



CITY COUNCIL AGENDA
December 1, 2014

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

(Interviews and consideration of candidates for appointment to City boards and commissions, and acquisition of property for a sanitary sewer easement)

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
AWARDS/RECOGNITIONS
ANNOUNCEMENTS

Council Chambers

SIA Award

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 November 17

b. APPROPRIATION: Support for Two Additional Firefighter Medic Positions - \$130,000 (2nd of 2 readings)

c. APPROPRIATION: Local Emergency Management Performance Grant – \$7,500 (2nd of 2 readings)

d. APPROPRIATION: Reimbursement from the Thomas Jefferson Planning District Commission for Transportation Enhancement Grant Loan - \$300,000 (1st of 2 readings)

e. APPROPRIATION: Community Development Block Grant Funds for VIEW (Virginia Initiative for Employment not Welfare) Career Training - \$16,500 (1st of 2 readings)

f. APPROPRIATION: BAMA Works Foundation and LeRoi H. Moore Fund Sponsorship for Parks and Recreation Special Events- \$12,659.04 (1st of 2 readings)

g. APPROPRIATION: Medicaid/FAMIS Renewal Application Processing Appropriation - \$12,690 (1st of 2 readings)

h. RESOLUTION: Resolution of Support - Virginia Department of Conservation and Recreation Grant for Parkland Property Acquisition (1st of 1 reading)

i. RESOLUTION: CATEC-Major Facility Improvements and CATEC-VDOT Land Take Funds Transfer – \$186,697.39 (1st of 1 reading)

j. ORDINANCE: Quitclaim Gas Easement in Dunlora Forest to VDOT (2nd of 2 readings)

k. ORDINANCE: Procurement Code Amendments – Chapt. 22 (1st of 2 readings)

2. APPROPRIATION*

Year End Adjustments – FY2014 and General Fund Balance Transfer (1st of 2 readings)

3. RESOLUTION*

Market Plaza SUP at the 100 Block W. Water St. (1st of 1 reading)

4. RESOLUTION*

Finance Director Appointment (1st of 1 reading)

5. REPORT

McIntire Park East Design Update

6. REPORT

Skate Park Design Update

OTHER BUSINESS

MATTERS BY THE PUBLIC

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

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



Agenda Date:	November 17, 2014
Action Required:	Appropriation of Funds
Presenter:	Charles Werner, Fire Chief
Staff Contacts:	Charles Werner, Fire Chief
Title:	Appropriation from the Charlottesville-Albemarle Rescue Squad (C-A.R.S.) to Support Two Firefighter Medic Positions - \$130,000

Background:

The City of Charlottesville and the Charlottesville-Albemarle Rescue Squad jointly provide E.M.S. for the City. Based on a need to staff two ambulances during the day, C-A.R.S. has identified the need for the City to provide two F.T.E. Firefighter Medic positions. Per the existing Memorandum of Understanding (M.O.U.) between the City of Charlottesville and the Charlottesville-Albemarle Rescue Squad, C-A.R.S. has submitted a request for the City fire department to provide the staffing of two F.T.E. Firefighter Medic positions, Monday through Friday daytime. C-A.R.S. as agreed to provide \$130,000 to fund the positions.

Discussion:

The M.O.U. between the City and C-A.R.S. was put in place to establish an agreed methodology on how needs for Emergency Medical Services in the City would be identified and resolved.

Community Engagement:

This request follows the M.O.U. passed by City Council and the C-A.R.S. Board of Directors which incorporates recommendations of the City of Charlottesville E.M.S. Committee in 2007 (with the exception of the City adding staffed ambulances). This committee involved citizens from the City. This M.O.U. also has been approved and signed by the C-A.R.S. Board of Directors and City Council.

Alignment with City Council's Vision and Strategic Plan:

Approval of this agenda item aligns directly with Council's vision for Charlottesville to be **America's Healthiest City** and contributes to achieving the best E.M.S. care within the City of Charlottesville. Expected outcomes include maintaining of E.M.S. transport and advanced life support capabilities within the City of Charlottesville. The project contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community.

Budgetary Impact

The funds will be appropriated as part of the Fire Department's General Fund Operating budget. Funding of these positions will be reimbursed as outlined in the M.O.U. and subsequent updated letter of request.

Recommendation:

Staff recommends approval of this request and appropriation of the funds.

Alternatives:

There is no other acceptable alternative to address this issue.

Attachments:

City/C-A.R.S. Agreement for Funding of Two (2) Full-Time Medic Positions

APPROPRIATION
Charlottesville-Albemarle Rescue Squad (C-A.R.S.) to Support
Two Firefighter Medic Positions
\$130,000

WHEREAS, per the existing Memorandum of Understanding (M.O.U.) between the City and the Charlottesville-Albemarle Rescue Squad, C-A.R.S. has agreed to fund the staffing of two F.T.E. Firefighter Medic positions in the amount of \$130,000.

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Charlottesville, Virginia, that the sum of \$130,000 to be received by C-A.R.S. to support two new Firefighter Medic positions.

Revenue - \$130,000

Fund: 105

Cost Center: 3211001000

G/L Code: 451999

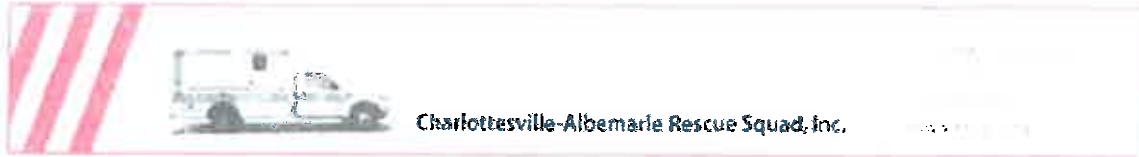
Expenditures: \$130,000

Fund: 105

Cost Center: 3211001000

G/L Code: 519999

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September 22, 2014

The City of Charlottesville City Manager's Office
P.O. Box 911
605 East Main Street
Charlottesville, VA 22902

RE: City/ C-ARS Agreement for Funding of Two (2) Full-Time Medic Positions

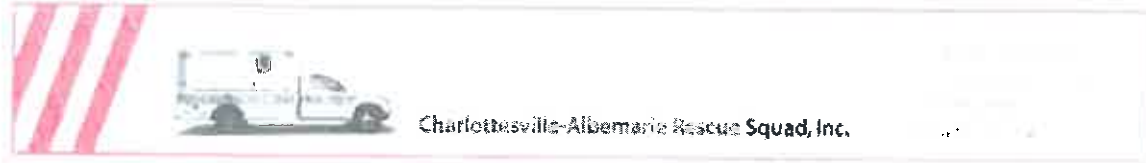
Dear Mr. Jones:

Pursuant to Section 5 of the City/ C-ARS MOU, I am requesting that the City agree to continue the existing full-time daytime medic position within the Charlottesville Fire Department (DT-MEDIC-1) and I also request that the City agree to add a second full-time daytime medic (DT-MEDIC-2) effective January 1, 2015.

The Charlottesville-Albemarle Rescue Squad (C-ARS) agrees to provide funding to the City in the amount of \$65,000 per year to defray the City's costs of hiring and employing a full-time employee in each position. C-ARS will make payment of its funding contribution as follows:

1. On or before December 31, 2014, C-ARS will pay the City the amount of \$65,000, representing (a) \$32,500 as contributed funding for DT-MEDIC-1 for the period July 1, 2014 through December 31, 2014, and (b) \$32,500 as contributed funding for DT-MEDIC-2 for the period January 1, 2015 through June 30, 2015; and
2. On or before June 30, 2015, C-ARS will pay the City the amount of \$65,000, representing (a) \$32,500 as contributed funding for DT-MEDIC-1 for the period January 1, 2015 through June 30, 2015, and (b) \$32,500 as contributed funding for DT-MEDIC-2 for the period July 1, 2015 through December 31, 2015.

The parties agree that the City's actual costs incurred to employ individuals in each of the two full-time medic positions referenced above, to the extent not covered by C-ARS' funding contributions, shall be considered costs the City has incurred that are directly related to assisting C-ARS in providing service in the City, for purposes of Section 6 of the City/ C-ARS MOU.

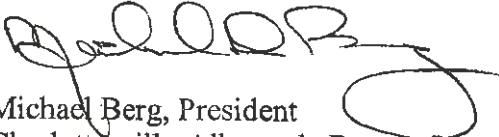


The City of Charlottesville City Manager's Office
September 22, 2014
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It is the intention of both the City and C-ARS that these two full-time medic positions will remain in place, and C-ARS' funding contributions will continue to be made on or before June 30 and December 31 of each year, until such time as this funding agreement may be terminated by either party, or modified by mutual agreement of the City and C-ARS. The City's obligations under this funding agreement are subject to the availability and appropriation of annual funding by the City Council. Either the City or C-ARS may terminate this funding agreement upon 180 days' advance written notice to the other.

The funding agreement set forth in this letter supersedes any prior funding agreement between the parties with respect to the medic position(s) referenced in this agreement.

Sincerely,


Michael Berg, President
Charlottesville-Albemarle Rescue Squad

Agreed:


Maurice Jones
Charlottesville City Manager

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



Agenda Date:	November 17, 2014
Action Required:	Appropriation
Presenter:	Kirby Felts, Emergency Management Coordinator
Staff Contacts:	Kirby Felts, Emergency Management Coordinator Gail Hassmer, Senior Accountant – Special Revenues Leslie Beauregard, Director, Budget and Performance Management
Title:	Local Emergency Management Performance Grant (L.E.M.P.G.) - \$7,500

Background:

The Virginia Department of Emergency Management has allocated \$7,500 in 2014 Emergency Management Performance Management Grant (L.E.M.P.G.) funding from the Federal Emergency Management Agency to the City of Charlottesville. The locality share is \$7,500, for a total project of \$15,000.

Discussion:

The City of Charlottesville is the grant administrator for this grant, which will be passed to the Office of Emergency Management at the Charlottesville-U.V.A.-Albemarle County Emergency Communications Center. The grant award period is July 1, 2014 to June 30, 2015. The objective of the L.E.M.P.G. is to support local efforts to develop and maintain a Comprehensive Emergency Management Program. The 2014 L.E.M.P.G. funds will be used by the Office of Emergency Management to enhance local capabilities in the areas of planning, training and exercises, and capabilities building for emergency personnel and the whole community.

Alignment with City Council’s Vision and Strategic Plan:

This project supports City Council’s America’s Healthiest City vision. It contributes to Goal 2: Be a safe, equitable, thriving and beautiful community, specifically 2.1 Provide an effective and equitable public safety system and 2.4 Ensure families and individuals are safe and stable. Expected outcomes include increased awareness by community members of local hazards and actions they can take to survive and recover from an emergency. A community’s health is linked to resilience in times of trouble. Efforts to empower community members to face emergency situations with knowledge and strategies to address resulting problems build the City’s capacity to bounce back from an emergency.

Community Engagement:

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

Budgetary Impact:

The funds will be expended and reimbursed to a Grants fund. The locality match of \$7,500 will be covered with an in-kind match from the Office of Emergency Management budget.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

If grants funds are not appropriated, the Office of Emergency Management will not be able to expand the workload for the Assistant Emergency Management Coordinator, directly affecting the quantity and quality of public outreach on emergency preparedness to community members.

Attachments:

N/A

APPROPRIATION
2014 Local Emergency Management Performance Grant (L.E.M.P.G.)
\$7,500

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

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

WHEREAS, the grant award covers the period from July 1, 2014 through June 30, 2015;

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

Revenue – \$7,500

\$7,500	Fund: 209	I/O: 1900235	G/L: 430120 State/Fed pass thru
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Expenditures - \$7,500

\$2,500	Fund: 209	I/O: 1900235	G/L: 510010 Salaries
\$5,000	Fund: 209	I/O: 1900235	G/L: 511010 Overtime Wages

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

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CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	December 1, 2014
Action Required:	Approve Appropriation
Presenter:	Leslie Beauregard, Director, Budget and Performance Management
Staff Contacts:	Leslie Beauregard, Director, Budget and Performance Management
Title:	Reimbursement from the Thomas Jefferson Planning District Commission for Transportation Enhancement Grant Loan - \$300,000

Background/Discussion: On April 21, 2014, City Council approved a short term loan to the Thomas Jefferson Planning District Commission in the amount of \$300,000 to assist them with cash flow related to the management of a Transportation Enhancement Grant that made improvements to the J.P.A./Emmet Street intersection. This loan has been repaid to the City and since the funds were taken from the Capital Improvement Program (C.I.P.) Contingency Account, staff is recommending that the funds be appropriated back into that account. This was the intent also stated in the agenda memo approved in April.

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

Community Engagement: N/A

Budgetary Impact: Once this appropriation is approved, the C.I.P. Contingency Account will have an available balance of approximately \$523,329.

Recommendation: Staff recommends approval and appropriation funds.

Alternatives: N/A

Attachments: N/A

APPROPRIATION.
Reimbursement from the Thomas Jefferson Planning District Commission for
Transportation Enhancement Grant Loan.
\$300,000.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$300,000, received as a loan repayment from the Thomas Jefferson Planning District Commission be appropriated in the following manner:

Revenues - \$300,000

Fund: 426 WBS: CP-080 G/L Account: 451160

Expenditures - \$300,000

Fund: 426 WBS: CP-080 G/L Account: 599999

ATTACHMENT 1



CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA

Agenda Date: April 21, 2014

Action Required: Approval of Resolution

Presenter: James E. Tolbert, AICP, Director of NDS
David Blount, TJPDC

Staff Contacts: James E. Tolbert, AICP, Director of NDS
Maurice Jones, City Manager

Title: **Transportation Enhancement Grant - \$300,000 Cash Flow Loan to TJPDC**

Background: Approximately three years ago the Thomas Jefferson Planning District Commission (TJPDC) applied for a Transportation Enhancement Grant on behalf of the City and a private developer of the property at the intersection of JPA and Emmet. The grant was to pay for a realignment of the intersection to increase pedestrian safety.

Discussion: This item is before City Council so you can consider a request by the TJPDC for a short term, no interest loan of \$300,000 to assist them with cash flow as they manage the grant. With construction expected to be substantially complete in 90 days, and with reimbursement from VDOT typically lagging 60-90 days behind requests, THPDC would face significant reductions in its cash flow over the short term of this project. Their intent is to repay the loan with the VDOT reimbursements.

Alignment with City Council Vision and Priorities: Approval of this agenda item aligns directly with the City Council Vision to be:

- A Smart Citizen Focused Government
- A Connected Community

City Council Agenda Memo

*RE: Transportation Enhancement Grant
\$300,000 Cash Flow Loan to TJPDC*

Page 1 of 4

ATTACHMENT 1

Citizen Engagement: While there has been no direct citizen engagement on this particular item, the project has been the subject of much engagement. When the road improvement was first proposed almost 15 years ago, there were numerous meetings with citizens and the University. Additionally when the Special Use Permit was approved there were neighborhood meetings and a public hearing.

Budgetary Impact: If approved, \$300,000 would be paid to the TJPDC from the CIP contingency. Those funds would be repaid within 6 months of the final project completion.

Recommendation: Staff recommends approval of the resolution to allocate \$300,000 from the CIP Contingency to the Thomas Jefferson Planning District Commission as a loan for the construction of improvements to the JPA/Emmet Street intersection. These funds will be repaid by the TJPDC with the project reimbursements received from VDOT. A letter agreement between the TJPDC and the City will be executed by the City manager to outline repayment terms.

Alternatives: Council could choose not to approve the resolution.

Attachments: Resolution
TJPDC Request Letter
Approved Plan

ATTACHMENT 1

RESOLUTION

Transportation Enhancement Grant – Cash Flow Loan to TJPDC \$300,000

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

\$300,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To

\$300,000 Fund: 426 WBS: P-00809 G/L Account: 599999

ATTACHMENT 1
 *Thomas Jefferson*
Planning District Commission
Regional Vision • Collaborative Leadership • Professional Service

April 7, 2014

Mr. Maurice T. Jones, City Manager
City of Charlottesville
605 East Main Street
PO Box 911
Charlottesville, VA 22902

RE: Loan Request for Construction Phase of the Emmet/JPA Bicycle and Pedestrian Improvements

Dear Mr. Jones:

In 2011, the Thomas Jefferson Planning District Commission (TJPDC) agreed to serve as the Sponsor for improvements at the Emmet/JPA intersection, at the City's request. TJPDC submitted a successful application for \$300,000 in Transportation Enhancement Program (TEA) grant funding on November 1, 2011. The application included the attached extract of the October 17, 2011 City Council meeting approving the request, and the October 25, 2011 letter from James Tolbert, indicating the City has approved the design, agrees to maintain all improvements in the public right-of-way, supports TJPDC's application, and has appropriated \$75,000 to the project.

As the Sponsor for the project, TJPDC is responsible for all activities necessary to complete the work. TJPDC is also required to administer all aspects of the project, to meet all funding obligation and expenditure timeline requirements, to submit reimbursement requests to the Virginia Department of Transportation (VDOT) and to ensure Civil Rights compliance. The contractor for this project, Digs, Inc., was selected through a competitive bid process and the \$320,050 construction contract, dated March 25, 2014, is in place. Project costs also include inspection and testing, a construction contingency, and staff costs for TJPDC and VDOT, to comprise the full \$375,000 of grant and match funds available.

The construction contract calls for substantial completion within 90 days of the Notice to Proceed (which should occur within the next two weeks) and completion of the project within another 30 days. The contractor will bill TJPDC once per month, with payments to the contractor due within 10 days. A payment to the contractor must be made prior to TJPDC requesting a reimbursement from VDOT for the TEA grant funds. Our experience with reimbursement through VDOT is there is at least a 60-day turnaround from invoice submission to reimbursement; thus we expect 90% to 100% of payments to be made to the contractor prior to receipt of any reimbursement.

Therefore, in order to handle the cash-flow demands of this short-term project, TJPDC requests that the City of Charlottesville provide a no interest loan to TJPDC of \$300,000 for a period of not more than six (6) months. Billie Campbell, Senior Program Manager, and I are glad to address any questions you may have or to provide any additional information you may desire about this project and this request.

Thank you for your consideration of this request.

Sincerely,

Dayid Blount
Acting Executive Director

Enclosures as noted

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

401 East Water Street • Post Office Box 1505 • Charlottesville, Virginia 22902-1505
Telephone (434) 979-7310 • Fax (434) 979 1597 • Virginia Relay Users: 711 (TDD) • email: info@tjpd.org • web: www.tjpd.org

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



Agenda Date:	December 1, 2014
Action Required:	Approve Appropriation
Presenter:	Diane Kuknyo, Director, Dept. of Social Services
Staff Contacts:	Kelly Logan, V.I.E.W. Program Supervisor, Dept. of Social Services Laura Morris, Chief of Administration, Dept. of Social Services Diane Kuknyo, Director, Dept. of Social Services
Title:	Appropriation of Community Development Block Grant Funds for VIEW (Virginia Initiative for Employment not Welfare) Career Training - \$16,500

Background:

\$16,500 of the City of Charlottesville's Community Development Block Grant has been designated for VIEW participant career training.

Discussion:

This funding will serve residents of the City of Charlottesville who receive Temporary Assistance to Needy Families (T.A.N.F.) and are enrolled in Virginia Initiative for Employment not Welfare (VIEW) through the Department of Social Services. The VIEW program serves parents in households with children up to the age of 18. All participants in the VIEW program are considered low-income with annual incomes below 100% of the federal poverty level for single parent households and below 150% of the federal poverty level for two parent households.

Hospitality/tourism, technology, healthcare, and transportation have been identified as fast-growing career opportunities in the Thomas Jefferson Planning District. This program will offer four separate certification tracks in each of these career sectors. Each track will include industry recognized technical certification. Coupled with this technical training, the program will also contain workshops enhancing soft skills, including customer service training. Soft skills training have been increasingly identified by employers as crucial to job retention.

While clients are enrolled in these series of trainings, Department of Social Services staff will provide ongoing case management support.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with Council's vision for the City of Charlottesville to **enhance the self-sufficiency of our residents; promote education and training; and develop a quality workforce.**

Community Engagement:

Department staff will work closely with existing, local resources, including:

- Piedmont Virginia Community College (P.V.C.C.) for the Career Readiness Certificate (C.R.C.)
- Charlottesville/Albemarle Technical Education Center (C.A.T.E.C.)
- Virginia Cooperative Extension Office (V.C.E.) for Customer Service training, and ServSafe certification for food safety and handling.
- The American Red Cross for C.P.R. and First Aid training.
- Department of Tourism for Certified Tourism Ambassador certification
- Local employer and workforce partnerships.

Budgetary Impact:

The grant funds have been received and will be appropriated into Fund 212.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

If the grant funds are not appropriated, the Department of Social Services will be unable to offer these targeted certification trainings to VIEW participants.

Attachments:

N/A

APPROPRIATION.

**Community Development Block Grant Funds for VIEW (Virginia Initiative for Employment not Welfare) Career Training.
\$16,500.**

WHEREAS, The City of Charlottesville has received a Community Development Block Grant and a portion of the funding, \$16,500, has been designated for VIEW participant career training.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$16,500 is hereby appropriated in the following manner:

Revenue – \$16,500

Fund: 212 Cost Center: 3333002000 G/L Account: 451022

Expenditures - \$16,500

Fund: 212 Cost Center: 3333002000 G/L Account: 540060

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



Agenda Date:	December 1, 2014
Action Required:	Appropriation of Funds
Presenter:	Brian Daly, Director, Parks and Recreation
Staff Contacts:	Brian Daly, Director, Parks & Recreation Leslie Beauregard, Director, Budget and Performance Management
Title:	BAMA Works Foundation and LeRoi H. Moore Fund Sponsorship for Parks and Recreation Special Events- \$12,659.04

Background:

The Charlottesville Parks & Recreation Department, through a partnership with BAMA Works and the LeRoi H. Moore Fund, has received generous financial sponsorship for several special events offered to the community. The Sunday Sundowns at Washington Park during the summer of 2014, were conducted through \$12,659.04 in direct financial support from the BAMA Works Foundation and the LeRoi H. Moore Fund.

Discussion:

Sunday Sundowns is a three-part event at Washington Park for an afternoon of swimming, music, food and community gathering. For each event, Charlottesville Parks & Recreation provided the upfront funds for staff, entertainment and other supplies out of the general fund operating budget. Subsequently, BAMA Works and the LeRoi H. Moore fund provided funding in support of the events. This item requests appropriation of those funds into the cost center budgets that supported the up-front costs for the events.

The appropriation replacement of these funds is necessary because Parks & Recreation has already expended money from the general fund to produce these events.

Alignment with Council Vision Areas and Strategic Plan:

Appropriation of this item aligns with the City Council Visions of America's Healthiest City and a Smart, Citizen-Focused Government. These programs support Goal 5 of the City's Strategic Plan: Foster Strong Connections, and Objective 5.3: Promote Community Engagement

Community Engagement:

No specific community engagement occurred in the securing of these sponsorship funds.

Budgetary Impact:

If these funds are not appropriated the City's General Fund will cover the costs of these community events and the donation received from Bama Works and the LeRoi H. Moore fund will not have been used as intended. Also, the appropriation of these funds is necessary because Parks & Recreation has already expended money from their general fund operating budget to produce these events.

Recommendation:

Staff recommends the appropriation of these funds.

Alternatives:

If these funds are not appropriated the City's General Fund will cover the costs of these community events and the donation received from Bama Works and the LeRoi H. Moore fund will not have been used as intended.

Attachments:

N/A

APPROPRIATION.
Special Events Sponsorships.
\$12,659.04.

WHEREAS, the City of Charlottesville, through the Parks & Recreation Department, has received sponsorship funds in the amount of \$12,659.04 from BAMA Works and the Leroi H. Moore Fund for the Sunday Sundowns events,

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

Revenue

\$12,659.04	Fund: 105	Cost Center: 2000121	G/L Account: 451020
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Expenditures

\$2,572.00	Fund: 105	Cost Center: 3631001000	G/L Account: 510030
\$1,920.00	Fund: 105	Cost Center: 2000121	G/L Account: 510030
\$8,167.04	Fund: 105	Cost Center: 2000121	G/L Account: 520600

BE IT FURTHER RESOLVED, that future payments and contributions from BAMA Works and the LeRoi H. Moore Fund will be hereby considered as a continuing appropriation and immediately available for the Parks & Recreation Department to fund community special events, or other activities otherwise directed by the donor.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 1, 2014
Action Required:	Approve Appropriation Request
Presenter:	Diane Kuknyo, Director, Department of Social Services
Staff Contacts:	Diane Kuknyo, Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Medicaid/F.A.M.I.S. Renewal Application Processing Appropriation - \$12,690

Background:

The Virginia Department of Social Services is allocating one-time funding in the amount of \$12,690 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 September 16, 2014, there were 45,219 overdue Medicaid/F.A.M.I.S. renewal applications state-wide.

Discussion:

The Charlottesville Department of Social Services has 282 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.
Medicaid/F.A.M.I.S. Overdue Application Processing.
\$12,690.

WHEREAS, The Charlottesville Department of Social Services has received funding in the amount of \$12,690 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 \$12,690 is hereby appropriated in the following manner:

Revenue – \$12,690

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

Expenditures - \$12,690

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

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



Agenda Date:	December 1, 2014
Action Required:	Approve Resolution in Support of Grant Application
Presenter:	Chris Gensic, Park and Trail Planner, Parks and Recreation
Staff Contacts:	Chris Gensic, Park and Trail Planner, Parks and Recreation
Title:	Resolution of Support - Virginia Department of Conservation and Recreation Grant for Parkland Property Acquisition

Background:

The City of Charlottesville, through Parks and Recreation, is applying for a Virginia Land Conservation Foundation grant to purchase property along Moore's Creek. The City will provide 50% of the cost of acquisition and the foundation will match that amount to meet the total purchase price negotiated with the landowner. The application requires a local government resolution of support and funding match guarantee.

Discussion:

During the master planning process for Azalea Park, one item requested by the public was expansion of the park through acquisition of this property. This will allow for more recreational use, a trail bridge over Moore's Creek, and continued work to manage urban stream and forest resources. Acquisition of this parcel will increase the feasibility of the proposed stream work, will provide expanded stream corridor protection, and may present additional opportunities for recreation at this location.

Alignment with Council Vision Areas and Strategic Plan:

This project supports City Council's "Green City" vision as well as the "Connected Community" vision, and with Goal 2 in the Strategic Plan of being

Community Engagement:

This project is included in the Azalea Park Master Plan as well as the Comprehensive Plan, both of which were developed with many public input meetings.

Budgetary Impact:

The required 50% financial match to the proposed grant award will come from appropriated CIP funds and the grant will require that the land acquired be permanently available as public open space.

Recommendation:

Staff recommends approval of the resolution in support of the grant application.

Alternatives:

If grants funds are not pursued, the funding for this section of trail will have to come entirely from local sources.

Attachments:

N/A

RESOLUTION.
Virginia Land Conservation Foundation Project Endorsement.

Whereas, the Virginia Land Conservation Foundation offers matching funds for the purchase of parkland properties; and

Whereas, the City of Charlottesville is seeking to acquire property for parkland, trail, and stormwater mitigation purposes,

Now, Therefore, Be It Resolved, that the City of Charlottesville hereby agrees to provide a minimum 50 percent matching contribution for this project.

Be It Further Resolved, that the City of Charlottesville hereby agrees to enter into a project administration agreement with the Virginia Department of Conservation and Recreation to ensure the property acquired is to be available for public recreational and open space use in perpetuity.

Be It Further Resolved, that the City of Charlottesville will be responsible for maintenance and operating costs of any property purchased using Virginia Land Conservation Foundation funding.

Be It Further Resolved, that if the City of Charlottesville subsequently elects to sell the property, the City of Charlottesville hereby agrees to reimburse the Virginia Land Conservation Foundation for the total amount of costs expended by the Foundation.

Adopted this 1st day of December, 2014

By: _____

Attest

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



Agenda Date:	December 1, 2014
Action Required:	Adoption of Resolution
Presenter:	Mike Mollica, Division Manager, Facilities Development – Capital Projects Coordinator
Staff Contacts:	Leslie Beauregard, Director, Budget and Performance Management Mike Mollica, Division Manager, Facilities Development – Capital Projects Coordinator
Title:	Transfer of Funds from C.A.T.E.C.-Major Facility Improvements and C.A.T.E.C.-V.D.O.T. Land Take Funds to C.A.T.E.C. Department of Education Interior Renovation account - \$186,697.39

Background:

The Charlottesville-Albemarle Technical Education Center (C.A.T.E.C.) Major Facilities Improvements project and the “V.D.O.T. Land Take Negotiations” Funds project (see attached Agenda Memo and Appropriation approved in 2010 that earmarked these funds for various improvements around the campus) are complete and ready to be closed. The available remaining budgets in these accounts were previously earmarked for the upcoming Department of Education’s mandated Interior Renovation project at C.A.T.E.C. The funds are needed to supplement the project budget, which is currently underfunded in the F.Y. ‘14 facilities lump sum account. Available funding reflected in C.P.-014 is programmed for other projects. The total amount being requested as a transfer is \$186,697.39.

Discussion:

In 2011, the Department of Education’s Office of Federal Program Monitoring performed an on-site compliance audit of C.A.T.E.C. and determined that there were deficiencies in the current building configuration that violate their requirement for all institutions receiving federal funding, to ensure equal access to education and promote educational opportunities to all students.

In response, the Facilities Development Division, in conjunction with Train Architects, implemented a compliance action plan, developed design documents and obtained a cost estimate to determine the funding requirements needed to move forward with this D.O.E. edict project.

At this time, bid documents are complete. The plan forward is to bid this work during January and February, for construction over the summer of 2015.

Alignment with Council Vision Areas and Strategic Plan:

These projects support City Council’s “A Center for Lifelong Learning” vision. It contributes to Goal 4 of the Strategic Plan, Be a well-managed and successful organization, and objective 4.1, to align resources with City’s strategic plan.

Community Engagement:

N/A

Budgetary Impact:

The funds to be transferred were previously appropriated to the C.A.T.E.C. Major Facilities Improvements and the C.A.T.E.C. V.D.O.T. Land Take Funds projects.

Although the City is the lead agency with regard to this facility, Albemarle County is a 50% financial partner, and they will reimburse the City for their share of the project after completion of the work.

Recommendation:

Staff recommends approval of this resolution.

Alternatives:

N/A

Attachments:

Agenda Memo and Appropriation – December 20, 2010 – C.A.T.E.C. Improvements
Appropriation of V.D.O.T. Funds - \$167,312.71

ATTACHMENT 1



CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA

Agenda Date:	December 20, 2010
Action Required:	Approve Appropriation
Staff Contacts:	Leslie Beauregard, Director, Budget and Performance Management Mike Mollica, Public Works Facilities Management
Presenter:	Leslie Beauregard, Director, Budget and Performance Management
Title:	CATEC Improvements – Appropriation of VDOT Funds - \$167,312.71

Background: This request is a part of the CATEC “land take” negotiations with VDOT in 2007 and 2008, associated with the northern portion of the Meadowcreek Parkway. VDOT’s settlement with CATEC, in part, included the payment of \$334,625.42 in compensation for property and easements associated with the new roadway and utility re-alignments. Payment in the amount of \$167,312.71 has been provided to both the City and to Albemarle County.

Discussion: Appropriation of the \$167,312.71 will be in a CATEC account, and use of those funds will be as directed by the CATEC Board.

At this time, the CATEC Board has approved the use of a portion of these funds for safety & circulation improvements at the bus loading area, as well as safety & circulation improvements to the vehicular parking and loading areas in the main parking lot. This work is now in the design phase, and it is anticipated that construction of the improvements would occur this summer, 2011.

These funds will also be used for lighting & landscaping improvements to the main parking lot, as well as for a new monument sign at the relocated entry on the Meadowcreek Parkway.

Budgetary Impact: Funds will be appropriated into a capital improvement fund account.

Recommendation: Approve the requested appropriation.

Alternatives: N/A

Attachments: N/A

ATTACHMENT 1

APPROPRIATION CATEC Improvements to Bus Loading Area Appropriation of VDOT Funds \$167,312.71

WHEREAS, the Virginia Department of Transportation has awarded the City of Charlottesville \$167,312.71 as part of the “land take” negotiations with VDOT in 2007 and 2008, associated with the northern portion of the Meadowcreek Parkway.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$167,312.71 received is hereby appropriated in the following manner:

Revenues

\$75,000	Fund: 425	Project: P-00554	G/L Account: 432085
\$92,313.71	Fund: 426	Project: P-00631	G/L Account: 432085

Expenditures

\$75,000	Fund: 425	Project: P-00554	G/L Account: 599999
\$92,313.71	Fund: 426	Project: P-00631	G/L Account: 599999

RESOLUTION.

**Transfer of funds from the CATEC Major Facilities Improvements and VDOT Land Take
Funds project accounts for the CATEC – DOE Interior Renovation project.
\$186,697.39.**

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

\$97,607.13	Fund: 426	WBS: P-00426	G/L Account: 599999
\$89,090.26	Fund: 426	WBS: P-00631	G/L Account: 599999

Transfer To

\$186,697.39	Fund: 426	WBS: CP-014/P-785-06	G/L Account: 599999
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**CITY OF CHARLOTTESVILLE
CITY COUNCIL AGENDA**



Agenda Date:	November 17, 2014
Action Required:	Yes (First Reading of Ordinance)
Staff Contacts:	Craig Brown, City Attorney Phillip Garber, P.E., Chief Gas Engineer
Title:	Quitclaim Gas Easement to VDOT (Dunlora Forest Subdivision)

Background: In 2013 the City acquired a gas line easement within the Dunlora Forest Subdivision in Albemarle County. The Virginia Department of Transportation is now prepared to accept the roadways identified as Sawgrass Court and Barefoot Court in this subdivision into the state highway system. At the request of the Gas Division, we have drafted an ordinance and deed quitclaiming to VDOT the easement crossing these roadways.

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

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

Community Engagement: Not applicable.

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

Budgetary Impact: None.

Recommendation: Approval of the attached ordinance and quitclaim deed.

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

cc: Phil Garber, Gas Division

**AN ORDINANCE
TO QUITCLAIM A NATURAL GAS LINE EASEMENT
WITHIN SAWGRASS COURT AND BAREFOOT COURT
LOCATED IN THE DUNLORA FOREST SUBDIVISION IN ALBEMARLE COUNTY
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadways known as Sawgrass Court and Barefoot Court in the Dunlora Forest Subdivision in Albemarle County; and

WHEREAS, the City owns natural gas lines located within these roadways, and also owns an easement for such lines, and VDOT has asked that the foregoing easement crossing Sawgrass Court and Barefoot Court be released upon VDOT's acceptance of the roadways; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easement to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said rights-of-way.

*Prepared by Charlottesville City Attorney's Office
S. Craig Brown, City Attorney (VSB #19286)
Albemarle County Tax Map 62F (Sawgrass Court; Barefoot Court)*

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

DEED OF QUITCLAIM

THIS DEED OF QUITCLAIM, made and entered into on this ____ day of _____, 2014, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, the easements and rights of way, as shown on the attached plat made by the City of Charlottesville Gas Division dated October 23, 2014, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in Sawgrass Court and Barefoot Court in the Dunlora Forest Subdivision in the County of Albemarle, namely: Two Inch (2") natural gas lines and related gas facilities upon and across Sawgrass Court and Barefoot Court, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easement in Sawgrass Court and Barefoot Court was conveyed to the City by deed from Rock Creek Properties, LLC, dated February 1,

2013, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4329 at page 736.

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

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

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

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

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

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

CITY OF CHARLOTTESVILLE, VIRGINIA

BY: _____
Satyendra Singh Huja, Mayor

ATTEST:

Clerk of Council

STATE OF VIRGINIA
CITY OF CHARLOTTESVILLE

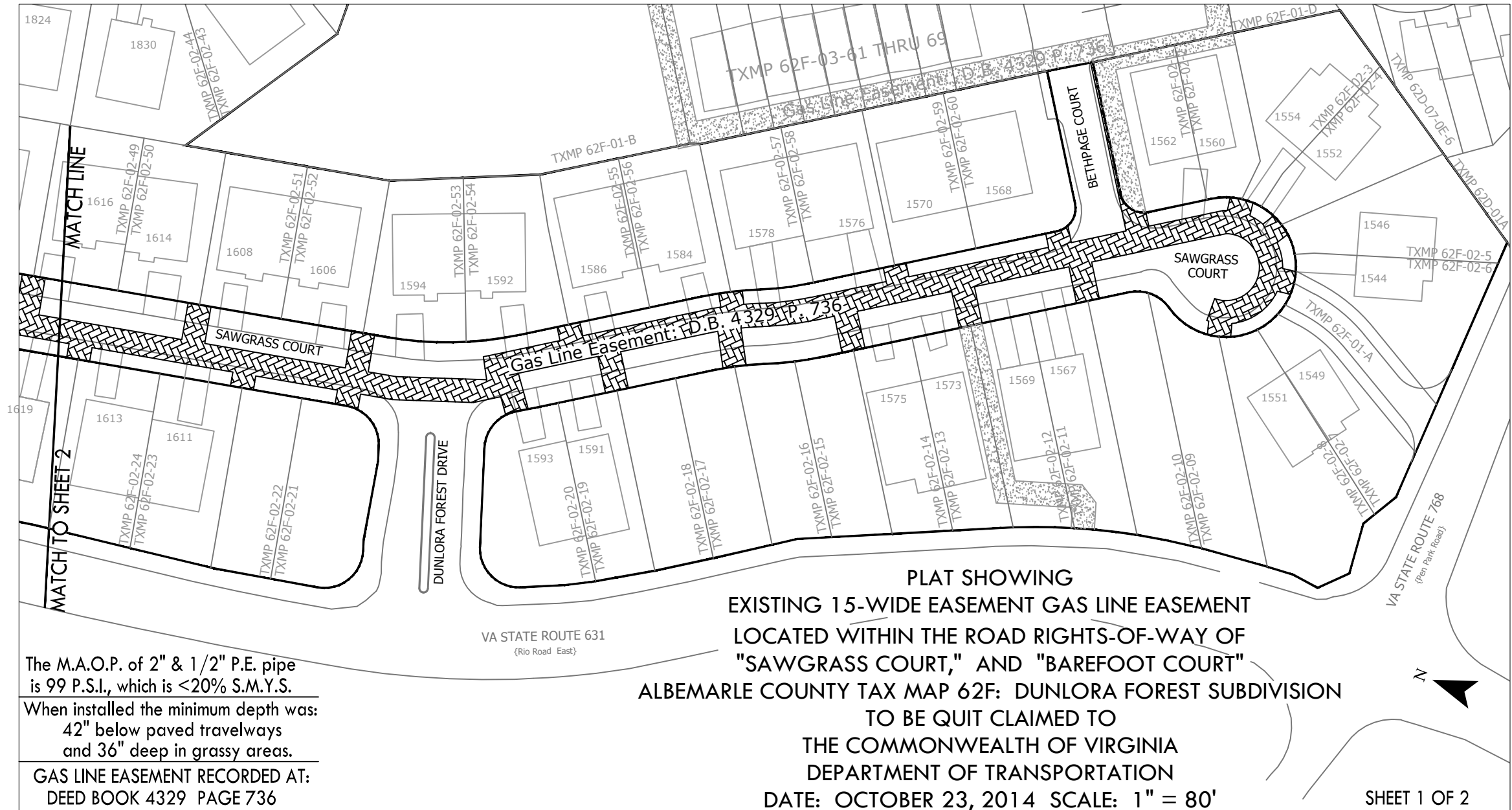
I, _____, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Satyendra Singh Huja, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of November _____, 2014, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires _____.

Given under my hand this _____ day of November, 2014.

Notary Public
Registration # _____

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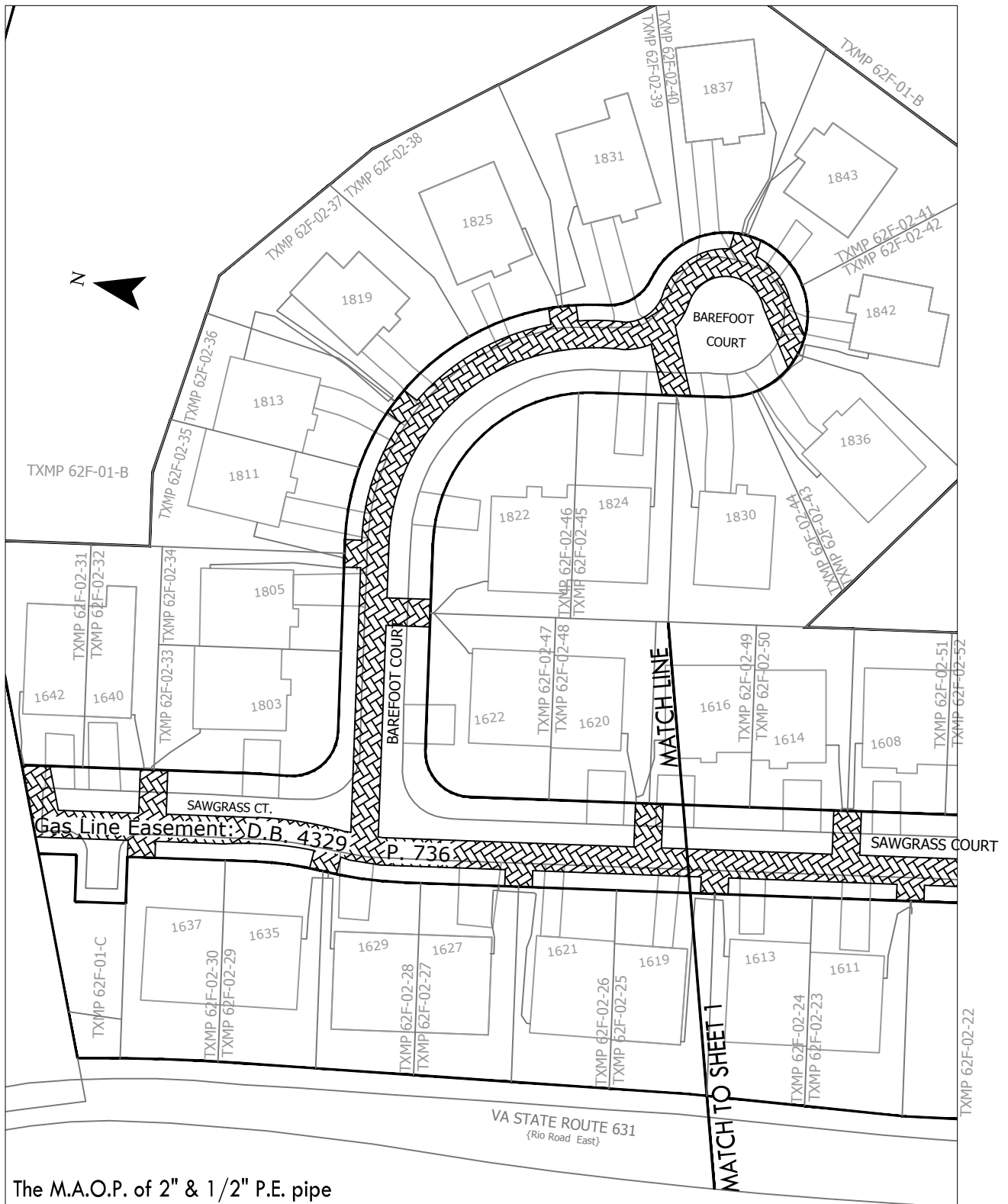


The M.A.O.P. of 2" & 1/2" P.E. pipe is 99 P.S.I., which is <20% S.M.Y.S.

When installed the minimum depth was:
 42" below paved travelways
 and 36" deep in grassy areas.

**GAS LINE EASEMENT RECORDED AT:
 DEED BOOK 4329 PAGE 736**

**PLAT SHOWING
 EXISTING 15-WIDE EASEMENT GAS LINE EASEMENT
 LOCATED WITHIN THE ROAD RIGHTS-OF-WAY OF
 "SAWGRASS COURT," AND "BAREFOOT COURT"
 ALBEMARLE COUNTY TAX MAP 62F: DUNLORA FOREST SUBDIVISION
 TO BE QUIT CLAIMED TO
 THE COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF TRANSPORTATION
 DATE: OCTOBER 23, 2014 SCALE: 1" = 80'**



The M.A.O.P. of 2" & 1/2" P.E. pipe
is 99 P.S.I., which is <20% S.M.Y.S.

When installed the minimum depth was:
42" below paved travelways
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GAS LINE EASEMENT RECORDED AT:
DEED BOOK 4329 PAGE 736

PLAT SHOWING
EXISTING 15'-WIDE GAS LINE EASEMENT
LOCATED WITHIN THE ROAD RIGHTS-OF-WAY OF
"SAWGRASS COURT," AND "BAREFOOT COURT"
ALBEMARLE COUNTY TAX MAP 62F: DUNLORA FOREST SUBDIVISION
TO BE QUIT CLAIMED TO
THE COMMONWEALTH OF VIRGINIA
DEPARTMENT OF TRANSPORTATION
DATE: OCTOBER 23, 2014 SCALE: 1" = 80'

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: December 1, 2014

Action Required: Approve Changes to City Code Chapter 22 (Procurement)

Presenter: Jennifer Stieffenhofer, Procurement and Risk Manager

Staff Contacts: Jennifer Stieffenhofer, Finance Department, Procurement & Risk Management Division

Title: City Code Changes – Chapter 22 - Procurement

Background: The Procurement section of the City of Charlottesville *Code of Ordinances* was last updated in 2004. Since that time, the Virginia General Assembly has made changes to the Code of Virginia, specifically the *Virginia Public Procurement Act*, and elements of the Procurement section of City Code are no longer consistent with the *Virginia Public Procurement Act*. In addition, the Commonwealth and many other public agencies have increased their small purchase threshold. In 2000, the Commonwealth increased its small purchase threshold from \$30,000 to \$50,000, and in 2011 the Commonwealth increased its small purchase threshold to \$100,000.

The City of Charlottesville’s small purchase threshold is \$30,000. Following is how Charlottesville compares to other public agencies in Charlottesville:

Albemarle County	\$50,000
Albemarle County Schools	\$50,000
Charlottesville City Schools	\$100,000
Rivanna Water and Sewer Authority	\$100,000
Commonwealth of Virginia agencies in Charlottesville	\$100,000

Discussion – Increasing the City’s Small Purchase Threshold: Request approval to increase the small purchase threshold from \$30,000 to \$50,000 with implementation effective 3/1/2015.

If the City’s small purchase threshold is increased from \$30,000 to \$50,000, this will enable the City to implement an efficient competitive procurement process that is less cumbersome and more expedient for purchases that fall within this dollar range. The City currently has small purchase procedures in place for purchases \$30,000 and below. The increase in the small purchase threshold will:

- Provide a competitive environment for small purchases, but reduce procurement lead time because:
 - Small purchases do not require a minimum 10 day posting period which means the procurement process for these purchases will have a faster turnaround time.

- Vendor responses to small purchase requests can be received more efficiently by email, fax, etc. vs. sealed and delivered in person or by mail which is required for larger purchases.
- Provide a less complex process for vendors.
 - Vendor responses to small purchase requests are generally less complex, contain fewer terms and conditions, and are easier for a potential bidder to respond to.
- Provides an increased threshold for the City’s small purchase procedures which will be applied to the City’s Disadvantaged Business Enterprise Program which facilitates participation of small businesses and businesses owned by women, minorities, and service disabled veterans in the City’s procurement transactions.

Additional Information:

The City’s single quote limit is currently \$2,500. Although increasing this single quote limit does not require a City Code change, it does require approval of the City Manager. It is the intent of the Purchasing Manager to request approval of the City Manager to increase the single quote limit from \$2,500 to \$5,000 for the City, with a lower single quote limit of \$3,000 for Charlottesville Area Transit (CAT). The \$3,000 single quote limit for CAT aligns with the requirements of their Federal Transit Administration funding requirements. A single quote limit of \$5,000 for the City will align the City with other public agencies. Following is how Charlottesville compares to other public agencies in Charlottesville:

Albemarle County	\$5,000
Albemarle County Schools	\$5,000
Charlottesville City Schools	\$2,500
Rivanna Water and Sewer Authority	\$5,000
Commonwealth of Virginia agencies in Charlottesville	\$5,000

Following is a sample of other Virginia public agencies that have a single quote limit of \$5,000:

City of Harrisonburg	\$5,000
Orange County	\$5,000
City of Richmond	\$5,000
Chesterfield County	\$5,000
City of Alexandria	\$5,000
Goochland County	\$5,000

Discussion – Changes to Chapter 22 of City Code for Consistency with State Code and for Efficiency: Several minor amendments are proposed to update Chapter 22 to reflect recent changes to the Code of Virginia. Minor changes to Section 22-5(11) to increase efficiency in the procurement of natural gas, and to Section 25-6 to allow additional authority for the purchasing manager to negotiate with a lowest responsible bidder to bring a contract price within budget.

Alignment with City Council's Vision and Priority Areas: The changes to Chapter 22 of the City of Charlottesville Code of Ordinances align with Council's vision for Charlottesville to be a Smart, Citizen-Focused Government. It contributes to Goal 4 of the Strategic Plan, Be a well-managed and successful organization, and objective 4.2, maintain strong fiscal policies.

Budgetary Impact: There is no anticipated impact on the General Fund. Departments will continue to be obligated to ensure any contracts are within their budget.

Recommendation: Staff recommends approval of these ordinance changes.

Alternatives: If the ordinance change is not approved, the City cannot implement the efficiency improvements planned for purchases \$30,000 - \$50,000, and elements of Chapter 22 of the City Code of Ordinances will be inconsistent with State Law.

Attachment: Proposed Ordinance.

AN ORDINANCE
AMENDING AND REORDAINING CHAPTER 22 (CITY PROCUREMENT OF GOODS
AND SERVICES FROM NON-GOVERNMENTAL SOURCES) OF THE
CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED.

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Sections 22-1, 22-4, 22-5, 22-6 and 22-32 of Chapter 22 of the Charlottesville City Code, 1990, as amended, are hereby amended and reordained, as follows:

CHAPTER 22. CITY PROCUREMENT OF GOODS AND SERVICES
FROM NON-GOVERNMENTAL SOURCES

ARTICLE I. In General

Sec. 22-1. Findings; purpose.

The purpose of this chapter is to supplement the provisions of the Virginia Public Procurement Act (Code of Virginia, § ~~2.2-4300~~~~41-35~~ et seq., as amended), by enunciating the city's policies pertaining to governmental procurement from nongovernmental sources, to encourage competition among vendors and contractors, to provide for the fair and equitable treatment of all persons involved in public purchasing by the city, to maximize the purchasing value of public funds in procurement so that high quality goods and services may be obtained at the lowest possible price, and to increase public confidence in procurement practices by providing safeguards for maintaining a procurement system of quality and integrity.

...

Sec. 22-4. Methods of procurement authorized.

(a) All city contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services (including construction services) or insurance, shall be awarded after competitive sealed bidding or competitive negotiation, unless otherwise authorized by the Virginia Public Procurement Act or this chapter.

(b) Goods, non-professional services, and insurance shall be procured by competitive sealed bidding.

(1) Upon a written determination, made in advance by the purchasing manager, that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, goods, services, or insurance may be procured by competitive negotiation. The writing shall document the basis for this determination.

(2) Upon a written determination, made in advance by the purchasing manager, that competitive negotiation is either not practicable or not fiscally advantageous,

insurance may be procured through a licensed agent or broker. The licensed agent or broker shall be selected in the manner provided for the procurement of things other than professional services using a competitive negotiations process.

(c) Construction services shall be procured by competitive sealed bidding. However, upon a written determination, made in advance by the purchasing manager, that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, the following construction services may be procured by competitive negotiation:

~~(1) Contracts for the construction, alteration, repair, renovation or demolition of buildings, when such contract is not expected to cost more than one million dollars (\$1,000,000.00), or~~

~~(2)(1) Contracts for the construction of public streets and any draining, dredging, excavation, grading or similar work upon real property-, or~~

~~(2) For design-build and construction management contracts as provided in § 2.2-4308 of the Code of Virginia.~~

The purchasing manager's determination shall document the basis for his determination.

(d) Upon a written determination, made in advance by the purchasing manager, that there is only one (1) source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The purchasing manager shall issue a written notice stating that only one (1) source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted [on the City's website](#). [In addition, the notice may be posted](#) in a designated public area or published in a newspaper of general circulation on the day the city awards or announces its decision to award the contract, whichever occurs first. ~~Public notice may also be published on the city's website.~~

(e) In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be prepared by the procurement manager and included in the contract file. The purchasing manager shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted [on the City's website](#). [In addition, the notice may be posted](#) in a designated public area or published in a newspaper of general circulation on the day the city awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. ~~Public notice may also be published on the city's website.~~

(f) The purchasing manager may establish written procedures, approved by the city manager, for single- or term-contracts for goods, services and professional services, if the aggregate or the sum of all amounts to be paid to the contractor during performance is not expected to exceed ~~thirty-fifty~~ thousand dollars (\$~~350,000.00~~) ("small purchase procedures"). Such small purchase procedures shall provide for competition wherever practicable.

(g) Upon a determination made in advance by the purchasing manager and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates, shall not be made by online public auctions.

(h) The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates, shall not be made by reverse auctioning.

(i) The city may participate in, sponsor, conduct, or administer a cooperative procurement agreement on behalf of or in conjunction with one (1) or more other public bodies, or public agencies or institutions or localities of the several states, of the Commonwealth of Virginia, of the United States or its territories, the District of Columbia, or the U.S. General Services Administration, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods and services. ~~Except for contracts for professional services, a~~ public body may purchase from another public body's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was being conducted on behalf of other public bodies, ~~except for:~~

- (1) Contracts for architectural or engineering services; or
- (2) Construction in excess of \$200,000 by a local public body from the contract of another local public body that is more than a straight line distance of 75 miles from the territorial limits of the local public body procuring the construction. The installation of artificial turf or other athletic surfaces shall not be subject to the limitations prescribed in this subsection. Nothing in this subsection shall be construed to prohibit sole source or emergency procurements awarded pursuant to subsections (d) and (e) of this section.

(j) No contract for the construction of any building or for an addition to or improvement of an existing building by the city or any of its agencies, boards or departments for which state funds of not more than ~~thirty-fifty~~ thousand dollars (\$~~350,000.00~~) in the aggregate or for the sum of all phases of a contract or project either by appropriation, grant-in-aid or loan, are

used or are to be used for all or part of the cost of construction, shall be let except after competitive sealed bidding or competitive negotiation.

(k) Upon a determination made in advance by the purchasing manager and set forth in writing that neither competitive sealed bidding nor competitive negotiations would be practicable or fiscally advantageous to the city, the city in its capacity as a utility operator may purchase services through or participate in contracts awarded by one (1) or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq. of the Code of Virginia), provided that the purchasing manager certifies in writing that the contract has been awarded based on competitive principles.

Sec. 22-5. Exemption for certain transactions.

The provisions of this chapter shall not apply to:

- (1) Contracts for the acquisition of motor vehicles for sale or transfer to temporary assistance to needy families (TANF) recipients.
- (2) Contracts for goods or personal services for direct use by recipients of the following programs, if the procurement is made for an individual recipient: public assistance and social services programs, as defined in § 63.2-100 of the Virginia Code, or the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq. of the Virginia Code). Contracts for the bulk procurement of goods or services for the use of such recipients are not exempt from the requirement of competitive procurement.
- (3) A procurement transaction that involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter. Under these circumstances the city may comply with such federal requirements, notwithstanding the provisions of this chapter, upon the written determination of the city manager that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.
- (4) Contracts for the purchase of goods or services that are produced or performed by persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired, ~~nonprofit sheltered workshops, or other nonprofit organizations~~ employment services organizations that offer transitional or supported employment services serving the handicapped individuals with disabilities.
- (5) Contracts for the purchase of legal services, expert witnesses or other services associated with litigation or regulatory proceedings;

- (6) The Charlottesville Economic Development Authority may enter into contracts without competition with respect to any item of cost of "authority facilities" or "facilities" as defined within § 15.2-4902 of the Virginia Code.
- (7) Contracts for insurance or electric utility services purchased through an association of which the city is a member, if the association was formed and is maintained for the purpose of promoting the interest and welfare of and developing close relationships with similar public bodies, provided such association has procured the insurance or electric utility services by use of competitive principles and provided that the city's purchasing manager has made a written determination in advance, after reasonable notice to the public, that competitive sealed bidding and competitive negotiation are not fiscally advantageous to the public. The written determination shall document the basis for this determination.
- (8) Contracts for police services, when the chief of police certifies in writing to the purchasing manager that such services are needed for undercover police operations.
- (9) Contracts extending the time for performance of existing contracts, to allow completion of any work undertaken but not completed during the original term of the contract.
- (10) Contracts for essential election materials and services.
- (11) Contracts, and modifications of existing contracts, with the Columbia Gas Transmission Corporation, its successors or assigns, ~~for the purchase of natural gas at prices established by federal regulation,~~ for the transportation of gas purchased from others, or for natural gas storage services; and contracts with sources other than Columbia Gas Transmission Corporation for such portions of the city's natural gas requirements as may be so obtained under existing applicable federal regulations; and contracts with Columbia Gas Transmission Corporation or other pipelines for the transportation of gas supplies. Contracts exempt from competitive procurement pursuant to this subsection shall be subject to the following:
 - a. No contract for the purchase of natural gas from sources other than Columbia Gas Transmission Corporation shall be valid unless the director of public works (or designee) certifies to the purchasing manager that the price for such gas, including applicable transportation charges, is the lowest of no fewer than three (3) telephone price quotations or a single quote based on a published index price (such as NYMEX) obtained by the gas division before entering into such contract.
 - b. The gas division shall maintain a list of all responsible bidders able to deliver natural gas supplies to the Columbia Gas system for transportation to the city, who have requested to be contacted when the city is proposing

to enter into contracts for purchases of its gas supply. The bidders to be called for quotations on any single contract shall be chosen at random from the names on such list; provided, however, that any current supplier may be asked for a new price quotation for a renewal of an existing contract.

- c. The terms of any contract entered into pursuant to this subsection shall be summarized in a notice to be posted by the purchasing manager in a location lawfully designated for display of public notice of a contract award, pursuant to the Virginia Public Procurement Act. Such notice shall identify the price being paid to the current contractor as well as the price quotations obtained from other prospective contractors.
- d. Nothing contained in this section shall be deemed to prohibit the city from refusing to contract for gas purchases from any source of supply reasonably believed to be unreliable during a proposed contract period due to potential adverse weather or other reasonably foreseeable operating conditions.

Sec. 22-6. Negotiation with the lowest responsible bidder.

Unless canceled or rejected, a responsive bid from the lowest responsible bidder in a competitive sealed bidding process shall be accepted as submitted, except that if the bid from the lowest responsible bidder exceeds available funds then the city may negotiate with the low bidder to obtain a contract price within available funds. If the city wishes to negotiate with the low bidder to obtain a contract price within available funds, negotiations shall be conducted in accordance with the following procedures:

- (1) The using department shall provide the purchasing manager with a written determination that the apparent low bid exceeds available funds. Such determination shall be confirmed in writing by the director of finance or his designee. The using department shall also provide the purchasing manager with a suggested reduction in scope ~~for the proposed purchase~~ or other suggested bid modification(s) to obtain a contract price within available funds.
- (2) The purchasing manager or designee shall advise the lowest responsible bidder in writing that the proposed purchase exceeds available funds. He shall further suggest a reduction in scope or other bid modification(s) for the proposed purchase and invite the lowest responsible bidder to amend its bid based upon the proposed reduction in scope or other bid modification(s).
- (3) Informal discussions shall be commenced with the low bidder, and repetitive informal discussions for the purposes of obtaining a contract within available funds shall be permissible.

- (4) The low bidder shall submit an addendum to its bid, which addendum shall include the change in scope for the proposed purchase, the reduction in price and the new contract value. If the addendum is acceptable to the city the city may award a contract within funds available to the lowest responsible bidder based upon the amended bid proposal.
- (5) If the city and the lowest responsible bidder cannot negotiate a contract within available funds, all bids shall be rejected.

ARTICLE II. Administration

Sec. 22-32. Powers and duties of purchasing manager.

- (a) The purchasing manager shall:
 - (1) Ensure that the city may obtain high quality goods and services at a reasonable cost.
 - (2) Oversee all of the city's procurement transactions, to ensure that all procurement procedures are conducted in a fair and impartial manner and in accordance with the requirements of this chapter and applicable state laws.
 - (3) Establish written procedures for approval by the city manager:
 - a. Governing the conduct of procurement transactions in accordance with the requirements of this chapter and applicable state law;
 - b. Providing a process by which comments concerning specifications or other provisions in invitations to bid or requests for proposals can be received and considered prior to the time set for receipt of bids or proposals or award of a contract;
 - c. Governing pre-qualification of prospective contractors for particular types of supplies, services, insurance, or construction, and for consideration of bids or proposals limited to such pre-qualified contractors;
 - d. Providing a process for debarment of prospective contractors from contracting with the city for particular types of supplies, services, insurance or construction, consistent with the provisions of section 22-7 of this chapter;
 - e. Providing for the conduct of small purchase procedures; and

- f. Providing a procedure for the consideration of claims submitted by a contractor pursuant to § 2.2-4363 of the Virginia Code.
- (4) Accept surplus property from city departments. The purchasing manager may transfer such property to other departments where appropriate and shall endeavor to sell the remainder. Sales of surplus property shall be on the basis of competitive bids whenever practicable.
 - (5) Establish programs, manuals and forms, as he deems necessary to facilitate and implement the provisions of this chapter and of any regulations approved by the city manager.
 - (6) Delegate authority to purchase specified goods, services, insurance or construction to other city officials, upon a determination set forth in writing that such delegation is necessary for the effective procurement of those items.
 - (7) Establish programs to facilitate the participation of small businesses and businesses owned by women and minorities in procurement transactions, which programs may include cooperation with the Virginia Department of Minority Business Enterprise, the Virginia Department of Transportation, the United States Small Business Administration, and other public or private agencies, and oversee any process of compliance and certification of any federal Disadvantaged Business Enterprise (DBE) requirements applicable to the city as a result of the receipt of federal grant funding.
 - (8) Ensure compliance with applicable provisions of the Fair Employment Contracting Act (§ 2.2-4200 et seq. of the Code of Virginia) and of the Information Technology Access Act (§ 2.2-3500 et seq. of the Code of Virginia) and other provisions of state law which may be applicable to specific procurement transactions of the city.
 - (9) Perform such other functions and duties as may be assigned to him by the city manager.
- (b) The purchasing manager may establish a written administrative procedure to govern the hearing of protests of a decision to award, or an award; appeals from refusals to allow withdrawal of a bid; appeals from disqualifications and determinations of non-responsibility; appeals from decisions on disputes arising during the performance of a contract; or any of these. Such administrative procedure shall be consistent with the requirements of § 2.2-4365 of the Code of Virginia, and shall be approved by the city manager and the city attorney.

Cross reference— Transfer of unclaimed property to purchasing agent or director of finance, Sec. 20-58; sale or transfer of unclaimed property to city department or agency, Sec 20-59; procedure for donating city property in excess of one hundred dollars, Sec. 2-98.

State law reference— Provisions relating to surplus property, Code of Virginia, §§ 2.2-1124, 15.2-951, and 15.2-953.

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



Agenda Date: December 1, 2014.

Action Required: Council Appropriations.

Presenter: Bernard Wray.

Staff Contacts: Bernard Wray, Finance Director.
Leslie Beauregard, Director, Budget & Performance Management.

Title: Year End Adjustments- F.Y. 2014 and General Fund Balance Transfer.

Background:

Annually after the financial records are audited the administration makes recommendations for appropriations and transfers to other funds depending on the funds available for appropriation after closing the fiscal year.

Discussion:

The fiscal year 2014 actual revenues were \$1,566,171 over budget. Significant revenue budget variances were as follows:

- **Meals Tax** was budgeted at \$7,676,310 but \$8,156,709 was collected which resulted in this tax being \$480,399 over budget. This revenue source has averaged 6.6% growth since F.Y.10.
- **Real Estate Tax** was \$910,099 over budget due to assessed values that were higher than originally budgeted.
- **Personal Property Taxes** were \$640,204 over budget primarily due to new car sales replacing older vehicles at the higher tax value.
- **Bank Stock Taxes** were \$226,131 under budget due to lower local deposits at banks in Charlottesville.
- **Business Licenses** were \$311,296 under budget primarily due to lower gross receipts of a local financial firm.

Combined all revenues were \$1,566,171 over budget or 1.1% of the F.Y. 14 adopted budget.

Expenditures.

Expenditures were under budget by \$1,419,986. Department heads continue to do an outstanding job monitoring expenses and ended the year in a positive position.

- **Community Service Act Local Match** was under budget by \$486,693. This was the result of fewer children in foster care and fewer foster care children in congregate care. Foster care prevention cases (sometimes known as family preservation) continue to climb, but services for a foster care prevention case is generally less expensive than a foster care case.
- **The Charlottesville Albemarle Joint Security Complex** was \$561,340 under budget due to personnel vacancies and lower than expected operating costs.
- **Departmental Budget Savings.** City departments continue to do a very good job of monitoring their budgets which resulted in expenditures less than budget. Savings resulted from vacancies, efficiencies and staff's constant due diligence with city tax dollars. We will be asking City Council to use some of these savings to fund items listed on the resolution and detailed in the attached memo.

Resolution/Carryover Request.

The resolution recommends that \$2,013,562 be approved and carried over in the Fiscal Year 2015 budget.

Attached is Exhibit I which provides a summary of appropriations requested. There is a balance of \$972,595 after the recommendations, which the City Manager recommends be placed in the Capital Improvement Program Fund for future programming. This is important since the Bond Rating Agencies closely track what the City contributes as pay as you go (CASH) vs. bonds issued in the C.I.P. Exhibit I also contains a summary of revenues and expenses to budget for F.Y. 09 to F.Y. 13.

Budgetary Impact.

Policy Recommendation for Fund Balance Excess

- The remaining \$972,595 is recommended to be transferred to the Capital Improvement Fund contingency for future capital needs.

Alignment with Council Vision Areas and Strategic Plan:

This resolution serves to close-out and summarize the financial results of fiscal year 2014 and as such aligns with Goal 4 of the Strategic Plan to Be a well-managed and successful organization.

Recommendation.

The staff recommends that Council approve the attached resolution.

Alternatives.

Amend the Recommendations.

Attachments.

1. Memo- End of Year Adjustments/Exhibit I.
2. FY 2014 Year End Appropriation.

**City of Charlottesville.
MEMO.**



To: Members of City Council.
From: Bernard Wray, Finance Director.
Leslie Beauregard, Director, Budget and Performance
Management.
Date: December 1, 2014.
Subject: **F.Y. 2014 End of Year Adjustments.**

In order to close the City's financial records for F.Y. 14 and to finalize the City's annual financial report, we would like to request that Council approve the attached resolution to adjust certain accounts. This is a normal procedure that takes place each year.

Provided below is a brief description of the items contained in the various sections of the appropriation:

- Section I - General Fund.
- Section II - Capital Projects Fund.
- Section III - Facilities Repair Fund.
- Section IV - Utility Funds.
- Section V - Grants Funds.
- Section VI - Social Services Fund.
- Section VII – Human Services Fund.
- Section VIII – Risk Management.

Included are names of the department or program, the amount of the adjustment and a brief discussion of the reason(s) for the appropriation.

I. General Fund.

(a) Departmental Appropriations – Section 1 (a).

The following appropriations are requests for carryovers of unspent funds and new requests not previously appropriated.

- City Circuit Court - \$40,176.
These funds will be used to upgrade technology in the Circuit Court Clerk's office. The land records system will be upgraded and planning is underway to add technology which will allow for digital case file access using secure remote access.

- Police – Jefferson Area Drug Taskforce - \$1,154.
These funds represent a portion of the City’s contribution not budgeted in FY15 but should have been, and will be used for operational expenses.
- Education and Training - \$50,000.
These funds will be used to provide additional funding for city employee education and training in FY15.
- Bank Franchise Refund - \$281,746.
These funds will be used for an anticipated refund for an overpayment of bank franchise tax discovered during a recent audit.
- Employee Benefits – Contribution to the Retirement Fund - \$700,000.
These funds will be used to fund the 1% COLA granted retired employees on July 1, 2014 which created an additional liability of \$700,000. This contribution will increase the funded status of the retirement fund.
- State Flex Cuts - \$292,148.
On November 10, 2014, the General Assembly passed HB 5010 which requires that state aid to local governments be reduced by \$30.0 million statewide in FY 2015. The Department of Planning and Budget (DPB) has provided localities a list of the state’s aid-to-local-government programs that serve as the basis for calculating each locality’s share of the \$30.0 million savings. The City’s share of these reductions is \$292,148 in FY 15 and we will wire the State a check after the final reading is approved.
- Blue Ridge Juvenile Detention Center - \$65,000.
These funds will be used to support newly projected and increased operational and debt service expenses for F.Y. 15 that were not anticipated when the budget was adopted in April
- Neighborhood Development Services – \$9,562.
These unspent funds will be used to complete the work of TJPDC Grant for Inspections and Testinggrant.
- Parks and Recreation Facility Rentals - \$1,000.
These funds were received as deposits for facility rentals in F.Y. 14 and will be carried over and used for deposit refunds

or to cover the cost of any facility damage repairs incurred from the rental. This appropriation and future donations for this purpose will be considered continuing and will not expire unless further altered by Council.

- City Market Donations - \$2,300.
These funds were received as donations for the City Market and will be carried over and used for expenses relating to the City Markets. This appropriation and future donations for this purpose will be considered continuing and will not expire unless further altered by Council.

(b) Additional Transfers and Appropriations – Section 1 (b).

The following appropriations are requests for transfers from the General Fund to other funds.

- Transfer to Social Services Fund – \$267,984.
These funds were transferred to the Social Services fund in F.Y. 14 due to the City contribution not being sufficient.
- Transfer to ECC Telephone Upgrade Project - \$24,776.
These funds will be used to supplement the City's share of funding for the ECC Telephone Upgrade Project based on revised cost projections
- Transfer to Tax Billing System Project - \$49,000.
These funds will be used to supplement the funding already appropriated for the Tax Billing System and related equipment based on revised cost projections.
- Transfer to Street Paving Projects - \$500,000.
These funds will be used to supplement the funding already appropriated for the City's annual street paving and milling program.
- Transfer to Capital Projects Fund - \$972,595.
These funds will be transferred to the C.I.P. Contingency fund.

II. Capital Projects Fund - \$363,292.

- The sum of \$49,000 received as a transfer from the General Fund shall be appropriated into the Tax Billing System Project account P-00719.
- The sum of \$24,776 received as a transfer from the General Fund shall be appropriated into the E.C.C. Telephone Upgrade project account P-00762.
- The sum of \$289,516 received as a transfer from the Risk Management Fund as an insurance reimbursement for the replacement of the building (account P-00840) located at 207 1st Street, South which was damaged by fire earlier this year.

III. Facilities Repair Fund - \$245,123.

- Courthouse Maintenance (P-00099) - \$230,261 - These unspent restricted court fees will be used for future court repair work or records conversion. The amount will be carried over in the Facilities Repair Fund.

IV. Utility Funds - \$79,300.

- \$79,300 shall be appropriated into the Gas Fund (2713001000) to be used to pay Federal Pipeline and Hazardous Materials Safety Administration fines.

V. Grants Fund - \$8,692.

These funds were received from outside sources and are being appropriated to be spent by the respective grants:

- \$8,692 – these funds will be used for additional qualifying State Fire Grant expenditures.

VI. Social Services Fund - \$1,539.

The sum of \$1,539 represents unspent funds received as a donation from Martha Jefferson Hospital to fund the rental of ten Personal Emergency Response Systems (P.E.R.S.) for qualified residents of Public Housing in the Crescent Halls or Westhaven communities. Martha Jefferson Hospital has given permission for these remaining funds to be used to extend the program.

VII. Human Services Fund - \$15,416.

The sum of \$15,416 represents unspent BankOn Program funds received from non-city sources and shall be carried over and expended in the Human Services fund to offset expenditures in F.Y. 15.

VIII. Risk Management Fund - \$289,516.

The sum of \$289,516 represents the amount received as an insurance reimbursement for the city owned building located at 207 1st Street, South that was damaged by fire on December 15, 2013. These funds are hereby transferred and appropriated in the Capital Projects fund to be used to replace the building.

Cc: Craig Brown, City Attorney.
Aubrey V. Watts, Jr., C.O.O./C.F.O.

Exhibit 1

Fiscal year End 2014

Revenue over Budget	1,566,171
Expenditures under Budget	<u>1,419,986</u>
Balance under Budget	2,986,157

RECOMMENDED APPROPRIATIONS

Circuit Court Computer Upgrade	40,176
JADE - FY15 budget correction	1,154
Education and Training	50,000
Transfer to CIP - E911 Telephone upgrade project	24,776
Bank Franchise Refund	281,746
Retirement Fund Transfer - retiree COLA	700,000
State Flex Cuts	292,148
Transfer to CIP - Treasurer Tax Revenue System	49,000
Blue Ridge Juvenile Detention Center - add'l funds for FY15 operations and debt service	65,000
NDS - TJPDC Grant for Inspections and Testing grant carryover	9,562
Transfer to CIP for Paving	500,000
	(2,013,562)

Surplus Fiscal Year End 2014 **\$ 972,595**

Transfer to CIP Contingency **\$ (972,595)**

Remaining Surplus 0.00

Summary of Prior Year Results

	<u>Revenue</u>	<u>Expenses</u>	<u>Balance Under Budget</u>
Year ended June 30, 2013	\$ 691,027	\$ 2,506,046	\$ 3,197,073
Year ended June 30, 2012	891,240	2,903,832	3,795,072
Year ended June 30, 2011	1,155,727	4,038,399	5,194,126
Year ended June 30, 2010	(1,215,660)	4,829,993	3,614,333
Year ended June 30, 2009	254,506	5,049,993	5,304,499

FY 2014 Year End Appropriation

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the actions hereinafter set forth are herein authorized with respect to the accounts of the City listed herein, for the fiscal year ended June 30, 2014. The memo to Council dated December 1, 2014 is hereby made part of this appropriation.

I. General Fund (105).

(a) Departmental Appropriations.

The following amounts shall be permitted to be carried over and expended in the General Fund's respective cost centers or internal orders in the following fiscal year:

1101001000. Circuit Court.	\$ 40,176.
3101002000. Police – JADE.	\$ 1,154.
2213001000. Education and Training.	\$ 50,000.
1631001000. Bank Franchise Refund Reserve.	\$ 281,746.
1631001000. State Flex Cut Reserve.	\$ 292,148.
9713002000. Blue Ridge Juvenile Detention Center.	\$ 65,000.
1900217. Neighborhood Development Services.	\$ 9,562.
2213001000. Employee Benefits.	\$ 700,000.
1800036. Parks & Recreation Facility Rentals.	\$ 1,000.
1800038. City Market Donations.	\$ 2,300.

Total Section 1 (a). \$1,443,086.

(b) Additional Transfers and Appropriations.

9803030000. Transfer to Social Services.	\$ 267,984.
9803030000. Transfer to E.C.C. Telephone Upgrade Project.	\$ 24,776.
9803030000. Transfer to Tax Billing System Project.	\$ 49,000.
9803030000. Transfer to Street Paving Project.	\$ 500,000.
9803030000. Transfer to Capital Projects Fund.	\$ 972,595.

Total Section 1 (b). \$ 1,814,355.

II. Capital Projects Fund (426).

- The sum of \$49,000 received as a transfer from the General Fund shall be appropriated into the Tax Billing System Project account P-00719.
- The sum of \$24,776 received as a transfer from the General Fund shall be appropriated into the E.C.C. Telephone Upgrade project account P-00762.
- The sum of \$289,516 received as a transfer from the Risk Management Fund as an insurance reimbursement for the replacement of the building located at 207 1st Street, South which was damaged by fire on December 15, 2013.

III. Facilities Repair Fund (107).

- The sum of \$245,123 shall be carried over and reserved in the Facilities Repair Fund, for the purpose of funding future court repairs or record conversion (P-00099).

IV. Utility Funds – Gas (631).

- \$79,300 shall be appropriated into the Gas Fund (2713001000) to be used to pay Federal Pipeline and Hazardous Materials Safety Administration fines.

V. Grants Fund (209).

The sum of \$8,692 shall be appropriated for the following grant programs in fund 209:

190010.	State Fire Grant.	\$8,692.
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VI. Social Services Fund (212).

The sum of \$1,539 represents unspent funds received in FY13 as a donation from Martha Jefferson Hospital to fund the rental of ten Personal Emergency Response Systems (P.E.R.S.) for qualified residents of Public Housing in the Crescent Halls or Westhaven communities. These remaining funds are to be used to extend the program for one additional year.

VII. Human Services Fund (213).

The sum of \$15,416 represents unspent BankOn program funds received from non-city sources and shall be carried over and expended in the Human Services fund for BankOn program expenses in F.Y. 14.

VIII. Risk Management Fund (711).

The sum of \$289,516 represents the amount received as an insurance reimbursement for the city owned property located at 207 1st Street, South that was damaged by fire earlier this year. These funds are hereby transferred and appropriated into account P-00840 in the Capital Projects fund to be used to replace the building.

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

Agenda Date: December 1, 2014

Action Required: Consideration of a Special Use Permit

Presenter: Brian Haluska, Neighborhood Planner, Neighborhood Development Services

Staff Contact: Brian Haluska, Neighborhood Planner, Neighborhood Development Services

Title: SP-14-08-08: Market Plaza

Background:

Greg Powe, Powe Studio Architects, authorized representative of Market Plaza, LLC has submitted an application seeking approval of a Special Use Permit in conjunction with a site plan for a new mixed-use building located at the 100 block of West Water Street. The Property has additional street frontage on 2nd Street SW, 1st Street S, and West South Street. The proposed development plan shows a 101 foot tall building with 70 residential units (i.e., density of 60 DUA); 56,660 square feet of office space (inclusive of the events space for which SUP approval is requested); 19,311 square feet of interior retail space; and a 24,390 square foot open plaza that would host a weekly Farmer's Market. The building would have parking for 279 cars located in structured parking under the building.

The Water Street Corridor zoning permits a maximum height of 70 feet by right, and 101 feet by special use permit. The maximum density permitted by right is 43 units per acre, and up to 240 units per acre by special use permit.

Discussion:

The Planning Commission considered this application at their regular meeting on October 14, 2014. After reviewing the application, the Commission expressed a concern that the conditions offered in the staff report were not sufficient to address the full impacts of the proposed project, as well as guaranteeing that the constructed building would be similar to the plans presented by the applicant. The Commission deferred the application so that staff could craft a more comprehensive list of potential conditions for the Commission's consideration.

The Commission took up the draft list of conditions from staff at their work session on October 28, 2014, and reviewed approximately half of the proposed conditions.

The Commission resumed their review of item at their regular meeting on November 11, 2014. After completing a review of the draft conditions carried forward from the previous work session, the Commission acted.

The topics of discussion that the Commission focused on were:

- The impact of the massing and scale of the building on the adjacent streets, and on the downtown district as a whole.

- The pedestrian experience along the 4 streets that border the site, including the influence that openings on the ground floor has on that experience.
- The traffic impact of the structure, especially on pedestrian and bicycle circulation patterns in the downtown area.
- The operation of the City Market, and how the SUP could be conditioned on future owners upholding the commitments represented by the applicant in the meeting.

Citizen Engagement:

The City held a preliminary site plan review conference on September 4, 2014. Seventeen members of the public attended along with the applicant. One of the chief points raised in the meeting was regarding the process, as the building as shown would require the sale of City land and the closure of 1st Street. The attendees also expressed concern about the scale of the building, particularly in relationship to the adjacent structures, as well as the traffic impact on the nearby streets. There was also discussion about the possibility of changes to 2nd Street and South Street in conjunction with the West Main Street study's recommendations for the intersection of Water Street, South Street, McIntire Road, 5th Street and West Main Street.

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on October 14, 2014. 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, the impact to the historic district, and the inappropriateness of the scale of the building.

Alignment with City Council's Vision and Priority Areas:

The City Council Vision of Quality Housing Opportunities for All states that "Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers."

The City Council Vision of Economic Sustainability states that "The City has facilitated significant mixed and infill development within the City."

The City council Vision of A Connected Community states that "An efficient and convenient transit system supports mixed use development along our commercial corridors, while bike and pedestrian trail systems, sidewalks, and crosswalks enhance our residential neighborhoods."

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of the special use permit.

Recommendation:

The Commission took the following action:

"Ms. Green moved to recommend approval of a special use permit as requested in SP-14-08-08, subject to conditions, because approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. The motion includes a recommendation for the conditions referenced in the staff report dated October 30, 2014, subject to the revisions at this meeting on November 11, 2014."

Mr. Santoski seconded the motion. The Commission voted 7-0 to recommend approval of the special use permit.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution (granting an SUP as recommended by the Planning Commission);
- (2) by motion, request changes to the attached Resolution, and then approve an SUP in accordance with the amended Resolution;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

Attachment:

Conditions recommended for the approval of SP-14-08-08 by the Planning Commission on November 11, 2014.
Staff Report dated October 30, 2014.

SUP CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION
FOR THE PROPOSED WATER STREET PLAZA DEVELOPMENT

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 October 14, 2014 and November 11, 2014, submitted to the City for and in connection with SP-13-10-19 ("Application"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.

Massing and Scale

2. The developer shall work with staff and the Board of Architectural Review in the process of obtaining a certificate of appropriateness for the Development, to achieve a final design that will minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations to the satisfaction of the BAR.
 - a. In the design and layout of the Development, the City's historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings or structures.
 - b. All outdoor lighting and light fixtures shall be full cut-off luminaires.
 - c. To encourage active uses and building access, a minimum of 3-5 entrances/openings shall be established on Water Street, 2nd Street SW, and South Street as determined by the Board of Architectural Review. On South Street, these will lead to the Plaza.
 - d. 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.).

Uses

3. The Plaza shall be and remain an open-air plaza throughout the life of the Development and shall include pedestrian links.
 - a. The Plaza may not be designed, constructed or used as surface parking for motor vehicles. The Plaza should be perceived as a plaza/public space, not as a private parking lot, when not in use.
 - b. The general public shall have a right of access to and use of the Plaza, and this right of public access shall be recognized within a written instrument recorded within the City's

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land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. The public's right of access shall be subject to a right of the property owner, or its tenants, to reserve the Plaza, during discreet time periods, for events which may not be open to the general public. Following any such event, the Plaza shall promptly be returned to a clean condition, suitable and attractive for use as a public gathering space. First Street pedestrian access will remain open at all times (even during private events).

- c. In order for the design and construction of the plaza and market to be such that it invites and facilitates its use as a public gathering space, the Plaza shall incorporate public amenities such as, but not limited to, a water feature, art, trees, benches or other seating areas, and/or other amenities that invite individuals to utilize and enjoy the Plaza in a manner similar to an urban, public park.
 - d. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza ("Plaza Layout"), such as: water features, paving surfaces and materials, benches, trash receptacles, trees and landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that encourages public use of the Plaza and that is compatible with the character of the Development and the City's Historic District guidelines. The Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days ("Market Plan"). The Market Plan may be changed, from time to time, and any such change in the Market Plan can be approved by the Director of NDS as a minor modification not requiring approval of a site plan amendment.
4. On and within the open air Plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db(A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit.
 5. The on-site parking garage shall meet the following requirements:
 - a. To facilitate and encourage the provision of a future access easement, the garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building

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construction plans submitted to obtain any building permits. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.

- b. Water Street serves as part of the City's east-to-west bike corridor. To maintain ease of pedestrian and bicycle movement on Water Street, there shall be no more than one (1) vehicular entrance or exit for the Development on Water Street. 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

6. The required building setback along the property line adjacent to Water Street shall be a minimum 7 feet and a maximum of 12 feet.
7. Along Water Street there shall be provided a stepback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on Water Street shall be 25 feet, and the maximum height shall be 45 feet.
8. Along 2nd Street SW there shall be provided a stepback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on 2nd Street SW shall be 25 feet, and the maximum height of the streetwall shall be 45 feet.

Use

9. **Farmer's Market:** The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public.
 - a. The Farmer's Market shall be visible from adjacent vehicular rights-of-way, accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit out of the "flow" of circulation.
 - b. The Farmer's Market shall accommodate no fewer than 102 vendors and the entire area of the Plaza area shall be available to the market on market days, including the convertible indoor space. Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated "event."
 - c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is easily accessed by Farmer's Market users for the purposes of cleaning the Plaza area after each Farmer's Market day. The Property owner shall ensure, either itself, or

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through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition, attractive and suitable for use as a public gathering space.

10. 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 construction of the first-floor above-grade 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,

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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.

11. Traffic

- a. 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.
- b. 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.
- c. In the event that the City determines, prior to the issuance of the final certificate of occupancy within the Development, that (i) relocation of any existing on-street parking, or (ii) changes to the direction of traffic on any adjacent street(s), (iii) elimination of any existing turn lane(s), and/or (iv) the addition of on-street parking adjacent to the Development Site, is reasonably necessitated by the proposed Development, then the Developer shall be responsible for the following:
 - i. The cost of removal of existing signage and of installation of new signs and appurtenances necessary to shift or establish on-street parking, or to change the direction of traffic along the Development site's frontage with any existing public street; and
 - ii. Pavement marking modifications (such as eradication of existing and addition of new markings).
- d. 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.
- e. The developer shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.
- f. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall

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include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.

- g. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The developer shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.

Affordable Housing

- 12. The developer must declare how it intends to comply with City Code 34-12, prior to the issuance of a building permit for the Development.
- 13. In the event that the developer chooses to make a contribution to the City's Affordable Housing Fund to comply with City Code 34-12, no building permit shall be issued for the development until the amount of the contribution has been calculated by the developer and confirmed by the City's Director of Neighborhood Development Services, or designee, and until such contribution has been paid in full to the City.

Landscaping

- 14. The landscaping plan required as a component of final site plan approval for this Development shall include tree plantings along all street frontages, as well as trees on the Public Plaza subject to BAR approval. Trees on the Public Plaza shall be planted using roof planting methods and not hinder the operations of the Farmers' Market.

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Conditions that the Commission will forward as recommendations to the Board of Architectural Review.

Massing and Scale

1. Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.
2. First Street should be maintained as a separate urban component. Soften the impact of the retaining wall on First Street and create interest with opening or putting something in front of it. (ex: Trees, Public art, murals that are incorporated in the design of the building).
3. The Planning Commission is in favor of having a sufficient number of openings along street frontages to encourage the activation of street and pedestrian experience. The opening allow for flexibility and variability for changes of use over time.
4. Request that the BAR discuss the vertical piers on South Street.

Uses

5. **Public Use of Open-Air Plaza:** Market space/Plaza should contribute positively to the city's public space network. Market plaza and/or street should be a memorable public space worthy of Lee Park and the Downtown Mall

RESOLUTION
APPROVING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP-14-08-08
FOR A PROPOSED MIXED USE DEVELOPMENT ON WATER STREET
PROPOSED BY MARKET PLAZA, LLC

WHEREAS, Market Plaza, LLC (“Applicant”) has submitted application SP-14-08-08 (“Application”) seeking approval of a special use permit for property located between Water Street and W. South Street, bounded by the existing 2nd Street, S.W. and 1st Street South, identified on City Tax Map 28 as Parcels 69, 71, 72, 73, 74 and 75, and the undeveloped portion of the undeveloped right-of-way of 1st Street, S. (“Subject Property”), consisting of approximately 1.18 acres; and,

WHEREAS, the special use permit seeks the following: **(i)** additional height, up to 101 feet, per City Code §34-742(3); **(ii)** density of up to 60 dwelling units per acre, per §34-744; **(iii)** modification of the setback and streetwall regulations of §34-743(b), per §34-162(a); and **(iv)** authorization of the following special uses of the Subject Property, pursuant to §34-796: an auditorium/ theater with capacity for 300 or more persons, and a farmer’s market (retail) use; and

WHEREAS, the Subject Property is zoned “WSD” (Water Street Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3), and of the Downtown architectural design control (ADC) overlay district; and the City’s Board of Architectural Review has previously been given an opportunity to make findings and recommendations on whether the proposed development would have an adverse impact on the ADC district, as required by City Code §34-157(a)(7); and

WHEREAS, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on October 14, 2014, the Planning Commission reviewed this application and determined that the proposed special use permit, under suitable regulations and safeguards set forth within a list of recommended conditions, 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, and the Planning Commission has transmitted 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, as follows: **(i)** height of up to 101 feet; **(ii)** density up to 60 dwelling units per acre; **(iii)** modification of setback and streetwall regulations, as more specifically set forth within the conditions referenced below; and **(iv)** authorization of the following special uses an auditorium/ theater with capacity for 300 or more persons, and a farmer’s market (retail) use;

AND BE IT FURTHER RESOLVED that this special use permit is granted subject to suitable regulations and safeguards set forth within the list of conditions recommended by the City’s Planning Commission, dated July 11, 2014, which conditions are attached hereto and incorporated by reference;

AND FINALLY, BE IT RESOLVED that this special use permit is expressly conditioned upon City Council’s separate consideration and approval of a sale of the Subject Property to the Applicant, and upon final closing and settlement of any such sale as evidenced by recordation within the land records of the Circuit Court of the City of Charlottesville of a deed transferring title to the Subject Property to the Applicant.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT

APPLICATION FOR A SPECIAL USE PERMIT

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

DATE OF MEETING: November 11, 2014
APPLICATION NUMBER: SP-13-10-19

Project Planner: Brian Haluska, AICP

Date of Staff Report: September 16, 2014 (Revised October 30, 2014)

Applicant: Greg Powe, Powe Studio Architects, authorized representative of Market Plaza, LLC

Current Property Owners:

City of Charlottesville: 200, 210, 212 2nd St., SW and 207 1st Street, S.; ROW for 1st St. S, between Water Street and W. South St.

WP South Street LLC: 101 W. South Street

Application Information

Property Tax Map/Parcel # and Street Addresses:

Tax Map 28

Parcel 69: 101 W. South St.

Parcel 71: 207 1st St., S

Parcel 73: 2nd St. SW

Parcels 72, 74, and 75: 200, 210 and 212 2nd St. SW

Also: the application contemplates possible future use and occupancy of the ROW of 1st St., South, between Water Street and W. South Street

Total Square Footage/Acreage Site: 1.18 acres

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

Current Zoning Classification: Water Street Corridor with Architectural Design Control District and Parking Modified Zone Overlays

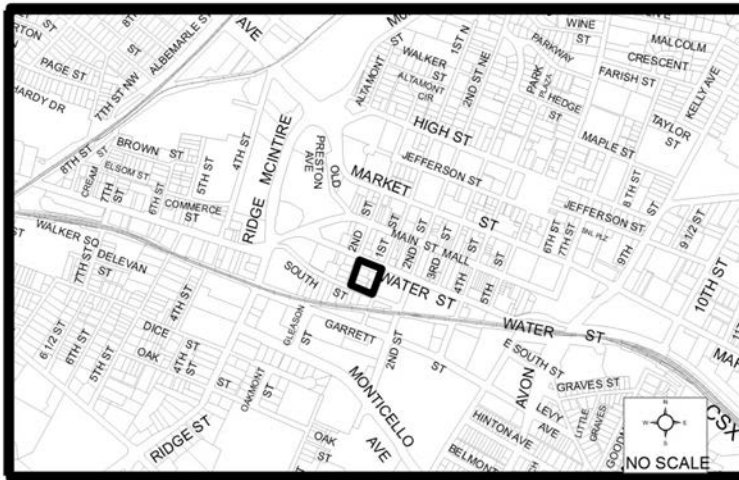
Tax Status: The City Treasurer's office confirms that the taxes for the properties were current as of the drafting of this report.

Applicant's Request

Special Use Permit for:

1. **Height** up to 101 feet, per City Code Sec. 34-637(b), and modification of streetwall regulations, per City Code 34-743
2. **Density** up to 60 dwelling units per acre, per City Code Sec. 34-641
3. **Special uses** of the Property, per City Code Sec. 34-796: Farmer's Market, and Auditorium, theater (maximum capacity 300 or more persons).

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 a new mixed-use building located at the 100 block of West Water Street. The Property has additional street frontage on 2nd Street SW, 1st Street S, and West South Street. The proposed development plan shows a 101 foot tall building with 70 residential units (i.e., density of 60 DUA); 56,660 square feet of office space (inclusive of the events space for which SUP approval is requested); 19,311 square feet of interior retail space; and a 24,390 square foot open plaza that would host a weekly Farmer's Market. The building would have parking for 279 cars located in structured parking under the building.

The Water Street Corridor zoning permits a maximum height of 70 feet by right, and 101 feet by special use permit. The maximum density permitted by right is 43 units per acre, 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 properties are currently used as surface parking lots. Parcel 71 (207 1st St., S.) was the location of an office building that had previously housed H&R Block, and was used by the City until it was destroyed by a fire in 2013.

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

Zoning History: In 1949, the property was zoned **B-2 Business**. In 1958, the property was zoned **B-3 Business**. In 1976, the property was zoned **B-4 Business**. In 1991, the property was zoned **B-4 Business**. In 2003, the property was rezoned to **Downtown Corridor**. In 2008, City Council rezoned the property to the **Water Street (Mixed Use Corridor)** district.

SURROUNDING LAND USES AND ZONING DISTRICTS

North: Immediately north of the property are several mixed-use multi-story structures. The ground floors of these buildings are used for retail and restaurant uses, and the upper stories are apartments. One block further north is the Downtown Pedestrian Mall. These properties are zoned Downtown Corridor with ADC District Overlay.

South: Immediately south of the property are multi-story structures that house a mix of uses. These properties are zoned Water Street Corridor with ADC District Overlay. Further south are the Buckingham Branch Railroad lines, and properties zoned Downtown Extended.

East: Immediately adjacent to the east is a surface parking lot zoned Water Street Corridor. Further east is the Water Street Parking Garage, a five-level structured parking facility that serves the downtown area. These properties are zoned Water Street Corridor with ADC district Overlay.

West: Immediately adjacent to the west are several two-story structures that are used for commercial purposes. The lone exception is the property that fronts on Water Street across 2nd Street SW, which houses the Mono Loco restaurant, and is a single-story. The other structures on 2nd Street SW exhibit a residential character despite their use as commercial establishments, and have long served to frame the western edge of the void of the two parking lots. These properties are zoned Water Street Corridor with ADC district Overlay.

NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:

The site does not have any notable natural resources. The site is mostly paved and used for parking. There are some small trees between the City-owned lot and the private owned lot on the corner of South Street and 1st Street.

The applicant has provided a copy of the Phase I environmental analysis of the property to the City, including the Sanborn maps of the site that were used to research the history of the property. These documents are attached to this report.

COMPREHENSIVE PLAN ANALYSIS:

The Comprehensive Plan is generally supportive of high density, mixed-use developments along the major corridors in the City, especially along Water 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.

Several concerns arise from a review of the project against the Comprehensive Plan. Primary among these is the Comprehensive Plan's preference for mixed-income housing.

Specific items from the Comprehensive Plan are as follows:

Land Use

- When considering changes to land use regulations, respect nearby residential areas. (Land Use, 2.1)
- Enhance pedestrian connections between residences, commercial centers, public facilities and amenities and green spaces. (Land Use, 2.3)
- Expand the network of small, vibrant public spaces, particularly in areas that are identified for higher intensity uses and/or potential higher density. (Land Use, 2.5)
- 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

- Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting and enhancing the distinct characteristics of each neighborhood. (Historic Preservation and Urban Design, 1.2)
- Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City. (Historic Preservation and Urban Design, 1.3)
- Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts. (Historic Preservation and Urban Design, 1.6)

Public and Other Comments Received

PUBLIC COMMENTS

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on October 14, 2014. 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, the impact to the historic district, and the inappropriateness of the scale of the building.

The City held a preliminary site plan review conference on September 4, 2014. Seventeen members of the public attended along with the applicant. One of the chief points raised in the meeting was regarding the process, as the building as shown would require the sale of City land and the closure of 1st Street. The attendees also expressed concern about the scale of the building, particularly in relationship to the adjacent structures, as well as the traffic impact on the nearby streets. There was also discussion about the possibility of changes to 2nd Street and South Street in conjunction with the West Main Street study's recommendations for the intersection of Water Street, South Street, McIntire Road, 5th Street and West Main Street.

COMMENTS/RECOMMENDATIONS OF THE BAR

The Board of Architectural Review considered the Special Use Permit request at their meeting on September 16, 2014, and took the following action:

Pursuant to City Code 34-157(a)(7), the BAR was requested to review the SUP application to identify potential adverse impacts on the historic district, and for recommendations as to reasonable conditions which might mitigate such impacts. The BAR recommended (8-0) to City Council that the special use permit to allow increased density (from 43 units per acre to 60 units per acre) and additional building height (from 70 feet to 101 feet), with an exception for a 12 foot setback on Water Street, for the redevelopment of 200 2nd Street SW into a mixed use development including the City Market and other public assembly events that may be in excess of 300 people, will not have an adverse impact on the Downtown Architectural Design Control (ADC) District, and the BAR recommends approval of the Special Use Permit, subject to the usual BAR review. Since no adverse impacts were found relative to the ADC District, no conditions were suggested.

The BAR offered preliminary comments regarding the proposed design of the building and site, as follows:

- Massing is thoughtful, tallest part in right place;
- Plaza side is more successful than Water/2nd Street facades;
- Revisit forcing context with 25 ft. modules, be less literal in modulating facades, use details of wall to break down plane, think of it as single large composition;
- Simplify base, upper and lower elevations need to hang together more, fenestration on brick base needs work, Deco effect on upper brick stories is good and reflects warehouse-industrial context;
- Revisit NW glass corner that incorrectly reads as an entrance;
- Revisit enormous, projecting balconies, prefer negative corners;
- Need thoughtful design of intersections of glass and masonry corners;
- Revisit metal spine above stairs on South Street terraces;
- Want bolder pedestrian connection from 2nd Street to plaza;

- Like the change in brick color, like the tactility of brick material, would be concerned if all glass, don't like strong contrast between brick colors.
- Revisit design of 1st Street stairs and waterfall and area between stairs and building, simplify stairs, make stairs more gentle, follow topography more closely, want the space to be there;

PLANNING COMMISSIONS COMMENTS AT PRELIMINARY DISCUSSION

1. **Use of the plaza on weekdays.** Commissioners were concerned about how successful the public plaza would be at encouraging activity on days when the City Market was not operating, especially in light of the visual separation between the plaza and the Downtown Mall.
2. **Noise.** Commissioners raised the point that events on the plaza and the adjacent spaces could trigger noise complaints from nearby residents. The site is not subject to the Downtown noise ordinance.
3. **Archeology.** Commissioners mentioned that the site has a history beyond its current use as a parking lot, and once the project is built, all access to any archeological artifacts will be lost. The applicant was encouraged to conduct a Phase 1 Archeological study.
4. **Pedestrian Experience on adjacent streets.** The project as designed would dramatically alter the experience of pedestrians moving around the block. Of particular concern is the pedestrian experience along the 1st Street right-of-way between Water Street and South Street if the pedestrians are moving around the site rather than through it. The high retaining wall necessary to create a level surface for the plaza creates an unattractive edge next to the public sidewalk.
5. **Closing 1st Street.** The Commission expressed concern about the potential closure of 1st Street, and the changes it would make to the downtown area. One suggestion was that the design adhere to the topography of 1st Street, as well as maintaining its function as a pedestrian connection between the Warehouse District and the Downtown Mall. The grand stairway proposed at the present corner of 1st and Water was mentioned as a dramatic departure from the current fabric of the downtown area.

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. 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 Water Street to encourage mixed-uses and higher residential densities. This is an attempt to enhance and expand on the existing vibrant character of the Downtown Mall. The Water Street zone was created in 2008 so that the buildings along Water Street would not be mirrored on the Mall, but would instead follow the heights and setbacks that had been established on Water Street by the LiveArts Building, the Water Street Parking deck and other projects.

Height: The increased height afforded by a special use permit in the Water Street Corridor is a means of increasing the intensity of structures and uses on sites where higher intensity is appropriate. As stated by the Board of Architectural Review's recommendation, the increased height will not have an impact on the surrounding historic district, and will provide additional floor area for density and intensity in the downtown area in keeping with the goals and visions of the City's Comprehensive Plan.

Density: The density requested by the applicant is actually similar to the density of several adjacent mixed-use structures, in spite of the larger size of the proposed building. Increased density in downtown urban areas provides increased commercial viability for businesses, as well as offering different lifestyle options for persons looking to minimize their reliance on automobiles.

A concern that has been raised with the project is the nature of the residential units located in the building. The footprint of the units suggest that the units will be larger multi-family units. The argument could be made that the density requested by the applicant is actually *lower* than what the City envisions for a building of the size proposed. The lower the number of residential units in a building increases the likelihood that those units will be affordable to a smaller portion of the population.

Uses: Assembly uses and farmer's markets are best located in centrally located areas of higher residential density that permit people to use modes of transportation other than automobiles. The urban areas also provide multiple options for parking for those visitors that do use automobiles. Additionally, the proximity to complementary uses can reduce the amount of single purpose car trips.

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 Lewis and Clark building at the corner of McIntire-5th and Water Street. The height is not out of character for the location in which it is proposed.

Staff has mentioned the concern about the transition between the height of the proposed building and the adjacent structures on South and 2nd Streets. These structures are 1-3 stories in height. The zoning ordinance makes an effort to maintain this scale through the use of setbacks after 45 feet of streetwall height. An example of how this impacts the massing and scale of a building can be found at the Battle Building on West Main Street, where the building steps back after 3 stories. A condition is recommended to address this concern.

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 Water Street.

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.

The noise generated from this building, however, will be different than a typical mixed-use building because of the proposed uses – especially the farmer's market and large scale assembly. Staff has proposed a condition to address the impact of any potential noise based on the regulations that apply to properties on the Mall.

4. Displacement of existing residents or businesses

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

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

As stated above, the residential density proposed in the project is similar to adjacent mixed-use properties. This proposed residential use will not present an undue burden on community facilities.

The construction of residential units on the south side of the Mall does raise the question of whether future residential projects on the south side of the Mall will eventually create demand for a park or other neighborhood recreational facility on the south side of the Downtown Mall, which has been previously addressed by the Pollocks Greenway element in the Strategic Investment Area plan.

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

The proposed project would not directly impact the availability of affordable housing, as the property is currently vacant, and the applicant does not propose to include on-site affordable units to meet the requirements of the City's Affordable Dwelling Unit Ordinance.

RECOMMENDATION

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the increase in height and density is reasonable at this location, the uses requested are appropriate for this location, and that the impacts of the development can be addressed through conditions placed on the special use permit.

Following the public hearing on October 14, 2014, the Commission directed staff to draft a more extensive list of potential conditions for the project in an effort to memorialize the development as presented, as well as guaranteeing that many of the amenities offered by the project would be tied to the additional height and density provided by a special use permit.

Staff provided a list of conditions to the Commission in advance of their work session on October 28, 2014. At the work session, the Commission reviewed a portion of the conditions.

The conditions reviewed by the Commission are listed below in the following categories:

- Conditions reviewed by the Commission that the Commission wanted to be attached to the Special Use Permit.
- Conditions reviewed by the Commission that the Commission wanted to be forwarded as recommendations to the Board of Architectural Review.
- Conditions the Commission was unable to review in depth at the work session.

In addition to the conditions below, the Commission also agreed to forward a suggestion to Council that the Plaza area be made open to the public as often as possible.

Conditions reviewed by the Commission that the Commission wanted to be attached to 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 October 14, 2014, submitted to the City for and in connection with SP-13-10-19 ("Application"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by 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 and the Board of Architectural Review in the process of obtaining a certificate of appropriateness for the Development, to achieve a final design that will minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations to the satisfaction of the BAR, while still maintaining a financially viable project.
 - a. In the design and layout of the Development, the City's historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings.
 - b. All outdoor lighting and light fixtures shall be full cut-off luminaires.
 - c. Transparency and Entrances/ openings shall be provided along street walls, consistent in character, and sequencing, with the historic district, in order to enhance pedestrian experience along street frontages.
 - d. 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.).

Uses

- 3) **Public Use of Open-Air Plaza:** The Plaza shall be and remain an open-air plaza throughout the life of the Development and shall include pedestrian links.
 - a. The Plaza may not be designed, constructed or used as surface parking for motor vehicles. The Plaza should be perceived as a plaza/public space, not as a private parking lot, when not in use.

- b. The general public shall have a right of access to and use of the Plaza, and this right of public access shall be recognized within a written instrument recorded within the City's land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. The public's right of access shall be subject to a right of the property owner, or its tenants, to reserve the Plaza, during discreet time periods, for events which may not be open to the general public. Following any such event, the Plaza shall promptly be returned to a clean condition, suitable and attractive for use as a public gathering space. The **Pedestrian access leading to** the Plaza will remain open at all times (even during private events).
 - c. The Plaza shall have a modern public market appearance and layout. The design and construction of the Plaza shall be such that invites and facilitates its use as a public gathering space. The Plaza shall incorporate public amenities such as but not limited to a water feature, art, trees, benches or other seating areas, and/or other amenities that invite individuals to utilize and enjoy the Plaza in a manner similar to an urban, public park.
 - d. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza ("Plaza Layout"), such as: water features, paving surfaces and materials, benches, trash receptacles, **trees and** landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that encourages public use of the Plaza and that is compatible with the character of the Development and the City's Historic District guidelines. The **Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days ("Market Plan"). (The Market Plan may be changed, from time to time, and any such change in the Market Plan can be approved by the Director of NDS as a minor modification not requiring approval of a site plan amendment.)**
- 4) **Noise:** on and within the open air plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db(A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit.

- 5) **On-site parking garage:** The on-site parking garage shall meet the following requirements:
- a. The garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site (“Adjacent Property”) through provision of alternate access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits, and shall include the provision of an access easement. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped. **All traffic shall enter the on-site parking garage from Water Street.**
 - b. **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.**

Conditions reviewed by the Commission that the Commission wanted to be forwarded as recommendations to the Board of Architectural Review.

Massing and Scale

- 1) Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.
- 2) The Planning Commission is in favor of having a sufficient number of openings along street frontages to encourage the

Uses

- 3) **Public Use of Open-Air Plaza:** Market space/Plaza should contribute positively to the city’s public space network. Market plaza and/or street should be a memorable public space, worthy of Lee Park and the Downtown Mall

Possible Conditions Remaining for Discussion (not reviewed in depth at the work session)

Massing and Scale

NOTE TO PC: In the work session, staff raised the concern that dimensional requirements of the site, particularly setback and setbacks along the adjacent streets, should be addressed in conditions in the Special Use Permit. The PC should be aware of the following: the BAR does not have the ability to establish, modify or impose zoning requirements; only Council may do that, either in its general zoning regulations, or as part of an SUP condition/ approval. City Code 34-162 (SUPs) allows city council to expand, modify, reduce or otherwise grant exceptions to yard requirements as a condition of an SUP. **The PC should also note that the 2nd St, SW frontage does not have any setback requirement under the City's general zoning district regulations.** If you believe that a particular setback, stepback, or streetwall dimension would be an essential means of dealing with massing or scale impacts, the SUP must “call out” those specific dimensional requirements.

To that end, staff continues to recommend the following conditions:

1. The setback on Water Street shall be modified from a maximum of 5 feet to a maximum of 12 feet.
2. A stepback of 5 feet after 45 feet in height on 2nd Street SW.

Use

- 1) **Farmer's Market:** The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public.
 - a. The Farmer's Market shall be easily visible from adjacent vehicular rights-of-way, easily accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a comfortable flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit comfortably out of the “flow” of circulation.
 - b. The Farmer's Market shall accommodate no fewer than 102 vendors, as follows: no fewer than 20 spaces that are 10 feet x 30 feet (“10 x 30”) and no fewer than 78 spaces that are 10 x 10 feet. Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated “event.”

- c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is easily accessed by Farmer's Market users for the purposes of cleaning the Plaza area after each Farmer's Market day. The Property owner shall ensure, either itself, or through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition, attractive and suitable for use as a public gathering space.

2) **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 construction of the first-floor above-grade 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.

Traffic

3) Generally:

- a. 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.
- b. In the event that the City determines, prior to the issuance of the final certificate of occupancy within the Development, that (i) relocation of any existing on-street parking, or (ii) changes to the direction of traffic on any adjacent street(s), (iii) elimination of any existing turn lane(s), and/or (iv) the addition of on-street parking adjacent to the Development Site, is reasonably necessitated by the proposed Development, then the Developer shall be responsible for the following:
 - i. The cost of removal of existing signage and of installation of new signs and appurtenances necessary to shift or establish on-street parking, or to change the direction of traffic along the Development site's frontage with any existing public street; and
 - ii. Pavement marking modifications (such as eradication of existing and addition of new markings).
- c. 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.

4) **Traffic Impact Analysis.**

- a. The developer shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 50 vehicles in any peak hour for any adjacent street.

Note to PC: the City's Standards and Design Manual requires TIA if trip generation exceeds 100 vehicles in any peak hour. The question before you in discussing this condition is whether or not, as a result of any concerns relating to traffic impacts of this development, you believe that the City's best interests would be served, either by (i) a "trigger" of 50 peak hour vehicles, instead of 100, OR (ii) a requirement for completion of a TIA, even without any specific number of vehicle trips as a trigger.

- b. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.
- c. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The developer shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.
- d. 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.

Affordable Housing

- 5) The developer has elected, pursuant to City Code 34-12, to make a contribution to the City's Affordable Housing Fund. No building permit shall be issued for the development

until the amount of the contribution is calculated by the Director of Neighborhood Development Services, or designee, and until such contribution has been paid in full to the City.

Landscaping

Also in the work session, the Commission wanted to include comments received from the tree commission as a condition, however, there was a concern that the tree commission may have viewed an earlier draft of the development which did not include the up to date landscaping plan. The PC decided to review the updated development plan and determine if the tree commission comments have been met at the next meeting. The Tree Commission's recommendation was:

"The Tree Commission strongly recommends that the Planning Commission recommend Council require the developer to:

- provide additional trees along all street frontages; and
- provide trees on the market plaza level using roof planting methods that do not hinder the Market's operations."

Possible SUP Condition: The landscaping plan required as a component of final site plan approval for this Development shall include tree plantings along all street frontages, as well as trees on the Public Plaza, unless the City's BAR, in reviewing an application for a certificate of appropriateness for the Development, finds that such landscaping requirements would not be compatible with the historic district. Trees on the Public Plaza shall be planted using roof planting methods that will not hinder the operations of the Farmers' Market.

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 and the text of an SUP (Resolution) for your consideration
4. Phase One Environmental Analysis dated July 28, 2014

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 SP-13-10-19, 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 SP-13-10-19, 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;

Combined Approval/ Denial

I move to recommend approval of the request for an SUP, but only for the following components which I believe will serve the public necessity, convenience, general welfare or good zoning practice:

[identify only those SUP components recommended for approval]

____ additional height

____ additional density

____ modification of setback requirements of City Code 34-743(a)

____ modification of the setback requirements of City Code 34-743(b)(1), generally, and of 34-743(b)(2) for Water Street

____ Farmer's Market Use

____ Auditorium/ theater Use

My motion includes recommendation of approval of the following specific conditions listed in the staff report: *[list the conditions that relate to the approved components]*

Further, my motion is to deny all components of the request for an SUP other than those I have specifically mentioned for approval.

Phase I Environmental Site Assessment

City Market Plaza
100 East Water Street
Charlottesville, VA



Prepared For:

Powe Studio Architects
455 Second Street SE, Suite 101
Charlottesville, VA 22902

Issue Date: July 28, 2014

F&R Project Number: 54S-0114





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**Phase I Environmental Site Assessment
City Market Plaza
100 East Water Street
Charlottesville, Virginia**

1.0 EXECUTIVE SUMMARY

Froehling & Robertson, Inc. (F&R) performed a Phase I Environmental Site Assessment (ESA) of City Market Plaza located at 100 East Water Street in Charlottesville, Virginia. The following is a summary of our findings and is not intended to replace more detailed information contained elsewhere in this report.

The Property, City Market Plaza, consists of a 1.97-acre, rectangular-shaped parcel developed as a parking lot with a parking booth situated within an urban land use area in Charlottesville, Virginia. The Property is bound to the north by Water Street West, beyond which are commercial properties including Water Street Studios (residential apartments and retail shops), York Place (residential apartments and retail shops), ID Company, The Commerce Building, The Flats, and 2nd Street Gallery; to the south by South Street East, beyond which are commercial properties including Wells Fargo Advisors, South Street Brewery, Silvergate Realty, Sunbow Trading Company, and apartments; to the east by 2nd Street Southeast, beyond which is the Water Street Public Parking Garage; and to the west by 2nd Street Southwest, beyond which are various retail shops and restaurants including Mono Loco, Pro Tax, The Engraving Shop, and Bang.

Based upon F&R's review of historical sources and interviews, the Property appears to have been utilized as parking since approximately 1964. A commercial building was formerly located on the Property from 1940 to 2013 which was utilized as a florist, H&R Block, and a life insurance company. Prior to 1964, the remaining areas of the western portion of the Property was utilized as residential dwellings, and sheds since at least 1886 and presumably earlier. However, the eastern portion of the Property was utilized as an automobile repair, sales, storage, and filling stations from at least the 1920s to at least the 1950s. According to the Sanborn Maps, five gas tanks were located on the western portion of the Property during that time. Prior to 1920, the western portion of the Property was utilized as dwellings, sheds, blacksmith, hay & feed facility, and a school. Based upon this information, the past usage of the Property as an automobile repair, sales, storage, and filling stations is considered a REC.

Based upon F&R's review of the federal, state and tribal environmental database report prepared by Environmental Data Resources, Inc. (EDR), the Property was identified on the UST database listed with a 550-gallon UST. The EDR Radius Map report identified numerous facilities listed on the federal and state databases within the ASTM search distance. Please see Section 5.1 of this report for additional information regarding listed facilities.

F&R has performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E 1527-13 of City Market located at 100 East Water Street in Charlottesville, Virginia the Property. Any exceptions to, or deletions from, this practice are described in Section 9.0 of this report. This assessment has revealed evidence of RECs including the following:

- The eastern portion of the Property was utilized as an automobile repair, sales, storage, and filling stations from at least the 1920s to at least the 1950s. According to the Sanborn Maps, five gas tanks were located on the western



portion of the Property during that time. F&R recommends Ground-Penetrating Radar (GPR) to determine the presence of USTs, proper closure of the USTs, and soil/groundwater sampling as appropriate to determine if the past usage negatively impacted the Property.

- According to the regulatory report, the Property was identified on the UST database. F&R requested and reviewed files from DEQ. A Notification for Underground Storage Tanks dated May 8, 1986 indicates one 550-gallon steel UST with an unknown installation was located at 203 South 1st Street and is listed as permanently out-of-use. The form also notes the tank was emptied of gasoline and filled with water. Additional documentation regarding soil and groundwater samples and location of the UST was not provided. Based on the lack of documentation, this UST is considered a REC. F&R recommends proper closure of the UST.

2.0 INTRODUCTION

2.1 Purpose

The purpose of our assessment will be to determine whether activities are occurring, or may have occurred on or near the site, that may be considered:

- Recognized environmental conditions - the presence or likely presence of any hazardous substance or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.
- Controlled recognized environmental conditions - a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).
- Historical recognized environmental conditions - a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).
- De minimis conditions - a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions.



2.2 Detailed Scope of Services

F&R has performed a Phase I Environmental Site Assessment in general accordance with ASTM E 1527-13 Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. Any deletions and/or additional services which deviate from this standard are described within Section 9.0. This standard does not include investigation into all areas of local, state and federal environmental requirements. These requirements were not addressed within this report and F&R is not responsible for other legal obligations for non-compliance with regulations not addressed specifically herein.

2.3 Significant Assumptions

Our findings and opinions are based upon information provided to us by others and our site observations, and are subject to and limited by the terms and conditions of F&R's Agreement for Environmental Services. We have not verified the completeness or accuracy of the information provided by others, unless noted otherwise. Our observations were based upon conditions readily visible at the site at the time of our visit, and did not include services typically performed during an Environmental Compliance Audit or a Phase II Environmental Site Assessment. If additional information becomes available which may affect our conclusions and recommendations, we request the opportunity to review the information, and reserve the right to modify our report, as warranted.

2.4 Limitations and Exceptions

F&R, by virtue of providing the services described herein, does not assume the responsibility of the person(s) in charge of the site, or otherwise undertake responsibility for reporting to any local, state, or federal public agencies any conditions at the site which may present a potential concern to public health, safety, or the environment. It is F&R's understanding that the client will notify appropriate regulatory agencies as required.

F&R has made appropriate inquiry and conducted a visual investigation in general accordance with the standard to determine the existence of underground storage tank usage (past and present) at the Property. F&R cannot entirely preclude the possibility that underground tanks, associated piping, and/or undetected releases may be present and/or may have existed at the site without a subsurface investigation, which is not a part of the scope of work for this project.

2.5 Special Terms and Conditions

Special terms and conditions in relation to this project have been addressed throughout various sections detailing the specifications for which the assessment has been completed.

2.6 User Reliance

This report has been prepared for the exclusive use of Powe Studio Architects PC on this specific project. These services have been provided in accordance with generally accepted environmental practices. No other warranty, expressed, or implied, is made. The contents of this report should not be construed in any way to indicate F&R's recommendation to purchase, sell, or develop the Property.



3.0 SITE DESCRIPTION

3.1 Location and Legal Description

The Property is located at 100 East Water Street, west of the intersection with 2nd Street SE in Charlottesville, Virginia. The portion of the Property located at 100 East Water Street is referred to as the "eastern portion of the Property" in this report. Additional addresses for the Property include 200 2nd Street SW, 210 2nd Street SW, 212 2nd Street SW, 207 1st Street S, and 100 South Street W. The portion of the Property located at the additional addresses is referred to as the "western portion of the Property" in this report. According to the City of Charlottesville Real Estate Assessor's Office, the parcel numbers are 28-62, 28-69, 28-71, 28-72, 28-73, 28-74, and 28-75. Please see Appendix A for the Site Vicinity Map.

3.2 Site and Vicinity Characteristics

The Property consists of a rectangular-shaped parcel of land totaling approximately 1.97 acres in size and developed for commercial use. The Property is located within an urban commercial land use area. Properties located in the immediate vicinity of the Property include Water Street Studios (residential apartments and retail shops), York Place (residential apartments and retail shops), ID Company, The Commerce Building, The Flats, 2nd Street Gallery, Water Street Public Parking, Wells Fargo Advisors, South Street Brewery, Silvergate Realty, Sunbow Trading Company, and various retail shops and restaurants. Please see Appendix A for the Site Observation Map.

3.3 Current Use of the Property

The Property is currently utilized as a parking lot.

3.4 Description of Structures, Roads, Other Improvements

The Property is accessed via Water Street West from the north, South Street East from the South, 2nd Street Southeast from the east, and 2nd Street Southwest from the West. 1st Street South was observed transecting the central portion of the Property. A parking booth to pay for parking was observed on the northwest corner of the Property. Storm drains were observed throughout the Property. A concrete wall was observed on the northern boundary of the Property.

A concrete slab and concrete blocks were observed on the western portion of the Property where a former commercial building was located. The building was destroyed by a fire in 2013. A shed, construction gates, and cones were also observed in this area. Structures, improved roads, or other significant improvements were not observed on the Property.

3.5 Current Uses of Adjacent Properties

The Property is bound to the north by Water Street West, beyond which are commercial properties including Water Street Studios (residential apartments and retail shops), York Place (residential apartments and retail shops), ID Company, The Commerce Building, The Flats, and 2nd Street Gallery; to the south by South Street East, beyond which are commercial properties including Wells Fargo Advisors, South Street Brewery, Silvergate Realty, Sunbow Trading Company, and apartments; to the



east by 2nd Street Southeast, beyond which is the Water Street Public Parking Garage; and to the west by 2nd Street Southwest, beyond which are various retail shops and restaurants including Mono Loco, Pro Tax, The Engraving Shop, and Bang. Please reference Appendix A for the Property Observation Map.

North	Water Street Studios (residential apartments and retail shops), York Place (residential apartments and retail shops), ID Company, The Commerce Building, The Flats, and 2nd Street Gallery	Commercial	Obvious evidence of environmental concerns was not noted.
South	Wells Fargo Advisors, South Street Brewery, Silvergate Realty, Sunbow Trading Company, and apartments	Commercial	Obvious evidence of environmental concerns was not noted.
East	Water Street Public Parking Garage	Commercial	Obvious evidence of environmental concerns was not noted.
West	Various retail shops and restaurants including Mono Loco, Pro Tax, The Engraving Shop, and Bang	Commercial	Obvious evidence of environmental concerns was not noted.

4.0 USER PROVIDED INFORMATION

In accordance with the ASTM Standard, the Client is responsible for providing the following information. Greg Powe of Powe Studio Architects PC provided F&R personnel with the site location and site contact information. F&R also requested information within the following sections.

4.1 Title Records

Prior ownership information was not provided by the Client and a review of Chain of Title Information was not performed as a part of this assessment.

4.2 Environmental Liens, Activity, and/or Use Limitations

Identification of activity use limitations and/or environmental conditions at the site was not provided.



4.3 Specialized Knowledge

Specialized knowledge of environmental issues was not provided to F&R.

4.4 Valuation Reduction for Environmental Issues

Information concerning valuation reduction for environmental issues was not provided by the Client.

4.5 Owner, Property Manager, and Occupant Information

The current property owner was identified as Ch'ville Parking Center Inc.

4.6 Reason for Performing Phase I Environmental Site Assessment

The Phase I Environmental Site Assessment is being performed to satisfy environmental inquiry into the site.

4.7 Other

F&R was provided with a *Phase I Environmental Site Assessment Water Street Lots* dated September 2005 completed by TEC Inc. (TEC). The "subject property" of the 2005 report did not consist of the current Property boundaries. The 2005 subject property consisted of the five parcels on the western portion of the Property located at 200 2nd street SW, 210 2nd Street SW, 212 2nd Street SW, and 207 1st St S. The report stated the building was utilized as an H&R Block. The two-story cinder block building was constructed in 1940 and was 2,829 square-feet in size. The building was heated by two natural gas burning boilers. The 2005 Phase I identified the following RECs:

- The 1929 Sanborn Map depicts the former presence of an auto repair, parking, and washing facility to the west of the subject property and a combined auto repair shop and filling station up-gradient and to the northwest of the subject property.
- The 1950 Sanborn map depicts two filling stations located adjacent to the north and west of the subject property and an auto repair shop up-gradient and to the northwest of the subject property.
- the 1969 Sanborn map depicts the former presence of a filling station located to the west of the subject property.

In addition, four environmental concerns were identified including the following:

- Surficial staining was present on the asphalt parking area at the subject property
- Potential ACMs were identified at the site to include floor coverings with mastic and acoustic ceiling tiles. Due to the age of the Structure at the subject property it is likely that the building contains lead based paint (LBP).
- Three overhead transformers are located at the corner of West Water Street and 1st Street South and do not have labels regarding PCB content.
- The former presence of residential structures on the subject property is considered an environmental concern to the site due to the potential for past heating oil usage.



5.0 RECORDS REVIEW

5.1 Standard Environmental Record Sources

Federal, state and tribal environmental databases and records were reviewed in an effort to determine whether environmental incidents have been reported at the site and to locate properties with environmental liabilities in the vicinity of the site. A detailed summary of federal, state and tribal databases prepared by Environmental Data Resources, Inc. (EDR) is presented in Appendix E. Federal and state regulatory databases have been researched and reported in accordance with the approximate minimum search distances specified by ASTM E 1527-13. The table below depicts the listed facilities and/or incidents identified in the database search:

CERCLIS No Further Remedial Action Planned (CERCLIS- NFRAP)		0.5	0	1	1	NR	NR	2
RCRA - Large Quantity Generators (RCRA- LQG)		0.25	1	0	NR	NR	NR	1
RCRA - Conditionally Exempt Small Quantity Generators (RCRA- CESQG)		0.25	1	1	NR	NR	NR	2
RCRA - Non Generators (RCRA NonGen / NLR)		0.25	0	5	NR	NR	NR	5
Leaking Petroleum Storage Tanks (VA LTANKS)		0.5	6	10	21	NR	NR	37
Registered Petroleum Storage Tanks (VA UST)		0.25	8	11	NR	NR	NR	19
Registered Petroleum Storage Tanks (VA AST)		0.25	0	2	NR	NR	NR	2
Leaking Underground Storage Tank Tracking Database (VA LUST REG NO)		0.5	6	11	19	NR	NR	36
Voluntary Remediation Program (VA VRP)		0.5	0	1	0	NR	NR	1
EDR Proprietary Manufactured Gas Plants (EDR MGP)		1	0	1	0	0	NR	1

5.1.1 Federal Regulatory Agencies

The Property was not identified on the federal databases. However, adjacent properties and properties in the vicinity of the Property were identified on the federal databases.

Two CERCLIS- NFRAP facilities, one RCRA- LQG facility, two RCRA- CESQG facilities, five RCRA NonGen facilities, and one EDR MGP facility were identified in the ASTM search radius on the federal databases reviewed by EDR. A detailed summary of the facilities mapped in the immediate vicinity of the Property is included below. Based upon factors such as current regulatory status, distance from the Property, hydrogeologic relation to the Property, and case closure, the remaining listings are not considered recognized environmental conditions.



Due to poor or inadequate address information, the Orphan Summary contains a list of facilities identified within federal databases which were not mapped within the environmental report. Facilities with references to federal databases were not observed during the reconnaissance for the Property.

□ □ □ □ □ □ □ □ □ □

Site Name: CVS PHARMACY #0067
Databases: RCRA-LQG
Address: 208 EAST MAIN STREET
Distance: 285
Direction: Northeast
Elevation: Higher
Comments: This facility is located 285 feet northeast of and topographically crossgradient from the Property. This facility was identified on the RCRA-LQG database listed with ignitable hazardous wastes, corrosive hazardous wastes, mercury, silver, warfarin & salts at concentrations greater than 0.3%, 1,2- Benzenediol, 4- [1- hydroxy- 2- (methylamino)ethyl]-, (R)-, nicotine & salts, and nitroglycerine. Violations or releases were not identified for this facility and it is not considered an off-site recognized environmental condition with respect to the Property.

Site Name: EM TYPESETTING
Databases: RCRA-CESQG
Address: 100 SECOND ST NW
Distance: 299
Direction: NNW
Elevation: Lower
Comments: This facility is located 300 feet north-northwest of and topographically down gradient from the Property. This facility was identified on the RCRA-CESQG database listed with silver. Violations or releases were not identified for this facility and it is not considered an off-site recognized environmental condition with respect to the Property.

5.1.2 State and Tribal Regulatory Agencies

The Property was not identified on the federal databases. However, adjacent properties and properties in the vicinity of the Property were identified on the federal databases. Nineteen UST facilities, two AST facilities, thirty-seven LUST/LTANKS incidents, and one VRP facility were identified in the ASTM search radius on the state databases reviewed by EDR. A detailed summary of listed facilities in the immediate vicinity of the Property is included below. Based upon factors such as current regulatory status, distance from the Property, hydrogeologic relation to the Property, and case closure, the remaining listings are not considered recognized environmental conditions.

Due to poor or inadequate address information, the Orphan Summary contains a list of facilities identified within state or tribal databases which were not mapped within the environmental report. Facilities with references to federal databases were not observed during the reconnaissance for the Property.

□ □ □ □ □ □ □ □ □ □

Site Name: H.M. GLEASON & COMPANY, INC
Databases: UST
Address: 203 S 1ST ST



Distance: 0
Direction: NNW
Elevation: Higher
Comments: According to the regulatory report, the Property was identified on the UST database. F&R requested and reviewed files from DEQ. A Notification for Underground Storage Tanks dated May 8, 1986 indicates one 550-gallon steel UST with an unknown installation was located at 203 South 1st Street and is listed as permanently out-of-use. The form also notes the tank was emptied of gasoline and filled with water. Additional documentation regarding soil and groundwater samples and location of the UST was not provided. Based on the lack of documentation, this UST is considered a REC.

Site Name: H.M. GLEASON & COMPANY, INC
Databases: UST
Address: 126 GARRETT ST
Distance: 275
Direction: SSW
Elevation: Lower
Comments: This facility is located two parcels south of and topographically down-gradient from the Property. The facility was identified on the UST database. The facility operated one 1,000-gallon gasoline UST and one 550-gallon diesel UST. The two USTs were removed from the ground in February 1993. Soil samples indicated TPH concentrations of 45 mg/kg. Based on the closure sample results and removal of the source, this listing is not considered an off-site REC with respect to the Property.

Site Name: DOWNTOWN TIRE & AUTO CENTER, WATERHOUSE PROJECT
Databases: UST, LUST REG NO, LTANKS
Address: 216 W WATER ST
Distance: 64
Direction: Northwest
Elevation: Higher
Comments: This facility is located approximately two parcels northwest of and topographically up-gradient from the Property. This facility was identified on the LUST/LTANKS and UST databases. A pollution complaint file, 1997-5012, was opened on August 23, 1996 during the removal of a 550-gallon waste oil UST. During UST closure, soil contamination was found surrounding the tank. The tank was situated on a concrete slab which was contaminated with waste oil. Free product was not observed. Soil TPH concentrations were below the detection limit. One soil boring and one monitoring well was installed at the facility. Groundwater TPH concentrations were less than 0.4 mg/L. The well was properly abandoned and the VDEQ closed the case on July 14, 1997. An additional pollution complaint file, 2008-6095, was opened on March 17, 2008 after a UST was discovered underneath the corner of the building during construction. Initial soil samples indicated TPH DRO concentrations of 2,050 ppm and TPH GRO concentrations of 550 ppm. The remaining product and sludge was removed from the tank and the UST was abandoned in place with concrete slurry. The DEQ closed the case on April 30, 2008 based on low concentrations immediately beneath the tank and the location of the tank beneath the building. Based on the removal of the sources, nature of the incidents, and case closures, this listing is not considered an off-site REC with respect to the Property.



Site Name: WATER STREET PARKING LOT
Databases: UST, LUST REG NO, LTANKS
Address: 300 E WATER ST
Distance: 237
Direction: East
Elevation: Lower
Comments: This facility is located adjacent to the east of and topographically cross-gradient from the Property. This facility was identified on the LUST/LTANKS database. Two 2,500-gallon gasoline USTs were removed from the facility on June 24, 1992. VDEQ did not request further investigations. A pollution complaint, 1993-0246, was opened on July 30, 1992 after a 550-gallon kerosene UST containing numerous holes was removed from the site. Two soil borings were completed. Soil samples indicated TPH concentrations of 1,400 mg/kg. An Initial Abatement Report dated August 28, 1992 indicated free product, stained soils, or vapors were not detected. An additional 2,500-gallon gasoline UST was found and removed on August 27, 1992. Stained soils and strong vapors were noted and pollution complaint 1993-0426 was opened. A Site Characterization Report (SCR) dated October 16, 1992 addressed both files by a soil-gas survey, ten soil borings for laboratory analysis, and four monitoring wells and subsequent groundwater sampling. Organic vapor concentrations were greater than 1,000 ppm in the immediate vicinity of the gasoline UST basin. Soil samples indicated TPH concentrations of 480 ppm and groundwater samples indicated TPH concentrations of 5 ppm. Groundwater was identified to flow to the south-southeast. VDEQ requested additional quarterly monitoring for a year. The most recent monitoring report dated November 28, 1994 indicated a TPH concentration of 2.7 ppm. The DEQ reviewed the groundwater monitoring reports and closed the case on February 6, 1995. Based on the hydrogeologic relation to the Property, case closure, and redevelopment of the site, this listing is not considered an off-site REC.

Site Name: WEST END PARKING
Databases: LUST REG NO, LTANKS
Address: WATER & MAIN ST
Distance: 514
Direction: WNW
Elevation: Higher
Comments: This facility is located approximately 500 feet west-northwest of and topographically up-gradient from the Property. This facility was identified on the LUST/LTANKS database. A pollution complaint, 1996-4762 was opened on August 21, 1995 after soil samples collected near a 24,000-gallon gasoline UST indicated TPH concentrations of approximately 1,000-ppm. Four 550-gallon USTs and one 750-gallon UST were removed from the Site on November 22, 1995. Soil samples within the basin indicated TPH concentrations of 193 ppm and composite samples indicated TPH concentrations of 318 ppm. Approximately 1,015 cubic-yards were removed from the site. An SCR dated December 1995 stated two monitoring wells indicated TPH concentrations of ppm. An additional 550-gallon UST was discovered on February 2, 1996. An addendum to the SCR indicated soil surrounding the tank contained TPH concentrations of 1,470 ppm and a chromatogram suggests the residual contamination is highly weathered gasoline. This area of the site was reportedly capped with concrete and covered by the building. DEQ completed a site visit on January 8, 1997 which noted no evidence of soil, monitoring wells, or contamination. The site is capped by the building, brick, concrete, and new landscaping. The wells were properly abandoned in May 1997 and VDEQ closed the case on May 27, 1997. Based on case closure, re-development, removal of the source, and hydrogeological relation to the Property, this facility is not considered an off-site REC with respect to the Property.



5.1.3 Additional Environmental Record Sources

Local records lists are not documented within the City of Charlottesville and therefore additional environmental record sources were not used in this assessment. F&R contacted the local fire, health, and building departments for additional information on the Property. Information obtained is included within Section 7.2 of this report.

5.1.4 Vapor Encroachment Screening

The Property was identified on the UST database listed with a 550-gallon gasoline UST as described in Section 6.3.3. However, releases were not identified from the UST. These USTs are identified as a REC and a VEC cannot be ruled out.

5.2 Physical Setting Sources

The United States Geological Survey (USGS), Charlottesville East, Virginia Quadrangle 7.5 minute series topographic map was reviewed during the preparation of this report. This map was published by the USGS in 1997. According to the contour lines on the topographic map, the Property is located at approximately 450 feet above mean sea level (AMSL). The contour lines in the area indicate the Property generally slopes to the southeast. The area of the Property is colored red, which indicates urban land.

Surface waters are not depicted as present on or adjacent to the Property. Based upon regional topography as depicted on the USGS topographic map, the direction of shallow groundwater flow in the vicinity of the site is inferred to be to the south toward Moores Creek. However, without performing a hydrogeologic evaluation, the actual direction of groundwater flow cannot be determined.

5.3 Property Historical Use Information

Based upon F&R's review of historical sources and interviews, the Property appears to have been utilized as parking since approximately 1964. A commercial building was formerly located on the Property from 1940 to 2013 which was utilized as a florist, H&R Block, and a life insurance company. Prior to 1964, the remaining areas of the western portion of the Property was utilized as residential dwellings, and sheds since at least 1886 and presumably earlier. However, the eastern portion of the Property was utilized as an automobile repair, sales, storage, and filling stations from at least the 1920s to at least the 1950s. According to the Sanborn Maps, five gas tanks were located on the western portion of the Property during that time. Prior to 1920, the western portion of the Property was utilized as dwellings, sheds, blacksmith, hay & feed facility, and a school. Based upon this information, the past usage of the Property as an automobile repair, sales, storage, and filling stations is considered a REC.

5.3.1 Aerial Photographs

F&R reviewed aerial photographs provided by EDR to determine the historical usage of the Property. Aerial photographs from 1959, 1963, 1968, 1972, 1975, 1984, 1988, 1994, 2000, 2005, 2006, 2008, 2009, 2011, and 2012 were reviewed. The findings are presented in the following table:



Year	Site
1959	Parking lot and commercial buildings
1963	Cleared land and commercial buildings
1968	Cleared land and commercial building
1972	Cleared land and commercial building
1975	Cleared land and commercial building
1984	Parking lot and commercial building
1988	Parking lot and commercial building
1994	Parking lot and commercial building
2000	Parking lot and commercial building
2005	Parking lot and commercial building
2006	Parking lot and commercial building
2008	Parking lot and commercial building
2009	Parking lot and commercial building
2011	Parking lot and commercial building
2012	Parking lot and commercial building

5.3.2 City Directories

F&R reviewed a historical city directory abstract provided by EDR to determine the historical usage of the Property. The findings are presented in the following table:

1964	100 E Water St- Not listed 207 1st St S- Snow's Florists, Snow's Nursery & Tree Surgeons
1968	100 E Water St- Charlottesville Parking Center 207 1st St S- North Carolina Mutual Life Insurance Co, Snow's Florists & Garden Shop, Snow's Nursery & Tree Surgeons
1973	100 E Water St- Charlottesville Parking Center 207 1st St S- H&R Block
1978	100 E Water St- Not listed 207 1st St S- H&R Block
1983	100 E Water St- Not listed 207 1st St S- H&R Block
1988	100 E Water St- Not listed 207 1st St S- H&R Block
1993	100 E Water St- Not listed 207 1st St S- H&R Block
1998	100 E Water St- Not listed 207 1st St S- Executive Tax Service
2003	100 E Water St- Landers Minner Underwriting Inc insurance 207 1st St S- H&R Block Tax Service
2008	100 E Water St- Landers Minner Underwriting Inc insurance 207 1st St S- Not listed
2013	100 E Water St- Landers Minner Underwriting Inc insurance 207 1st St S- Not listed

5.3.3 Chain of Title

F&R performed a limited review of prior ownership information that was reasonably ascertainable via the City of Charlottesville Online Real Estate Assessment.



Ownership information was reviewed for evidence of Property ownership or usage which may identify a suspect operation or previous use which would indicate an environmental concern or risk of an environmental concern to the Property. The review of ownership history did not appear to indicate evidence of Property ownership indicative of suspect operations or previous use in connection with the Property.

The research was not performed by a legal professional and should not be construed as a legal chain-of-title for the Property. The ownership information was obtained for informational and historical purposes for use in this Phase I ESA. The following table identifies the information obtained:

250/110/2-7-1964	Not listed	Ch'ville Parking Center Inc
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5.3.4 Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps were provided by EDR and reviewed for information concerning the previous usage of the Property. The following table depicts the information obtained during the review:

1886	Vacant, Dwellings, and unmapped
1891	Dwellings and unmapped
1896	Dwellings, school, and sheds
1902	Dwellings and sheds
1907	Dwellings, sheds, and blacksmith
1913	Dwellings, sheds, and Baled Hay & Feed
1920	Dwellings, sheds, garage and storage of motor trucks, two carpenters, two black smiths, a private garage, and storage (to be silk mill)
1929	Dwellings, flat, vacant sheds, Calhoun-Watts Motor Co (sales, storage, & repairing), two gasoline stations, one auto storage, four auto repairing shops, two vacant buildings, and five gas tanks
1950	Dwellings, greenhouse, store, Calhoun-Watts Motor Co (sales, storage, & repairing), two gasoline stations, two auto storage, three auto repairing shops, and five gas tanks
1969	Parking, green house, and store

5.3.5 Historical Topographic Maps

Historical topographic maps were provided by EDR and reviewed for information concerning the previous usage of the Property. The following table depicts the information obtained during the review:

1935	Urban Land
1939	Urban Land
1950	Urban Land
1964	Urban Land
1968	Urban Land
1973	Urban Land
1978	Urban Land
1987	Urban Land
1997	Urban Land



5.3.6 Additional Historical Sources

Additional historical sources were not utilized during the course of this assessment.

5.4 Adjoining Properties Historical Use Information

Based upon F&R's review of historical sources and interviews, the adjacent properties are currently utilized as commercial and residential buildings and have been since at least the 1886 and presumably earlier. Commercial properties include various retail stores, offices, restaurants and warehouses. However, according to the Sanborn maps, the adjacent property to the north was utilized as an auto shop in 1929 and a filling station in 1950. The adjacent property to the east was utilized as a freight station from at least 1913 to at least the 1950s and a filling station from the 1950s to the at least 1970s. In addition, the adjacent property to the west was utilized as an automotive storage and automotive washing facility in 1929 and a filling station from the 1950s to the at least 1970s. Based upon redevelopment of the adjacent properties, the historic usage as automotive shops and filling stations is not considered an off-site REC.

5.4.1 Aerial Photographs

F&R reviewed aerial photographs provided by EDR to determine the historical usage of the adjacent properties. Aerial photographs from 1959, 1963, 1968, 1972, 1975, 1984, 1988, 1994, 2000, 2005, 2006, 2008, 2009, 2011, and 2012 were reviewed. The findings are presented in the following table:

1959	Commercial development	Commercial development and	Parking lot and commercial development	Commercial development
1963	Commercial development	Commercial development	Cleared land and commercial development	Commercial development
1968	Commercial development	Commercial development	Cleared land and commercial development	Commercial development
1972	Commercial development	Commercial development	Cleared land and commercial development	Commercial development
1975	Commercial development	Commercial development	Cleared land and commercial development	Commercial development
1984	Commercial development	Commercial development	Parking lot	Commercial development
1988	Commercial development	Commercial development	Parking lot	Commercial development
1994	Commercial development	Commercial development	Commercial development	Commercial development
2000	Commercial development	Commercial development	Commercial development	Commercial development
2005	Commercial development	Commercial development	Commercial development	Commercial development
2006	Commercial development	Commercial development	Commercial development	Commercial development



Year	North	South	East	West
2008	Commercial development	Commercial development	Commercial development	Commercial development
2009	Commercial development	Commercial development	Commercial development	Commercial development
2011	Commercial development	Commercial development	Commercial development	Commercial development
2012	Commercial development	Commercial development	Commercial development	Commercial development

5.4.2 City Directories

F&R reviewed a historical city directory abstract provided by EDR to determine the historical usage of the adjacent properties. The findings are presented in the following table:

1964	N(100 W Main St)- Robinson's Wn's clothes N(110 E Main St)- Alcoholics Anonymous, Berl- Lee Beauty Shop Jefferson Theatre, Jefferson Billiard Parlor, Jefferson Building, Taylor's Tailor Shop S(100 E South St)- Charlottesville Supply Co plumbing supplies S(106 W South Street)- Vacant E(200 E Water St)- Not listed W(200 W Water St)- Burgess Bros Shell Service W(209 2nd St SW)- Edwards T Raymond boarding house
1968	N(100 W Main St)- FW Woolworth Co N(110 E Main St)- Jefferson Theatre, Jefferson Billiard Parlor, House of Beauty, Jefferson Building, Taylor's Tailor Shop S(100 E South St)- Charlottesville Supply Co wholesale plumbing S(106 W South St)- Charlottesville Distributing Co wholesale beer & wine E(200 E Water St)- Not listed W(200 W Water St)- Vacant W(209 2nd St SW)- Vacant
1973	N(100 W Main St)- FW Woolworth Co N(110 E Main St)- Cinema Theatre, Down Town Billiard Parlor, House of Beauty, Jefferson Building, Taylor's Tailor Shop S(100 E South St)- Charlottesville Supply Co wholesale plumbing S(106 W South St)- Omohundro Electric storage E(200 E Water St)- ABC Store No 125 W(200 W Water St)- Motor Clinic Inc W(209 2nd St SW)- Residential
1978	N(100 W Main St)- FW Woolworth Co N(110 E Main St)- Down Town Billiard Parlor, Lady J Salon, Movie Palace, Taylor's Tailor Shop S(100 E South St)- Vacant S(106 W South St)- Vacant E(200 E Water St)- ABC Store No 125 W(200 W Water St)- Vacant W(209 2nd St SW)- Residential
1983	N(100 W Main St)- FW Woolworth Co dept stores N(110 E Main St)- Aisha's Alterations, Movie Palace S(100 E South St)- Vacant S(106 W South St)- Bee Jay's Upholstery E(200 E Water St)- ABC Store No 125



Year	Adjacent Property Use
	W(200 W Water St)- Charlie's Fried Chicken & Taters W(209 2nd St SW)- Vacant
1988	N(100 W Main St)- FW Woolworth Co dept stores N(110 E Main St)- Movie Palace S(100 E South St)- Vacant S(106 W South St)- South Street Restaurant Ltd E(200 E Water St)- ABC Store No 125 W(200 W Water St)- Vacant W(209 2nd St SW)- Best Enterprises home care service, Foth-White Ellen graphic designer, The Third Age health agency
1993	N(100 W Main St)- FW Woolworth Co dept stores N(110 E Main St)- Movie Palace S(100 E South St)- AG Edwards security bankers, Ivy Software Inc, Van Yahres Associates Landscape Architect S(106 W South St)- South Street Executive Suites 7 occupants E(200 E Water St)- Vacant W(200 W Water St)- Chanelo's Pizza W(209 2nd St SW)- O'Grady Pat Properties real estate, UNSCO Private Ledger
1998	N(100 W Main St)- FW Woolworth variety stores N(110 E Main St)- Movie Palace S(100 E South St)- AG Edwards security bankers, Appraisal Group real estate agents, Response Communications misc personal services, Van Yahres Associates Landscape Architect S(106 W South St)- Residential E(200 E Water St)- Atlantic Coast physical fitness facilities W(200 W Water St)- Not listed W(209 2nd St SW)- Nelson Byrd Landscape Architect
2003	N(100 W Main St)- Foot Locker shoe retail N(110 E Main St)- Jefferson Theater S(100 E South St)- Multiple business listings 6 occupants S(106 W South St)- First Nations Mortgage real estate loans, Harry Frazier Fleishman Hillard non- classified establishments E(200 E Water St)- ACAC Fitness & Wellness Center health club W(200 W Water St)- Mono Loco restaurants W(209 2nd St SW)- Gotham Graphix graphics designers, Schaffer Carrie PhD
2008	N(100 W Main St)- Caspari special events N(110 E Main St)- Jefferson Theater, The Movie Palace S(100 E South St)- Multiple business listings 11 occupants S(106 W South St)- Capital Group of Virginia Inc financial advisor service, Harry Frazier Fleishman Hillard non- classified establishments, South Street Brewery restaurants E(200 E Water St)- Not listed W(200 W Water St)- Mono Loco restaurants W(209 2nd St SW)- Rifkin Associates real estate, Wine Guild of Charlottesville
2013	N(100 W Main St)- Caspari special events N(110 E Main St)- Jefferson Theater, The Movie Palace S(100 E South St)- Multiple business listings 10 occupants S(106 W South St)- Multiple business listings 6 occupants E(200 E Water St)- Not listed W(200 W Water St)- Mono Loco restaurants W(209 2nd St SW)- Engraving Shop, Rifkin Associates real estate, Wine Guild of Charlottesville



5.4.3 Sanborn Fire Insurance Maps

Sanborn Fire Insurance Maps were provided by EDR and reviewed for information concerning the previous usage of the adjacent properties. The following table depicts the information obtained during the review:

1886	Drug stores, dwellings, shed, and blacksmith	Not mapped	Not mapped	Not mapped
1891	Dwellings, blacksmith, and shed	Dwellings and sheds	Dwellings	Meth Church and dwellings
1896	Dwellings, blacksmiths, and shed	Dwelling, Payne and Payne Wood Coal & Lime, and wholesale grocery	Dwellings	M.E. Church and dwellings
1902	Dwellings, blacksmiths, shed, and warehouse	Dwelling, coal and wood yard with office, lime house, and wholesale grocery	Dwellings	M.E. Church and dwellings
1907	Dwellings, furniture warehouse, blacksmith, sheds, oils, and a warehouse	Dwelling, coal and wood yard with office, lime house, and wholesale grocery	Dwellings	M.E. Church and dwellings
1913	Dwellings, furniture warehouse, blacksmith, Jefferson Theatre, oils, shed, and warehouse	Boarding, coal and wood yard with office, lime house, and wholesale grocery	C & O Railroad Freight Station	M.E. Church and dwellings
1920	Dwellings, Lafayette Theatre, warehouse, Jefferson Theatre, storage, blacksmith, and agricultural implements warehouse	shed, H.H. Hanking Hay & Grain Storage, Albemarle Grocery Co. warehouse, Michie Grocery Co. warehouse	Chesapeake & Ohio Railroad Freight Station	M.E. Church South and dwellings
1929	Dwellings, The Lafayette (movies), furniture warehouse, auto shop (sales, repair and storage) with gas tank, The Jefferson (movies), blacksmith, stores, and auto repairing	Wholesale & Retail (flour, feed, gran & hay), wholesale fruit & produce, wholesale grocery, and hardware & builder's supplies storage warehouse	Parking and C&O Ry. Freight Station	Auto parking, washing and storage, and dwellings
1950	dwellings, The Lafayette (movies), filling station, glass warehouse, store,	Albemarle Michie Co. Wholesale Grocery, bottling works, plumbing,	Parking, filling station, and C&O Ry. Freight Station	Filling stations, auto service, apartments, and dwellings



	The Jefferson (movies), restaurant, and warehouse	and supplies storage		
1969	Stores, restaurant, dwellings, vacant building, storage, stores, offices, and a bank	Stores, beverage warehouse, electrical supply warehouse, plumbing, and supplies storage	Parking and filling station	Filling station, auto parts and service, apartments, and dwellings

5.4.4 Historic Topographic Maps

Historical topographic maps were provided by EDR and reviewed for information concerning the previous usage of the adjacent properties. The following table depicts the information obtained during the review:

1935	Urban Land	Urban Land	Urban Land	Urban Land
1939	Urban Land	Urban Land	Urban Land	Urban Land
1950	Urban Land	Urban Land	Urban Land	Urban Land
1964	Urban Land	Urban Land	Urban Land	Urban Land
1968	Urban Land	Urban Land	Urban Land	Urban Land
1973	Urban Land	Urban Land	Urban Land	Urban Land
1978	Urban Land	Urban Land	Urban Land	Urban Land
1987	Urban Land	Urban Land	Urban Land	Urban Land
1997	Urban Land	Urban Land	Urban Land	Urban Land

6.0 SITE RECONNAISSANCE

6.1 Methodology and Limiting Conditions

Ms. Hillary Sparagna of F&R performed a site reconnaissance on July 14, 2014 to review current site conditions. F&R personnel walked the Property and boundaries as well as viewed the interior of the structure on-site and viewed adjacent parcels. An escort was not provided to F&R on the Property reconnaissance.

6.2 General Site Setting/Characteristics

The Property is located within an urban commercial land use area. Properties located in the immediate vicinity of the Property include Water Street Studios (residential apartments and retail shops), York Place (residential apartments and retail shops), ID Company, The Commerce Building, The Flats, 2nd Street Gallery, Water Street Public Parking, Wells Fargo Advisors, South Street Brewery, Silvergate Realty, Sunbow Trading Company, and various retail shops and restaurants. Please see Appendix A for the Site Observation Map.

6.3 Potential Environmental Conditions

6.3.1 Hazardous Materials Storage

Hazardous material storage was not observed on the Property. Additionally, obvious evidence of hazardous materials or regulated substances being improperly stored, dumped, or spilled on the Property (e.g., surface staining, stressed or dead vegetation, unusual odors, etc.) was not observed.



6.3.2 Polychlorinated Biphenyls (PCBs)

Electrical equipment manufactured prior to 1979 has the potential for containing PCBs and therefore subject to regulation by the United States Environmental Protection Agency (EPA). If a transformer is labeled with a blue or black dot, this indicates that the transformer has been tested for the presence of PCBs and contained concentrations of PCBs less than 50 parts per million (ppm), or it was manufactured after 1978.

A total of twenty pole-mounted electrical transformers and one pad-mounted electrical transformer were observed on-site and appeared to be in good condition. Fourteen of the twenty pole-mounted electrical transformers and the pad-mounted electrical transformer were labeled with a blue dot. The remaining six electrical transformers were not labeled with the PCB content or a blue dot. Obvious evidence of leaking or staining was not observed. Based on the condition of the transformers, the transformers are not a concern at this time.

6.3.3 Storage Tanks or Pipelines

Obvious evidence of aboveground storage tanks (ASTs), underground storage tanks (USTs) or pipelines indicative of USTs currently on the Property was not observed on-site or reported during interviews.

However, according to the Sanborn Maps, five gas tanks were located on the western portion of the Property. Please see Section 5.3 of this report for additional information associated with these USTs. In addition, one 550-gallon UST was identified for the Property. Please see Section 5.1.2 for additional information associated with this UST.

6.3.4 Drinking Water/Sewer System

The Property receives its drinking water from the City of Charlottesville, which is serviced by the Rivanna Water and Sewer Authority. The source of the water is the South Fork Rivanna Reservoir, Ragged Mountain Reservoir, and Sugar Hollow Reservoir. The Property relies upon municipal sanitary sewer service provided by the City of Charlottesville.

6.3.5 Wastewater

F&R did not observe an industrial wastewater system on the Property.

6.3.6 Pits, Ponds, And Lagoons

F&R did not observe pits, ponds, or lagoons on site.

6.3.7 Additional Observations

Additional items of concern were not observed on the Property.



7.0 INTERVIEWS

F&R personnel interviewed various persons familiar with the Property and surrounding properties. Details are as follows.

7.1 Interview with Site Owner/Manager

An interview with the Property owner/manager was not conducted.

7.2 Interviews with Local Government Officials

Fire Officials

F&R contacted the City of Charlottesville Fire Department to request information regarding responses of the respective departments to emergency situations that include fires, chemical spills, hazardous material releases (HAZMAT team responses), and incidents of environmental concern on or in the immediate vicinity of the Property. F&R has not received a response as of the issuance of this report; however, if pertinent information is received, F&R will forward it to the client.

Building Department

F&R contacted the City of Charlottesville Building Department to request information on USTs or environmental concerns on the Property. Mr. Tom Elliott, Building Code Official, stated there were no records of tank removal or code violations for the Property. He stated the burned building demolished and has been the only building permit he is aware of. The computer records date back to 1995. A copy of the correspondence is included in Appendix D of this report.

7.3 Interview with Others

Additional interviews were not conducted during the course of this assessment.

8.0 FINDINGS AND CONCLUSIONS

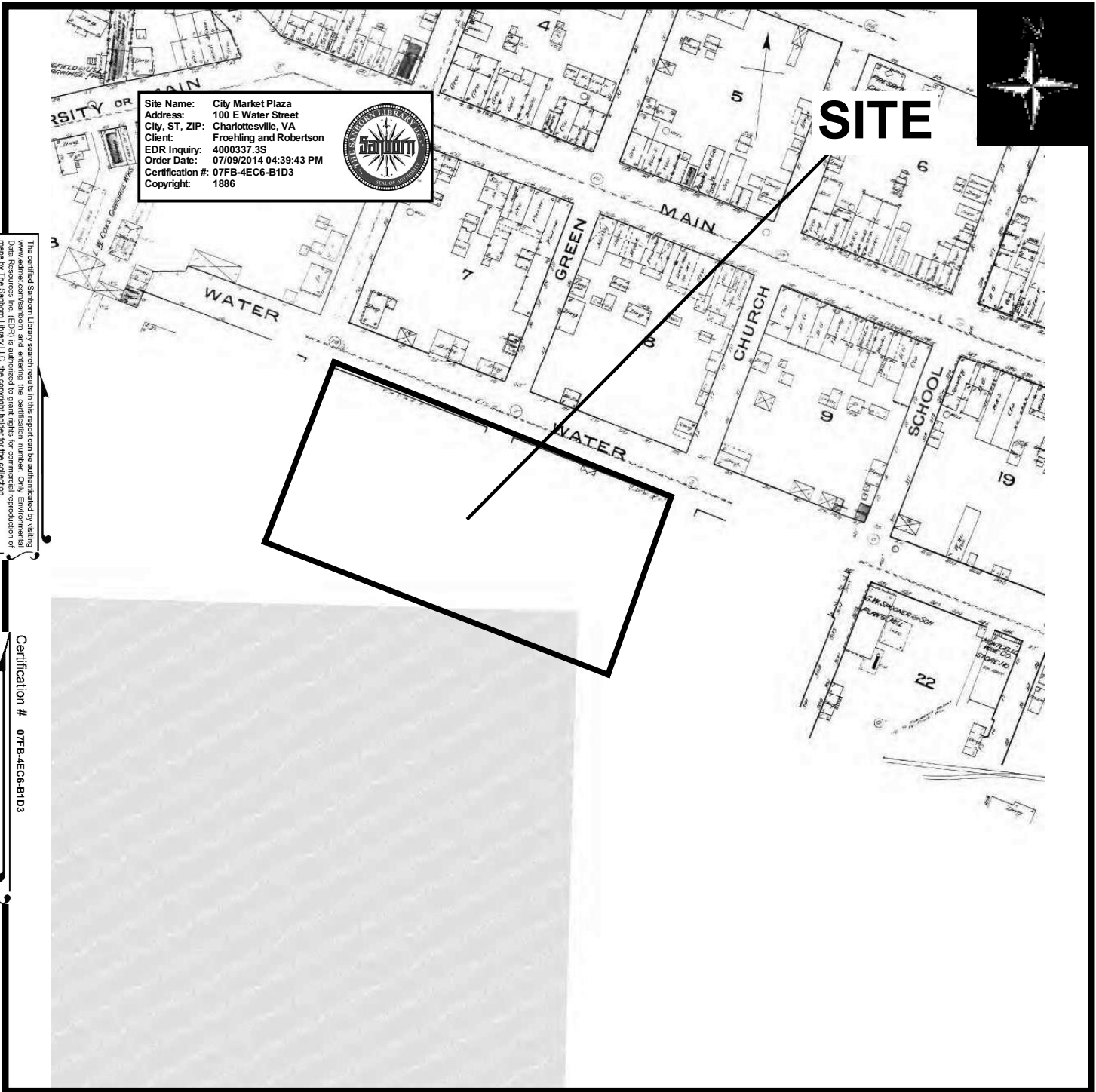
8.1 Findings

During the course of this Phase I ESA, historical recognized environmental conditions (HRECs), de minimis conditions, and items of environmental concern were not identified in association with the Property. Two recognized environmental conditions (RECs) were identified on the Property.

8.1.1 On-Site Recognized Environmental Conditions

This assessment has revealed evidence of two on-site REC associated with the Property:

- The eastern portion of the Property was utilized as an automobile repair, sales, storage, and filling stations from at least the 1920s to at least the 1950s. According to the Sanborn Maps, five gas tanks were located on the western portion of the Property during that time.
- According to the regulatory report, the Property was identified on the UST database. F&R requested and reviewed files from DEQ. A Notification for Underground Storage Tanks dated May 8, 1986 indicates one 550-gallon steel UST with an unknown installation was located at 203 South 1st Street and is




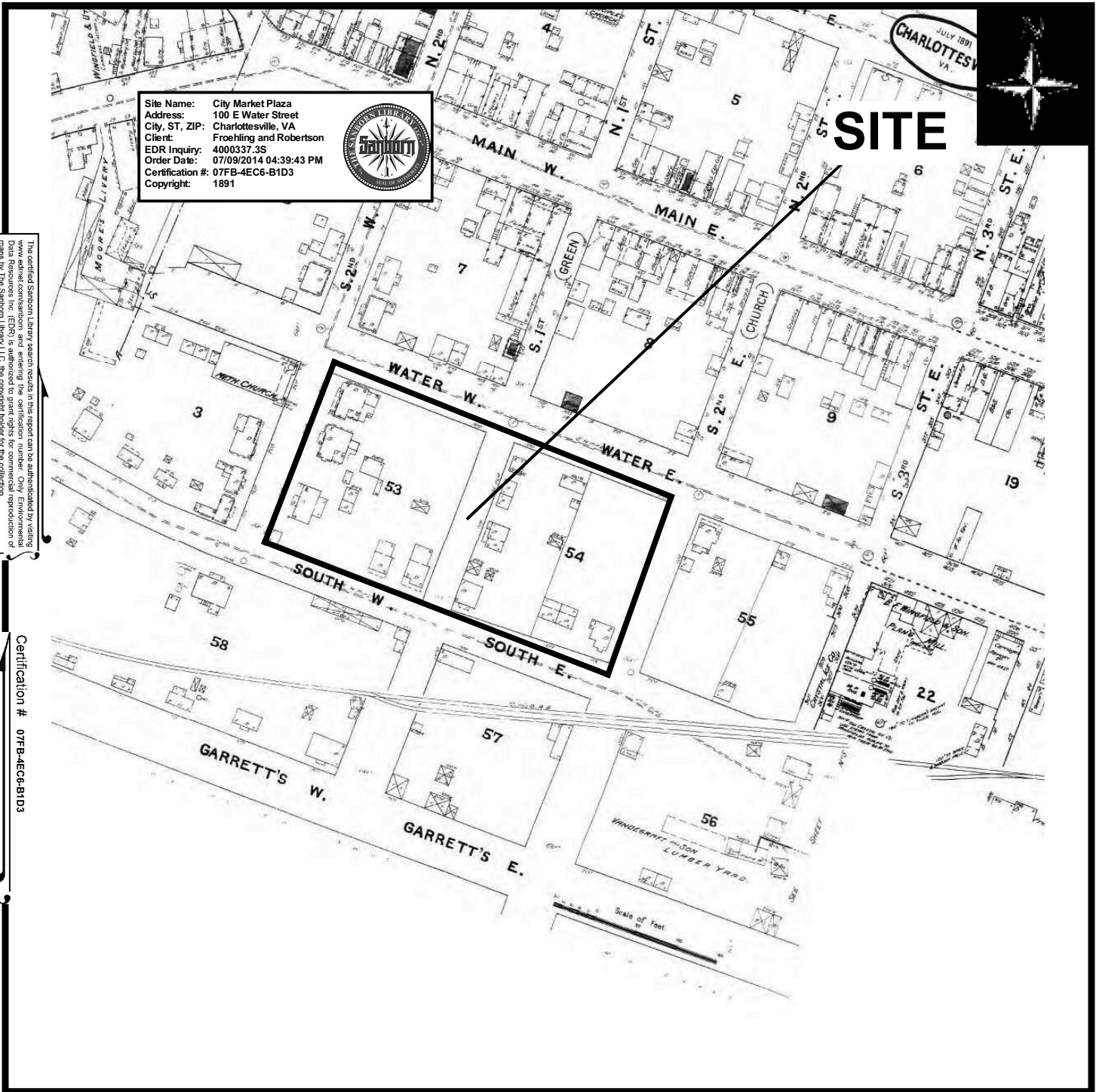
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Address: 100 E Water Street
City, ST, ZIP: Charlottesville, VA
Client: Froehling and Robertson
EDR Inquiry: 4000337.3S
Order Date: 07/09/2014 04:39:43 PM
Certification #: 07FB-4EC6-B1D3
Copyright: 1886



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Certification # 07FB-4EC6-B1D3

 FROEHLING & ROBERTSON, INC. <i>Engineering Stability Since 1881</i>	1886 Sanborn Map City Market Plaza 100 E Water Street Charlottesville, VA					
	<table border="0"> <tr> <td>PREPARED FOR: Powe Studio Architects</td> <td>DATE: 07/14/2014</td> </tr> <tr> <td>PROJ. MGR:</td> <td>PROJ. #: 54S-0114</td> </tr> <tr> <td>DRAWN BY: Hillary Sparagna</td> <td></td> </tr> </table>	PREPARED FOR: Powe Studio Architects	DATE: 07/14/2014	PROJ. MGR:	PROJ. #: 54S-0114	DRAWN BY: Hillary Sparagna
PREPARED FOR: Powe Studio Architects	DATE: 07/14/2014					
PROJ. MGR:	PROJ. #: 54S-0114					
DRAWN BY: Hillary Sparagna						



Site Name: City Market Plaza
 Address: 100 E Water Street
 City, ST, ZIP: Charlottesville, VA
 Client: Froehling and Robertson
 EDR Inquiry: 4000337.3S
 Order Date: 07/09/2014 04:39:43 PM
 Certification #: 07FB-4EC6-B1D3
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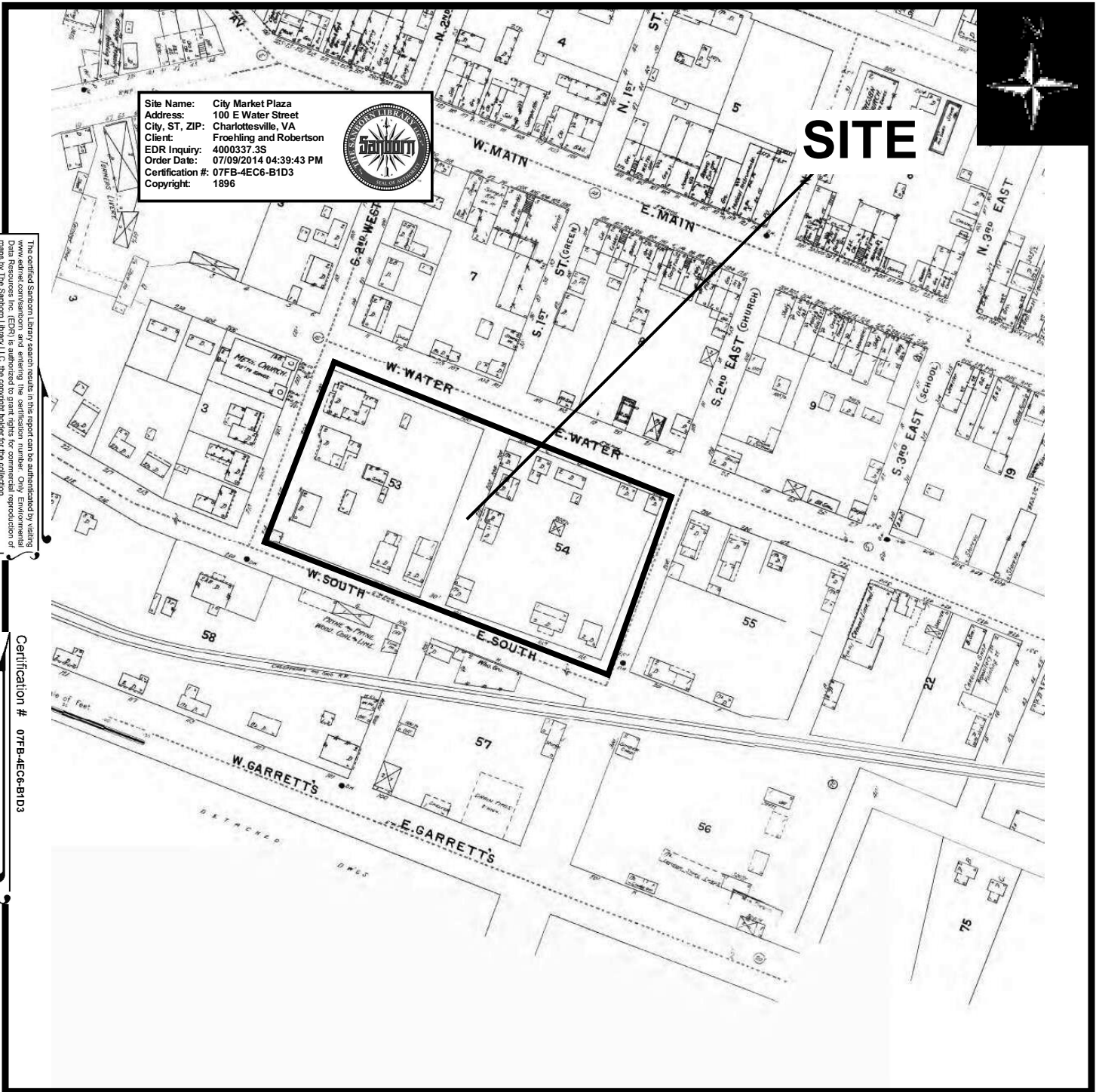


FROEHLING & ROBERTSON, INC.
Engineering Stability Since 1881

1891 Sanborn Map
 City Market Plaza
 100 E Water Street
 Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114



Site Name: City Market Plaza
 Address: 100 E Water Street
 City, ST, ZIP: Charlottesville, VA
 Client: Froehling and Robertson
 EDR Inquiry: 4000337.3S
 Order Date: 07/09/2014 04:39:43 PM
 Certification #: 07FB-4EC6-B1D3
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SITE

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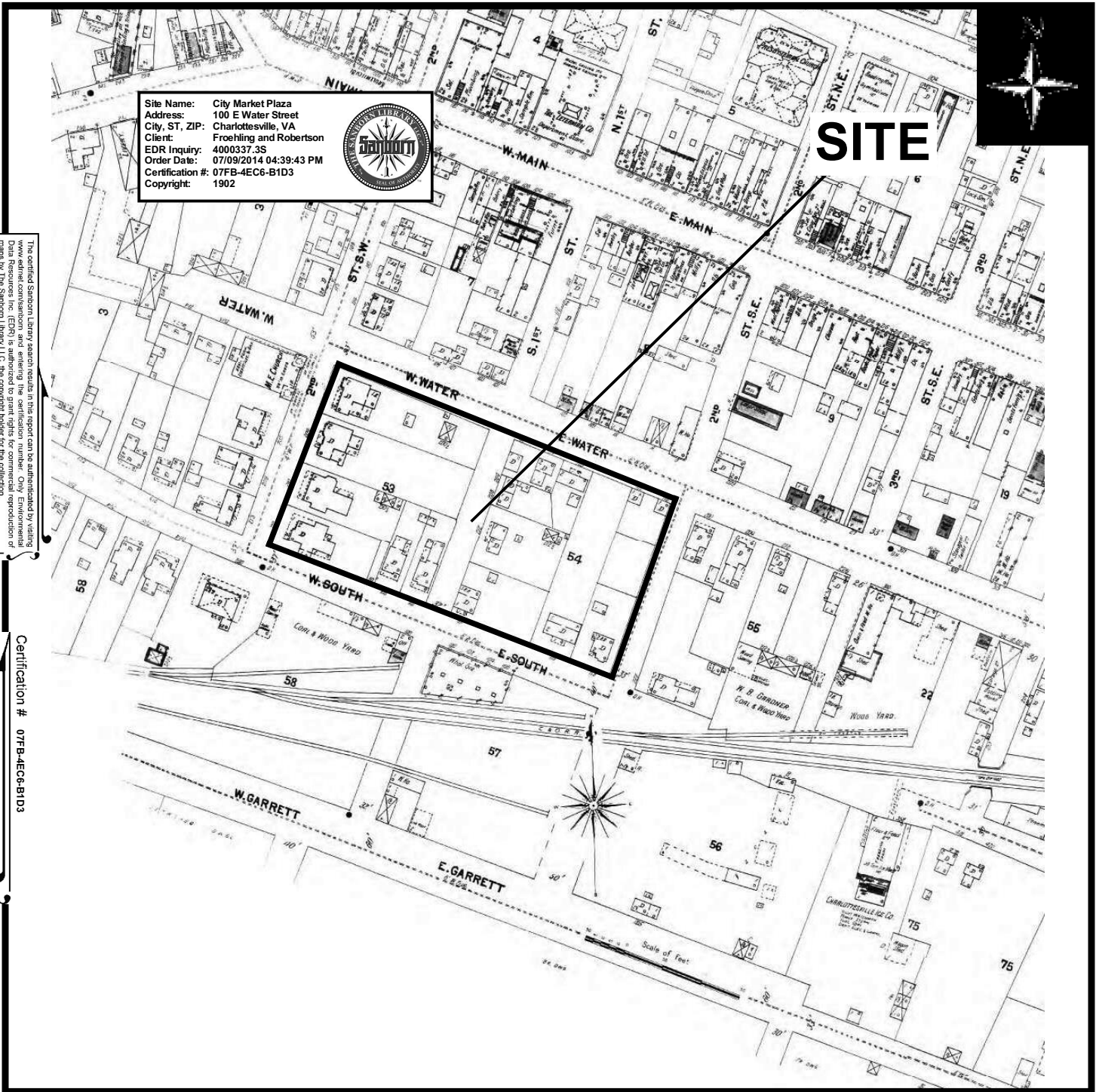


FROEHLING & ROBERTSON, INC.
Engineering Stability Since 1881

1896 Sanborn Map
 City Market Plaza
 100 E Water Street
 Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114



Site Name: City Market Plaza
 Address: 100 E Water Street
 City, ST, ZIP: Charlottesville, VA
 Client: Froehling and Robertson
 EDR Inquiry: 4000337.3S
 Order Date: 07/09/2014 04:39:43 PM
 Certification #: 07FB-4EC6-B1D3
 Copyright: 1902



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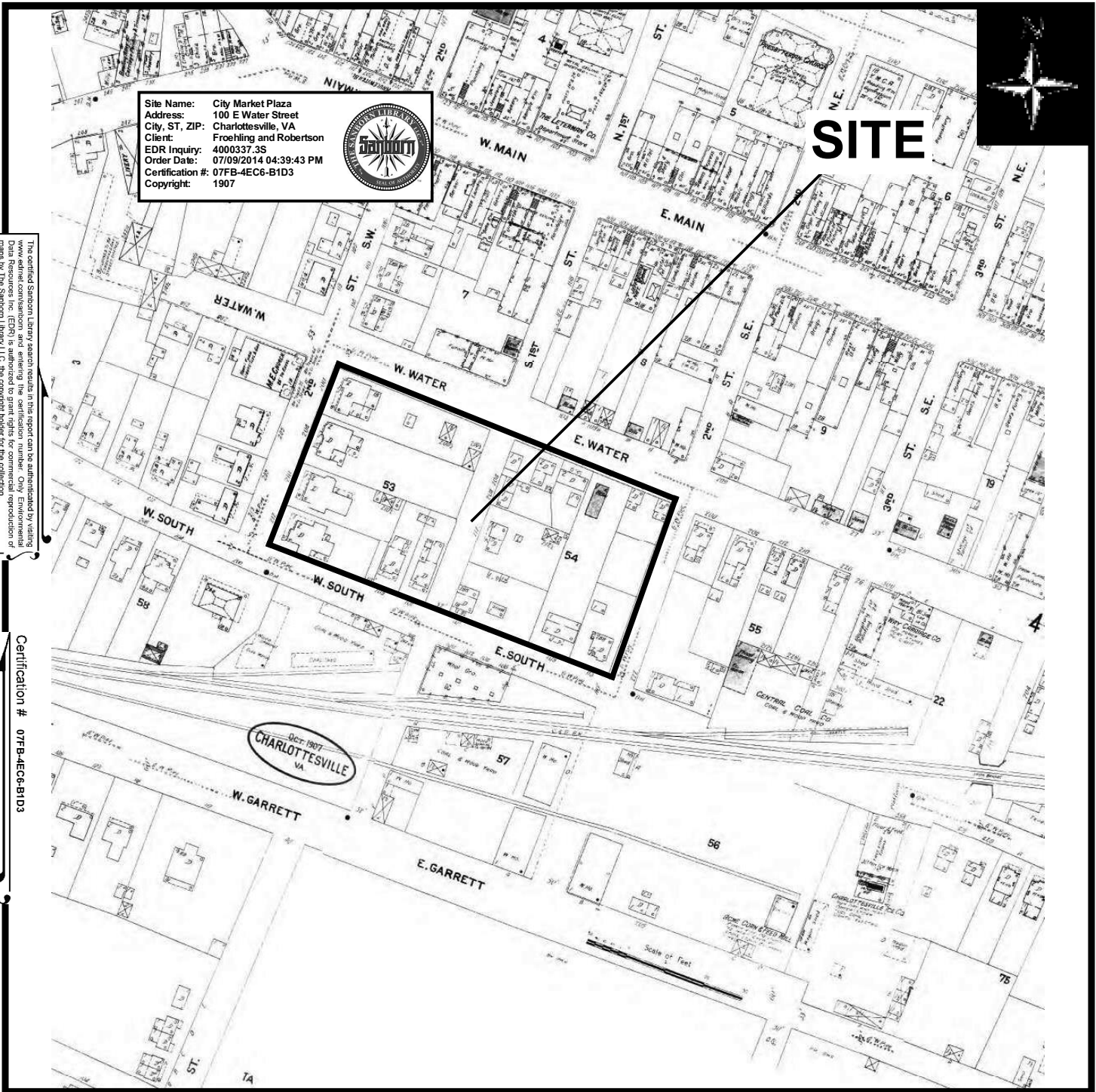


FROEHLING & ROBERTSON, INC.
Engineering Stability Since 1881

1902 Sanborn Map
 City Market Plaza
 100 E Water Street
 Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114



Site Name: City Market Plaza
 Address: 100 E Water Street
 City, ST, ZIP: Charlottesville, VA
 Client: Froehling and Robertson
 EDR Inquiry: 4000337.3S
 Order Date: 07/09/2014 04:39:43 PM
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1907 Sanborn Map
City Market Plaza
100 E Water Street
Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114

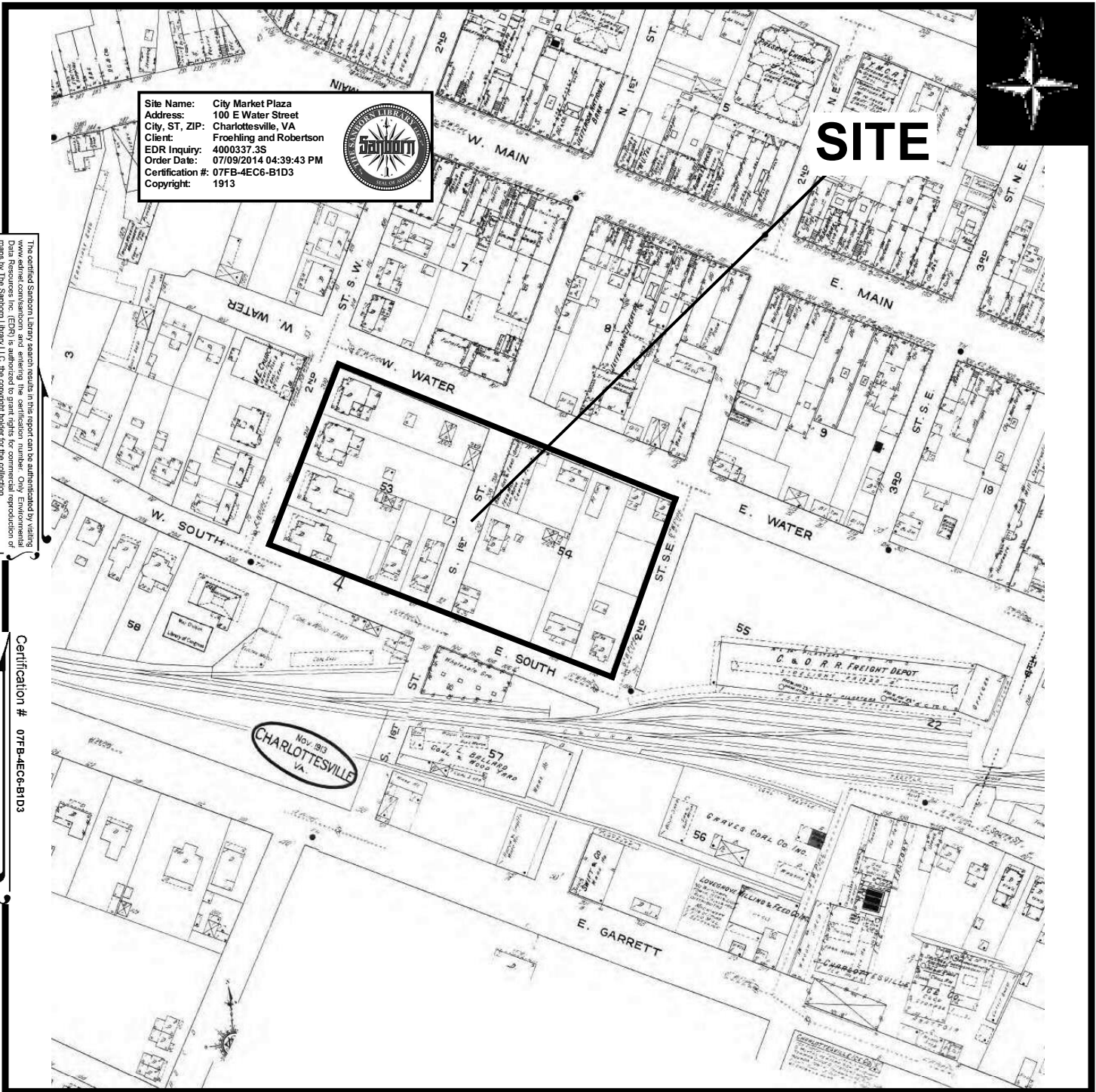
Site Name: City Market Plaza
 Address: 100 E Water Street
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 EDR Inquiry: 4000337.3S
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 Certification #: 07FB-4EC6-B1D3
 Copyright: 1913



SITE

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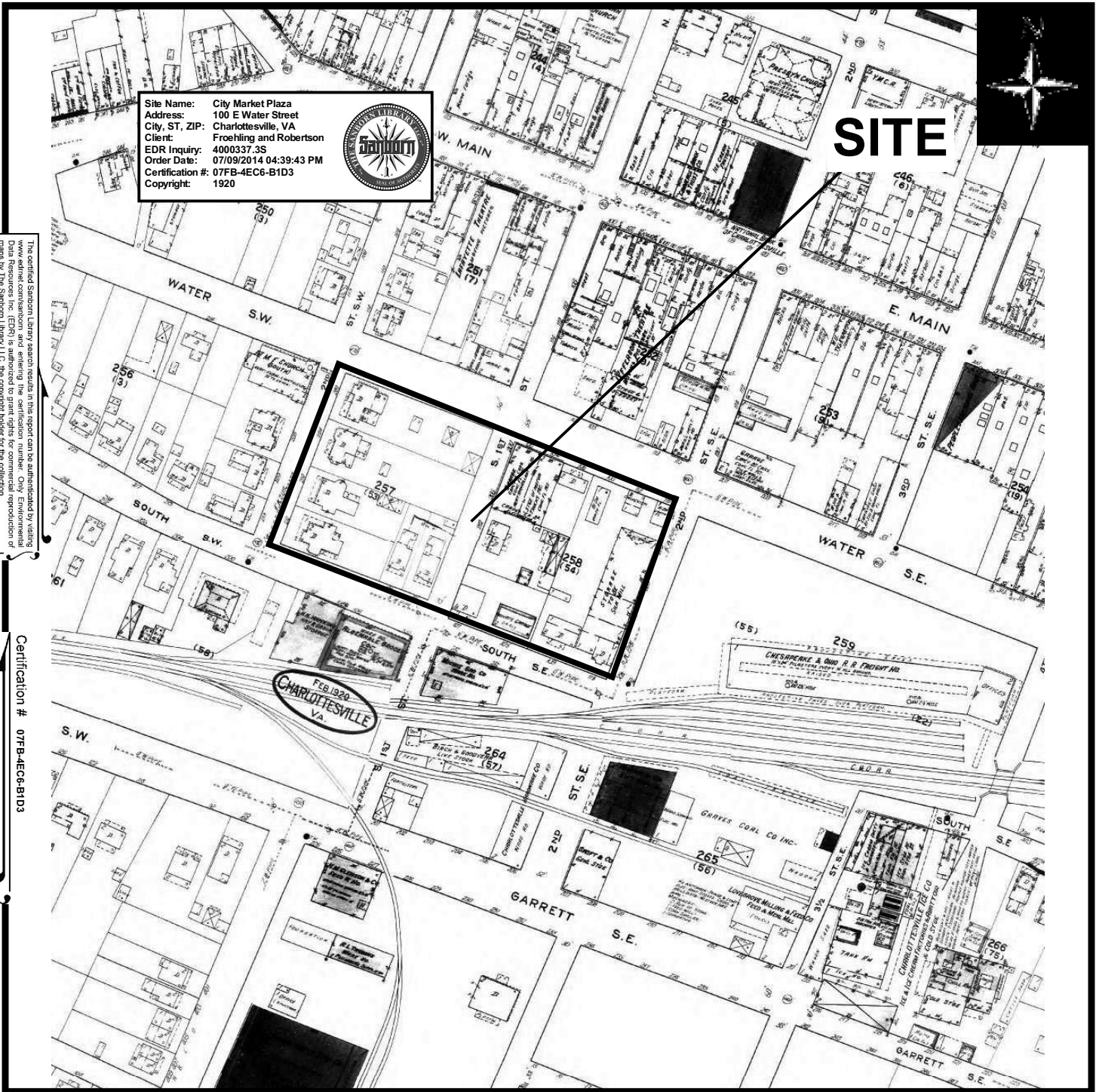


FROEHLING & ROBERTSON, INC.
 Engineering Stability Since 1881

1913 Sanborn Map
 City Market Plaza
 100 E Water Street
 Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114



Site Name: City Market Plaza
 Address: 100 E Water Street
 City, ST, ZIP: Charlottesville, VA
 Client: Froehling and Robertson
 EDR Inquiry: 4000337.3S
 Order Date: 07/09/2014 04:39:43 PM
 Certification #: 07FB-4EC6-B1D3
 Copyright: 1920



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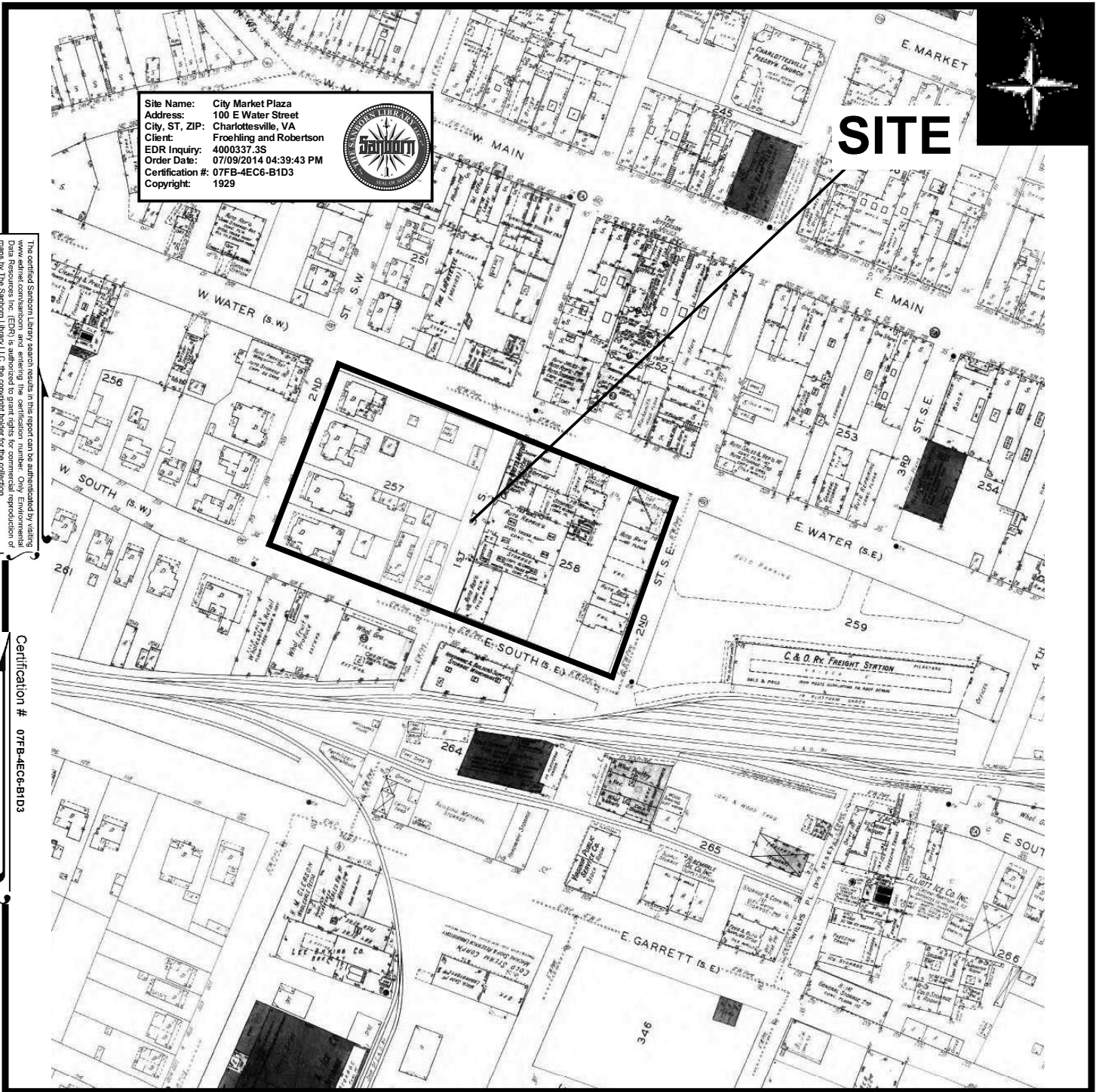
Certification # 07FB-4EC6-B1D3

FROEHLING & ROBERTSON, INC.
Engineering Stability Since 1881

1920 Sanborn Map
 City Market Plaza
 100 E Water Street
 Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114



Site Name: City Market Plaza
Address: 100 E Water Street
City, ST, ZIP: Charlottesville, VA
Client: Froehling and Robertson
EDR Inquiry: 4000337.3S
Order Date: 07/09/2014 04:39:43 PM
Certification #: 07FB-4EC6-B1D3
Copyright: 1929



SITE

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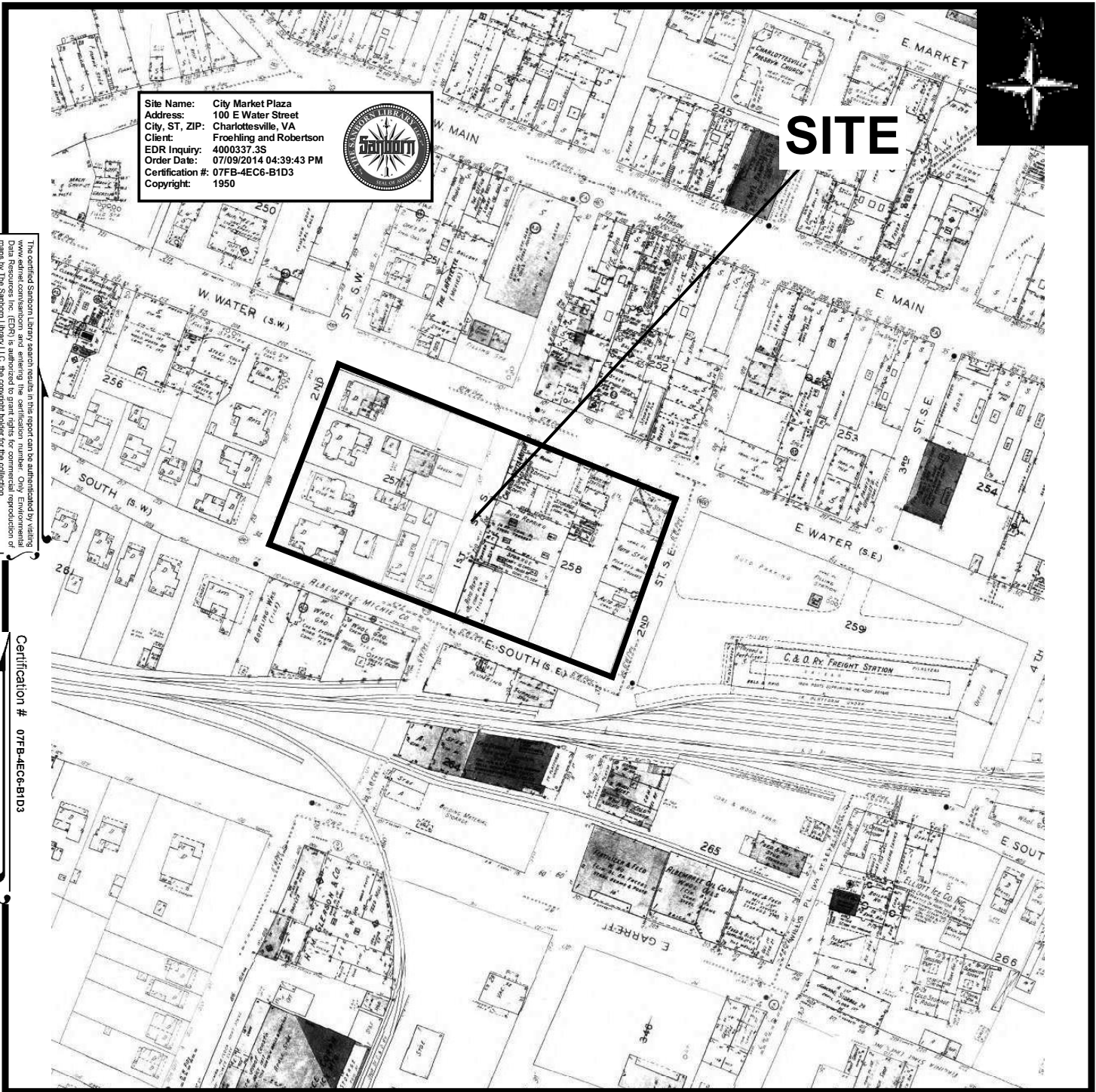
Certification # 07FB-4EC6-B1D3

FROEHLING & ROBERTSON, INC.
Engineering Stability Since 1881

1929 Sanborn Map
City Market Plaza
100 E Water Street
Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114



Site Name: City Market Plaza
 Address: 100 E Water Street
 City, ST, ZIP: Charlottesville, VA
 Client: Froehling and Robertson
 EDR Inquiry: 4000337.3S
 Order Date: 07/09/2014 04:39:43 PM
 Certification #: 07FB-4EC6-B1D3
 Copyright: 1950



SITE

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Certification # 07FB-4EC6-B1D3

	<p> 1950 Sanborn Map City Market Plaza 100 E Water Street Charlottesville, VA </p>
<p> FROEHLING & ROBERTSON, INC. <i>Engineering Stability Since 1881</i> </p>	

Site Name: City Market Plaza
 Address: 100 E Water Street
 City, ST, ZIP: Charlottesville, VA
 Client: Froehling and Robertson
 EDR Inquiry: 4000337.3S
 Order Date: 07/09/2014 04:39:43 PM
 Certification #: 07FB-4EC6-B1D3
 Copyright: 1969



SITE

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Certification # 07FB-4EC6-B1D3



FROEHLING & ROBERTSON, INC.
 Engineering Stability Since 1881

1969 Sanborn Map
 City Market Plaza
 100 E Water Street
 Charlottesville, VA

PREPARED FOR: Powe Studio Architects
PROJ. MGR:
DRAWN BY: Hillary Sparagna

DATE: 07/11/2014
PROJ. #: 54S-0114

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	December 1, 2014
Action Required:	Appointment
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager
Title:	Director of Department of Finance Appointment

Background:

The Finance Department provides comprehensive financial management, accounting and reporting, manages the payroll, procurement and warehouse, utility billing and collection, and the real estate assessment office. In addition, risk management, utility rate determinations for water, wastewater and gas, and debt management functions fall under the purview of the Finance Department, as well as the Disadvantaged Business Enterprises Program.

The Department also provides financial accounting services to the Jefferson-Madison Regional Library and the Charlottesville Industrial Development Authority through a contractual arrangement and other related matters. The Department operates with 40 staff members and a \$2.8 million budget, with overall responsibility for the City's total budget of \$150.7 million. In addition, the Director of Finance has co-oversight responsibility for the City's Retirement System, currently at approximately \$100 million with the City Treasurer.

The Director of Finance is an integral part of the City's management team:

- Serves as the leader in the development of strategies, policies and practices, and procedures regarding strategic financial management approaches to conducting business; participates in preparation, monitoring and analyses of the operating budget and CIP, supervises debt management, business planning, utility rate analysis and real estate assessments; and establishes other sound financial management practices as needed.
- Develops and recommends long-term financial policies designed to ensure adequate resources to meet anticipated operating capital requirements.
- Advises departments on appropriate financial strategies to accomplish near and long-term capital projects.

- Works with the City Treasurer on appropriate investment and cash management strategies so as to assure maximum return on investments.
- Manages the wide range of divisions in the Finance Department, with expertise in managing the preparation of the City's CAFR and strong mentoring skills in finance and accounting.

Discussion:

After serving eight years as the City's Director of Finance, Bernard Wray will be retiring at the end of 2014. Mr. Wray has provided excellent leadership during his time with the City and has left the department in a strong position for the next Director.

The City Manager's Office began the search for a new Finance Director this past summer. After receiving 50 applications for the position, a team from the City Manager's Office and the Human Resources Director interviewed nine applicants via phone. The team narrowed the pool to six for in-person interviews with three panels comprised of representatives from the City Manager's Office, Department Directors (also known as the LEADTEAM) and staff from the Finance Department.

The face to face interviews were followed by another round of phone interviews which ultimately lead to the finalist for the position, Mr. Christopher Cullinan. Mr. Cullinan has over 18 years of financial management experience in both the public and private sector. He is currently serving as the Acting Chief Financial Officer of the Washington Suburban Sanitary Commission (WSSC).

WSSC provides water and wastewater service to over 1.8 million people in the counties of Montgomery and Prince George's in the state of Maryland. The Commission has an annual budget of \$1.3 billion and a six year capital budget of \$4 billion.

His appointment will mark a return to the City for Mr. Cullinan after serving as the City's budget director in the late 1990s and early 2000s. A copy of Mr. Cullinan's resume is attached.

The City Council is responsible for the appointment of the Director of Finance as outlined in the code section provided below.

Sec. 11-91. - Appointment; term.

The council shall appoint a director of finance, who shall hold office at the pleasure of the council and be removable at the will of the council.

(Code 1976, § 2-64)

Alignment With the City Council Vision:

Smart, Citizen-Focused Government

The delivery of quality services is at the heart of Charlottesville's social compact with its citizens. Charlottesville's approach to customer service ensures that we have safe neighborhoods, strong schools, and a clean environment. We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and active citizen involvement. Citizens feel listened to and are easily able to find an appropriate forum to respectfully express their concerns.

Budgetary Impact:

The proposed salary for the new director is \$138,000, close to \$5,500 less than the current director's salary. The position of Director of Finance is in the FY 2015 general fund budget, so the appointment will not have a significant impact on the budget.

Recommendation:

The City Manager recommends the appointment of Mr. Cullinan as the new Director of Finance.

Alternatives:

The Council could choose not to make the appointment and ask the City Manager to initiate a new search.

Attachments:

Mr. Cullinan's Resume

RESOLUTION
Appointment of the Director of Finance

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlottesville that Christopher Cullinan is appointed Director of Finance effective January 5, 2015.

Christopher V. Cullinan

1164 5th St NE ■ Washington, DC 20002 ■ Mobile Phone: 301.466.2033 ■ Email: cvcullinan@yahoo.com

Seasoned public finance professional with over 18 years of public finance experience in the public and private sectors. Possesses unique combination of leadership experience with technical expertise and the ability to communicate with internal and external stakeholders.

Experience

WASHINGTON SUBURBAN SANITARY COMMISSION (WSSC) — LAUREL, MARYLAND

Acting Chief Financial Officer, 6/2013 to Present

Budget Group Leader, 9/2012 to 5/2013

Leads and directs the Commission's financial functions, policies, and planning. Manages a staff of 60 finance professionals comprised of five groups: Accounting, Budget (operating and capital), Disbursements (accounts payable and payroll), Retirement and Investments (employee retirement plan and OPEB), and Revenue.

Leads and Manages All Aspects of Commission's Finances

- Oversees development and adoption of the Commission's annual operating budget and six-year capital improvements program. The Commission's FY'15 budget totals \$1.3 billion and includes a 5.5% rate increase which was the lowest rate increase in seven years.
- Directs Accounting Group staff and works with external auditors in the preparation of the annual audit.
- Responsible for debt issuances and on-going disclosures. The Commission's most recent issuance of \$200 million of bonds in spring 2014 including presentations to all three rating agencies in New York City reaffirming the Commission's AAA rating. Also led the issuance of \$50 million of short-term sewer notes in winter 2014.
- Led Disbursements Group staff, Financial Advisors, and Bond Counsel in the replacement of the liquidity providers for the Commission's short-term note program.
- Oversaw the Commission's first comprehensive utility rate study in fifteen years including development of RFP, selection of consultant, and development of study and rate model.
- Serves as ex-officio member of Employee Retirement Plan (\$700 million in assets) and OPEB Board of Trustees (\$60 million in assets).
- Represents the Commission on financial matters before Commissioners, elected officials, State of Maryland, customers, external stakeholders, and media.

Provides Long-range Fiscal Planning and Develops Financial Policies

- Currently leading the development and implementation of a Pipeline Investment Fee to fund the Commission's water and sewer pipe replacement programs. This effort has included briefings for elected officials, customers, and media.
- Led WSSC staffing of Subgroup on Unserved and Underserved Areas as a part of the Bi-County Infrastructure Funding Working Group.
- Directs preparation of long-term financial scenarios as part of Spending Affordability process with Montgomery and Prince George's Counties.
- Negotiated contract with Mattawoman/Panda Energy's use of WSSC effluent in power production.

Actively Participates in Commission-wide Initiatives

- Serves on steering committees for several strategic initiatives including Supply Chain Management, Asset Management Program, and Call Center Reorganization.
- Advises senior WSSC Management on financial implications of a variety of subjects including supply chain management, position control, Asset Management Program (AMP), Hiring Review Committee (HRC), and Personnel Management Advisory Committee (PMAC).
- Selected to serve on interview committees for Director of Intergovernmental Relations, Regional Water and Wastewater Manager, and Chief of Customer Relations.
- Prepared fiscal impact statements on proposed state legislation for Intergovernmental Relations Office.

Budget Preparation, Analysis, and Monitoring

- Directed the formulation, preparation and administration of the Commission's \$1.3 billion operating and capital budgets.
- Developed budget with rate increases lower than those adopted by the two counties while including funds for COLA and merit increases.
- Led formal budget presentations to the Commissioners, elected officials, and customers.
- Recommended changes to the budget format by aligning dollar amounts, workyears, goals, and activities around the Commission's strategic initiatives. This will result in a customer-friendly budget which communicates the value of the services provided by WSSC.

- Monitored the Commission's budget and prepared Monthly Financial Status Report, including any recommended adjustment, for the Commissioner's monthly meeting.
-

TISCHLERBISE, INC — BETHESDA, MARYLAND

Principal, 1/2006 to 8/2012

Consultant, 10/2001 to 12/2005

Principal in fiscal, economic and planning consulting firm specializing in cost of growth issues including impact fees, capacity charges, utility rate studies and financial plans, user fees, cost allocation plans, fiscal impact analysis, capital improvement planning, and related revenue strategies. Led consulting engagements with 100 local governments in 15 states on cost of growth and infrastructure financing issues including water, wastewater, and storm water.

Financial Analysis

- Led development of impact fees, capacity fees, and one-time charges for infrastructure capacity.
- Assisted in the cost of service analysis and preparation of utility rates for water, wastewater, and reclaimed water utilizing cost allocation methodologies from the American Water Works Association (AWWA) and the Water Environment Federation (WEF).
- Analyzed the fiscal impacts of socio-economic trends such as Census data, demographics, billing records, and demand characteristics including average day demands and peak demands.
- Projected infrastructure needs based on projected land use assumptions, projections of new development and demand, and capacity requirements.
- Prepared multi-year cash flow analyses for operating and infrastructure costs showing timing between when expenditures occur and revenues accrue and identifying funding gaps and carrying costs.
- Designed and delivered user-friendly financial models in Microsoft Excel utilizing Visual Basic to clients for performing updates or conducting "what-if" financial scenarios.
- Developed capital improvement programs for a variety of public infrastructure.
- Priced public services and infrastructure utilizing a variety of methodologies including fixed costs, average costs, peaking factors, base costs, and capacity costs.
- Developed cost allocation models incorporating all applicable cost layers including direct costs, indirect costs, administrative overhead, and depreciation/capital replenishment.

Policy Development and Implementation

- Regularly presented complex, technical issues to elected officials, public executives, professional staff, citizens, and stakeholders.
- Recommended policies to achieve fiscal sustainability including rate stabilization funds, fund balance/reserve funds, and infrastructure maintenance and replacement.
- Evaluated financing strategies including traditional charges (impact fees, taxes) and more innovative revenue approaches (user fees/utility rates/tolls).

Project Management

- Served as project manager responsible for start-up, needs assessment and stakeholder analysis, client relations, deliverables, and quality control/assurance.
 - Led multiple successful business development efforts including proposal writing, marketing, and contract pricing and negotiation.
-

CITY OF CHARLOTTESVILLE, VIRGINIA — CHARLOTTESVILLE, VIRGINIA

Budget Director, 5/1998 – 9/2001

Budget Analyst, 10/1996 – 4/1998

Budget Preparation and Analysis

- Led the development, analysis, and adoption of the City's \$150 million annual budget, including \$80 million General Fund, \$30 million Utility Funds (including water, wastewater, and natural gas) and \$35 million-5 year Capital Improvements Program.
- Led the design and development of a new budget system for the City, including instruction manuals and training materials.
- Developed a communications plan for the budget including presentations to City Council, community forums, Neighborhood Leadership Institute, various media outlets, and developed budget information for the City's website.

Capital Improvement Planning

- Initiated reform of the City's Capital Improvement Program, resulting in a decision-making matrix and process that was aligned with the City's strategic focus on neighborhoods and citizen involvement.
- Developed City's first Technology Improvement Program for systematic procurement and replacement of the City's technology infrastructure.

- Guest lectured on capital improvement budgeting and planning at University of Virginia School of Architecture.

Financial Management

- Performed day-to-day management of the City's budget including appropriations, requests for funds, transfers, and monitoring and analysis of revenues and expenditures, including the City's water, wastewater, and natural gas utilities.
- Participated in all aspects of the City's AAA-rated financial management including development of a long-term financial model for the City and preparation of financial reports and bond issues.

CITY OF INDIANAPOLIS, INDIANA — INDIANAPOLIS, INDIANA

Department of Public Safety, Interim Chief Financial Officer, 5/1996 – 8/1996

- Led the preparation, development, and adoption of \$180 million budget for the Department of Public Safety, including police, fire, and emergency management.

Education

INDIANA UNIVERSITY – BLOOMINGTON, INDIANA; SCHOOL OF PUBLIC AND ENVIRONMENTAL AFFAIRS (SPEA)

Master of Public Affairs – Public Financial Management, 5/1996

Relevant Course Work: Public Financial Management, Government Accounting, Debt Management and Markets, Budgeting, Microeconomics, Statistics, Public Management, Revenue Systems and Structures, Comparative Fiscal Analysis

EARLHAM COLLEGE – RICHMOND, INDIANA

Bachelors of Arts – Political Science, 6/1993

Speaking Engagements

Presentations at national conferences on a variety of public finance and infrastructure related topics, including:

- "Developing a Collaborative, Sustainable Infrastructure Renewal Plan", American Water Works Association Annual Conference, 2014.
- "Planning for the Bottom Line", American Planning Association Annual Conference, 2010.
- "Surviving an Impact Fee Challenge", National Impact Fee Roundtable, 2009.
- "Alternative Impact Fee Calculations", National Impact Fee Roundtable, 2008.
- "Including Interest Costs in Impact Fees", National Impact Fee Roundtable, 2008.
- "Development Fee Calculations", Arizona Chapter of American Planning Association Annual Conference, 2008.
- "Cost of Growth: From Assessment to Implementation", International City/County Management Association Annual Conference, 2008.
- "Cost of Growth vs. Fiscal Impact Analysis", Arizona City/County Management Association Summer Conference, 2006.
- "The Cost of Growth: It's Not Just the Capital Costs", American Planning Association Annual Conference, 2006.
- Developed the curriculum and conducted workshops for appointed and elected officials in Wyoming and McDowell counties in West Virginia on improving local government financial management, including water and sewer utilities.

Affiliations

Member, Government Finance Officers Association (GFOA).

Member, Maryland Government Finance Officers Association (MDGFOA).

Planning Committee Member, Utility CFO Forum.

Board of Directors, Growth and Infrastructure Consortium, 2009-2011.

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CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 1, 2014
Action Required:	Report Only
Presenter:	Brian Daly, Director, Parks and Recreation Heidi Thomas, ASLA, Mahan Rykiel
Staff Contacts:	Brian Daly, Director, Parks and Recreation Doug Ehman, Manger, Parks Division
Title:	McIntire Park East Design Review

Background:

Staff and community members, along with the design team from Mahan Rykiel from Baltimore, Maryland have been working for a number of months on the conceptual designs for the east side of McIntire Park, consistent with the Adopted Master Plan. These designs have evolved over the last several months through community discussion and are at the point of development where City Council review and comment is appropriate.

Discussion:

The Master Plan for the east side of McIntire Park was approved by City Council in September of 2012. The design team has worked collaboratively with staff, the McIntire Botanical Garden and the community to activate formally those amenities and uses shown in the Master Plan. Specifically, a network of trails, a family area, the botanical garden core area, picnic shelters connectivity throughout the park and a landscape typology that is representative of the piedmont.

Alignment with Council Vision Areas and Strategic Plan:

The initiative 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 design team is comprised of staff, Mahan Rykiel architects, representatives from the McIntire Botanical Garden, PLACE design task Force and the Tree Commission. Additionally, several community design open houses have been held over the past several months, specifically March 20, June 3 and September 4, 2014. All of the sessions were held at the Carver Recreation Center.

Budgetary Impact:

Fiscal impact for the implementation of the Master Plan has been considered in the FY16-20 Capital Improvement Program. The requested funds in the CIP represent staff's best estimates at this time for implementation of the master plan over time.

Recommendation:

Staff recommends Council consider the conceptual design and offer comments and then direct staff to move forward with the completion of the design development and construction documents for the project(s).

Alternatives:

No alternatives are offered at this time.

Attachments:

Attachment 1 Current Conceptual Design – McIntire Park East



McINTIRE BOTANICAL GARDEN
 WOODLAND TRAILS
 BOTANICAL GARDEN FOREST COLLECTION AREAS
 LAWN AMPHITHEATER
 BOTANICAL GARDEN PAVILION
 EAST MCINTIRE PARK LAKE OPTION 1

PIEDMONT FOREST COLLECTIONS
 PIEDMONT STREAM BUFFER COLLECTIONS
 OVERLOOK & TRAIL HEAD TO SOUTH PARK
 6' WIDE PEDESTRIAN PARK TRAIL
 10' WIDE MULTI-USE PARK PATH/BIKE TRAIL
 MESIC/WILDFLOWER MEADOW

EXISTING WOODLAND SUPPLEMENTED W/ PROPOSED PIEDMONT SMALL STREAM ALLUVIAL FOREST PLANTINGS
 DRY/UPLAND MEADOW
 PICNIC TABLES WITHIN GREAT LAWN
 10' WIDE MULTI-USE PATH/BIKE TRAIL
 PARK PAVILION AND CHILDREN'S PLAY AREA AT GOLF HOLE
 BOARDWALK AND OVERLOOK

PEDESTRIAN BRIDGE FROM WEST PARK
 STONE WALL & PIERS W/ PARK GATEWAY SIGNAGE
 SOUTHWEST GATEWAY ENTRANCE PLAZA W/STONE SEATWALLS

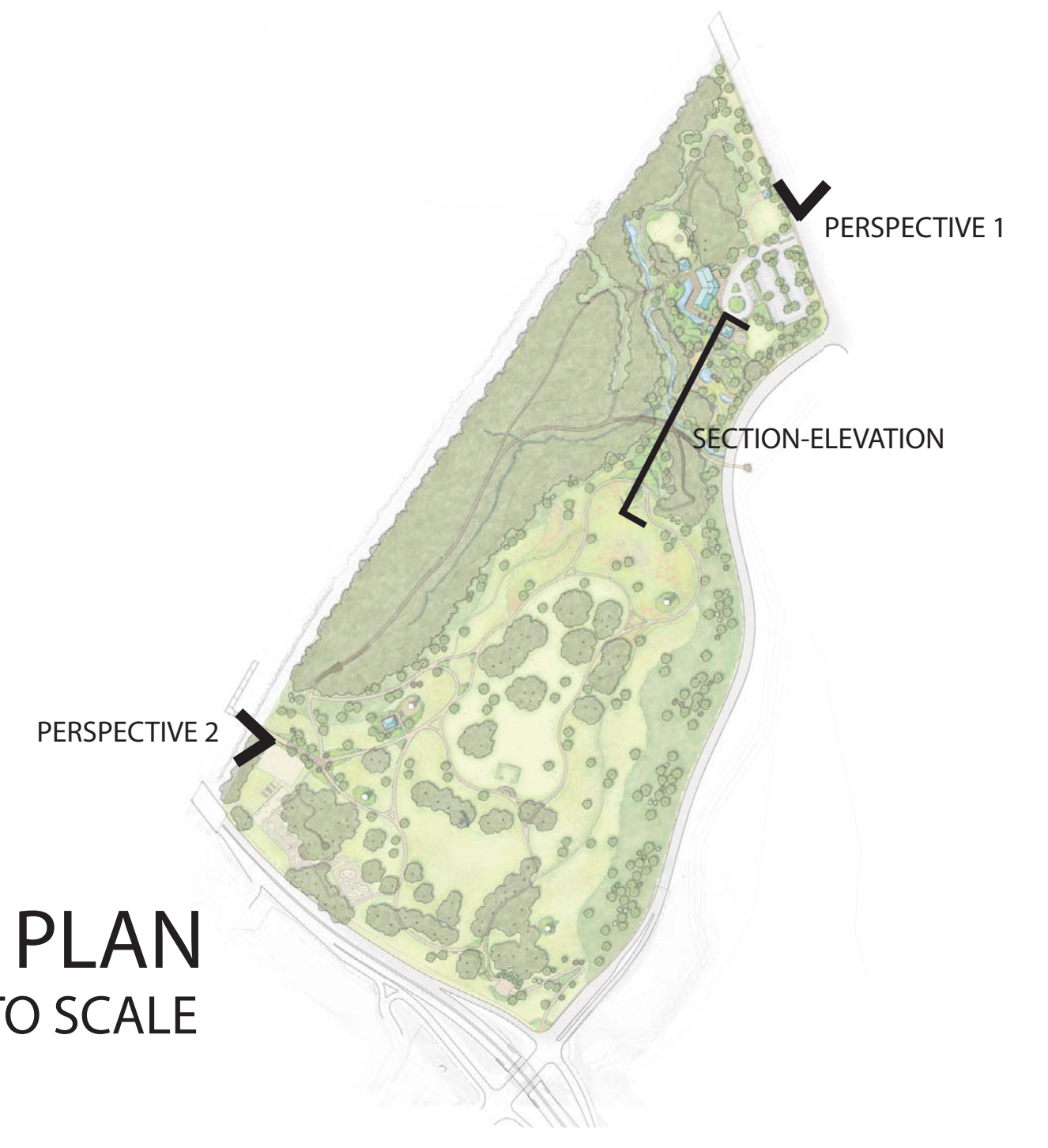
McINTIRE PARK SKATE PARK
 10' WIDE MULTI-USE PARK PATH/BIKE TRAIL
 EAST MCINTIRE PARK LAKE OPTION 2

CONNECTING STAIR
 SOUTH EAST PARK GATEWAY

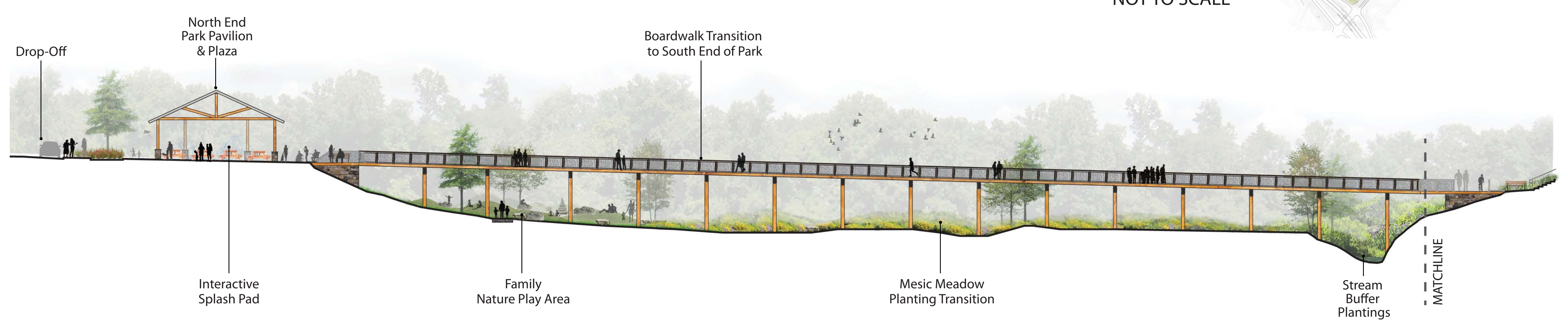
McINTIRE ROAD (EXTENDED)
 PARKWAY SOUTH TRAIL

6'-8' WIDE PEDESTRIAN PARK TRAILS, TYP.
 LOW PLANTINGS AROUND FOOTPRINT OF OLD MASON FARM HOUSE & WELL LOCATION
 STONE SEATWALL @ SMALL GATHERING PLAZA
 MOWN PATH THROUGH MEADOW
 SCULPTURAL FEATURE OPPORTUNITY @ EXISTING GOLF HOLE LOCATIONS, TYP.

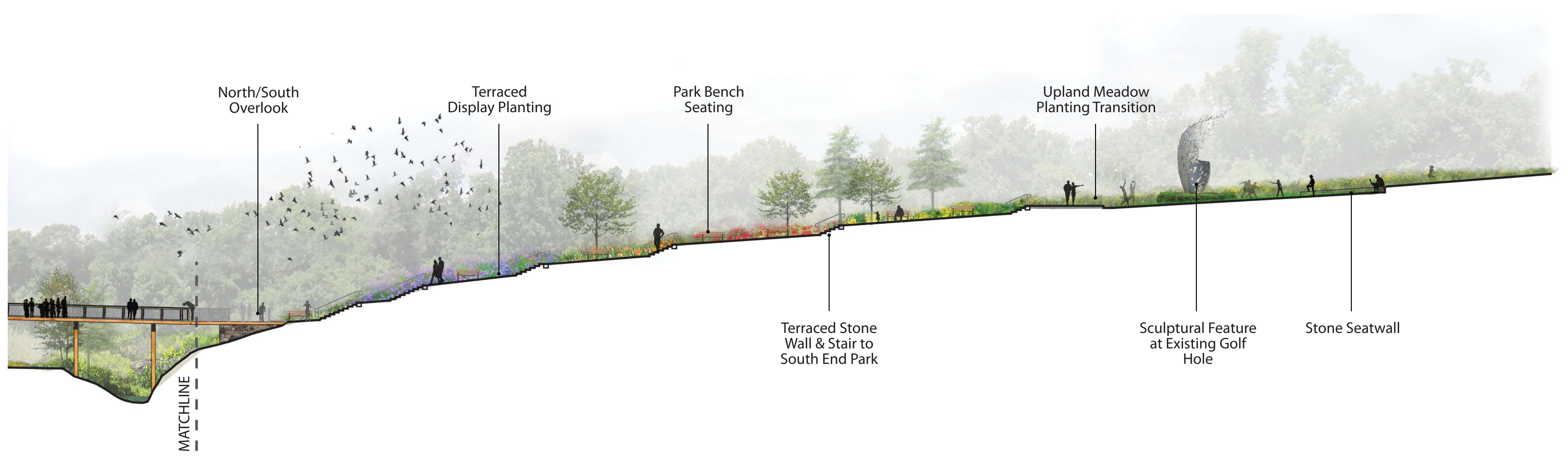
MELBOURNE ROAD
 PARK MAINTENANCE SHED & ACCESS ROAD
 REINFORCED OVERFLOW LAWN PARKING (+/- 30 SPACES)
 SOAPSTONE WALL W/ GATEWAY SIGNAGE AT NORTH PARK ENTRANCE
 PRIMARY PARKING LOT (+/- 90 SPACES)
 PLANTED BUFFER ALONG NORTHERN & EASTERN PARK PERIMETER
 PAVED PLAZA & SERVICE PAD @ FUTURE VISITORS CENTER
 FLEX SPACE / LAWN PLAY AREA BORDERED BY ACTIVITY AREA PLANTING
 INTERACTIVE SPLASH PAD
 PARK PAVILION, RESTROOM PAVILION, & GATHERING PLAZA
 NATURE PLAY EDUCATIONAL ZONE
 EXISTING STORMWATER MANAGEMENT FACILITIES
 10' WIDE BOARDWALK & OVERLOOK ACROSS MESIC MEADOW, BUFFER ZONE, & CREEK
 FUTURE MULTI-USE TRAIL CONNECTION UNDER BRIDGE
 6' WIDE ACCESSIBLE PATH UP TO SOUTH END PARK
 TERMINUS OF 10' WIDE PATH W/ TERRACED SOAPSTONE STAIR
 SCULPTURAL FEATURE OPPORTUNITY @ EXISTING GOLF HOLE LOCATIONS, TYP.
 PROPOSED SHADE & UNDERSTORY TREES ALONG EASTERN PARK EDGE (ZONE 4 - OPEN WOODS)
 OPENINGS IN TREE PLANTINGS ALLOW VIEWS INTO PARK FROM ROAD



KEY PLAN
NOT TO SCALE



BOARDWALK SECTION-ELEVATION
SCALE: 1/16"=1'-0"



TERRACED STAIR SECTION-ELEVATION
SCALE: 1/16"=1'-0"



PERSPECTIVE 1



PERSPECTIVE 2

Note: Signage Plans do not yet reflect current conceptual design

SIGNAGE LOCATIONS



PLAN NOT TO SCALE



SOUTHEAST PARK GATEWAY
SCALE: 1/4"=1'-0"



NORTH END GATEWAY
SCALE: 1/4"=1'-0"



SOUTHWEST PARK GATEWAY
SCALE: 1/4"=1'-0"



SIGNAGE CHARACTER



1A: Sculpture ID 1B: Botanical ID 1C: Trail Directional 1D: Park Directional 1E: District ID 1F: Welcome Sign

SIGNAGE FAMILY



Note: Landscape Zones do not yet reflect current conceptual design.

LANDSCAPE ZONES

1 LAWN

This area is a large expanse of lawn located on the ridge of the site (middle of property) to maximize passive/active recreation for users as well as points from which to view vistas across the site/sculpture viewing areas. There are large, mature (specimen quality) existing trees (Oaks) that exist alone in the lawn as well as in clusters that will remain. They will provide shade, scale, and an element of natural and cultural history to the site.

2 MEADOW (DRY / UPLAND)

This area is proposed as a buffer against the majority of the lawn areas. The Dry/Upland meadows occur on the slopes that begin to make their way down toward the stream forest (from the ridge). Plant material in these areas will consist of mostly herbaceous, native material; approximately 50%-60% grasses and 40%-50% wildflowers. The plant material will also serve as a filter for the water feeding down to the existing streams.

3 MEADOW (MESIC)

In contrast to the Dry/Upland Meadow, the Mesic Meadow is located further down in topography near the existing streams. Plant material in this area will contain both native grasses and wildflowers, however the composition of the meadow will be approximately 60% wildflower to 40% grasses. Because of the higher flowering material in the composition, this area is intended to draw in pollinators (bees, butterflies, hummingbirds, etc.) and be more showy in color/seasonal interest. The proposed location for these areas will serve as the transition between the Piedmont Small Stream Alluvial Forest and Activity Area/Lawn.

4 OPEN WOODS (SLOPE STABILIZATION)

This area is located along the eastern edge of the property (along McIntire Road -Extended). This area contains steep slopes that eventually make their way up to the ridge at the center of the property (lawn area). The design intent for this area is to provide slope stabilization while still providing views from the road into the site. Plant material will consist of native grasses (mostly), flowering herbaceous, and small trees and shrubs in clusters.

5 PIEDMONT SMALL STREAM ALLUVIAL FOREST

This is the name for the existing forest association on site. It occurs along the western edge of the site following the path of the existing streams.

6 PIEDMONT SMALL STREAM ALLUVIAL FOREST - STREAM BUFFER COLLECTIONS

This area is designated to contain the typical composition of plant material found in this forest association with an emphasis on plants that serve as buffers / stabilization for the stream edges. A multi-use trail follows the stream bed for easier viewing.

7 PIEDMONT SMALL STREAM ALLUVIAL FOREST - FOREST COLLECTIONS

This area is designated to contain the typical composition of plant material found in this forest association. The intent here is to feature (as part of the future Botanical Garden collections) the various forest layers that occur (Canopy, Understory, Forest Floor, etc.). A pedestrian walk will encompass this area for easier viewing.

8 ACTIVITY AREA PLANTING

Located at the northern end of the site, this area encompasses the more developable part of the site (parking, entry roads, buildings, etc.). Bioretention features are planned for this area. Plant materials in this zone will be more ornamental in appearance (very showy in flower/fall color), and some will serve more utilitarian purposes (parking lot islands, foundation plantings, etc.)

SAMPLE FLORA CHARACTER BY ZONE



ZONE 1 | Large Oaks in Lawn



ZONE 2 | Little Bluestem



ZONE 3 | Great Blue Lobelia



ZONE 4 | Paw-Paw



ZONE 5 | Tulip Poplar



ZONE 6 | Christmas Fern



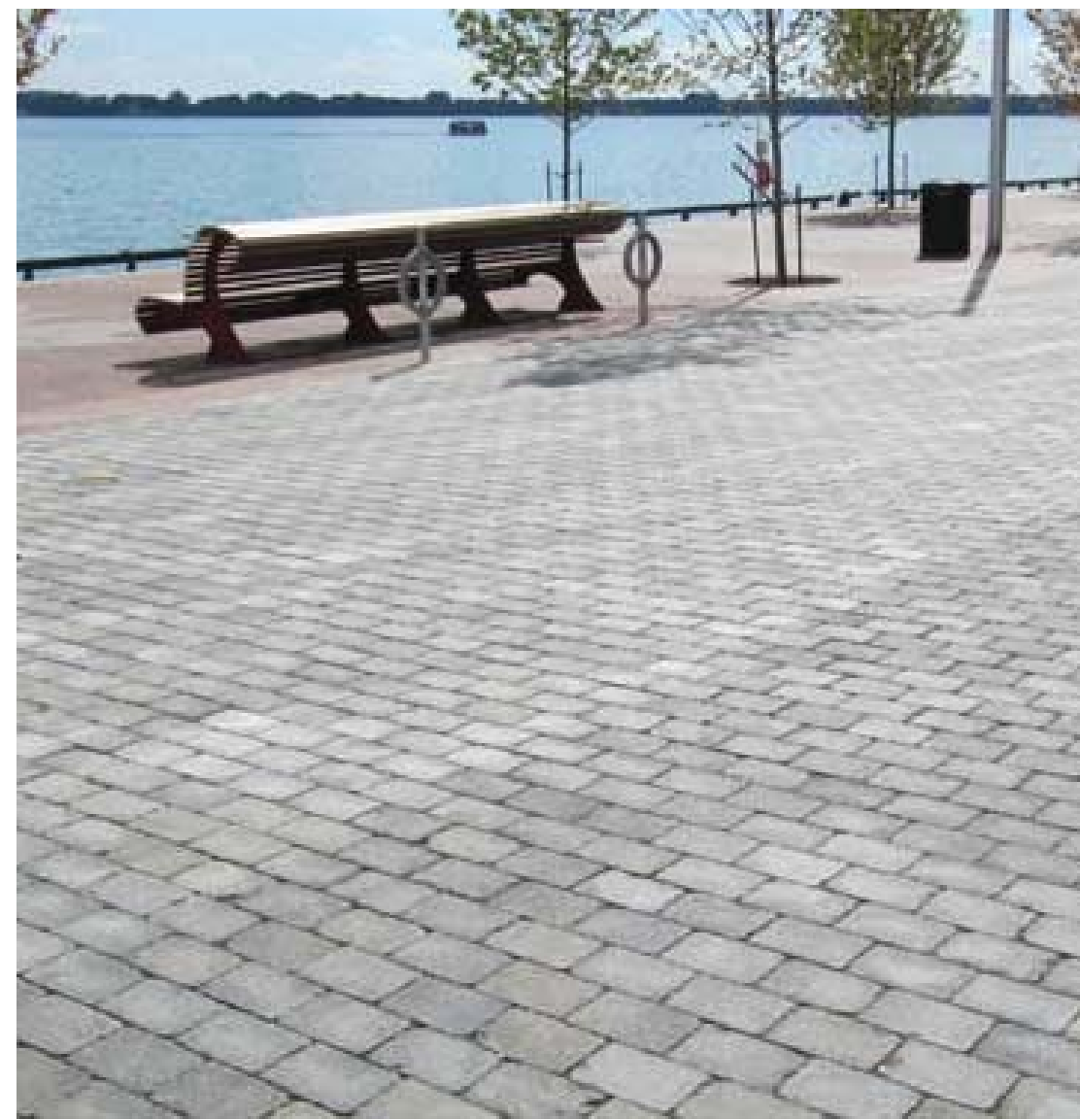
ZONE 7 | Downy Serviceberry



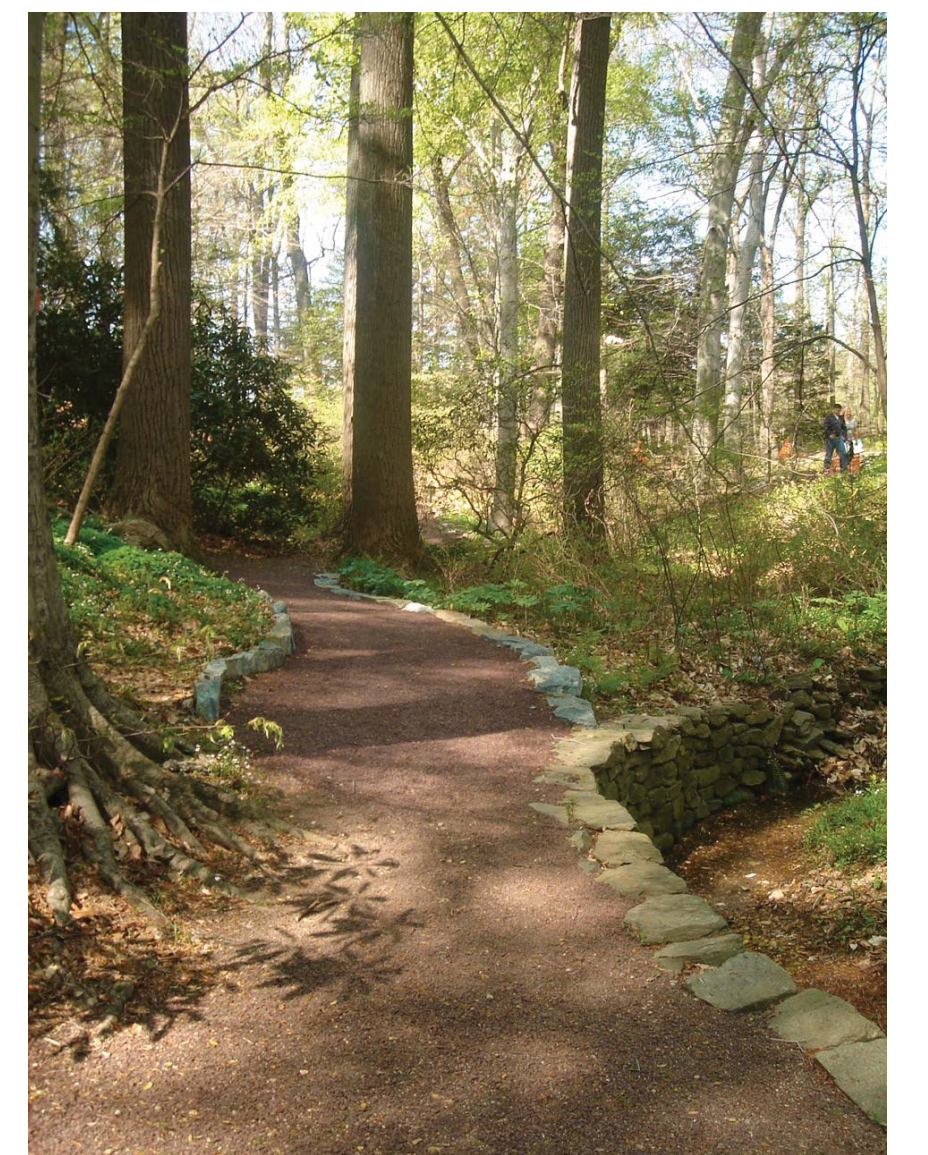
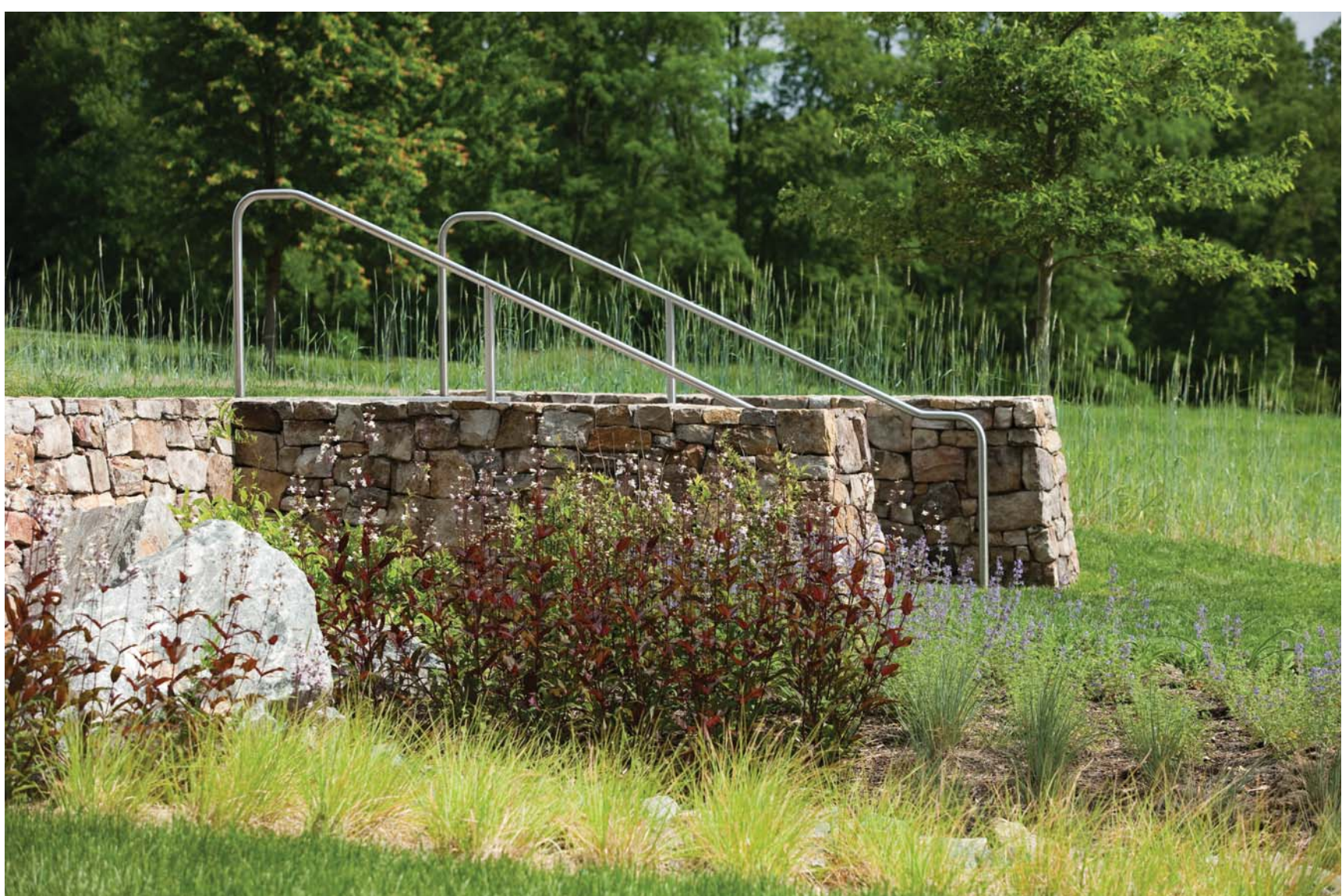
ZONE 8 | River Birch



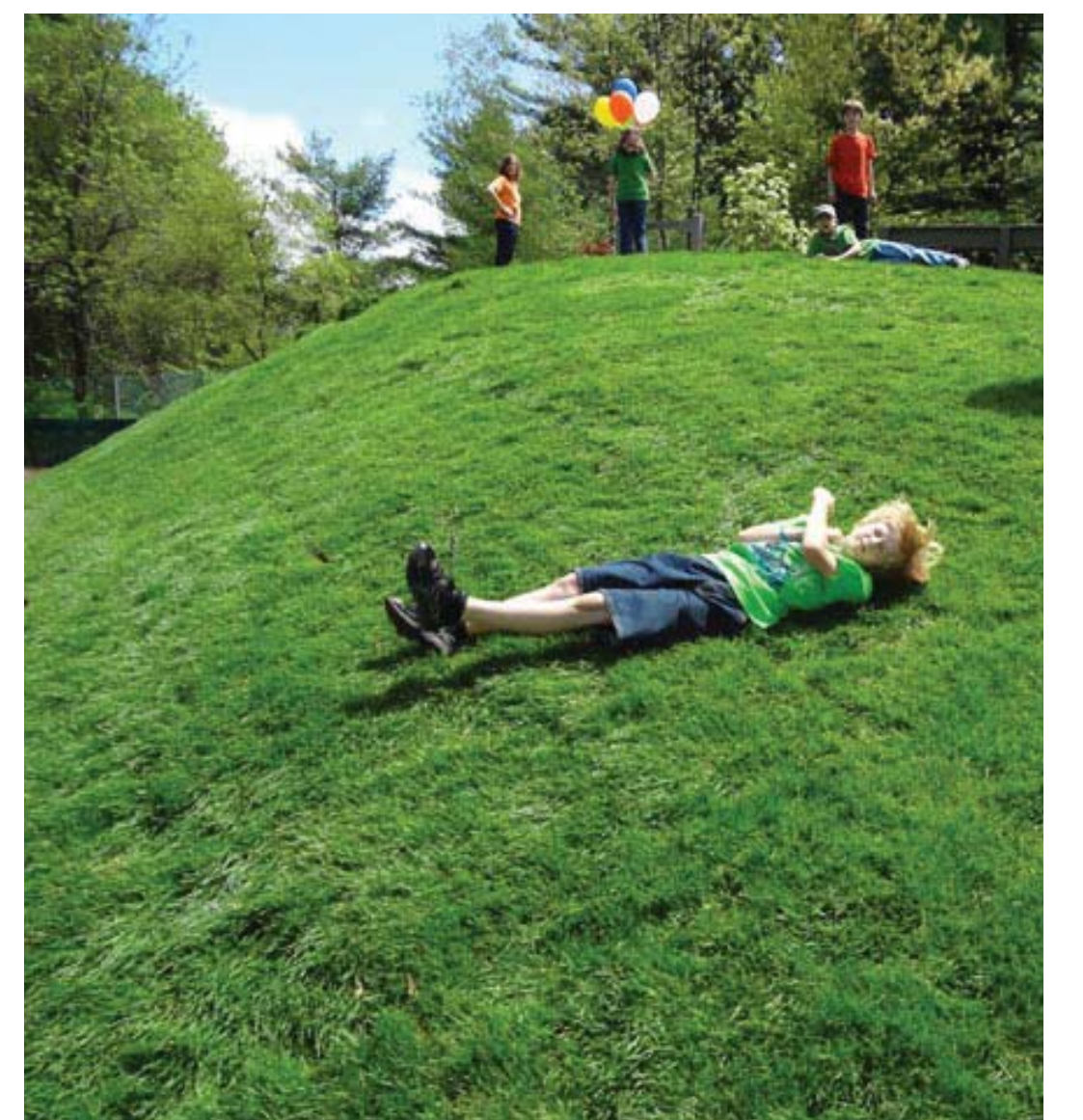
PARK FACILITIES



PAVING MATERIALS



STONE WALLS



SPLASH PAD

NATURE PLAY



PARK FURNISHINGS

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



Agenda Date:	December 1, 2014
Action Required:	Report Only
Presenter:	Vic Garber, Recreation Division Manager, Parks and Recreation Kanten Russell, Stantec
Staff Contacts:	Brian Daly, Director, Parks and Recreation Vic Garber, Manager, Recreation Division
Title:	McIntire Skate Park Design Review

Background:

Staff and community members, along with the design team from Stantec from San Diego, California have been working for a number of months on the conceptual designs for the McIntire Skate Park, consistent with the Adopted Master Plan. These designs have evolved over the last several months through community discussion and are at the point of development where City Council review and comment is appropriate.

Discussion:

The Master Plan for the east side of McIntire Park was approved by City Council in September of 2012. The skate park design team has worked collaboratively with staff, the skate park committee, and the community to activate formally those amenities and uses shown in the Master Plan. Specifically, a multi-use, multi-ability and multi-generational skate park, that takes advantage of the natural topography in the southwestern portion of the park and incorporates modern design and sustainability elements.

Alignment with Council Vision Areas and Strategic Plan:

The initiative 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; objective 2.2, Consider health in all policies and programs; and objective 5.2, Build collaborative partnerships

Community Engagement:

The design team is comprised of staff, Stantec Skate Park design professionals, and representatives from the local skate park committee, who have been instrumental in the selection

and inclusion of skate elements that have a broad attraction across the age and ability spectrum. Additionally, several community design open houses have been held over the past several months, specifically April 8, May 13 and June 24, 2014. All of the open house sessions were held at Carver Recreation Center.

Budgetary Impact:

Fiscal impact for the implementation of the Master Plan has been considered in the FY16-20 Capital Improvement Program. The requested funds in the CIP represent staff's best estimates at this time for implementation of the master plan over time.

Recommendation:

Staff recommends Council consider the conceptual design and offer comments and then direct staff to move forward with the completion of the design development and construction documents for the project(s).

Alternatives:

No alternatives are offered at this time.

Attachments:

Attachment 1 Current Conceptual Design – McIntire Skate Park

McIntire Park Skate Park

City of Charlottesville, VA

Plan View Render



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