



CITY COUNCIL AGENDA
April 4, 2022
CERTIFICATIONS

J. Lloyd Snook, III, Mayor
 Juandiego Wade, Vice Mayor
 Sena Magill, Councilor
 Michael K. Payne, Councilor
 Brian R. Pinkston, Councilor
 Kyna Thomas, Clerk

Register at www.charlottesville.gov/zoom. This meeting is being held electronically in accordance with a local ordinance amended and re-enacted March 7, 2022, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

4:00 PM OPENING SESSION

Call to Order/Roll Call

Agenda Approval APPROVED 5-0 (MAGILL/WADE)

Reports

1. Discussion: Affordable Housing discussion

5:30 PM CLOSED SESSION as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions)
 (MAGILL/PINKSTON) 5-0 vote to meet in closed session
 (MAGILL/PINKSTON) 5-0 vote to certify closed session

6:30 PM BUSINESS SESSION

Moment of Silence

Announcements (and Update from Blue Ridge Health Department)

Recognitions/Proclamations

- Proclamation: Child Abuse Prevention Month

Consent Agenda* APPROVED 5-0 (WADE/PINKSTON)

2. Resolution: Approving appropriation of the Annie E. Casey Foundation Family Engagement Support Stipend Grant - \$15,000 (2nd reading)
 #R-22-032
3. Resolution: Approving an appropriation for COVID Homelessness Emergency Response Program Funding (CHERP) - \$200,000 (2nd reading)
 #R-22-033
4. Resolution: Appropriating funds from the Charlottesville Albemarle Technical Education Center for CATEC kitchen floor repair - \$75,000 (2nd reading)
 #R-22-034
5. Resolution: Appropriating grant funding of \$94,276 from Virginia Department of Conservation and Recreation for development of a Flood Resilience Plan, and authorizing the City Manager to execute a Grant Agreement (2nd reading)
 #R-22-035
6. Resolution: Appropriating funding for American Rescue Plan eligible local activities - \$536,553.97 (2nd reading)
 #R-22-036
7. Resolution: Appropriating funding received from the Virginia Department of Social Services for Driving and Transportation Assistance for Foster Care Youth - \$13,877 (1st of 2 readings)
8. Resolution: Appropriating additional funding received from the Virginia Department of Social Services for the Promoting Safe and Stable Families Program - \$16,435 (1st of 2 readings)

- 9. Resolution: Appropriating Virginia Tourism Corporation American Rescue Plan Act supplemental funds for the Charlottesville Albemarle Convention and Visitors Bureau - \$280,000 (1st of 2 readings)
- 10. Resolution: Authorizing a refund of \$12,866.44 to a taxpaying entity or business, for business license taxes paid in error for 2020 (1st of 2 readings)
- 11. Resolution: Approving a minor amendment to the City's FY2020-2021 CDBG Action Plan, to authorize the Charlottesville Redevelopment and Housing Authority to implement a contingency plan to expend its Community Development Block Grant funding on or before June 30, 2026 (1 reading)
#R-22-037
- 12. Report: Land Use and Environmental Planning Committee (LUEPC) Semi-annual Report

City Manager Report

Community Matters

Action Items

- 13. Public Hearing: Amending and re-ordaining Chapter 9 (Elections), Section 9-31 (Central Absentee Voter District) to change the location of the Central Absentee Voter Precinct from City Hall to CitySpace (2nd reading in May 2022)
- 14. Public Hearing/Ord.: Consideration of an amendment to City Code Section 30-283 to increase the local excise tax imposed upon the sale of meals from 6% to 6.5% (1st of 2 readings)
- 15. Public Hearing/Ord.: FY2023 City Budget and annual appropriation (1st of 2 readings)
- 16. Ordinance: Appropriating state funds for the State of Good Repair Program project account for Dairy Road Bridge Replacement - \$7,210,664.00 (1st of 2 readings)
- 17. Resolution*: Charlottesville Affordable Housing Fund (CAHF) and Housing Advisory Committee (HAC) structure clarification
 - a. Resolution*: Amending and re-enacting the City-Council advisory body known as the Housing Advisory Committee (1 reading)
#R-22-038
APPROVED 5-0 (MAGILL/WADE)
 - b. Resolution*: Establishing a City Council Advisory body to be known as The Charlottesville Affordable Housing Fund Committee (1 reading)
#R-22-039
APPROVED 5-0 (MAGILL/WADE)
- 18. Resolution: Charlottesville Affordable Housing Fund (CAHF) Award Recommendations
 - a. Resolution: Allocating CAHF funds for Charlottesville Redevelopment and Housing Authority (CRHA) South First Phase Two - \$425,000 (1st of 2 readings)
 - b. Resolution: Allocating CAHF funds for Habitat for Humanity of Greater Charlottesville Equity Homeownership Initiative 2022 Down Payment Assistance - \$75,000 (1st of 2 readings)
 - c. Resolution: Allocating CAHF funds for Albemarle Housing Improvement Program (AHIP) Charlottesville Critical Repair Program - \$100,000 (1st of 2 readings)

- d. Resolution: Allocating funds from the Charlottesville Affordable Housing Fund for Local Energy Alliance Program (LEAP) Assisted Home Performance and Electrification Ready – Owner Occupied - \$50,000 (1st of 2 readings)
- e. Resolution: Allocating funds from the Charlottesville Affordable Housing Fund for Local Energy Alliance Program (LEAP) Assisted Home Performance and Electrification Ready – Renter Occupied - \$100,000 (1st of 2 readings)
- 19. Ord/Res: 1613 Grove Street Extended – Consideration of requests from Landowner Lorven Investments, LLC, regarding approximately 0.652 acres of land, including multiple lots identified within 2021 City real estate records by Real Estate Parcel Identification Numbers 230133000, 230134000, and 230135000
 - a. Ordinance*: 1613 Grove Street Extended rezoning request (2nd reading)
#O-22-040 APPROVED 4-1 (PINKSTON/WADE; PAYNE opposed)
 - b. Resolution*: 1613 Grove Street Extended Special Use Permit (2nd reading)
#R-22-041 APPROVED 4-1 (PINKSTON/WADE; PAYNE opposed)
 - c. Resolution*: 1613 Grove Street Extended Critical Slope Waiver (2nd reading)
#R-22-042 APPROVED 4-1 (PINKSTON/WADE; PAYNE opposed)

General Business

Other Business

Community Matters (2)

*Action Needed

RESOLUTION

Appropriating Grant Funding in the Amount of \$15,000, Received from the Annie E. Casey Foundation to the City’s Family Engagement Support Stipend Program

WHEREAS, the City of Charlottesville has been awarded \$15,000 from the Annie E. Casey Foundation;

WHEREAS, the funds will be expended to provide stipends and material supports for community members involved in Probation Transformation projects undertaken by the Human Services Department in collaboration with other local organizations. The grant award covers the period from November 1, 2021 through November 30, 2022;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the funding from the Annie E. Casey Foundation, the grant funding in the amount of \$15,000 is hereby appropriated as follows:

Revenues

\$15,000 FUND 210 IO: 1900453 G/L: 451022

Expenditures

\$15,000 FUND 210 IO: 1900453 G/L: 599999

RESOLUTION

**Appropriating COVID Homelessness Emergency Response Program (C.H.E.R.P.)
Community Development Block Grant Funding Received from the Commonwealth in the
Amount of \$200,000**

WHEREAS, The City of Charlottesville’s Department of Human Services, has received C.H.E.R.P. Grant funding from the Virginia Department of Housing and Community Development, in the amount of **\$200,000**.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, upon receipt of the CHERP Grant funding, the sum of **\$200,000** is hereby appropriated for expenditure by the City’s Department of Human Services in accordance with grant requirements, in the following manner:

Revenues

\$200,000 Fund: 209 IO: 1900448 G/L: 430120 Federal Pass Thru

Expenditures

\$200,000 Fund: 209 IO: 1900448 G/L: 530550 Contracted Services

RESOLUTION
Appropriating Funds in the amount of \$75,000
to the CATEC Kitchen Floor Project

WHEREAS, the Charlottesville Albemarle Technical Education Center (CATEC) has delivered a monetary contribution to the City, in the amount of \$75,000, to be expended for the CATEC Kitchen Floor Project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, THAT funding in the amount of **\$75,000** received by the City of Charlottesville from CATEC is to be appropriated in the following manner:

Revenues - \$75,000

Fund: 107 Funded Program: FR-001 (P-01059-08) G/L Account: 432030

Expenditures - \$75,000

Fund: 107 Funded Program: FR-001 (P-01059-08) G/L Account: 599999

RESOLUTION

Appropriating grant funding in the amount of \$94,276 received from the Virginia Department of Conservation and Recreation for development of a Flood Resilience Plan, and authorizing the City Manager to execute a Grant Agreement

WHEREAS, the City of Charlottesville has been awarded **\$94,276** from the Virginia Department of Conservation and Recreation for the development of a flood resilience plan; and

WHEREAS, the grant requires a local match in the amount of \$31,425, which will be satisfied as follows: cash/contractual contribution in the amount of \$18,855, to be contributed from funds previously appropriated for expenditure within the Public Works operational budget, and the value of in-kind staff hours (\$12,640);

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that upon receipt of the awarded grant funding from the Virginia Department of Conservation and Recreation, the sum of **\$94,276** is hereby appropriated for expenditure within the Department of Public Works, for the development of a flood resilience plan, as follows:

Revenues - \$113,131

\$94,276	Fund: 209	I/O: 1900454	G/L Account: 430110
\$18,855	Fund: 209	I/O: 1900454	G/L Account: 498010

Expenditures - \$113,131

\$94,276	Fund: 209	I/O: 1900454	G/L Account: 599999
----------	-----------	--------------	---------------------

Transfers

\$18,855	Fund: 641	Fund Center: 64111001000	G/L Account: 530670
----------	-----------	--------------------------	---------------------

BE IT FURTHER RESOLVED that City Council hereby approves the terms of the grant agreement between the Virginia Resources Authority and the City of Charlottesville (CFPF-21-02-32) and authorizes the City Manager to execute the grant agreement and other related documents, requisitions or agreements, on behalf of the City; provided that the City Manager may delegate signature authority to a Deputy City Manager. City Council hereby further approves the in-kind staff contribution and cash local match described above.

**RESOLUTION APPROPRIATING FUNDING FOR
American Rescue Plan for Eligible Local Activities
\$536,553.97**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$536,533.97 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

Operational costs for portable air sanitizing units.	\$62,000.
Department of Social Services Technology needs.	\$6,000.
Fire Department communications equipment.	\$60,000.
City Manager’s Office improvements.	\$92,000.
City Council Chambers improvements.	\$20,000.
Hotline coordinator.	\$138,000.
City Hall Ambassadors.	\$51,053.97.
City Hall Lobby/1 st Floor improvements.	\$100,000.
Additional cleaning supplies/equipment Fire Department.	\$7,500.
TOTAL.	\$536,553.97.

Revenues - \$536,553.97

Fund: 207 Cost Center: 9900000000 G/L Account: 430120

Expenditures - \$536,553.97

Fund: 207	I/O: 1900455	G/L Account: 599999	\$62,000
Fund: 207	I/O: 1900456	G/L Account: 599999	\$6,000
Fund: 207	I/O: 1900457	G/L Account: 599999	\$60,000
Fund: 207	I/O: 1900458	G/L Account: 599999	\$92,000
Fund: 207	I/O: 1900459	G/L Account: 599999	\$20,000
Fund: 207	I/O: 1900421	G/L Account: 599999	\$138,000
Fund: 207	I/O: 1900442	G/L Account: 599999	\$51,053.97
Fund: 207	I/O: 1900460	G/L Account: 599999	\$100,000
Fund: 207	I/O: 1900461	G/L Account: 599999	\$7,500

RESOLUTION

Approving a minor amendment to the City’s FY2020-2021 CDBG Action Plan, to authorize the Charlottesville Redevelopment and Housing Authority to implement a contingency plan to expend its CDBG funding on or before June 30, 2026

WHEREAS on May 7, 2018 the Charlottesville City Council approved a Consolidated Plan for the City of Charlottesville and the Thomas Jefferson Planning District, covering the period from July 1, 2018 through June 30, 2023, which sets forth a plan to provide support for certain community development needs—including, but not limited to—housing needs, within those jurisdictions; and

WHEREAS the Consolidated Plan includes a citizen participation plan, and Sec. 2-419(10) specifies that, once City Council has approved and funded a program, any reprogramming and budgetary changes will be done consistent with the approved citizen participation plan;

WHEREAS the Consolidated Plan is implemented during the coverage period through certain “Action Plans”, the most recent of which is designated as the “FY 2020-2021 Action Plan” previously approved by resolution of City Council on May 3, 2021; and

WHEREAS within the FY2020-2021 Action Plan the Charlottesville Redevelopment and Housing Authority was selected as a subrecipient of CDBG-CV3 funding from the City, in the amount of \$91,485.94, to pay for up to six months’ worth of emergency covid related rental assistance, with a target of June 30, 2026, for expenditure of the funding in accordance with the approved project; and

WHEREAS the Charlottesville Redevelopment and Housing Authority (CRHA) requests a modification of their approved project, to provide six month emergency rental assistance to 100 income qualified families to prevent, prepare for, and respond to the coronavirus, and CRHA represents that the modification is necessary to allow for the timely expenditure of all awarded funding by June 30, 2026 (“contingency plan”), and federal regulations specify that this type of modification must be approved by City Council as a minor amendment of the City’s FY2020-2021 Action Plan; and

WHEREAS the requested Minor Amendment of the FY2020-2021 Action Plan does not change the amount of CDBG funding previously approved for CRHA; and

WHEREAS this Council is satisfied on the basis of the information presented within the staff report, that the proposed Minor Amendment of the FY2020-2021 Action Plan has been brought forward in accordance with the approved citizen participation plan, as required by City Code §2-419(10); now, therefore

BE IT RESOLVED that the Charlottesville City Council hereby approves a Minor Amendment of the City’s FY2020-2021 Action Plan, to authorize CRHA the Charlottesville Redevelopment and Housing Authority to expend their remaining **balance (\$60,938.28)** of CDBG-CV3 funding on an expanded scope of work to assist 100 families that are at risk of being evicted with up to six months of covid rental emergency rental assistance.

RESOLUTION
Amending and re-enacting the City-Council advisory body known as
the Housing Advisory Committee

WHEREAS the City Council first established an advisory body known as the Housing Advisory Committee (HAC) in 1978, and the composition of the HAC and the matters upon which City Council desires to receive input and recommendations from the HAC have from time to time been modified between 1978 and the present; and

WHEREAS on March 1, 2021, this Council approved an Affordable Housing Plan for the City, the recommendations of the AHP were incorporated into the Comprehensive Plan adopted by the City Council on November 15, 2021, and the recommendations included restructuring the Housing Advisory Committee (HAC); now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that there is hereby re-established an advisory body to the Charlottesville City Council, known as the Housing Advisory Committee (HAC), and the HAC shall have the following purposes and membership:

1. Purposes: the purposes of the HAC shall be:
 - a. to advise the City Council as to affordable housing needs that are not being served within the City of Charlottesville,
 - b. recommend ways to encourage the for-profit housing sector to provide a variety of affordable housing opportunities,
 - c. advise City Council as to the need to improve or delete existing programs, support, or assistance,
 - d. advise City Council on the potential for regional, interjurisdictional cooperation in affordable housing programs.

2. Membership: membership of the HAC shall be appointed by City Council for 2-year terms, subject to the term limits set forth within City Code 2-8. Membership within Category 1 shall be limited to nonprofit entities, who may designate the individual who will represent their entity on the membership of the HAC. If there exist no more than three (3) active nonprofit housing providers within the City when a vacancy exists, then City Council will not be bound by the term limits within City Code §2-8 in filling the vacancy. Within each category of membership, the terms shall be staggered so that not more than one of the terms will expire in any 12-month period.

Membership Group/Background	Number
Category 1: Charlottesville Redevelopment and Housing Authority and two non-profit entities who are actively engaged in the construction or renting of affordable housing units within the City	3
Category 2: Real Estate professionals (may include brokers, lenders, for-profit developers, architects, etc.)	3
Category 3: At-Large community members	2
Category 4: Affordable Housing beneficiaries	3
Total	11
City Council Member	Non-Voting Member

RESOLUTION
Establishing a City Council Advisory Body to be known as
The Charlottesville Affordable Housing Fund Committee

WHEREAS on March 1, 2021, this Council approved an Affordable Housing Plan for the City, the recommendations of the AHP were incorporated into the Comprehensive Plan adopted by the City Council on November 15, 2021, and the recommendations included establishing a committee responsible for advising City Council on matters pertaining to the use and expenditure of funding within the Charlottesville Affordable Housing Fund (CAHF); now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that there is hereby established an advisory body to the Charlottesville City Council, to be known as the Charlottesville Affordable Housing Fund Committee (“CAHF Committee”), and the CAHF Committee shall have the following purposes and membership:

1. Purposes: the purposes of the CAHF Committee shall be:
 - a. to recommend to the City Council/ City administration suggested priorities for the use of CAHF funding,
 - b. to review the City administration’s recommendations for award(s) of CAHF funding,
 - c. to provide general input and oversight of the administration and effectiveness of the CAHF funding mechanism, including, without limitation, input as to the best ratio of grants to loans to be disbursed from CAHF, and
 - d. to recommend ways in which the City Council may ensure the sustainability and proper use of the CAHF over time,

2. Restrictions: No grants or loans from the CAHF shall be awarded to persons serving on the CAHF Committee, or to other legal entities of which any such person is a member, or in which such a person has a personal interest as the Virginia State and Local Government Conflict of Interests Act defines that term.

3. Membership: membership of the HAC shall be appointed by City Council for 2-year terms, subject to the term limits set forth within City Code 2-8.

Membership Group/Background	Number
At-Large community members	3
Affordable Housing beneficiaries	3
City staff	3
Total	9

**AN ORDINANCE
APPROVING A REQUEST TO REZONE THE PARCEL OF LAND
LOCATED AT 1613, 1611, AND 0 GROVE STREET, FROM R-2 (TWO FAMILY
RESIDENTIAL) TO R-3 (MULTIFAMILY RESIDENTIAL)**

WHEREAS, in order to facilitate a specific development project, Lorven Investments, LLC (“Landowner”), by its representative, Justin Shimp, has submitted rezoning application ZM20-00003, proposing a change in the zoning classification (“rezoning”) of certain land known as 1613, 1611, and 0 Grove Street Extended, identified within City tax records as Tax Map 23 Parcels 133, 134, and 135 (collectively, the “Subject Property”), from “R-2” to “R-3”, with said rezoning to be subject to several development conditions proffered by Landowner; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: a site plan to create a specific low-rise multifamily development project along with proffered development conditions and

WHEREAS, a joint public hearing on the Proposed Rezoning was held before the Planning Commission and City Council on March 8, 2022, following notice to the public and to adjacent property owners as required by law; and

WHEREAS, on March 8, 2022, following the joint public hearing, the Planning Commission voted to recommend that City Council should approve the Proposed Rezoning; and

WHEREAS, City Council has considered the development proposal set forth within the Application, the Staff Report, comments received from the public, and the Planning Commission’s recommendation; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice requires the Proposed Rezoning; that both the existing zoning classification (R-2) and the proposed R-3 zoning classification (subject to proffered development conditions) are reasonable; and that the Proposed Rezoning is consistent with the Comprehensive Plan; now, therefore,

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

Section 34-1. Zoning District Map. Rezoning from R-2 to R-3 the parcels of land designated on City Tax Map 23 as Parcels 133, 134, and 135 (1613, 1611, and 0 Grove Street Ext.), subject to the following Proffers, which were tendered by the Applicant in accordance with law and are hereby accepted by this City Council:

Approved Proffers

1. VALLEY ROAD EXTENDED SIDEWALK IMPROVEMENTS:

- a. Prior to the issuance of certificate of occupancy from the City's building official for the seventh (i11) dwelling unit on the Property, the Owner shall contribute Forty-Eight Thousand Dollars (\$48,000.00) to the City of Charlottesville's Capital Improvement Program (CIP) as a cash contribution for construction of infrastructure improvements that support public transit, cycling, walking, or ADA accessibility within the Fifeville Neighborhood. Infrastructure improvements may include, but are not limited to, bus stop improvements for public transit, construction of new sidewalks, or the installation of ADA accessible curb cuts at public street intersections.

2. AFFORDABLE HOUSING:

The Owner shall provide affordable housing within the Property, as follows:

- a. For the purposes of this Proffer, the term "For-Rent Workforce Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- b. For the purposes of this Proffer, the term "For-Rent Affordable Dwelling Unit" means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- c. Fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Workforce Affordable Dwelling Units and an additional fourteen percent (14%) of all dwelling units constructed within the area of the Property shall be For-Rent Affordable Dwelling Units (collectively, the "Required Affordable Dwelling Units") for a total of 28% of dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property ("Initial Designation"). The Owner reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City's approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these proffers with respect to any of the Required Affordable Dwelling Units.
 - i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City's building official ("Rental Affordability Period"). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

- ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
- d. The land use obligations referenced in 2.c.i and 2.c.ii shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.

**RESOLUTION GRANTING A SPECIAL USE PERMIT
FOR THE PROPERTY LOCATED AT 1613 GROVE STREET (TAX MAP 23,
PARCELS 133; 134; AND 135)**

WHEREAS Lorven Investments, LLC (“Landowner”) is the record owner of certain land identified on Tax Map 23 as Parcels 133, 134, and 135, collectively currently addressed as “1613, 1611, and 0 Grove Street Extended” (the “Property”), and, the Landowner, represented by Shimp Engineering, P.C., is requesting a Re-Zoning of the property, a Special Use Permit, and a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct four low-rise apartment buildings on the Property; and

WHEREAS; The Landowner seeks a Special Use Permit under City Code Sec. 34-420 to allow for residential density of up to forty-three (43) dwelling units per acre (“DUA”) and an amendment to the yard requirements of City Code Secs. 34-353(a) and 34-353(b)(4); and

WHEREAS the Planning Commission considered and recommended approval of this application at their March 8, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Special Use Permit for the Property, to allow construction of four low-rise apartment buildings by the Landowner, subject to the following conditions:

- (1) Up to 43 dwelling units per acre (DUA) are permitted on the Subject Properties with a maximum of two bedrooms per unit.
- (2) The restoration of Rock Creek as presented in the applicant’s narrative dated July 14, 2020 and revised September 29, 2021.
- (3) Modifications of yard requirements to:
 - Front yard: Twenty-five (25) feet.
 - North Side yard: Five (5) feet.
 - South Side yard: Fourteen (14) feet.
 - Rear yard: Twenty-five (25) feet.

**RESOLUTION GRANTING A CRITICAL SLOPE WAIVER
FOR THE PROPERTY LOCATED AT 1613, 1611, AND 0 GROVE STREET (TAX MAP
23, PARCELS 133; 134; AND 135)**

WHEREAS Lorven Investments, LLC (“Landowner”) is the record owner of certain land identified on Tax Map 23 as Parcels 133, 134, and 135, collectively currently addressed as “1613, 1611, and 0 Grove Street Extended” (the “Property”), and, the Landowner, represented by Shimp Engineering, P.C. , is requesting a Re-Zoning of the property, a Special Use Permit, and a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct four low-rise apartment buildings on the Property; and

WHEREAS existing Critical Slopes located on the Property constitute 0.06 acres, or approximately 9 percent of the area of the parcels; and

WHEREAS the Planning Commission considered and recommended approval of this application at their March 8, 2022 meeting, subject to conditions set forth within the staff report prepared for that meeting;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Property, to allow construction of four low-rise apartment buildings by the Landowner, subject to the following conditions:

(1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of Erosion and Sediment (“E&S”) controls. The first phase shall include “Initial/Preliminary Controls” and also include special consideration and provisions for how the ‘creek’/‘channel’ will be crossed throughout the project and how concentrated flows will outfall to the channel/culvert. Ideally outfall and site access (culvert work/tie in) would be established with rigorous independent E&S controls prior to the establishment of a sediment trap and associated conveyances. Any channels/diversions that convey ‘clear’ water to the channel shall be stabilized with sod on the ‘clear water’ side immediately after installation. The sequence shall dictate that no ‘benching’, or any disturbance of the slopes can occur until after the establishment of the trap and conveyances (Stage/Phase III).

(2) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.

(3) Any disturbance occurring outside of conveyances to the trap, in either sequence or space, planned or unforeseen, shall be immediately stabilized with sod (for pervious areas, utilities should have other “same day stabilization”).