervious	6.7694	135.388	0	0	0.00
Regulated Urban Pervious	0.442225	8.8445	0	0	0.00

TN Credit	12.94
TP Credit	11.73
TSS Credit	7741.80

Name: Meadowcreek Golf Course  
 Linear Feet of Restoration: 170

POC Reductions		
	TP	TSS
TN	11.56	7629.6

Acres Draining Stream Restoration Project				
	Urban Impervious Acres	Urban Pervious Acres	Total Urban Acres	Forested Acres
Regulated Land*	15.61	28.43	44.04	22.21
Unregulated Land	0	0	0	0
	Total	Total	44.04	22.21
				Total
				66.25

\*Based on Regulated\_Landcover2 and Albemarle County landcover

Total Reductions for Regulated and Unregulated Urban Lands			
	Ratios	TN Credit	TSS Credit
Regulated Acres	0.6648	8.48	7.68
Unregulated Acres	0.0000	0.00	0.00
Forested Acres	0.3352	4.27	3.88

Total Baseline Unregulated Land Reductions Adjustment					
	Loading rate (Table 3a)	x 20	x Unregulated Acres	Total Reduction	Subtract from Credit
Regulated Urban Impervious	0.042255	0.8451	0	0	0.00
Regulated Urban Pervious	0.02097	0.4194	0	0	0.00
Regulated Urban Impervious	0.01408	0.2816	0	0	0.00
Regulated Urban Pervious	0.0018125	0.03625	0	0	0.00
Regulated Urban Impervious	6.7694	135.388	0	0	0.00
Regulated Urban Pervious	0.442225	8.8445	0	0	0.00

<b>TN Credit</b>	<b>12.75</b>
<b>TP Credit</b>	<b>11.56</b>
<b>TSS Credit</b>	<b>7629.60</b>

Name: Meadow Creek  
 Linear Feet of Restoration: 7372

POC Reductions		
	TP	TSS
TN	552.9	501.296
		330855.36

Acres Draining Stream Restoration Project				
	Urban Impervious Acres	Urban Pervious Acres	Total Urban Acres	Forested Acres
Regulated Land*	1280.53	1400.61	2681.14	998.28
Unregulated Land	21.40	57.16	78.56	19.57
		Total	2759.7	1017.85
				Total
				3777.55

\*Based on Regulated\_Landcover2, Albemarle County and UVA landcover

Total Reductions for Regulated and Unregulated Urban Lands			
	Ratios	TN Credit	TSS Credit
Regulated Acres	0.7098	392.42	355.80
Unregulated Acres	0.0208	11.50	10.43
Forested Acres	0.2694	148.98	135.07

Total Baseline Unregulated Land Reductions Adjustment					
	Loading rate (Table 3a)	x 20	x Unregulated Acres	Total Reduction	Subtract from Credit
Regulated Urban Impervious	0.042255	0.8451	18.08514	42.058044	0.00
Regulated Urban Pervious	0.02097	0.4194	23.972904		
Regulated Urban Impervious	0.01408	0.2816	6.02624	8.09829	2.33
Regulated Urban Pervious	0.0018125	0.03625	2.07205		
Regulated Urban Impervious	6.7694	135.388	2897.3032	3402.85482	3477.79
Regulated Urban Pervious	0.442225	8.8445	505.55162		

TN Credit	541.40
TP Credit	488.54
TSS Credit	320496.92

Name: Moores Creek - Azalea Park  
 Linear Feet of Restoration: 1880

POC Reductions		
	TP	TSS
TN	127.84	84374.4
141		

Acres Draining Stream Restoration Project				
	Urban Impervious Acres	Urban Pervious Acres	Total Urban Acres	Forested Acres
Regulated Land*	243.74	526.1	769.84	441.48
Unregulated Land	349.21	1020.16	1369.37	6279.74
		Total	2139.21	6721.22
				Total
				8860.43

\*Based on Regulated\_Landcover2, Albemarle County and UVA landcover

Total Reductions for Regulated and Unregulated Urban Lands			
	Ratios	TN Credit	TSS Credit
Regulated Acres	0.0869	12.25	7330.88
Unregulated Acres	0.1545	21.79	13039.97
Forested Acres	0.7586	106.96	64003.54

Total Baseline Unregulated Land Reductions Adjustment					
	Loading rate (Table 3a)	x 20	x Unregulated Acres	Total Reduction	Subtract from Credit
Regulated Urban Impervious	0.042255	0.8451	295.117371	722.972475	0.00
Regulated Urban Pervious	0.02097	0.4194	427.855104		
Regulated Urban Impervious	0.01408	0.2816	98.337536	135.318336	0.00
Regulated Urban Pervious	0.0018125	0.03625	36.9808		
Regulated Urban Impervious	6.7694	135.388	47278.84348	56301.6486	0.00
Regulated Urban Pervious	0.442225	8.8445	9022.80512		

TN Credit	119.21
TP Credit	108.08
TSS Credit	71334.43

## Appendix E

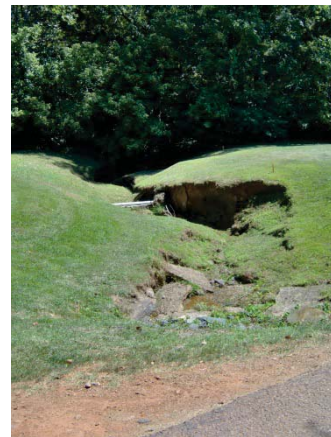
### Rock Creek Stream Restoration Project

The Rock Creek Stream Restoration Project exhibited moderate to severe streambank erosion along the left bank (looking downstream) of the project reach. Given that the streambed and right bank were relatively stable, the City is calculating credits for this project by dividing the entire length of the restored reach by two and using the resulting length, representing the equivalent of one bank or half the stream to apply the interim rates to and calculate the POC reductions. The following photos document the degraded condition of the left streambank.



### Meadowcreek Golf Course Stream Restoration Project

The Meadowcreek Golf Course Stream Restoration Project exhibited severe streambank erosion, bed degradation, and moderate to severe incision. The following photos document the degraded condition of the stream.



### Moore's Creek at Azalea Park Stream Restoration Project

The Moore's Creek at Azalea Park Stream Restoration Project is a SLAF grant funded project anticipated to be completed in FY16. Moore's Creek currently exhibits moderate streambed erosion and significant streambank erosion. The stream is moderately incised and multiple debris jams and blockages are contributing to instability. DEQ staff met with the City on May 28<sup>th</sup>, 2015 to discuss the level of degradation present in the project reach. The conclusion was that the stream was degraded and therefore was an appropriate candidate for stream restoration. The following photos document the degraded condition of the stream.



### Meadow Creek Stream Restoration Project

The Meadow Creek Stream Restoration Project is a Virginia Aquatic Resources Trust Fund project completed in partnership with the City, largely on City land. Meadow Creek exhibited severe streambank erosion, lateral instability, streambed instability, moderate to severe incision, and degraded riparian buffer conditions. The following photos document the degraded condition of the stream.

