



CITY COUNCIL AGENDA November 7, 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

4:00 PM OPENING SESSION

Register at www.charlottesville.gov/zoom. This portion of the meeting is held electronically. 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.

Call to Order/Roll Approval for Magill to participate electronically due to medical condition 4-0 (PINKSTON/WADE)

Agenda Approval

Reports

1. Presentation: Botanical Garden of the Piedmont Annual Report
2. Presentation: City Attorney report on vacating Rights-of-Way

5:30 PM CLOSED SESSION pursuant to Sections 2.2-3711 and 2.2-3712 of the Virginia Code (legal consultation)

Vote to meet in closed session APPROVED 5-0 (PAYNE/PINKSTON)

Vote to certify closed session APPROVED 4-0-1 (PINKSTON/WADE; Magill abstained)

6:30 PM BUSINESS SESSION

This portion of the meeting will accommodate a limited number of in-person public participants in City Council Chamber at City Hall as we employ a hybrid approach to public meetings. Registration is available for a lottery-based seating selection at www.charlottesville.gov/1543/Reserve-a-Seat-for-City-Council-Meeting. Reservation requests may also be made by contacting the Clerk of Council office at clerk@charlottesville.gov or 434-970-3113.

Moment of Silence

Announcements

Recognitions/Proclamations

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

3. Minutes: September 19 Council meeting, September 27 joint work session with Planning Commission
4. Ordinance: #O-22-140 To amend, re-ordain, and re-enact Chapter 30, Article 4 of the City Code (Real Estate Tax Relief for the Elderly and Disabled Persons) (2nd reading)
5. Resolution: #R-22-141 Resolution to Appropriate Funds for the Charlottesville/Albemarle Adult Drug Treatment Court Grant Award - \$240,000 (2nd reading)
6. Resolution: #R-22-142 Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)- \$452,704 (2nd reading)
7. Resolution: #R-22-143 Appropriating \$700,000 from the CIP Contingency to Avon Fuel Station Replacement Project (2nd reading)
8. Resolution: #R-22-144 Appropriating \$107,203.32 for Jefferson School African American Heritage Center Rent Agreement (2nd reading)
9. Resolution: #R-22-145 Appropriating American Rescue Plan (ARP) Funds \$565,000 (2nd reading)

- 10. Resolution: Appropriating Funds for Bag Distribution in Connection with Plastic Bag Tax - \$20,000 (2nd reading)
#R-22-146
- 11. Resolution: Appropriating Insurance Reimbursement in the amount of \$4,650.55 - Fire Department Truck Company 9 (1 of 2 readings)
- 12. Resolution: Appropriating Funds for 2022 Bureau of Justice Assistance FY22 Edward Byrne Memorial Justice Grant Program - Local Solicitation - \$23,459 (1 of 2 readings)
- 13. Resolution: Appropriating funds from the Victim Witness Assistance Program Grant - \$257,024 (1 of 2 readings)
- 14. Resolution: Extending the Contract for city management services with The Robert Bobb Group (1 reading)
#R-22-147

City Manager Report

- Report: November update

Community Matters

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration is available for the first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>. Speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Virtual participants must register to attend the meeting at www.charlottesville.gov/zoom.

Action Items

- 15. Ordinance: Amending Chapter 12 of the City Code to Require Fire Inspection Reports (1 of 2 readings)
- 16. Ordinance: Amending the Charlottesville Human Rights Ordinance, Code of the City of Charlottesville, Chapter 2, Article XV (tabled to 11/21)
- 17. Resolution: Amending Community Development Block Grant (CDBG) 2022-2023 Substantial Action Plan - \$178,394.34 (1 of 2 readings)
- 18. Resolution: Considering a Critical Slope Waiver request at 1003 - 1005 Carlton Avenue, 0 Walnut Street, 730 - 732 Walnut Street, 735 Walnut Street, and 0 Cherry Street (1 reading) APPROVED 4-1 (PINKSTON/WADE; Payne opposed)
#R-22-148
- 19. Resolution: Considering a Special Use Permit request at 1113 5th Street SW (1 reading) DENIED 3-2 (PAYNE/PINKSTON; Snook and Wade opposed denial)

General Business

Other Business

Community Matters (2)

Adjournment

ORDINANCE
TO AMEND, RE-ORDAIN, AND RE-ENACT CHAPTER 30, ARTICLE IV OF THE
CODE OF THE CITY OF CHARLOTTESVILLE (1990), AS AMENDED (REAL
ESTATE TAX RELIEF FOR THE ELDERLY AND DISABLED PERSONS) TO
MAINTAIN PARITY WITH THE CHAP PROGRAM AND STREAMLINE
ADMINISTRATION OF THE PROGRAM

WHEREAS the City Council recently reconfigured its relief program to provide relief to homeowners who may need assistance with the costs of homeownership, and in doing so City Council modified income limits in order to assist a greater number of homeowners; and

WHEREAS the Commissioner of Revenue has proposed that City Council similarly reconfigure the City's real estate tax relief program for the elderly and disabled persons, to make similar modifications of household income limits and to enhance the ability of the Commissioner's Office to administer the program efficiently, to better serve the persons who need this assistance; now, therefore,

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

Section 1. Chapter 30 (Taxation) of the Code of the City of Charlottesville (1990), as amended, Article IV, is hereby amended, re-ordained and re-enacted, as follows:

**ARTICLE IV. REAL ESTATE TAX RELIEF FOR THE ELDERLY AND
DISABLED PERSONS**

Sec. 30-96. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means and refers to a claimant applying for tax relief under the provisions of this article.

Area Median Family Income (MFI) means and refers to the median family income most recently established by the United States Department of Housing and Urban Development (HUD) for the Charlottesville, Virginia Metropolitan Statistical Area, rounded up to the nearest \$5,000.

Claimant refers to an individual entitled to claim an exemption under this article.

Certification means a signed written statement attesting to the accuracy of information provided by the applicant.

Combined household income means (i) the adjusted gross income, as shown on the federal income tax return as of December 31 of the calendar year immediately preceding the taxable year, of the applicant and all relatives living in the same dwelling, and of any other person who is an owner of and resides in the applicant's dwelling, or (ii) for applicants for whom no federal tax return is required to be filed, the income for the calendar year immediately preceding the taxable year: of the applicant and of any other relatives who reside in the applicant's dwelling,

and of any other person who is an owner of and resides in the applicant's dwelling. The Commissioner of Revenue shall establish the combined household income of persons for whom no federal tax return is required through documentation satisfactory for audit purposes.

Dwelling means the sole place of residence of a claimant; provided, however, that the fact that a person who is otherwise qualified for tax exemption by the provisions of this article is residing in a hospital, nursing home, convalescent home or other facility for physical or mental care for an extended period of time shall not be construed to mean that the real property for which exemption is claimed is not the sole place of residence of such individual while they are in any such facility, so long as the real property in question is not used by, or leased to, others for consideration.

Exemption means the percentage exemption from the property tax imposed by the city allowable under the provisions of this article.

Owner means and refers to an individual in whom is vested (i) all or part of the legal title to real property, or (ii) all or part of the beneficial ownership of real property and a right to present use and enjoyment of such real property.¹

Permanently and totally disabled, as applied to a person claiming an exemption under this article, means a person furnishing the certification or medical affidavits required by section 30-99, and who is found by the Commissioner of Revenue to be unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of the person's life.

Person means and refers to a natural person (i.e., an individual).

Taxable year means the calendar year, from January first through December thirty-first, for which property tax exemption is claimed under this article.

Cross reference(s)—Definitions and rules of construction generally, § 1-2.

State law reference(s)—Provisions similar to the provisions in the above definition of "dwelling," Code of Virginia, § 58.1-3214; similar definition of "permanently and totally disabled," § 58.1-3217.

Sec. 30-97. Purpose of article.

It is hereby declared to be the purpose of this article to provide real estate tax exemptions for qualified property owners who are not less than sixty-five (65) years of age or permanently and totally disabled and who are otherwise eligible according to the terms of this article. Pursuant to the authority of section 58.1-3210, Code of Virginia, the city council finds and declares that persons qualifying for exemption hereunder are bearing an extraordinary real estate tax burden in relation to their income.

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3218.

Sec. 30-98. Qualifications for exemption.

¹ Definition of "owner" is derived from Va. Code 55.1-1200.

Residential real property shall qualify for exemption pursuant to this article if the owner and the property satisfy the following requirements:

- (1) The ownership of the residential real property for which exemption is claimed must be with a Claimant as of January first of the taxable year for which such exemption is claimed. If the real estate for which exemption is claimed consists of a lot containing a manufactured home, as defined in § 36-85.3 of the Virginia Code, the Claimant must be the Owner of both the lot and the manufactured home.
- (2) As of January 1 of the taxable year and on the date a claim for exemption is submitted, the claimant must occupy the real property for which the exemption is sought as their sole place of residence (dwelling) and must intend to occupy the real property as such throughout the remainder of the taxable year. A claimant who is residing in a hospital, nursing home, convalescent home, or other facility for physical or mental care shall be deemed to meet this condition so long as their dwelling is not being used by or leased to another for consideration.
- (3) [*Reserved.*]
- (4) The claimant must be sixty-five (65) years of age or older, or permanently and totally disabled, as of December thirty-first of the year immediately preceding the taxable year for which the exemption is claimed.
- (5) The combined household income of such claimant must not exceed an amount equivalent to fifty percent (50%) of Area Median Family Income. Provided, however, that, if a claimant can prove by clear and convincing evidence that the only alternative to their having to permanently become a resident of a hospital, nursing home, convalescent home or other facility providing physical or mental care is to have said claimant's relative reside within the claimant's dwelling and provide care for the claimant, then that relative's income shall be excluded from the income calculation.
- (6) Neither an applicant, nor an applicant's spouse who resides within the same dwelling, shall be an owner of any other real property.
- (7) For real property jointly owned by two or more persons, not all of whom are at least age 65 or permanently and totally disabled: provided that the property is the dwelling of all such joint owners, the tax exemption for the real property shall be prorated by multiplying the amount of the exemption by a fraction that has, as a numerator, the percentage of ownership interest in the dwelling held by all such joint owners who are at least age 65 or permanently and totally disabled, and as a denominator, one hundred percent (100%). The provisions of this subsection shall not apply to married persons who are joint owners of a dwelling, when there are no other joint owners.
- (8) An applicant who is delinquent on any portion of the real estate taxes due with respect to the real property to which the exemption is to be applied must be in good standing on a payment plan with the Treasurer's office with the aim of paying off said delinquency in a period not exceeding twelve months.

State law reference(s)—Similar provisions and authority of city as to income, net worth, etc., requirements, Code of Virginia, §§ 58.1-3210—58.1-3212.

Sec. 30-99. Application for exemption, annual certification.

- (a) In the first year for which exemption is sought, and every third year thereafter, every person claiming an exemption under this article shall file an application with the Commissioner of the Revenue of the City setting forth the basis for their claim of exemption. In each of the two years between their filing of such applications, if no circumstances relevant to determination of eligibility for the exemption has changed, the applicant shall certify that; however, if an applicant's circumstances have changed to affect their eligibility for exemption, the applicant will need to file a new application. The date for filing such an application or certification shall be no later than March first of the taxable year, but may be extended by the Commissioner of Revenue to July first of a taxable year for a first-time applicant and to July first of each taxable year in a hardship case in which the Commissioner of the Revenue determines that the applicant was unable to file by March first of the particular taxable year because of illness of the applicant or confinement of the applicant in a nursing home, hospital, or other medical facility or institution.
- (b) The application shall set forth the names of the related persons occupying the real property for which exemption is claimed, the name of any other person who is an owner of and resides in the dwelling on the property, and the combined household income of all such persons. The form of such application or certification shall be determined by the Commissioner of Revenue, and shall contain such other information as may be required adequately to determine compliance with the provisions of section 30-98.
- (c) If the person filing an application for exemption under this section is under sixty-five (65) years of age, the application shall have attached thereto proper documentation by the Social Security Administration, veteran's administration or the railroad retirement board that the person has been certified as being permanently or totally disabled as defined by those agencies, or if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth, to the effect that the person is permanently and totally disabled, as defined in section 30-96. The affidavit of at least one (1) of the doctors shall be based upon a physical examination of the person by such doctor. The affidavit of one (1) of the doctors may be based upon medical information contained in the records of the civil service commission which is relevant to the standards for determining permanent and total disability as defined in section 30-96.
- (d) In addition, the Commissioner of Revenue may make such further inquiry of persons seeking to claim exemptions requiring answers under oath and the production of certified tax returns, as may be deemed reasonably necessary to determine eligibility for an exemption.

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3213.

Sec. 30-100. Certification by Commissioner; deductions from real estate tax.

The Commissioner of Revenue, after audit and investigation, shall certify a list of the persons and property qualifying for exemption under this article and the amount thereof to the City Treasurer, who shall forthwith deduct the amounts of such exemptions from the real estate tax chargeable for the taxable year to such persons and property.

Sec. 30-101. Calculation of amount of exemption.

The amount of the exemption granted pursuant to this article shall be a percentage of the real estate tax assessed for the applicable taxable year in accordance with the following formulas using Area Median Family Income:

- (1) An approved applicant whose combined household income is between \$0 and 30% of MFI shall receive an exemption equivalent to 100% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (2) An approved applicant whose combined household income is greater than 30% of MFI, but no more than 40% of MFI, shall receive an exemption equivalent to 80% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (3) An approved applicant whose combined household income is greater than 40% of MFI, but no more than 45% of MFI, shall receive an exemption equivalent to 60% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.
- (4) An approved applicant whose combined household income is greater than 45% of MFI, but no more than 50% of MFI, shall receive an exemption equivalent to 40% of the real estate tax assessed for the taxable year on the property for which an exemption is claimed.

State law reference(s)—Amount of exemption to be as prescribed by ordinance, Code of Virginia, § 58.1-3210.

Sec. 30-102. Effect of changes in status.

Changes with respect to income, ownership of property or other factors occurring during the taxable year and having the effect of violating or exceeding the limitations and conditions of section 30-98 shall result in a prorated exemption for the then current taxable year.

State law reference(s)—Similar provisions, Code of Virginia, § 58.1-3215.

Sec. 30-103. Filing false claims.

It shall be unlawful and a Class 1 misdemeanor for any person to falsely claim an exemption under this article.

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-11.

RESOLUTION
Appropriating the Sum of \$240,000 to the
Charlottesville/Albemarle Adult Drug Treatment Court

WHEREAS the Supreme Court of Virginia awarded its Drug Treatment Court Docket a grant in the amount of \$240,000.00, to be allocated to the Charlottesville/Albemarle Drug Treatment Court to fund salaries, benefits, and operating expenses; and

WHEREAS the City of Charlottesville serves as the fiscal agent for the Charlottesville/Albemarle Drug Treatment Court; and

WHEREAS for Fiscal Year 2023 the City of Charlottesville and Albemarle County each appropriated local funding matches as required by this grant, in a combined total amount of \$131,595.00; and

WHEREAS the Supreme Court grant award covers the period July 1, 2022 through June 30, 2023; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that, upon receipt thereof from the Virginia Supreme Court, the sum of \$240,000.00 is hereby appropriated for expenditure by the Charlottesville/ Albemarle Adult Drug Treatment Court, in the following manner:

Revenues

\$240,000 Fund: 209 Internal Order: 1900500 G/L Account: 430120

Expenditures

\$240,000 Fund: 209 Internal Order: 1900500 G/L Account: 530550

All funds hereby appropriated shall be accounted for and expended only in accordance with requirements of the Virginia Supreme Court Drug Treatment Court Docket grant program.

RESOLUTION

Appropriating the sum of \$452,704 received from the Commonwealth as a Virginia Juvenile Community Crime Control Act Grant (V.J.C.C.C.A.)

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

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

WHEREAS, the grant award covers the period from July 1, 2021 through June 30, 2022.

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

Revenue – \$452,704

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

Expenditures - \$452,704

\$ 53,075	Fund: 220	Cost Center: 3523001000	G/L Account: 519999
\$399,629	Fund: 220	Cost Center: 3523001000	G/L Account: 530010

All funds hereby appropriated shall be accounted for and expended only in accordance with requirements of the VJCCCA grant program.

RESOLUTION

Appropriating the Amount of \$700,000 from the CIP Contingency funds to the Avon Fuel Station Replacement Project

WHEREAS the City of Charlottesville designed and bid a project to improve the Avon Fuel Station (the “Project”); and

WHEREAS a funding deficit exists, because the costs of the Project, and of insurance required for the Project are greater than the funding amount previously allocated; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$700,000.00 is hereby transferred from CIP Contingency funds, for expenditure on the Avon Fuel Station Project, in the following manner:

Transfer From

\$700,000 Fund: 426 WBS: CP-080 G/L Account: 599999

Transfer To

\$700,000 Fund: 426 WBS: P-00980 G/L Account: 599999

RESOLUTION
Approving a gift or donation in the amount of \$107,203.32 to the
Jefferson School African American Heritage Center

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a gift or donation is hereby approved in the amount of **\$107,203.32** to the Jefferson School African American Heritage Center, to be used for payment of rent for the Center's lease of premises located at 223 4th Street NW, Suite A, in Charlottesville, Virginia.

This gift or donation shall be paid from the Strategic Initiatives account within the FY2023 Budget for City Council expenditures.

RESOLUTION
Appropriating the Amount of \$565,000 of American Rescue Plan Funds
for Eligible Local Activities

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$565,000 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

City Hall Ambassadors	\$50,000.
AED Program for City Facilities.	\$300,000.
City Access Control Badges.	\$15,000.
Emergency Shelter Operations at Premier Circle.	\$200,000.
TOTAL.	\$565,000.

Note: account codes will be established following the first reading on this appropriation for inclusion in the second reading and adoption.

RESOLUTION

Approving an appropriation in the amount of \$20,000.00 for the purchase and distribution of bags to SNAP and WIC eligible households impacted by the plastic bag tax beginning January 1, 2023

WHEREAS, the City of Charlottesville adopted a plastic bag tax on July 18, 2022, that goes into effect on January 1, 2023;

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that an appropriation is hereto approved in the amount of \$20,000.00 for the purchase of bags to be distributed to eligible households;

Revenues

Fund: 105 Cost Center: 1601001000 GL Code:410145

Expenditures

Fund: 105 Cost Center: 3301001000 GL Code: 599999

RESOLUTION

To extend the Contract for City Manager Services with The Robert Bobb Group

WHEREAS by resolution (#R-21-184) dated December 20, 2021, City Council awarded a contract to The Robert Bobb Group, for the provision of city manager services (“Contract”) through June 30, 2022; and

WHEREAS pursuant to a consensus to give priority to recruitment of a chief of police, City Council voted on June 6, 2022 to adopt a resolution (#R-22-071) extending the time for performance of the Contract through December 31, 2022; and

WHEREAS the police chief recruitment process is underway, but will not be completed in time to allow Council a reasonable time to conduct a thorough executive recruitment process for a permanent city manager; and

WHEREAS attempting to change the designated city manager, either by direct appointment or by competitive recruitment of a contract with a firm, would be detrimental to the City organization and those selection processes, in and of themselves, might not be able to be completed by City Council within the next few months; therefore, The Robert Bobb Group is the only source practicably available for these services; and

WHEREAS it is in the best interests of the public, the City Council, and the City government that the contract with The Robert Bobb Group be extended for an additional period of time, as permitted by Virginia Code §2.2-4309, to allow the Robert Bobb Group to complete its work for stabilization of the City government and creating an environment that will enhance the City’s ability to recruit a new permanent city manager; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the January 6, 2022 contract for City Manager Services entered into between the City Council for the City of Charlottesville and The Robert Bobb Group (“Contract”), is hereby amended and re-enacted with the following amendment:

Section 2 (Time for Performance)

(A) RBG shall commence performance of Services effective as of the date this Contract is executed by City Council, and shall continue its performance through December 31, 2023, or the date as of which a permanent city manager appointed by City Council commences employment, whichever first occurs (“Term”).

All terms and conditions of said Contract shall be and remain in effect throughout the extended term of the Contract.

BE IT FURTHER RESOLVED that, on behalf of City Council, the Mayor is hereby authorized to sign an instrument reflecting this contract amendment, and the City Attorney shall prepare said instrument for signature of the Mayor and The Robert Bobb Group.

RESOLUTION

**Granting a critical slope waiver for a residential development referred to as
“Belmont Condominiums”**

WHEREAS Belmont & Carlton Holdings, LLC (“Landowner”) is the owner of certain land identified within the City of Charlottesville Real Estate Assessor’s records as Real Estate Parcel Identification Nos. 570020000, 570002100, 570004000, 570006000, 570007100, 570007300, 570007500, 570007700, 570007900, 570002000, 570003000, 57005000, 570007000, 570007200, 570007400, 570007600, 570007800, 570010000, said parcels having current street addresses of 1003-1005 Carlton Avenue, 0 Walnut Street, 730 – 732 Walnut Street, 735 Walnut Street, and 0 Cherry Street (collectively, the “Subject Property”); and

WHEREAS the Subject Property contains critical slopes, over and within an area of approximately 0.988 acre, which is approximately 16% of the combined area of the various parcels that constitute the Subject Property, and Landowner is requesting a waiver of the critical slopes requirements of City Code Sec. 34-1120(b)(6)(b), in connection with the Owner’s plan to construct a mixed use development on the Subject Property (the “Project”); and

WHEREAS the Project is described in more specific detail within the application materials submitted in connection with waiver application no. P22-0039, as required by City Code §34-1120(b)(6) (collectively, the “Application Materials”); and

WHEREAS the Planning Commission considered and recommended approval of this application at their October 11, 2022 meeting, subject to conditions proposed within the Staff Report and modified as discussed in the meeting; now, therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a waiver is hereby granted of the critical slopes requirements for the Project, to allow for the development of the Project as described within the Application Materials, subject to the following conditions:

- (1) Erosion and sediment control (ESC) plans for the Project shall include, at a minimum, four (4) stages/phases of ESC controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed sediment traps shall be established with rigorous independent ESC controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.
- (2) Any channels/diversions that convey ‘clear’ water shall be stabilized with sod on the ‘clear water’ side immediately after installation.
- (3) A “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- (4) Any disturbance occurring outside of conveyances to a sediment 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”).

(5) At no time shall concentrated water be directed toward the areas of critical slopes, without adequate conveyance down and beyond the slopes to an acceptable outfall.

(6) To document the landowner's representations within the Application Materials regarding intended onsite water quality measures, the Stormwater Management Plan for the Project shall include either (a) a design for onsite water quality provided by a facility, or (b) facilities that are either i) designed in accordance with the BMP Clearinghouse "2013 Draft Design Specifications for Practices 1-15", or ii) proprietary Manufactured Treatment Device(s) approved by the Virginia Department of Environmental Quality ("DEQ") as of the date the stormwater management plan for the Project is submitted for the City's review. The facility or facilities should provide 125 percent of the onsite Phosphorus removal required by the Virginia Water Quality requirements for the development Project. Compliance with the 125 percent will be demonstrated by accurate project data set forth within a completed Virginia Runoff Reduction Method ("VRRM") spreadsheet for the project.