



CITY COUNCIL AGENDA January 3, 2022

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

5:30 PM Closed session as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions; legal consultation)

Virtual/electronic meeting. Meeting begins and ends in open session.

6:30 PM Regular Meeting

Register at www.charlottesville.gov/zoom. Virtual/electronic meeting in accordance with a local ordinance amended and re-enacted October 4, 2021, 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.

CALL TO ORDER (City Manager)

MOMENT OF SILENCE

ROLL CALL

ORGANIZATIONAL MEETING (led by City Manager)

AGENDA APPROVAL (New Mayor)

ANNOUNCEMENTS (and Update from Blue Ridge Health Department)

RECOGNITIONS/PROCLAMATIONS

BOARDS AND COMMISSIONS (Council Seats)

CONSENT AGENDA*

1. Minutes: November 15 closed and regular meetings, December 6 work session, closed meeting and regular meeting
2. Resolution: Appropriating funds for COVID Homelessness Emergency Response Program (C.H.E.R.P.) Community Development Block Grant - \$680,263 (2nd reading)
3. Resolution: Approving renewal of the City Market Sublease Agreement (1 reading)

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

COMMUNITY MATTERS Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Public comment will be conducted through electronic participation while City Hall is closed to the public. Participants can register in advance at www.charlottesville.gov/zoom.

ACTION ITEMS

4. Ordinance: Consideration of the Park Street Christian Church Planned Unit Development requests (1st of 2 readings)
 - a. Ordinance: Rezoning of approximately seven (7) acres of land, including one lot identified within City tax records as 1200 Park Street, Tax Map and Parcel 470002120 from R-1 to PUD (Planned Unit Development) (1st of 2 readings)

b. Resolution: Park Street Christian Church PUD Critical slopes waiver

5. Ordinance: Consideration of a rezoning request for approximately 9 acres of land, including multiple lots identified within City tax records as Tax Map and Parcel 470007100, 470011000 and 470008000 for a Planned Unit Development, also referred to as the MACAA PUD (1st of 2 readings)
6. Resolution*: FY21 Year-end Budget Appropriation (2nd reading)
7. Resolution: Adopting the City Council regular meeting schedule for 2022 (1 reading)
8. Resolution*: Consideration of a Critical Slope waiver request for 1223 Harris Street (1 reading)
9. Resolution*: Designating the MACAA Apartments site as a Revitalization Area (1 reading)

GENERAL BUSINESS

OTHER BUSINESS

MATTERS BY THE PUBLIC

*Action Needed

CHARLOTTESVILLE CITY COUNCIL MEETING
November 15, 2021
Virtual/electronic meeting via ZOOM

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, November 15, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. At the conclusion of a 4:00 p.m. work session where all members of City Council were present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook, Council voted to meet in closed session at 5:44 p.m.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(7) and (A)(8), for the purpose of consultation with legal counsel pertaining to legal matters announced by the police chief at a press conference, and probable litigation related to such matters, because consultation in an open meeting would adversely affect the City’s litigating or negotiation posture.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none), that to the best of each Council member’s knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:30 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, November 15, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Walker called the meeting to order at 6:31 p.m., and City Council observed a moment of silence.

Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Nikuyah Walker, Vice Mayor Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook.

AGENDA APPROVAL

On motion by Vice Mayor Magill, seconded by Councilor Hill, Council unanimously approved the meeting agenda.

ANNOUNCEMENTS

Councilor Hill announced holiday events being held on the Downtown Mall on December 4 and December 18.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

1. MINUTES: September 20 closed and regular meetings, September 28 work session, October 4 closed and regular meetings, October 12 special meeting, October 22 special meeting, October 26 joint meeting with PCRB
2. RESOLUTION: Appropriating funds for the Virginia Department of Education Special Nutrition Program Child and Adult Care Food Program - \$50,000 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Virginia Department of Education Special Nutrition Program Child and
Adult Care Food Program - \$50,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$50,000 from the Virginia Department of Education Special Nutrition Program to provide free dinner to children attending select drop-in afterschool centers; and

WHEREAS, the grant award covers the period from period October 1, 2021 through September 30, 2022;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$50,000, received from the Virginia Department of Education Special Nutrition Program is hereby appropriated in the following manner:

Revenue – \$ 50,000

Fund: 209	Internal Order: 1900436	G/L Account: 430120
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Expenditures - \$50,000

Fund: 209	Internal Order: 1900436	G/L Account: 530670
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$50,000 from the Virginia Department of Education Special Nutrition Program.

3. RESOLUTION: Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$39,000 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Safe Routes to School Program (SRTS) Non-Infrastructure Grants
\$39,000**

WHEREAS the Safe Routes to School Program (SRTS) non-infrastructure grant, providing Federal payments for education, encouragement, evaluation and enforcement programs to promote safe walking and bicycling to school has been awarded the City of Charlottesville, in the amount of \$23,600;

WHEREAS the SRTS program is an 80% reimbursement program requiring a 20% match from the City, of which \$5,900 will come from in-kind contributions;

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

REVENUE

\$23,600	Fund: 209	Cost Center: 3901008000	G/L Account: 430120
\$15,400	Fund: 209	Cost Center: 3901008000	G/L Account: 498010

EXPENDITURES

\$39,000	Fund: 209	Cost Center: 3901008000	G/L Account: 519999
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TRANSFER FROM

\$15,400	Fund: 105	Cost Center: 2401003000	G/L Account: 561209
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BE IT FURTHER RESOLVED that this appropriation is conditioned upon the receipt of \$23,600 from the Virginia Department of Transportation.

4. RESOLUTION: Transferring Capital Funds from completed Fuel Station Project, completed Fleet Shop Improvements Project and incomplete Avon Salt Barn Project to Avon Fuel Station Project - \$523,048.95

**RESOLUTION
Capital Funding Transfer from
completed Fuel Station Project and Fleet Shop Improvements Project and incomplete
Avon Salt Barn Project to Avon Fuel Station Project - \$523,048.95**

WHEREAS, the City of Charlottesville, conducted a closure of the 4th Street Fuel Station and the entire amount of the previously appropriated funding was not required; and

WHEREAS, the City of Charlottesville completed Fleet facility and operation improvement projects and the entire amount of the previously appropriated funding was not required; and

WHEREAS, the City of Charlottesville has previously appropriated funding for the replacement of the Avon Street Salt Barn Project that is postponed;

Transfer From

\$137,900.85	Fund: 426	WBS: P-00940	G/L Account: 599999
\$133,853.89	Fund: 426	WBS: P-01001	G/L Account: 599999
\$251,294.21	Fund: CP-018	WBS: P-00948-09	G/L Account: 599999

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

Transfer To

\$523,048.95	Fund: 426	WBS: P-00980	G/L Account: 599999
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5. ORDINANCE: Closing, vacating and discontinuing a portion (0.038 acre) of the public street right-of-way for Seminole Court (2nd reading)

AN ORDINANCE CLOSING, VACATING AND DISCONTINUING A PORTION (0.038 ACRE) OF THE PUBLIC STREET RIGHT OF WAY FOR SEMINOLE COURT

6. RESOLUTION: Appropriating Department of Conservation and Recreation Recreational Trail Grant funds for Construction of Meadow Creek Bridges - \$222,511.21 (carried)
7. RESOLUTION: Appropriating reimbursement received in connection with the Charlottesville Circuit Court renovation and addition project - \$6,643.00 (carried)
8. RESOLUTION: Appropriating funds for Edward Byrne Memorial Justice Assistance Grant - \$23,284 (carried)
9. RESOLUTION: Appropriating contribution from Charlottesville City Schools to the School Small Cap funded program for School Security Projects - \$250,000 (carried)
10. RESOLUTION: Appropriating funds for Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (carried)
11. RESOLUTION: Approving conveyance of a 2003 Pierce Quantum fire engine to the Charlottesville-Winneba Foundation

**RESOLUTION
APPROVING A CONVEYANCE OF A 2003 PIERCE QUANTUM FIRE ENGINE TO
THE CHARLOTTESVILLE-WINNEBA FOUNDATION**

WHEREAS, the Charlottesville-Winneba Foundation has requested the City to donate to it certain property, specifically a 2003 Pierce Quantum Fire truck (the “Fire Engine”), vehicle identification number 4P1CT02S73A003437; and

WHEREAS, the Fire Engine is currently in storage, and the City has no plans to use the Fire Engine for the provision of firefighting services in the future, and staff estimates the value of the Fire Engine to be around (\$25,000).

WHEREAS, pursuant to Virginia Code Sec. 15.2-953 City Council desires to convey the Fire Engine to the Charlottesville Fire Company, for eventual transfer to the City of Winneba, Ghana, through cooperative efforts between CFC and the Sister Cities Commission; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that the Charlottesville City Manager is hereby authorized to convey all of the City’s rights, title and ownership interest in the Fire Engine to the Charlottesville Fire Company, in order that the Charlottesville Fire Company, in cooperation with the Sister Cities Commission, may arrange for the transfer and transportation of the Fire Engine to the City of Winneba, Ghana for its public use.

12. RESOLUTION: Appropriating American Rescue Plan (ARP) Funds from the Commonwealth for Utility Bill Assistance - \$359,879.30 (carried)

13. RESOLUTION: Appropriating BAMA Works funds for Skate Park lighting - \$100,000 (carried)

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the Consent Agenda: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

Deputy City Manager Sam Sanders provided the following updates:

- Regarding a reference in the previous meeting to a prohibitive personnel policy, the incoming Director of Human Resources will be made aware to consider when developing the City of Charlottesville’s approach to human resources management.
- Regarding the Collective Bargaining ordinance, Council will have a preliminary discussion at the December 6 meeting. He advised that the incoming City Manager and Human Resources Director would be involved going forward.
- Regarding American Rescue Plan allocations and eligible uses, the Director of Finance continues to evaluate uses keeping in mind Council’s desire to prioritize staff.
- Regarding staffing:
 - Employment offers are actively being negotiated for Directors of Human Resources, Parks and Recreation and Public Works.
 - Riaan Anthony was promoted to Deputy Director in Parks and Recreation.

COMMUNITY MATTERS

1. Kenneth Martin spoke about issues of massive resistance in Charlottesville and thanked Mayor Walker for her service on Council.
2. Katrina Turner spoke about the complaint filed by Dr. RaShall Brackney related to her employment termination.
3. Tanesha Hudson spoke of her request for an independent investigation into the treatment of Black leadership within the City of Charlottesville. She spoke about recent training for SWAT and restricted access for Chief Brackney, questioning the commitment to police reform. She spoke about the Lincoln Project response from Councilors and asked whether Council only responds to cries from White citizens.
4. Lucinda Shannon, Thomas Jefferson Planning District Commission staff person invited attendance to a virtual transit meeting on November 18 from 6:30 – 8:00PM. The project website URL is: tinyurl.com/transitvision
5. Robin Hoffman said that she was awarded a Mildred Spicer hero award, and she spoke of unsung heroes such as the late Cal Tate, former member of the City Communications Department. She also mentioned the exit of Brian Wheeler, Communications Director and praised Charlottesville Public Access TV. She encouraged people to get their Covid-19 vaccine.
6. Kimber Hawkey shared concerns about the departures of Police Chief RaShall Brackney and Dr. Tarron Richardson.
7. Rebecca Quinn, city resident, spoke about Council procedures and practices as related to voting on an item the same night as its public hearing.
8. Vern Buchanan advised that Kudzu is taking over and will destroy other native vegetation on the John Warner Parkway.
9. Kevin Hildebrand expressed concern about the city's leaf collection system and urged bagged leaf collection to keep storm sewers clear.
10. John Hossack agreed with Rebecca Quinn and expressed concern about a 2-minute speaking time for the public hearing on tonight's agenda.
11. Andrew Shelton advised that the current Council procedures seem to work fine, and he encouraged Council to support the Jefferson School request for the Swords into Plowshares project.
12. Nancy Carpenter encouraged Council to vote and accept the proposal from the Jefferson School African American Heritage Center to dispose of the Lee statue.

Mayor Walker advised that the statue discussion would occur at the upcoming December 6 meeting.

ACTION ITEMS

14. PUBLIC HEARING/RESOLUTION: Amending the Comprehensive Plan for the City of Charlottesville (including the Future Land Use Map)

Mayor Walker introduced the item and advised of a two-minute speaker time limit based on the expected high volume of speakers.

James Freas, Director of Neighborhood Development Services, introduced Cville Plans Together Consultants.

Jenny Koch from Cville Plans Together and RHI Consultants informed the public of Council's discussion during the 4:00 p.m. work session and of Council's participation in prior meetings with the Planning Commission. She then began the presentation, which included:

- A Cville Plans Together Overview: Updating the future vision for the city, with a focus on equity and affordability
- Purpose of the Comprehensive Plan update:
 - Updating the future vision for the City
 - Supporting the Affordable Housing Plan and shaping a more equitable community
 - Preparing for community growth and change
- Housing and Affordability Needs
 - Charlottesville and Albemarle County are expected to add 15,000 households by 2040 and the University of Virginia is growing steadily.
 - Only 30% of the city's residential-zoned land can be used for higher-density development (above a single-family level).
 - Single-family zoning and other land use restrictions have historically been used to create and enforce racial segregation.
 - Over 2,700 renter households in Charlottesville currently pay more than 50% of their income on rent and utilities, with most of these households earning less than \$35,000 a year.
- Affordable Housing Plan Overview
 - Vision: The City of Charlottesville will achieve a local housing market that is healthy, high quality, affordable, and above all, equitable.
 - Guiding Principles: Racial Equity, Regional Collaboration, Comprehensive Approach
 - Major Initiatives:
 - Dedicate \$10M Annually to Affordable Housing
 - Build Inclusive Governance at All Levels
 - Adopt Progressive and Inclusionary Zoning Reforms
 - Recommendations Related To: Funding, Governance, Land Use, Tenants' Rights, and Subsidy
- Comprehensive Plan Update Process from 2017-2021
- Community Engagement Activities
- Topics of Interest to the Community

Ron Sessoms, Urban Planner/Urban Designer with RHI Consultants, shared an overview of the Comprehensive Plan as supported by functional plans such as:

- Affordable Housing Plan
- Bicycle and Pedestrian Master Plan
- Streets That Work
- Forthcoming Climate Action Plan, and

- Small Area Plans

He shared:

- Five Guiding Principles of the updated Plan:
 1. Equity and Opportunity
 2. Community Culture and Unity
 3. Local and Regional Collaboration
 4. Environmental Stewardship and Sustainability
 5. Connections & Access
- Seven Topic-specific Chapters of the Comprehensive Plan
 1. Land Use, Urban Form, and Historic & Cultural Preservation
 2. Housing
 3. Transportation
 4. Environment, Climate, and Food Equity
 5. Economic Prosperity and Opportunity
 6. Community Facilities and Services
 7. Community Engagement and Collaboration
- Six Priority Areas for Implementation:
 1. Support the development of more housing throughout the city, with a focus on creation of more housing that is affordable to more people, especially those with the greatest need.
 2. Make sure all people have access to shelter, food, job opportunities, and other resources they need to thrive and succeed.
 3. Work to both mitigate and prepare for the impacts of climate change.
 4. Make it safer, easier, and more desirable to walk, ride a bicycle, utilize public transportation, or use other non-single occupancy vehicle transportation options.
 5. Keep Charlottesville green, make it greener, and protect the natural environment and the many benefits it provides.
 6. Continue to evolve and improve communication and collaboration
- Future Land Use Planning Objectives
 - Build upon land use recommendations from other plans.
 - Ensure citywide, equitable opportunities for additional housing.
 - Increase opportunities for development near community hubs and amenities, to maximize access.
 - Explore the potential of vacant or underutilized properties.
 - Establish correlations between the City's land uses, UVA, and the County's Urban Ring.
 - Increase access to transit, as well as walking and biking infrastructure.
 - Protect, preserve, and enhance natural and cultural resources.
 - Ensure long term economic sustainability of the City by planning for a wide range of commercial land use types.
- Future Land Use Planning Process

- Future Land Use Map (FLUM)
- Affordability:
 - The Future Land Use Map is only one factor contributing to increasing housing affordability for all income levels.
 - The Future Land Use Map sets the stage for allowing a more diverse housing stock throughout the city, including both rental and homeownership options.
 - Housing Affordability Framework

Ms. Koch reviewed the Planning Commission recommendation and next steps. She shared information about the Comprehensive Plan and Zoning relationship.

Mr. Freas thanked all who participated throughout the process and he recommended adoption of the Comprehensive Plan.

Vice Mayor Magill asked about a Small Area Plan for the 10th & Page neighborhood.

The meeting recessed at 7:55 p.m. and reconvened at 8:11 p.m.

Mayor Walker opened the Public Hearing and gave a reminder of the two-minute speaking time. The following people spoke:

1. Maddy Green, CRHA Commissioner and city resident, spoke in favor.
2. Buzz Becker, city resident, spoke in favor.
3. Nancy Carpenter, city resident, spoke in favor.
4. Tracy Carlson, city resident, shared a scenario.
5. Angela Ciolfi, ED of Legal Aid Justice Center and city resident, spoke in favor.
6. Tim Giles, city resident, spoke in favor.
7. Gregory Weaver, city resident, spoke in favor.
8. Jennifer Sessions, city resident, spoke in favor.
9. Luis Oyola, city resident, spoke in favor.
10. Mark Whittle spoke in opposition to Medium Intensity Residential zoning.
11. Rebecca Deeds, city resident, on behalf of Preservation Piedmont spoke in favor.
12. Allison Gray, city resident, spoke in favor.
13. Gareth Gaston, city resident, spoke in favor.
14. Aileen Bartels, city resident, spoke in favor.
15. Brandon Collins, city resident, spoke in favor.
16. Elizabeth Stark, city resident, spoke in favor.
17. Mary Whittle, city resident, spoke in opposition.
18. Christine Bryant-Ryback, city resident, spoke in favor.

19. Josh Krahn, city resident, spoke in favor.
20. Susan Kruse, city resident and Executive Director of the Community Climate Collaborative (C3), spoke in favor.
21. Danny Yoder, city resident, spoke in favor.
22. Leonard Schoppa, Jr., city resident, spoke in favor of the Comprehensive Plan and delay of the FLUM.
23. Elizabeth Emrey, local pastor and representative of IMPACT, spoke in favor.
24. John Hossack, city resident, spoke in opposition.
25. Crystal Passmore, city resident, spoke in favor.
26. Josh Carp, city resident, spoke in favor.
27. Peter Krebs, city resident and member of the Piedmont Environmental Council, spoke in favor.
28. Miranda Elliott Rader, city resident, spoke in favor.
29. Charlotte Meadows, city resident, spoke in opposition pending further review.
30. James (David) Aller, city resident, spoke in opposition pending further review.
31. Noah Healy, city resident, asked for further access to information.
32. Benjamin Heller, city resident, spoke in opposition.
33. Diane Dale, city resident, spoke in opposition.
34. Martha Donnelly, landscape architect, advised that Chapter 7 should include information about transforming lawns into healthy ecosystems that provide food, shelter and cover for many species.
35. Matthew Gillikin, speaking on behalf of Livable Cville, spoke in favor.
36. Natalie Oschrin, city resident, spoke in favor.
37. Bill Emory, city resident, spoke in favor of a delayed vote, pending additional work.
38. Kaki Pearson, city resident, spoke favor of a delayed vote, pending additional work.
39. Andrea Massey, city resident, spoke in favor.
40. Kimber Hawkey, city resident, spoke in opposition.
41. Michael Lyster, city resident, spoke in opposition.
42. Sarah Malpass, city resident, spoke in favor.
43. Mark Kavitt, city resident, spoke in opposition.
44. Nancy Summers, city resident, spoke in opposition.
45. Kevin Hildebrand, city resident, shared input and said that he was unsure of his position after hearing other speakers.

46. John Pfaltz, city resident, spoke in opposition.
 47. Will Imbrie-Moore, Albemarle County resident, spoke in opposition.
 48. Carmelita Wood, President of the Fifeville Neighborhood Association, spoke in favor.
 49. Jake Mooney, city resident, spoke in favor.
 50. Tanesha Hudson, spoke about privilege and about housing affordability efforts in the city.
 51. Emily Yen, city resident, spoke in favor of the FLUM.
 52. Ang Conn, city resident, spoke in favor.
 53. Dave Norris, city resident, spoke in favor.
 54. Christian Anderson, city resident, spoke in opposition.
 55. Gary Eppard, city resident, spoke in opposition.
 56. Robin Hoffman, city resident, spoke about holding developers accountable.
 57. Ashton Gilmore, city resident, spoke in favor.
 58. Vern Buchanan, city resident, spoke in opposition.
 59. Jonathan Rice spoke about the need for better sidewalks.
 60. Julia Whiting, city resident, spoke in opposition.
 61. Jamelle Bouie, city resident, spoke in favor.
 62. Ja'Mir Smith, city resident, spoke in favor.
 63. Miss Simpson, city resident, spoke in opposition.
 64. Greg Self, city resident, spoke in favor.
 65. Andrew Shelton, city resident, spoke in favor.
 66. James Groves explained reasons why he is skeptical of the plan.
 67. Patricia Johnson, city resident, spoke in opposition pending further review.
 68. Chris Schopper, former city resident, spoke in favor.
 69. Don Gathers, city resident, spoke in favor.
 70. Joy Johnson, city resident, spoke in favor.
 71. John Sales, Executive Director of the Charlottesville Redevelopment and Housing Authority, spoke in favor.
 72. Courtney Heyward, city resident, spoke in opposition pending further review.
 73. Kathy Freer voiced a concern about holding developers accountable.
- Mayor Walker Closed the Public Hearing.

Councilor Snook expressed a desire to postpone voting based on several factors including the need for clarity around the Medium Intensity Residential (MIR) designation and implementation.

Vice Mayor Magill suggested keeping the MIR overlay in the FLUM.

Councilor Hill shared concerns about the MIR use and the approval of a draft map.

Mayor Walker spoke about intentionality in the plan and whose voices are being considered.

Council discussion continued and Councilor Payne asked about implementation, including throughout the Zoning re-write process.

Ms. Koch and Mr. Freas answered a question about how Marketing Analyses would be used.

Vice Mayor Magill moved to place the resolution on the December 6 agenda, and later withdrew the motion.

On motion by Vice Mayor Magill, seconded by Councilor Payne, Council by the following vote APPROVED the resolution: 5-0 (Ayes: Hill, Magill, Payne, Snook, Walker; Noes: none).

**RESOLUTION
TO APPROVE AMENDMENTS TO THE COMPREHENSIVE PLAN
FOR THE CITY OF CHARLOTTESVILLE**

WHEREAS, in 2013 City Council adopted a Comprehensive Plan for the City of Charlottesville, and it has been amended from time to time thereafter (“2013 Comprehensive Plan”);

WHEREAS, the Code of Virginia §15.2-2230 requires such plan be reviewed every five years, and commencing in May 2017 the Charlottesville Planning Commission ("Planning Commission") with the assistance of the City's Department of Neighborhood Development Services, and has undertaken a review of the City's 2013 Comprehensive Plan, and has determined that it would be advisable to update and amend such plan;

WHEREAS, the Planning Commission made careful and comprehensive surveys and studies of existing conditions and trends of growth within the City, and of the probable future requirements of the City's territory and inhabitants, including surveys and studies, such as those contemplated within Code of Virginia §15.2-2224;

WHEREAS, on October 12, 2021, following notice given in accordance with Code of Virginia §15.2-2204, a joint public hearing was conducted by the Planning Commission and the City Council on the proposed amendments to the 2013 Comprehensive Plan;

WHEREAS, on October 12, 2021, the Planning Commission unanimously recommended approval of the 2021 Comprehensive Plan and directed that the 2021

Comprehensive Plan be transmitted to City Council for consideration (“2021 Certified Comprehensive Plan”); and

WHEREAS, as required by Code of Virginia §15.2-2225 a link to the proposed 2021 Certified Comprehensive Plan has/have been posted on the City’s website on which the Planning Commission generally posts information, and that is available to the public;

WHEREAS, the 2021 Certified Comprehensive Plan transportation element was submitted to the Virginia Department of Transportation (“VDOT”) for review and comment in accordance with Code of Virginia §15.2-2223(B)(4), and VDOT has approved the proposed transportation element;

WHEREAS, City Council desires that certain amendments to the 2021 Comprehensive Plan certified by the Planning Commission be made, to-wit:

1. In the LAND USE chapter, add the following sub-strategy to Strategy 1.2 following bullet two (“...preserve and enhance natural resources...”): “Require that zoning changes preserve and enhance historic cultural resources. In particular, require that development of historic properties within Historic Preservation Architectural Design Control (ADC) Districts, Historic Conservation (CV) Districts, or Individually Protected Property (IPP) maintain the National Register’s “contributing resource” designation.”
2. In the LAND USE CATEGORY DESCRIPTION: SENSITIVE AREA: Consider allowing additional units and height under a bonus program or other zoning mechanism with greater and deeper affordability than non-sensitive areas.
3. Revise LAND USE CATEGORY DESCRIPTIONS Table 2 "Residential" header to add "Zoning tools will regulate affordability and maximum allowable development for all categories and consider demolition disincentives as feasible".
4. Recommend that SENSITIVE AREA delineation should continue to be defined and additional means and metrics beyond Census Block Data need to be considered. (This will also require revisions to the description of Sensitive areas on page 25 in addition to the FLUM. This is additional text to the document for now.)

WHEREAS, this Council finds and determines that, with the amendments desired by City Council, the 2021 Certified Plan has been made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory within the City which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the city's inhabitants;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville, that the aforesaid 2021 Comprehensive Plan certified by the City Planning Commission, amended to include the four (4) amendments made by City Council as noted above within this Resolution, is hereby approved and adopted as the official Comprehensive Plan of the City pursuant to Code of Virginia §15.2-2226, and shall hereafter be known as the City’s “Comprehensive Plan (2021)”.

15. ORDINANCE: Amending and reordaining Charlottesville City Code Chapter 14 (Licenses), Section 14-24 (Tax Incentives for Technology Businesses) to extend the eligibility period for five years to December 31, 2026 (carried)

Chris Engel, Director of Economic Development, summarized the reauthorization request, recommending extension of the eligibility period. Commissioner of the Revenue Todd Divers and Mr. Engel provided clarification in response to questions from Council. Council agreed to move the item to the December 6 Consent Agenda.

16. RESOLUTION*: Approving the request to waive the Critical Slope requirements of City Code Section 34-1120(b) for the development project identified as "Lyman Street Residences"

Brian Haluska, City Planner, summarized the resolution request, which came to Council on recommendation from the Planning Commission.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 4-1 (Ayes: Hill, Magill, Payne, Snook; Noes: Walker).

**RESOLUTION APPROVING THE REQUEST TO WAIVE
THE CRITICAL SLOPE REQUIREMENTS
OF CITY CODE SECTION 34-1120(b) FOR THE DEVELOPMENT PROJECT
IDENTIFIED AS "LYMAN STREET RESIDENCES"**

WHEREAS BKKW, LLC, as the owner of City Real Estate Tax Map 59, Parcels 289.2 and 358E (the "Property") requested a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with construction of a development of three single-family dwelling units and public street improvements on Lyman Street (the "Lyman Street Residences Project"); and

WHEREAS the Planning Commission considered and unanimously approved this application at their October 21, 2021 meeting, subject to conditions set forth within the staff report;

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, hereby approves a Waiver of the Critical Slopes requirements for the Lyman Street Residences Project, subject to the following two (2) conditions:

- (1) the Site Plan for the Lyman Street Residences Project (VESCP Plan component) shall include, at a minimum, four (4) stages/phases of erosion and sediment control, the first of which shall be "Initial/Preliminary Controls" and outfall construction and the second of which (if required) shall include the establishment of a sediment trap and associated conveyances; and
- (2) "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified within the Site Plan (VESCP component).

17. ORDINANCE: Amending the Charlottesville Albemarle Convention and Visitors Bureau Agreement (carried)

Chris Engel, Director of Economic Development, summarized the ordinance changes. The amendment was endorsed by the Charlottesville Albemarle Convention and Visitors Bureau Agreement (CACVB).

Councilor Payne asked for clarification around the goals for the change.

Mayor Walker advised of the need to review why changes were made to add city and county representatives several years ago. She agreed that industry representation and diversity on the board are essential components.

Councilor Hill added information about reasons for suggested changes and encouraged councilors to speak with the CACVB Executive Director.

Council agreed to move the item to the December 6 Consent Agenda.

GENERAL BUSINESS

18. REPORT: Community Attention Youth Internship Program (CAYIP) Summer 2021 update

Misty Graves, Interim Director for the Department of Human Services, introduced the report for the Community Attention Youth Internship Program. She introduced Annie Sechrist, who made the presentation.

Councilor Hill applauded CAYIP for transforming the program to a virtual model.

Mayor Walker encouraged paying a higher wage to interns.

19. REPORT: Land Use and Environmental Planning Committee (LUEPC) 2021 Semiannual Report (written only)

Mayor Walker commented that the report should be a presentation. She provided background information about the formation of LUEPC and the desire to have more public meetings. Councilor Hill agreed.

OTHER BUSINESS

Mayor Walker advised that she and Councilor Hill should be part of the process to determine changes to the Housing Advisory Committee (HAC) before the December 20 City Council meeting.

MATTERS BY THE PUBLIC

- Bill Emory thanked Brian Wheeler for his time with the City. He spoke about his own involvement with neighborhood preservation, particularly in the Woollen Mills neighborhood. He thanked Mayor Walker and Councilor Hill for their service on City Council.

The meeting adjourned 12:10 p.m.

Councilors Snook and Hill thanked Brian Wheeler for his service with the City of Charlottesville.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING

December 6, 2021

Virtual/electronic meeting via ZOOM

4:00 PM WORK SESSION

Pursuant to Virginia Code Section 2.2-3712, the Charlottesville City Council met in work session on Monday, December 6, 2021, to hear reports. The meeting was held electronically pursuant to a local ordinance amended and re-enacted on October 4, 2021, to ensure the continuity of government and prevent the spread of disease during the coronavirus State of Emergency.

Mayor Walker called to order at 4:02 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker and Councilors Heather Hill, Michael Payne, and Lloyd Snook; and Vice Mayor Sena Magill absent for a family emergency.

REPORTS

1. Governance related to the Charlottesville Affordable Housing Fund (CAHF)

Deputy City Manager Sam Sanders made the presentation. He advised that the Office of Housing and Redevelopment was renamed the Office of Community Solutions, focusing on:

1. Affordable housing programs
2. Commercial revitalization and development
3. Neighborhood and constituent services

Mr. Sanders shared the tenets of Affordable Housing Plan governance and requested next steps from Council for reconfiguring the Housing Advisory Committee (HAC).

Council discussed their preferences and staff will present a final recommendation at the January 18, 2022 Council meeting.

2. Community Development Block Grant (CDBG)-HOME Program Task Force

This report was tabled to a future meeting in the interest of time.

3. Annual Comprehensive Financial Report presentation from auditor and discussion of FY21 year-end results

Chris Cullinan, Director of Finance, introduced the City's financial auditors.

Michael Lupton and Matthew McClaren with Robinson, Farmer, Cox and Associates shared the following letter and report:

1. Communication with those Charged with Governance (required communication)
2. Independent Auditor's Report

The auditors issued a clean opinion of the city's Annual Financial Report.

Mr. Cullinan advised that the Finance Department would post a copy of the Annual Financial Report (AFR) on the City's website. He stated that concluding the AFR, the city realized a surplus of \$5.5 Million from a combination of better than expected revenues and expenses. He shared two staff recommendations:

1. Appropriate \$6.7 Million "downturn funds" set aside to the CIP contingency fund per the normal financial management policy.
2. Appropriate \$5.5 Million for a series of employee compensation adjustments:
 - a. Thank you for work completed during the pandemic. \$3500 on a sliding scale according to hours reported for 11 out of 12 months in 2021.
 - b. Proposed 6% Mid-year market adjustment to address effects of inflation and a competitive job market.
 - c. Update on Classification and Compensation study

Mayor Walker noted that the Infrastructure Bill was passed and should be part of the conversation, as dollars could be allocated to ensure that families are not in more poverty than when the pandemic began. Councilor Hill noted the School reconfiguration project.

Councilors and City Management expressed thanks to city staff for work during a difficult time.

The year-end appropriation is intended for a public hearing and first reading on December 20.

PUBLIC COMMENT

Mayor Walker opened the floor for comments from the public.

- Brandon Collins spoke in support of the Housing Advisory Committee and asked about the use of CRHA as the city's housing arm, possibly a permanent place on the HAC.
- Richard Allan asked Council to honor enslavement history with a Slave Auction Block Memorial. He asked that the parking spaces obstructing the slave block site be removed.

CLOSED MEETING MOTION

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 4-0 (Ayes: Hill, Payne, Snook, Walker. Noes: none; Absent: Magill) to meet in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2-3712, specifically:

- Sections 2.2-3711(A)(1) and (A)(8) for the purposes of discussion and consideration of the appointment of individuals to City boards or commissions, and for consultation with legal counsel regarding disposition of statues and/or contracting for city management services.

The work session adjourned at 5:51 p.m. and Council convened in closed session.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CHARLOTTESVILLE CITY COUNCIL MEETING
December 6, 2021
Virtual/electronic meeting via ZOOM

5:30 PM CLOSED MEETING

The Charlottesville City Council met in an electronic meeting on Monday, December 6, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. At the conclusion of a 4:00 p.m. work session where four members of City Council were present: Mayor Nikuyah Walker and Councilors Heather Hill, Michael Payne and Lloyd Snook, Council voted to meet in closed session at 5:51 p.m. Clerk of Council Kyna Thomas noted that Vice Mayor Sena Magill would not be able to join the meeting because of a family emergency.

On motion by Councilor Hill, seconded by Councilor Snook, Council voted 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill) to convene in closed session as authorized by Virginia Code Sections 2.2-3711 and 2.2- 3712, specifically:

- Section 2.2-3711(A)(1) and (A)(8) for the purposes of discussion and consideration of the appointment of individuals to City boards or commissions, and for consultation with legal counsel regarding disposition of statues and/or contracting for city management services.

On motion by Councilor Hill, seconded by Councilor Snook, Council certified by the following vote: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

The meeting adjourned at 6:32 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

6:30 PM REGULAR MEETING

The Charlottesville City Council met in an electronic meeting on Monday, December 6, 2021, in accordance with a local ordinance amended and re-enacted on October 4, 2021, to ensure continuity of government and prevent the spread of disease during the coronavirus State of Emergency. Mayor Walker called the meeting to order at 6:32 p.m. and City Council observed a moment of silence.

Clerk of Council Kyna Thomas called the roll, noting the following members present: Mayor Nikuyah Walker, Sena Magill, and Councilors Heather Hill, Michael Payne and Lloyd Snook, and advising that Vice Mayor Magill would not be able to join the meeting because of a family emergency.

AGENDA APPROVAL

On motion by Councilor Snook, seconded by Councilor Hill, Council by a vote of 4-0 approved the meeting agenda.

ANNOUNCEMENTS (and Update from Blue Ridge Health Department)

Dr. Denise Bonds, District Health Director, provided an update on coronavirus. She advised that there is an upward trend in new cases, mostly from the Delta variant, and she provided information about a new Omicron variant. Dr. Bonds advised that vaccination is the best defense against the virus.

CONSENT AGENDA*

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record:

1. MINUTES: October 18 work session, closed meeting and regular meeting; November 1 regular meeting, November 5 special meeting, November 30 emergency/special meeting
2. RESOLUTION: Appropriating Department of Conservation and Recreation Recreational Trail Grant funds for Construction of Meadow Creek Bridges - \$222,511.21 (2nd reading)

RESOLUTION APPROPRIATING

Department of Conservation and Recreation Recreational Trails Grant for Construction of Trail bridges over Meadow Creek - \$222,511.21

WHEREAS, the City of Charlottesville, through Parks and Recreation, has been awarded an additional \$178,008.97 from the Virginia Department of Conservation and Recreation to construct a bicycle and pedestrian bridge along Meadow Creek; and

WHEREAS, the City will fund the required local match to this grant in the amount of \$44,502.24 using previously appropriated fund in the Trails CIP fund (PR-001) account.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$222,511.21 is hereby appropriated in the following manner:

**RESOLUTION APPROPRIATING FUNDS FOR
Edward Byrne Memorial Justice Assistance Grant (JAG) Grant # 15PBJA-21-GG-01920-
JAGX - \$23,284**

WHEREAS, the Office for Civil Rights, Office of Justice Programs, Department of Justice Edward Byrne Memorial Justice Assistance Grant Program Fiscal Year 2021 Local Formula awarded a grant to the Police Department, through the City of Charlottesville, to train three officers to become International Police Mountain Bike Association (IPMBA) certified instructors, to outfit additional patrol vehicles to transport bicycles, and outfit newly certified bicycle patrol officers with required equipment;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that a total of \$23,284.00 be appropriated in the following manner:

Revenues – \$23,284.00

\$23,284.00	Fund: 211	Internal Order: 1900444	G/L Account: 431110
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Expenditures – \$23,284.00

\$4,452.00	Fund: 211	Internal Order: 1900444	G/L Account: 510060
\$345.00	Fund: 211	Internal Order: 1900444	G/L Account: 511010
\$9,658.00	Fund: 211	Internal Order: 1900444	G/L Account: 525266
\$2,265.00	Fund: 211	Internal Order: 1900444	G/L Account: 530102
\$2,864.00	Fund: 211	Internal Order: 1900444	G/L Account: 530103
\$1,000.00	Fund: 211	Internal Order: 1900444	G/L Account: 530105
\$2,700.00	Fund: 211	Internal Order: 1900444	G/L Account: 530140

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the reimbursement of funds or goods as supplied from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Justice Edward Byrne Memorial Justice Assistance Grant Program.

5. RESOLUTION: Appropriating contribution from Charlottesville City Schools to the School Small Cap funded program for School Security Projects - \$250,000 (2nd reading)

**RESOLUTION
APPROPRIATING \$250,000 CONTRIBUTION FROM
CHARLOTTESVILLE CITY SCHOOLS TO THE SCHOOL SMALL CAP
FUNDED PROGRAM FOR SCHOOL SECURITY PROJECTS**

WHEREAS, the City of Charlottesville has received \$250,000 from Charlottesville City Schools to support school security projects;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the amount of \$250,000 is hereby appropriated for Project expenditures, as follows:

Revenues - \$250,000

Fund: 426 WBS Element: SC-003 G/L Account: 498900

Expenditures - \$250,000

Fund: 426 WBS Element: SC-003 G/L Account: 599999

- 6. RESOLUTION: Appropriating funds for Virginia Juvenile Community Crime Control Act Grant (VJCCCA) - \$452,704 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS for
Virginia Juvenile Community Crime Control Act Grant
(VJCCCA) - \$452,704**

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 the sum of \$452,704 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

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$292,058 from Virginia Department of Juvenile Justice, and \$52,231 from Albemarle County.

7. RESOLUTION: Appropriating American Rescue Plan (ARP) Funds from the Commonwealth for Utility Bill Assistance - \$359,879.30 (2nd reading)

**RESOLUTION APPROPRIATING
American Rescue Plan (ARP) Funds from the Commonwealth for Utility Bill
Assistance \$359,879.30**

WHEREAS, the City of Charlottesville has received award approval for \$359,879.30 from the American Rescue Plan from the Commonwealth of Virginia Department Housing and Development to use to assist utility customer bill arrearages of over 60 days owed between March 12, 2020 and August 31, 2021;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$359,879.30 is hereby appropriated in the following manner:

Revenue-\$359,879.30

Fund 207 I/O: 1900446 G/L Account: 430127

Expenditures - \$359,879.30

Fund 207 I/O: 1900446 G/L Account: 599999

8. RESOLUTION: Appropriating BAMA Works funds for Skate Park lighting - \$100,000 (2nd reading)

**RESOLUTION APPROPRIATING funding for
Skate Park Lighting - \$100,000**

WHEREAS, the City of Charlottesville, through the through Parks and Recreation, has received match donations of 100,000 from BAMA Works to offset costs for Skate Park lighting.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, receive \$100,000 match funds from BAMA Works is hereby appropriated in the following manner:

Revenue

\$100,000 Fund: 426 WBS-P1034 G/L Account: 451020

Expenditures

\$100,000 Fund: 426 WBS-P1034 G/L Account: 599999

BE IT FURTHER RESOLVED by the Council of Charlottesville, that any future donations for Skate Park Lighting shall be added to increase the budget of this appropriation. This appropriation shall not be deemed to expire at the end of the fiscal year, but is hereby appropriated in the ensuing fiscal year unless altered by further action of this Council. Should the full amount necessary to install the Skate Park Lighting not be fully secured, then the donations received for the project will be returned to those individuals or organizations who made the donations, in the amount of the original donation.

9. ORDINANCE: Amending and reordaining Charlottesville City Code Chapter 14 (Licenses), Section 14- 24 (Tax Incentives for Technology Businesses) to extend the eligibility period for five years to December 31, 2026 (2nd reading)

AN ORDINANCE AMENDING AND RE-ORDAINING CHAPTER 14 (LICENSES), SECTION 14-24 (TAX INCENTIVES FOR TECHNOLOGY BUSINESSES) TO EXTEND ELIGIBILITY PERIOD FOR FIVE YEARS TO DECEMBER 31, 2026

10. ORDINANCE: Amending the Charlottesville Albemarle Convention and Visitors Bureau Agreement (2nd reading)

AN ORDINANCE TO AMEND THE AGREEMENT TO OPERATE A JOINT CONVENTION AND VISITORS BUREAU

11. RESOLUTION: Appropriating funds from Progressive and National General Insurance companies for a loss associated with City of Charlottesville Traffic assets - \$17,448.47 (carried)
12. RESOLUTION: Appropriating funds for Virginia Department of Transportation (VDOT) Bicycle and Pedestrian Safety Program for bicycle and pedestrian improvements at Preston Avenue and Harris Street - \$245,725 (carried)
13. RESOLUTION: Appropriating funds for the Virginia Community Flood Preparedness Grant – Stormwater Management Model of Moores Creek Watershed - \$307,000 (carried)
14. RESOLUTION: Appropriating 2020 Local Emergency Management Performance Grant (LEMPG) - \$7,500 (carried)
15. RESOLUTION: Transferring funds from the Facilities Repair Fund to the Capital Improvement Program Fund - \$90,000.00

**RESOLUTION APPROPRIATING FUNDS as a
Transfer from the Facilities Repair Fund to the Capital Improvement Program Fund
\$90,000.00**

WHEREAS, the City of Charlottesville is merging the funding in order to renovate two restrooms located in the City Warehouse;

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

Transfer From

\$90,000.00 Fund: 107 WBS: P-01059 G/L Account: 599999

Transfer To

\$90,000.00 Fund: 426 WBS: P-00992 G/L Account: 599999

16. RESOLUTION: Approving participation in the Virginia Opioid Litigation Settlement

- a. RESOLUTION: Approving participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, Amerisourcebergen, Janssen, and their related corporate entities

**RESOLUTION
APPROVING PARTICIPATION BY THE CITY OF CHARLOTTESVILLE IN THE
PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST
MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND
THEIR RELATED CORPORATE ENTITIES**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the City’s participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities (“settling entities”) is approved, and this Council hereby authorizes and directs the City Attorney to execute, on behalf of the City of Charlottesville and this Council, any and all documents necessary to effectuate the City’s participation in the settlements, including any required release of claims against the settling entities.

- b. **RESOLUTION:** Approving participation in the Virginia Opioid Abatement Fund and approving the City's execution of the Virginia settlement Allocation Memorandum of Understanding

**RESOLUTION
APPROVING PARTICIPATION BY THE CITY OF CHARLOTTESVILLE IN THE
VIRGINIA OPIOID ABATEMENT FUND AND APPROVING THE CITY’S
EXECUTION OF THE VIRGINIA SETTLEMENT ALLOCATION
MEMORANDUM OF UNDERSTANDING**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic (“Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding” or “MOU”) and the Council’s approval of the MOU will allow the City to participate in and receive proceeds from the opioid settlements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Charlottesville that the City's participation in the Commonwealth of Virginia's Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding is approved, and the City Manager is hereby authorized to execute the MOU on behalf of the City. The City Manager and City Attorney are each hereby authorized by this Council to execute, on behalf of the City of Charlottesville and this Council, any other or additional documents that may be necessary to effectuate the City's participation in the MOU.

Councilor Hill noted scrivener's errors corrected since the initial publication of the agenda packet.

Krisy Hammill, Senior Budget and Management Analyst, clarified financial information about items 4, 5 and 6.

Mayor Walker commented about Item 10, requesting more diverse representation on the Board and the need to create an organization that is intentional about ensuring more equitable tourism.

Mayor Walker opened the floor for comments on the Consent Agenda. There were no speakers.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the Consent Agenda: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

CITY MANAGER RESPONSE TO COMMUNITY MATTERS and to COUNCILORS

Deputy City Manager Sam Sanders provided the following updates:

1. Regarding Kudzu taking over the John Warner Parkway, he followed up with Public Works. They are addressing the issue with a multi-step process, while prioritizing funding, and additional resources are needed.
2. Regarding a suggestion to rethink the loose leaf collection system, he referred to priorities that arose from a survey in 2018-2019 that helped to inform the decision to move from bag collection for several reasons: 1) environmental concerns from the use of plastic bags, 2) budgetary impacts, and 3) optimizing overall efficiency, including efficient usage of limited staff time. He advised that the program will continue to be evaluated.
3. Regarding Midway Manor, the City Manager's Office has stayed in contact with property managers, but the City is limited in what it can do and has exhausted the options that are available. He noted that property managers are aware of the expectation

to repair the elevators and get them in working condition. The City is aware that there is a plan to change out the elevators during the first quarter of 2022.

4. He announced the hiring of the new department directors: Dana Kasler - Parks and Recreation, and Stacey Smalls - Public Works.

Councilors Hill and Snook asked for further community education on the drainage systems affected by loose leaves, and blowing of air from the collection trucks.

COMMUNITY MATTERS

1. Frank Bechter, city resident, requested that Council consider community creation of new names for the city's "1/2" streets, as he has had trouble in various capacities of completing forms and receiving mail.
2. Kate Fraleigh, city resident, spoke in support of a strong Police Civilian Review Board (PCRB) and the ordinance that was written December 3, 2021.
3. Lisa Draine, city resident, thanked Mayor Walker for her service. She spoke in support of donating the Stonewall Jackson statue to the LAX Art Center, the Lewis, Clark and Sacajawea (LCS) statue to the Lewis and Clark Exploratory Center, and the Robert E. Lee statue to the Jefferson School African American Heritage Center (JSAAHC) for the Swords into Plowshares project.
4. Kimber Hawkey, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
5. John Hossack, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
6. Marvin Morgan, city resident and pastor, spoke in support of the Swords into Plowshares proposal from the JSAAHC. He shared information about the symbolism of broken chains at the feet of the Statue of Liberty and unrealized freedoms in the United States. He related this to a request to remove two parking spaces in front of the Slave Block Memorial.
7. Anthony Guy Lopez, non-city resident and member of the indigenous community, spoke in support of donating the LCS statue to the Lewis and Clark Exploratory Center.
8. Alexandria Searls, Executive Director of the Lewis and Clark Exploratory Center, spoke in support of the disposition of the LCS statue to the Lewis and Clark Exploratory Center, for contextualization of the statue as was communicated as a priority through the statue removal process.
9. James Groves, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
10. Don Gathers, city resident, thanked Mayor Walker for her service and encouraged others to get the Covid vaccine. He asked Council to approve the PCRB ordinance as presented and spoke in support of the Swords into Plowshares proposal and the disposition of the LCS statue to the Lewis and Clark Exploratory Center.
11. Andrew Shelton spoke in support of the Swords into Plowshares proposal and the donation of the LCS statue to the Lewis and Clark Exploratory Center. He spoke about an

article in Cville Tomorrow from November 23 regarding the Police Department's SWAT Team. He spoke in opposition to re- enabling the SWAT Team.

12. Mary Whittle, city resident, spoke in opposition to the 0 Nassau Street rezoning request.
13. Rose Abrahamson, descendant of Sacajawea, spoke in support of disposition of the LCS statue to the Lewis and Clark Exploratory Center.
14. Robin Hoffman, city resident, spoke in support of community college. She encouraged people to get vaccinated for Covid.
15. Grace Softdeer Hays, non-city resident and member of the indigenous community, spoke in support of disposition of the LCS statue to the Lewis and Clark Exploratory Center, acknowledging the current struggle of missing indigenous women and girls.
16. Mary Bauer, Chair of the Human Rights Commission (HRC), spoke in support of disposition of the Robert E. Lee statue to the JSAAHC for the Swords into Plowshares project. She highlighted portions of a letter from the HRC regarding equity for the City's Black employees at all levels of the pay structure.

Councilor Hill responded to comments about upzoning to clarify that Council has not voted on a new zoning plan. She also advised that the Historic Resources Committee is involved in a community engagement process for the Slave Block memorial.

Mayor Walker encouraged the public to be engaged throughout the 12-18 month process for changes to the Zoning Ordinance. She shared comments about SWAT and other specialized police units, and the need to have discussions about goals regarding demilitarization of police departments. She also made comments about the equity and inclusion as mentioned by Mary Bauer, and the challenge with the lack of a Human Resources Director.

The meeting recessed at 8:11 p.m. and reconvened at 8:27 p.m.

ACTION ITEMS

9. ORDINANCE: Amending the Police Civilian Review Board Ordinance

Councilor Snook provided a summary of the ordinance update. He advised that City Attorney Lisa Robertson provided comments regarding the December 3, 2021 ordinance draft, and those will be incorporated for final consideration when the item comes back to Council for a vote. He stated that the statute indicates a name change from Police Civilian Review Board to Police Civilian Oversight Board. Councilor Snook stated that from various conversations with members of City Council, it was agreed that the PCOB would not be given binding disciplinary authority.

Mayor Walker mentioned that procedures should be attached to the ordinance and that staff capacity and budget should be considered in approving such an ordinance. She made suggestions for wording changes, asked for clarification in several areas, and suggested an opt-out provision

for ride-alongs.

Councilors discussed aspects of the proposed ordinance such as who can file complaints, the PCRB budget and the board's unpredictable usage of legal counsel. Deputy City Manager Ashley Marshall and PCRB Executive Director Hansel Aguilar added context to the budget discussion, emphasizing also the unpredictability of complaint investigation expenses.

At the request of Councilor Hill, Mr. Aguilar provided a brief overview of his recommendations related to the resolution passed by City Council in November 2019.

Councilor Snook noted that Vice Mayor Magill has shared with him that she believes that those who should have standing to file a complaint are Complainants and direct witnesses.

Mr. William Mendez, member of the PCRB ordinance workgroup, stated that the ordinance was slated for discussion on the December 8 PCRB meeting for a status update.

In response to questions from Mr. Aguilar, City Attorney Robertson provided an explanation of a State statute that prohibits a law enforcement agency from sharing law enforcement records involving juveniles except for a list of people in the statute.

Discussion ensued about timing for the PCRB Annual Report. No definitive date was decided.

Mayor Walker encouraged councilors to watch the PCRB meeting for any items that may need to be considered and she asked whether draft operating procedures were available. Mr. Mendez mentioned that they were limited to meeting procedures.

The updated ordinance will come back to Council for vote on December 20, 2021.

10. ORDINANCE: Approving the rezoning of land at 0 Nassau Street from R-2U (Two-Family Residential, University) to R-3 (Multifamily Residential) subject to preferred development conditions (1st of 2 readings)

Matt Alfele, City Planner, provided a summary of the rezoning request, which was moved to City Council by the Planning Commission with a 7-0 vote.

Nicole Scro, applicant with Justin Shimp (owner of the property), made a presentation with visual representation, advising that the property would include 1-room and 2-room units.

Justin Shimp responded to questions from Councilor Payne regarding factoring in the flood plain and regarding the use of the greenhouse and playground. Ms. Scro advised that the playground is

mandatory, and the intention is for other community members to have access to the playground.

City Attorney Robertson provided information to support ensuring that specific things are provided.

Responding to Council questions Tony Edwards, the City's Flood Plain Administrator, provided information about flood plain designations, floodways, restrictions, elevations, and flood ordinance requirements.

Council agreed to move the item to the December 20 regular agenda so that Vice Mayor Magill could provide input. Mayor Walker requested that information about the level of engagement for the playground be clearly stated, and that the developer look at area median income (AMI) with understanding of the utilities.

11. RESOLUTION: Approving a request to waive the Critical Slope requirements of City Code Section 34- 1120(b) to allow construction of a duplex at 0 Coleman Court (City Tax Map 49, parcels 112 and 112.2)

Dannan O'Connell, City Planner, presented the request from Habitat for Humanity of the Greater Charlottesville Area. The proposal was considered at the November 9, 2021 Planning Commission meeting and approved with conditions. City staff also recommended approval with conditions.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the resolution: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

**RESOLUTION APPROVING THE REQUEST TO WAIVE
THE CRITICAL SLOPE REQUIREMENTS
OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A
DUPLEX AT 0 COLEMAN COURT (CITY TAX MAP 49, PARCELS 112 AND 112.2)**

WHEREAS Greater Charlottesville Habitat for Humanity (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 49 as Parcels 112 and 112.2, together currently addressed as “0 Coleman Court” (the “Property”), and the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with Landowner’s plan to construct a duplex on the Property; and

WHEREAS existing Critical Slopes located on the Property include 0.52 acres, or approximately 60.6 percent of the area of the parcels; and

WHEREAS the Planning Commission considered and recommended approval of this application at their November 9, 2021 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 a duplex by the Landowner, subject to the following conditions:

- (1) the limits of disturbance shall be staked in the field by a Professional Surveyor as a preliminary step, prior to installation of perimeter controls,
- (2) “Super Silt Fence” (chain linked backing) shall be installed along the entire limits of disturbance, where there is not existing or proposed impervious surfaces, and
- (3) The limits of disturbance (“LOD”) for the construction site, as established within the erosion and sediment control (E&S) plan for the construction, shall be expanded to provide for typical construction methods, or notes shall be provided within the E&S Plan describing limitations on modern construction equipment that will ensure that access will be within designated areas identified within the E&S plan for the construction (as depicted within the Landowner’s current plans, construction access from the front of the Property (the edge of the public right of way) to the rear boundary of the Property is provided only by 3 feet, between the limits of disturbance (LOD) and the building on the north side of the Property and 4.5 feet (with a 20% grade) on the south side of the Property, and there is a minimal 4.5 feet of area in the rear of the Property).

12. ACTION ITEM: Approval of 2022 Council Legislative Positions

a. REPORT: Thomas Jefferson Planning District Commission (TJPDC) Proposed Legislative Positions (2022) – David Blount

David Blount, legislative liaison with the Thomas Jefferson Planning District (TJPDC), presented the regional 2022 Legislative Program.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the proposed regional legislative program: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

b. REPORT: City Council Proposed Legislative Positions (2022) – Lisa Robertson

City Attorney Lisa Robertson presented the City 2022 Legislative Program.

Councilor Hill provided feedback on the formatting of the priorities for presentation to the General Assembly.

Mayor Walker commented about requirements for people running for City Council and the need to make a more equitable process.

Councilor Snook commented about the likelihood of certain items on the list not moving forward with the change in the State elected officials power structure.

Councilor Payne highlighted the importance of the grocery tax.

Council agreed to add an Executive Summary to the main document.

On motion by Councilor Hill, seconded by Councilor Snook, Council by the following vote APPROVED the proposed legislative program with recommended amendments for presentation: 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill).

Mayor Walker recessed the meeting at 10:38 p.m. and reconvened at 10:45 p.m.

13. ACTION ITEM: Approving the disposition of statues: Robert E. Lee, Thomas J. "Stonewall" Jackson, and Sacajawea-Lewis-Clark "Their First View of the Pacific"

Deputy City Manager Marshall gave an overview of steps leading to this moment of decision for City Council regarding three statues previously located on City property: Robert E. Lee, Thomas J. "Stonewall" Jackson, and Sacajawea-Lewis-Clark "Their First View of the Pacific". The statues were discussed in the following order.

- a. Sacajawea-Lewis-Clark: Councilor Snook expressed interest in supporting the offer of \$325,000 from a party in Texas. Mayor Walker, Councilor Hill and Councilor Payne did not show support for that offer. Mayor Walker expressed the desire to follow through with a moral decision versus a financial decision. Councilors expressed support for efforts to ensure accountability in determining the long-term recontextualization of the statue with input from the familial descendants of Sacajawea and members of the indigenous community. Council agreed to explore further the possibilities of enforcing conditions that align with Council's intent and vote on a resolution on December 20. City Attorney Robertson advised that Council would need to discuss how to handle the base of the statue which is still in its original location, and give basic direction to guide transfer of ownership or lease of the statue.
- b. Jackson statue: Council expressed a desire for staff to reach out to LAX Arts Center to see if they would be willing to procure the Jackson statue without the Lee statue, and if so, Council would vote on a resolution on December 20.

- c. Lee statue: Council discussed a proposal from LAX Arts Center which included both the Jackson and Lee statues. Councilor Payne stated that the only option he would only consider for the Lee statue is the JSAAHC proposal. Councilor Hill proposed tabling the discussion until all five councilors could be present on December 20. Councilor Snook commented about the formulation of bronze and a possible problem with trying to repurpose the material with present methods. Mayor Walker suggested voting on disposition of the Lee statue at this meeting. Although councilors did not come to agreement to vote, they indicated a desire to vote on final disposition by year-end.

*Council later in the meeting, after Matters by the Public decided to vote during this meeting.

On motion by Councilor Hill, seconded by Councilor Payne, Council by a vote of 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill) ADOPTED the resolution approving the final disposition of the Lee statue to The Jefferson School African American Heritage Center.

**RESOLUTION
APPROVING A FINAL DISPOSITION OF THE STATUE OF
CONFEDERATE GENERAL ROBERT E. LEE**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that the statue of Robert E. Lee is hereby donated, and ownership transferred, to The Jefferson School African American Heritage Center, a charitable institution or organization, in accordance with the provisions of Virginia Code §15.2-953. This disposition is final.

GENERAL BUSINESS

14. DISCUSSION: Preliminary discussion about Collective Bargaining

City Attorney Robertson introduced the item, providing background information and acknowledging the December 6, 2021 receipt of a revised proposed collective bargaining ordinance from the Amalgamated Transit Union seeking to represent Charlottesville’s transit employees. She noted that based on State law City Council has 120 days from the original receipt date of November 1 to decide whether or not to enact the ordinance, which would place the decision deadline at March 1, 2022. She advised that the Human Resources Director and City Manager are key roles that would work on the Collective Bargaining ordinance and both of those positions are vacant.

Councilor Payne indicated support and a desire to know what type of budget allocation is

needed. He expressed concern about hiring a consulting firm. Councilors Hill and Snook indicated support and a need to determine what type of resources are needed.

Mayor Walker indicated support, with the understanding of the need to fill key roles in city leadership.

Deputy City Manager Sanders asked clarifying questions to:

- Confirm Council's sentiment in guiding the process by hiring a consulting firm or working with City leadership. Mayor Walker stated that it would depend on the expertise of the people filling the key City roles.
- Determine the scope for identifying how many bargaining units and which staff would be represented by a union. Mayor Walker and Councilor Payne advised that they would be in favor of more employees being represented. Councilor Payne expressed concern about some consulting firms that have a history of working to water down or diverting efforts of employees to collectively bargain or unionize.

OTHER BUSINESS

Mayor Walker asked for an update on the Police Chief search. Attorney Roberts advised that staff would not be ready to address how the search will take place without a City Manager in place.

MATTERS BY THE PUBLIC

Mayor Walker opened the floor for comments from the public.

- Kristin Szakos, city resident, asked Council to vote at this meeting on the disposition of Confederate statues rather than delay the vote. She spoke in support of the Swords into Plowshares proposal from the JSAAHC.
- Ramona Martinez, local artist, spoke in support of the Swords into Plowshares proposal from the JSAAHC, advising that the project is viable according to the research conducted by the committee.
- Linda Dukes urged Council to reconsider and vote at this meeting on disposition of the Confederate statues.
- Don Gathers urged Council to reconsider and vote at this meeting on disposition of the Lee statue rather than delay, given the value that the JSAAHC has brought to the community.
- Lena Seville urged Council to reconsider and vote at this meeting on disposition of the Lee statue.
- Mark Kavitt spoke in opposition to approving rezoning at 0 Nassau Street.
- Ang Conn, city resident, urged Council to reconsider and vote at this meeting on disposition of the Confederate statues, and honor the requests of indigenous people and Black descendants in the community.

With no additional speakers coming forward, Mayor Walker closed Matters by the Public and asked if there was a will from Councilors to vote at this meeting.

Councilor Payne advised that he would be willing to vote, as the vote would occur at this or the next meeting.

Councilor Hill stated that she was not opposed to voting but thought it would be nice to vote on disposition of all statues at once and to have all five councilors present for the vote. She advised that she did not think waiting would change the outcome.

Mayor Walker asked if there was a motion.

As stated in Item 13 above, the motion and vote read as follows:

On motion by Councilor Hill, seconded by Councilor Payne, Council by a vote of 4-0 (Ayes: Hill, Payne, Snook, Walker; Noes: none; Absent: Magill) ADOPTED the resolution approving the final disposition of the Lee statue to The Jefferson School African American Heritage Center.

Mayor Walker adjourned the meeting at 12:13 a.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	December 20 th , 2021
Action Required:	Approval and Appropriation
Presenter:	Misty Graves, Interim Director, Human Services
Staff Contacts:	Misty Graves, Interim Director, Human Services
Title:	COVID Homelessness Emergency Response Program (C.H.E.R.P.) – Community Development Block Grant Amendment (\$680,263)

Background:

A C.O.V.I.D. Homelessness Emergency Response Program amended grant of \$680,263 has been awarded to support non-congregate emergency shelter operations and administrative expenses from July 1, 2021 to March 31, 2022. The Thomas Jefferson Area Coalition for the Homeless plans, designs and coordinates the local homelessness continuum of care and is the provider of record for data collection.

Discussion:

The City of Charlottesville has staff from the departments of Human Services and Social Services taking leadership roles in the governance of T.J.A.C.H. This grant supports the additional costs associated with maintaining the required data associated with the C.O.V.I.D. global pandemic.

Community Engagement:

This grant and plan are the product of extensive engagement of the service provider community for persons experiencing homelessness. This partnership is reflective of the new governance model for T.J.A.C.H. and the priority requests of the Interfaith Movement Promoting Action by Congregations Together (IMPACT).

Alignment with City Council’s Vision and Strategic Plan:

This grant advances the City of Charlottesville’s Strategic Plan Goal #1 of an inclusive community of self-sufficient residents. Specifically, it will facilitate the objective of increasing affordable housing options.

Budgetary Impact:

This grant will be entirely Federal pass-through funds. No local match is required. There is no budget impact for the City of Charlottesville. All funds will be distributed to sub-recipients for

service provision.

Recommendation:

Staff recommends approval and appropriation of grant funds.

Alternatives:

Council may elect to not accept the funds and the community will not have the capacity to administer the following services to persons experiencing a housing crisis: Emergency low-barrier shelter, coordinated assessment, rapid rehousing, H.M.I.S., coalition coordination and administration.

Attachments:

Appropriation

**RESOLUTION APPROPRIATING funds for
COVID Homelessness Emergency Response Program (C.H.E.R.P.) Community
Development Block Grant - \$680,263**

WHEREAS, The City of Charlottesville, through the Department of Human Services, has received the C.H.E.R.P. Grant from the Virginia Department of Housing and Community Development in the amount of **\$680,263**.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of **\$680,263** is hereby appropriated in the following manner:

Revenues

\$680,263 Fund: 209 IO: 1900448 G/L: 430120 Federal Pass Thru

Expenditures

\$680,263 Fund: 209 IO: 1900448 G/L: 530550 Contracted Services

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon receipt of **\$680,263** in funds from the Virginia Department of Housing and Community Development.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	January 3, 2022
Action Required:	Approval of City Market Sub-Lease
Presenter:	Will Bassett, Business Manager, Parks & Recreation
Staff Contacts:	Justin McKenzie, City Markets Manager, Parks & Recreation
Title:	City Market Sub-Lease

Background:

Since 2015, the City Market has operated in the privately owned parking lot located at 100 Water Street. The market moved from the adjacent City-owned parking lot as part of the West 2nd Development project, which is no longer an active. The City Market has successfully operated at the 100 Water Street location for six (6) seasons with vendors and customers pleased with the larger and flatter space for the market. This sub-lease is to continue operating the City Market at the 100 Water Street parking lot for the 2022 season (April – December) and has the option for an auto-renewal each year while the City determines the next steps for a permanent home for the City Market.

Discussion:

Staff believes that keeping the market in its current location (100 Water Street) is the best course of action to maintain market continuity for vendors and customers. Approval of this sub-lease will allow the market to continue to operate in this lot while the City develops a different long-range plan for the City Market location.

Community Engagement:

No formal community engagement has been done with this item. However, many City Market vendors have expressed a desire to remain in the current location (100 Water Street). Vendors also expressed an overall satisfaction rate of 84% with the current location in a 2019 survey.

Alignment with City Council’s Vision and Strategic Plan:

This item aligns with City’s vision of Economic Sustainability which states:

Our community has an effective workforce development system that leverages the resources of the University of Virginia, Piedmont Virginia Community College, and our excellent schools to provide ongoing training and educational opportunities to our residents. We have a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities. The Downtown Mall, as the economic hub of the region, features

arts and entertainment, shopping, dining, cultural events, and a vibrant City Market. The City has facilitated significant mixed and infill development within the City.

This item also aligns with the following goals and objectives with the City’s strategic plan:

Goal 4: A Strong, Creative and Diversified Economy

Objective 4.3: Grow and Retain Viable Businesses

Budgetary Impact:

The sub-lease for the 2022 market season is \$102,375. Lease payments will be made from the FY22 budget for April – June (\$47,250) and FY23 for July – December (\$55,125). Both are from the Parks & Recreation general fund budget.

Recommendation:

Staff recommends approval of this item.

Alternatives:

City Council could choose not to approve this sub-lease and the City Market could move back to its old location at City-owned metered parking lot. Staff would need to reduce the overall market by 20 vendors to fit within the old space. Additionally, the City would have to forgo parking meter revenue at the City-owned parking lot during the market season.

Attachments:

Attachment 1 – Draft Sublease Agreement

SUBLEASE AGREEMENT

THIS SUBLEASE AGREEMENT is made as of the **1st day of January, 2022**, by and between **SKYVIEW PARKING, LLC**, a Virginia limited liability company, Grantor, herein referred to as “Tenant”, and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, Grantee, herein referred to as “Subtenant”.

WITNESSETH:

- 1. Subleased Property.** Effective April 1, 2015, the Tenant will be in rightful possession of the parcel of land located in the City of Charlottesville that is bounded by 1st Street South, East South Street, 2nd Street, S.E., and East Water Street, consisting of approximately .9920 of an acre, more or less, and shown on City Real Property Tax Map 28 as Parcel 62. The Tenant shall provide proof satisfactory to the Subtenant that it is in rightful possession of the Subleased Property upon request by the Subtenant. The property that is the subject of this Sublease Agreement is herein referred to as “the Subleased Property”, and consists of all of Parcel 62, as shown on Exhibit A, dated December 16, 2014, and attached hereto. Tenant hereby subleases to Subtenant, and the Subtenant leases from the Tenant, the Subleased Property, under the terms and conditions set forth herein.
- 2. Warranty by Tenant.** Tenant represents and warrants to the Subtenant that, for the term of this Sublease Agreement and any extension thereof, it has the power and authority under its Lease with the owner of the Subleased Property to execute this Sublease Agreement and to carry out and perform all covenants to be performed by the Tenant under this Sublease Agreement without any requirement of consent by such owner, and that there are no outstanding uncured notices of default or termination.

Tenant agrees that Tenant shall not agree to the modification or amendment of the Lease Agreement between Tenant and the Owner of the Subleased Property during the term of this Sublease Agreement if such modification or amendment adversely affects the Subtenant’s rights under this Sublease Agreement, decreases the size of the Subleased Property, or shortens the term of this Sublease Agreement, without the Subtenant’s prior written consent.

- 3. Condition of Subleased Property.** The Subleased Property is currently used as a commercial surface parking lot open to the public for paid parking. The Tenant makes no representation or warranty as to the condition of the Subleased Property for the intended purpose of this Sublease prior to or at the time of the execution of this Sublease Agreement, and Subtenant agrees to accept the Subleased Property “as is” on the

effective date of this Sublease Agreement, provided there is no material change in the condition of the Subleased Property between the execution of this Sublease Agreement and the Commencement Date. The parties acknowledge that Tenant plans to make various improvements to the Subleased Property as shown in the exhibits, including but not limited to installing new parking pay stations, re-sealing the pavement, and re-striping the parking lines. This work is expected to be substantially complete by the commencement date, however in the event it is not Subtenant's remedy will be to either accept the Subleased Property as is or refuse to use the Subleased Property until such time as it is substantially completed. In the event Subtenant does not use the Subleased Property, rent will not be charged for those days it is not used.

4. **Term.** The initial term of this Sublease shall be for a period which begins on the 1st day of April, 2022 ("Commencement Date") and ends on the Saturday prior to December 25th, 2022.

Lease shall automatically renew each year for a term of one (1) year unless either party wishes to terminate the lease which they may do so in writing no later than November 30. Written notification shall be sent to the contact and addresses listed in this agreement.

5. **Use of Subleased Property.** The Subtenant warrants and covenants that the Subleased Property will only be used by the Subtenant as the temporary site for the City Market, operated by the Charlottesville Department of Parks and Recreation pursuant to Charlottesville City Code sec. 8-1 *et seq.* each Saturday between the hours of 5:00 a.m. and 3:00 p.m., during the months of April, May, June, July, August, September, October, November, and December. The Tenant shall retain full use and enjoyment of the Subleased Property on all days and during all times when the Subleased Property is not reserved for the City Market, as specified herein. The Tenant and the Subtenant may agree in advance on additional days and times that the Subleased Property may be used by the Subtenant for a specified purpose, subject to the per diem rent set forth below. The parties agree that the pay stations which are installed by Tenant on the Subleased Property may be used during the sub-lease period by anyone who needs to obtain a parking receipt to park in an adjacent parking lot owned or controlled by Tenant. As such, Subtenant agrees to allow access as needed and signage as needed, at Tenant's expense, to accommodate such use.
6. **Rent.** The Subtenant shall pay the Tenant rent at the rate of Two Thousand, Six Hundred Twenty-Five and 00/100 Dollars (\$2,625.00) for each day that the City Market operates, or is scheduled to operate, on the Subleased Property. Each payment shall be due to Tenant in advance on or before the first day of each calendar month during the

term of this Sublease. The monthly payment shall be calculated by multiplying \$2,625.00 times the number of scheduled City Market days during the month for which payment is being made.

7. **Quiet Enjoyment.** The Subtenant, on paying the rent and observing and keeping all covenants, warranties, agreements, and conditions of the Sublease Agreement on its part to be kept, shall quietly have and enjoy the Subleased Property during the term of this Agreement, and any extension thereof.
8. **Land Use Approvals.** The Tenant and the Subtenant acknowledge that the Subtenant's intended use of the Subleased Property may require certain approvals, including, but not necessarily limited to, a special use permit and site plan approval. By its signature to this Sublease Agreement the Tenant hereby evidences its written consent for Subtenant to apply for and seek any and all land use and zoning approvals necessary for the future intended use of the property; provided, however, that Subtenant shall not be authorized to apply for or obtain any change in the land use or zoning status of the property that would be binding on Tenant after the expiration or termination of this Sublease Agreement unless Tenant shall have consented in writing in advance. The application, review and implementation of each such approval shall be at the Subtenant's sole expense.
9. **Improvements and Signage.** The Subtenant may, at its own cost and expense, install metered electric service to the Subleased Property for use during the City Market. Any such installation shall be subject to Tenant's prior written approval of facilities and equipment to be installed. Subtenant shall be responsible for installing lockboxes or otherwise securing the electric service from unauthorized use. Tenant shall not be responsible for any costs or charges incurred for the use of electric service installed and made available by Subtenant.

If there are proposed improvements to the Subleased Property that will be mutually beneficial to both the Tenant and Subtenant, which may include but not be limited to the electrical service referenced above and a new entrance to the property from South Street, the parties may enter into a memorandum of understanding that allocates both the responsibility for constructing the improvements and the agreed-upon costs for the improvements.

Subtenant may, at its own cost and expense, at any time make such alterations, changes, replacements, improvements, and additions in and to the Subleased Property as it deems advisable or necessary for operation of the City Market, subject to Tenant's prior written approval of each such action, which approval shall not be unreasonably withheld or

delayed. No improvements will be permitted which would interfere with the use of the Subleased Property by Tenant during times other than the times the City Market is in operation, or with the portion of the balance of Parcel 62 that is not included in the Subleased Property. No improvements shall be undertaken on the Subleased Property unless and until the Subtenant shall have obtained any and all required local, state, and federal governmental approvals and permits, and all such improvements shall be undertaken in strict compliance with all City, state and federal rules, regulations and laws.

The Subtenant shall have the right to place signs on the Subleased Property that are allowed under the provisions of the City of Charlottesville Zoning Ordinance, and necessary for the operation of the City Market, subject to Tenant's prior written approval, which approval shall not be unreasonably withheld or delayed. Subtenant and Tenant agree that Subtenant will install signs in prominent locations on the Subleased Property that inform motor vehicle operators that all vehicles must be removed from the Subleased Property at a specified time before the beginning of the City Market hours, and that vehicles not so removed from the property will be towed at the direction of the Subtenant at the expense of the vehicle owner or operator.

The Subtenant shall permit no mechanic's liens, materialmen's liens or other statutory liens to attach to the Subleased Property as a result of any alterations, improvements, additions or repairs performed by the Subtenant or at the Subtenant's direction. If any such lien or notice of lien rights shall be filed with respect to the Subleased Property, the Subtenant shall immediately take such steps as may be necessary to have such lien released, and shall permit no further work to be performed at the Subleased Property until such release has been accomplished.

Upon termination of this Sublease, Tenant shall have the option to retain ownership of all or any improvements, facilities and equipment installed by Subtenant during the term of this Sublease, or to require Subtenant to remove any or all of such improvements, facilities and equipment and repair at its expense any damage resulting therefrom.

- 10. Maintenance/Operational Expenses.** The Subtenant shall, at its own cost and expense during the term of this Sublease, leave the Subleased Property in a reasonably clean, attractive condition following each day of City Market use, and shall not commit or allow any waste or damage to be committed on or to any portion of the Subleased Property. This includes but is not limited to, removing trash from the site following each City Market Use. Subtenant agrees to keep the toilet area well maintained and to perform any maintenance or cleanup required at any time as a result of the toilets on the Subleased Property. During months when the City Market is in operation Subtenant

agrees to power wash the Subleased Property up to twice a month if it becomes unsightly or unsanitary, in the opinion of Tenant, because of Subtenant's use of the Subleased Property.

As part of its maintenance responsibilities, Subtenant agrees to comply fully with any applicable governmental laws, regulations and ordinances limiting or regulating the use, occupancy, or enjoyment of the Subleased Property, and to comply with the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code, as supplemented and modified by duly enacted ordinances of the City of Charlottesville.

- 11. Taxes and Assessments.** The Subtenant shall not be responsible for the payment of any real property taxes, special assessments, or storm water utility fees applicable to the Subleased Property.
- 12. Utilities and Services.** The Subtenant shall be responsible for and pay all costs and charges for utilities and services in connection with the Subtenant's occupancy and use of the Subleased Property for the City Market, including but not limited to permits and connection charges for gas, heat, light, water, sewer, power, telephone, cable, internet connection, janitorial, trash removal and other utilities or services. If Subtenant, in its sole discretion, determines that the foregoing utilities and services, or any of them, are necessary for its use of the Subleased Property for the City Market, the same shall be instituted and obligated for in the name of the Subtenant, and the Tenant shall have no responsibility whatsoever for the furnishing or cost of the same. In the event electric service is on a joint meter in Tenant's name, Subtenant agrees to reimburse such costs as may be determined by a sub-meter or by a recording of the meter readings before and after City Market events.
- 13. Damage or Destruction of the Leased Property.** During the term of this Sublease Agreement or any extension thereof the Tenant shall have no responsibility for any damage caused to the Subleased Property during the operation of the City Market, except that proximately caused by the negligence or misconduct of the Tenant or its employees or agents. The Subtenant agrees that all property of every kind and description kept, stored, or placed on the Subleased Property by the Subtenant shall be at the Subtenant's sole risk.
- 14. Insurance.** Subtenant covenants and agrees that it will, at its own expense and at all times during the term of this Lease and any extension thereof, keep in full force and effect a policy of commercial general liability and property damage insurance with respect to the Subleased Property and the operations of the Subtenant on the Subleased Property with a good and solvent insurance company licensed to do business in the

Commonwealth of Virginia. The limits of public liability for bodily injury and property damage shall not be less than One Million and 00/100 Dollars (\$1,000,000.00) per accident, combined single limit.

The Subtenant shall also maintain coverage against loss, damage or destruction by fire and such other hazards as are covered and protected against, at standard rates under policies of insurance commonly referred to and known as "extended coverage", as the same may exist from time to time.

Copies of Subtenant's policies of insurance (or certificates of the insurers) for insurance required to be maintained by the Subtenant shall be provided to Tenant on request.

15. Default. Each of the following occurrences relative to the Subtenant shall constitute default:

- a. Failure by the Subtenant in the performance or compliance with any of the terms, covenants, or conditions provided in this Sublease Agreement, which failure continues uncured for a period of sixty (60) days after written notice from the Tenant to the Subtenant specifying the items in default; provided, however, if such failure is of a type that is not reasonably capable of being cured within such sixty (60) day period such sixty (60) day period shall be extended for so long as the Subtenant is making diligent efforts to cure such default;
- b. Failure or refusal by the Subtenant to make the timely payment of rent or other charges due under this Sublease Agreement when the same shall become due and payable, provided the Tenant has given the Subtenant fifteen (15) days written notice of the same;

16. Assignment. The Subtenant shall have no right to assign or sublease, in any manner or fashion, any of the rights, privileges or interests accruing to it under this Sublease Agreement to any other individual or entity without the prior written consent of the Tenant, which shall not be unreasonably withheld or delayed.

17. Surrender. Upon termination of the Lease, except as the parties may otherwise agree, the Subtenant shall quit and surrender to the Tenant the Subleased Property in substantially its condition as of the Commencement Date, provided that the Subtenant shall remove from the Subleased Property any personal property belonging to the Subtenant or third parties, and at its cost and expense shall repair any damage caused by such removal. Personal property not so removed shall become the property of the Tenant, which may thereafter remove the property and dispose of it. On the termination

of this Sublease, the Tenant may, without further notice enter on, reenter, possess and repossess the Subleased Property on days and at times that it would have otherwise been used by the Subtenant for the City Market.

- 18. Right of Entry.** Tenant, or Tenant's agents and designees, shall have the right, but not the obligation, to enter upon the Subleased Property or any part thereof during its use as the City Market, to inspect and examine the same to ensure compliance with the terms of this Sublease Agreement. The Tenant's failure to detect any violation or to notify the Subtenant of any violation shall not relieve the Subtenant of its obligations under the terms of this Lease.
- 19. Waiver.** The waiver by the Tenant of the Subtenant's breach of any term, covenant or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition contained herein. The subsequent acceptance of rent hereunder by the Tenant shall not be deemed to be a waiver of any breach by the Tenant of the Subtenant of any term, covenant, or condition of this Sublease regardless of knowledge of such breach at the time of acceptance or payment of such rent. No covenant, term or condition of this Sublease shall be deemed to have been waived by the Tenant or the Subtenant unless the waiver is in writing signed by the party to be charged thereby.
- 20. Entire Agreement.** This Sublease Agreement sets forth all the covenants, promises, agreements, conditions, and understandings, between the Tenant and the Subtenant concerning the Subleased Property and there are no covenants, promises, agreements, conditions, or understandings either oral or written, between them other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Sublease Agreement shall be binding upon the Tenant or the Subtenant unless reduced in writing and signed by them.
- 21. Headings.** The section headings in this Sublease Agreement are inserted only as a matter of convenience and in no way define, limit, construe, or describe the scope or intent of such sections of this Sublease nor in any way affect this Sublease.
- 22. Severability.** If any term, covenant or condition of this Sublease, or the application thereof, to any person or circumstance shall to any extent be invalid or unenforceable the remainder of this Sublease, or the application of such term, covenant, or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term, covenant, or condition of this Sublease shall be valid and be enforced to the fullest extent permitted by law.

23. Non-Appropriation. Payment and performance obligations of the Subtenant (City of Charlottesville), beyond the initial year of this Sublease Agreement, are expressly conditioned upon the availability of and appropriation by the City public funds thereafter in each subsequent fiscal year. When public funds are not appropriated or are otherwise unavailable to support continuation of performance by the City in a subsequent fiscal period, this Sublease Agreement and the City's obligations hereunder shall automatically expire, without liability or penalty to the City. Within a reasonable time, following City Council's adoption of a budget, the City shall provide the Tenant with written notice of any non-appropriation or unavailability of funds affecting this Sublease Agreement.

24. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

25. Notices. Any notice, demand, request, or other instrument which may be, or are required to be given under this Sublease Agreement, shall be in writing and delivered in person or by United States certified mail, return receipt requested, postage prepaid, and shall be address as follows:

If to the City:

Charles P. Boyles, II
City Manager
605 East Main Street
Charlottesville, VA 22902

If to the Tenant:

Skyview Parking LLC
c/o Woodard Properties
224 14th Street NW
Charlottesville, VA 22903

or at such other address as designated by written notice of a party.

IN WITNESS WHEREOF, the Tenant and the Subtenant have signed and sealed this Lease as of the date first above written.

CITY OF CHARLOTTESVILLE, VIRGINIA

By: _____

Name: Charles P. Boyles, II

Title: City Manager

Date: _____

Funds are available:

Approved as to form:

Director of Finance

City Attorney

SKYVIEW PARKING LLC

By:  _____

Name: Keith O. Woodard

Title: Manager

Date: 12/6/2021

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	January 3, 2022
Action Required:	Consideration of an application for a Rezoning
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	ZM21-0004 – Park Street Christian Church PUD, Rezoning request for Park Street Christian Church

Background:

Piedmont Housing Alliance, acting as agent for Park Street Christian Church, owners of Tax Map 47 Parcel 212 (“Subject Property”) has requested a zoning map amendment to reclassify the Subject Property to Planned Unit Development (“PUD”), subject to proffered development conditions (“proffers”). The Subject Property is currently zoned R-1, Single-Family Residential and is the location of Park Street Christian Church.

The proposed development plan disturbs critical slopes on the Subject Property as defined by Sec. 34-1120(b)(2). A Critical Slopes Waiver (P21-0126) is included as part of this PUD application.

Discussion:

The Planning Commission considered this application at their meeting on December 14, 2021. The discussion centered on:

- General support for affordable housing units as proposed in the project.
- Discussion of drainage and utility infrastructure placement as shown on the conceptual plan. The applicants have proposed drainage and utility line placements within critical slope areas, although slope disturbance and tree clearing is minimized relative to the site.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 85 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/06b9b5aa-8d35-4dfb-9491-66f6dd1078ae.pdf?sv=2015-12-11&sr=b&sig=P95LHU%2FHWpyxzhOTGFD54fc85jMCYq%2BtFa%2By4I6%2F2cQ%3D&t=2021-12-21T14%3A41%3A51Z&se=2022-12-21T14%3A46%3A51Z&sp=r&rsc=cache&rsct=application%2Fpdf>

Alignment with City Council’s Vision and Strategic Plan:

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community

amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.”

The applicant proposes fifty new residential units to be offered exclusively as affordable housing for senior citizens. A public trail easement is included in the proposed proffers to provide pedestrian access through the Subject Property from Park Street and Cutler Lane to the nearby Rivanna Trail.

Community Engagement:

Per Sec. 34-41(c)(2), the applicant held a community meeting on August 10, 2021. (A City Planner was unable to attend as an NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- Increased traffic on Park Street and Cutler Lane will be a problem.
- Traffic counts provided in the traffic study are not considered accurate.
- New development north of Park Street will increase future traffic near this site.
- Concern over adequate parking for vehicles visiting the new apartment units.
- Concern over increased stormwater runoff and flooding related to the new construction.

The Planning Commission held a joint public hearing with City Council on this matter on December 14, 2021. Several members of the public spoke on the application. The members of the public raised concerns regarding:

- Traffic counts provided in the traffic study are not considered accurate.
- Concerns over increased traffic that would be generated by the development.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this rezoning.

Recommendation:

Staff recommends the application be approved.

The Planning Commission voted 5 to 0 to recommend the application be approved.

Alternatives:

City Council has several alternatives following a public hearing:

- (1) by motion, approve the requested Rezoning as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Ordinance included in our agenda materials, rezoning land as requested within ZM21-0004, based on a finding that the proposed rezoning is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;

- (3) by motion, take action to deny the Rezoning;

Or

- (4) by motion, defer action on the Rezoning.

Attachments:

- A. Ordinance
- B. Final Proffer Statement

**BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-21-0004)
STATEMENT OF PROFFER CONDITIONS
TAX MAP PARCEL (TMP) 470002120**

ZMA Number and Name: 2021-0004 PHA-PSCC REDEVELOPMENT
Subject Property: TMP 470002120 (1200 Park Street)
Owner: Park Street Christian Church
Applicant: Piedmont Housing Authority (PHA)
Date of Proffer Signature: _____, 2021
ZMA Request: 7.433 acres to be rezoned from R-1 Residential to Planned Unit Development

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

The undersigned is the Owner of land subject to the above-referenced rezoning petition (the “Subject Property”). The Owner, represented by the rezoning applicant, Piedmont Housing Authority (the “Applicant”), seeks to amend the current zoning of the Subject Property to Planned Unit Development (PUD), subject to certain voluntary development conditions set forth below, in order to develop affordable housing on the Subject Property (the “Project”).

The Owner hereby proffers and agrees that, if the Subject Property is rezoned as requested, the Subject Property will be developed in general accordance with, and the Owner will abide by, the approved *Park Street Christian Church Property Senior Affordable Housing Planned Unit Development Application*, dated September 3, 2021, last revised _____ (the “Application Plan”), and that the Subject Property shall also be subject the following conditions:

1. AFFORDABLE HOUSING:

- (a) The Owner shall cause one hundred percent (100%) of the residential units built on the Subject Property to be affordable dwelling units (ADUs), as defined below.
- (b) Affordability for rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium

Income and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. Should any units be for-sale units, the affordability period for each of such units shall be not less than forty (40) years from the date conveyed to its first resident owner(s).

(c) The affordability covenants of subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.

2. **TRANSPORTATION IMPROVEMENTS:** Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall (a) remove vegetation on the Subject Property to provide adequate sight distance for vehicles exiting the Subject Property to turn onto Cutler Avenue; and (b) install a right out only direction curb island to permit right turn only out of the Project driveway onto Cutler Avenue. The Owner shall grant a sight distance easement to the City of Charlottesville upon request by the City.
3. **PEDESTRIAN TRAILS:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy, the Owner shall dedicate to the City, at no cost to the grantee, a permanent fifteen-foot (15') wide pedestrian trail easement in the general locations shown on the Application Plan, as will be more fully determined during site planning and depicted on the final, approved site plan for the Project and on the subdivision plat or separate easement plat, to provide public pedestrian access to the Rivanna Trail.
4. **PARK STREET CROSSING:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy for the Project, the Owner shall provide a pedestrian street crossing at the southern intersection of Cutler Avenue and Park Street, consisting of high-visibility pavement markings, ADA curb ramps, and advanced signage.

(Signature Page Immediately Follows)

WHEREFORE, the undersigned Owner stipulates and agrees that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated and request that the Subject Property be rezoned as requested, in conformance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this _____ day of _____, 2021.

OWNER:

PARK STREET CHRISTIAN CHURCH

By: _____
Name: _____
Title: _____

PHA - PSCC Rezoning Proffers Submission 11-15-2021 Clean(46483204.1)

DRAFT

**AN ORDINANCE
APPROVING REZONING APPLICATION ZM21-00004
APPROVING A REQUEST TO REZONE THE PARCEL OF LAND
LOCATED AT 1200 PARK STREET, FROM R-1 (SINGLE FAMILY RESIDENTIAL)
TO PLANNED UNIT DEVELOPMENT (“PARK STREET PUD”) SUBJECT TO
PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS, in order to facilitate a specific development project, Piedmont Housing Alliance, as agent for Park Street Christian Church, the owner of the parcel of land designated on City Tax Map 47 as Parcel 212, and comprising 7.5 acres (collectively, the “Applicants”), seek a rezoning of such property from R-1 (Single Family Residential) to PUD (Planned Unit Development) (hereinafter the “Proposed Rezoning”) subject to proffered development conditions; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated September 03, 2021 (Revision #1 November 15, 2021), titled “PUD Development Plan”, and (ii) proffered development conditions submitted in writing to the City; and

WHEREAS, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on December 14, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on December 14, 2021, to recommend that City Council should approve the Proposed Rezoning for the Project; and

WHEREAS, this City Council has considered the details of the specific Project represented within the Landowners’ application materials for ZM21-00004; has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; 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-1) and the proposed zoning classification (PUD 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-1 (Single Family Residential) to PUD (Planned Unit Development) the parcel of land designated on City Tax Map 47 as Parcel 212 (1200 Park Street), subject to the following proffered development conditions (“Proffers”), which were tendered by the Applicant in accordance with law and are hereby accepted by this City Council:

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowners, which conditions shall

ZM21-00004

apply in addition to the regulations otherwise provided within the City's zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

1. Affordable Housing:

- (a) The Owner shall cause one hundred percent (100%) of the residential units built on the Subject Property to be affordable dwelling units (ADUs), as defined below.
- (b) Affordability for rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. Should any units be for-sale units, the affordability period for each of such units shall be not less than forty (40) years from the date conveyed to its first resident owner(s).
- (c) The affordability covenants of subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.

2. Transportation Improvements: Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall (a) remove vegetation on the Subject Property to provide adequate sight distance for vehicles exiting the Subject Property to turn onto Cutler Avenue; and (b) install a right out only direction curb island to permit right turn only out of the Project driveway onto Cutler Avenue. The Owner shall grant a sight distance easement to the City of Charlottesville upon request by the City.

3. Pedestrian Trails: At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy, the Owner shall dedicate to the City, at no cost to the grantee, a permanent fifteen-foot (15') wide pedestrian trail easement in the general locations shown on the Application Plan, as will be more fully determined during site planning and depicted on the final, approved site plan for the Project and on the subdivision plat or separate easement plat, to provide public pedestrian access to the Rivanna Trail.

4. Park Street Crossing: At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy for the Project, the Owner shall provide a pedestrian street crossing at the southern intersection of Cutler Avenue and Park Street, consisting of high-visibility pavement markings, ADA curb ramps, and advanced signage.

BE IT FURTHER ORDAINED THAT the City's Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	January 3, 2022
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	P21-0126 – Park Street Christian Church PUD, request for a Critical Slope Waiver

Background:

Piedmont Housing Alliance, acting as agent for Park Street Christian Church, owners of Tax Map 47 Parcel 212 (“Subject Property”) has requested a Critical Slope Waiver for the Subject Property to permit construction of a multifamily residential development with 50 apartment units and associated access and utility improvements. This waiver is presented in conjunction with a rezoning request (ZM21-0004) to Planned Unit Development (“PUD”) to accommodate the multifamily units. The Subject Property is currently zoned R-1, Single-Family Residential.

Existing critical slope areas located on this Property include 2.83 acres or 38.1% of the project site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway. See Section 34-1120(b)(2).

Discussion:

The Planning Commission considered this application at their meeting on December 14, 2021. The discussion centered on:

- General support for affordable housing units as proposed in the project.
- Discussion of drainage and utility infrastructure placement as shown on the conceptual plan. The applicants have proposed drainage and utility line placements within critical slope areas, although slope disturbance and tree clearing is minimized relative to the site.

Alignment with City Council’s Vision and Strategic Plan:

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.”

The applicant proposes fifty new residential units to be offered exclusively as affordable housing for senior citizens. A public trail easement is included in the proposed proffers to provide pedestrian access through the Subject Property from Park Street and Cutler Lane to the nearby Rivanna Trail.

Community Engagement:

In line with Section 34-1120(b)(6)(b), property owners and occupants within 500-feet of the subject property, as well as neighborhood association leaders, were notified of the Planning Commission’s meeting.

The Planning Commission held a joint public hearing with City Council on this matter, along with the associated rezoning request for the property, on December 14, 2021. Several members of the public spoke on the rezoning; however, no specific concerns were noted regarding the Critical Slope Waiver.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this Critical Slope Waiver.

Recommendation:

Staff recommends the application be approved with conditions. The Planning Commission voted 5-0 to recommend the application be approved with conditions as proposed by staff.

Alternatives:

City Council has several alternatives:

- (1) by motion, approve the requested Critical Slope Waiver as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Critical Slope Waiver within P21-0126, based on a finding that due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii).”

- (2) by motion, request changes to the attached resolution, and then approve the Critical Slope Waiver;
- (3) by motion, take action to deny the Critical Slope Waiver;

Or

- (4) by motion, defer action on the Critical Slope Waiver.

Attachment:

- A. Proposed Resolution
- B. The staff report and supporting documentation presented to the Planning Commission can be found starting at page 155 at the following link:
<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/06b9b5aa-8d35-4dfb-9491-66f6dd1078ae.pdf?sv=2015-12-11&sr=b&sig=P95LHU%2FHWpyxzhOTGFD54fc85jMCYq%2BtFa%2By4I6%2F2cQ%3D&st=2021-12-21T14%3A41%3A51Z&se=2022-12-21T14%3A46%3A51Z&sp=r&rscc=no-cache&rsct=application%2Fpdf>

**RESOLUTION APPROVING THE REQUEST TO WAIVE
THE CRITICAL SLOPE REQUIREMENTS
OF CITY CODE SECTION 34-1120(b) TO ALLOW CONSTRUCTION OF A PLANNED
UNIT DEVELOPMENT AT 1200 PARK STREET (CITY TAX MAP 47, PARCEL 212)**

WHEREAS Park Street Christian Church (“Landowner”) is the record owner of certain land identified on City Real Estate Tax Map 47 as Parcel 212, currently addressed as “1200 Park Street” (the “Property”), and together with the Piedmont Housing Alliance (the “Applicant”), the Landowner is requesting a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with the plan to construct a Planned Unit Development on the Property; and

WHEREAS existing Critical Slopes located on the Property include 2.83 acres, or approximately 38.1 percent of the area of the parcels; and

WHEREAS the Planning Commission considered and recommended approval of this application at their December 14, 2021 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 a duplex 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”. Outfalls from any proposed traps shall be established with rigorous independent E&S 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) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 4) 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”).
- 5) At no time shall concentrated water be directed toward the critical slopes without adequate conveyance down and beyond the slopes to an acceptable outfall.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	January 3, 2022
Action Required:	Consideration of an application for a Rezoning
Presenter:	Dannan O’Connell, City Planner, Neighborhood Development Services
Staff Contacts:	Dannan O’Connell, City Planner, Neighborhood Development Services
Title:	ZM21-0003 – MACAA PUD, Rezoning request for Monticello Area Community Action Agency (MACAA)

Background:

Piedmont Housing Alliance, acting as agent for Monticello Area Community Action Agency (MACAA) and 1023 Park Street LLC, owners of Tax Map 47 Parcels 71, 11 and 800 (“Subject Property”) has requested a zoning map amendment to reclassify the Subject Property to Planned Unit Development (“PUD”), subject to proffered development conditions (“proffers”). The Subject Property is currently zoned R-1, Single-Family Residential and is the location of the MACAAA school as well as two existing single-family homes.

Discussion:

The Planning Commission considered this application at their meeting on December 14, 2021. The discussion centered on:

- General support for affordable housing units as proposed in the project.
- Accessibility concerns regarding the proposed pedestrian connection to the 250 Bypass sidewalk. The applicants are proposing to re-use an existing paved driveway to connect the Subject Property to existing sidewalks. Stairs are proposed along this pathway due to the steep grade of the hillside, limiting accessibility for bicyclists and those with disabilities.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 1 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/37daad68-7659-4cff-a22d-7ee638646c7a.pdf?sv=2015-12-11&sr=b&sig=WjM3ZGqRIvwyRllh2YF6DCfNcftMweFDIvmpFMBuiMY%3D&st=2021-12-21T15%3A51%3A46Z&se=2022-12-21T15%3A56%3A46Z&sp=r&rsc=no-cache&rsct=application%2Fpdf>

Alignment with City Council’s Vision and Strategic Plan:

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.”

The applicant proposes a maximum of 95 new residential units in a mix of apartments, duplex/townhome units and single-family homes. At least 80% of units will be offered as affordable housing according to the proposed proffers. A public trail easement is included in the proposed proffers to provide pedestrian access through the Subject Property from Park Street to the 250 Bypass sidewalk.

Community Engagement:

Per Sec. 34-41(c)(2), the applicant held a community meeting on August 10, 2021. (A City Planner was unable to attend as an NDS representative). Neighborhood concerns gathered from the community meeting are listed below.

- Increased traffic on Park Street and Davis Avenue will be a problem.
- Traffic counts provided in the traffic study are not considered accurate.
- New development north of Park Street will increase future traffic near this site.
- Desire for more pedestrian and trail access between Park Street and the 250 Bypass.
- Desire for preserving on-site trees and landscaping near the adjacent properties.

The Planning Commission held a joint public hearing with City Council on this matter on December 14, 2021. Several members of the public spoke on the application. The members of the public raised concerns regarding:

- Traffic counts provided in the traffic study are not considered accurate.
- Concerns over increased traffic that would be generated by the development.
- Concentrating higher residential density within this site is not appropriate.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this rezoning.

Recommendation:

Staff recommends the application be approved.

The Planning Commission voted 4 to 0 to recommend the application be approved.

Alternatives:

City Council has several alternatives following a public hearing:

- (1) by motion, approve the requested Rezoning as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Ordinance included in our agenda materials, rezoning land as requested within ZM21-0003, based on a finding that the proposed rezoning is required by public necessity, convenience, general welfare, or good zoning practice”

- (2) by motion, request changes to the attached ordinance, and then approve the Rezoning;
- (3) by motion, take action to deny the Rezoning;

Or

- (4) by motion, defer action on the Rezoning.

Attachments:

- A. Ordinance
- B. Final Proffer Statement

**BEFORE THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA
IN RE: PETITION FOR REZONING (City Application No. ZM-21-0003)
STATEMENT OF PROFFER CONDITIONS
TAX MAP PARCELS (TMP) 470007100, 470008000, 470011000**

ZMA Number and Name: 2021-0003 PHA-MACAA PUD REDEVELOPMENT

Subject Property: TMP 470007100 (1025 Park Street)
TMP 470008000 (1021 Park Street)
TMP 470011000 (1023 Park Street)

Owners: Monticello Area Community Action Agency (MACAA)
and
1023 Park Street, LLC

Applicant: Piedmont Housing Alliance (PHA)

Date of Proffer Signature: _____, 2021

ZMA Request: 9.32 acres to be rezoned from R-1 Residential to Planned
Unit Development

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

The undersigned Virginia nonstock corporation and Virginia limited liability company are the owners of land subject to the above-referenced rezoning petition (the “Subject Property”). The owners, represented by the rezoning applicant, Piedmont Housing Alliance (the “Applicant”), seeks to amend the current zoning of the Subject Property to Planned Unit Development (PUD), subject to certain voluntary development conditions set forth below.

The Owner hereby proffers and agrees that, if the Subject Property is rezoned as requested, Subject Property will be developed in general accordance with, and the Owner will abide by, the approved *MACAA Redevelopment Planned Unit Development Submission PROPOSED LAND USE PLAN*, dated September 3, 2021, last revised _____, prepared by BRW Architects (the “Application Plan”), and that the Subject Property shall also be subject to, and the Owner will abide by, the following conditions:

1. AFFORDABLE HOUSING:

- (a) A minimum of eighty percent (80%) of the residential units built on the Subject Property will be affordable dwelling units (ADUs), as defined below.
- (b) Affordability for rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. The affordability covenants of this subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.
- (c) Each for-sale ADU shall be affordable over a term of not less than thirty (30) years from the date of the recordation of the deed transferring the ADU to the first homeowner. Affordability shall be ensured by means of deed restrictions, which shall provide the seller a right of first refusal to repurchase each ADU and which shall provide that, if the right of first refusal is not exercised by the seller, then any sale of the ADU to a purchaser with household income greater than 60% of the Charlottesville Area Median Income (“AMI”) shall require profit-sharing and reinvestment of net proceeds from sale of the unit into at least one new ADU in the City. For purposes of this proffer 1(c), “affordability” means dwelling units that are affordable to households with incomes of not more than sixty percent (60%) of the Charlottesville AMI; the administration of the for-sale ADUs shall in other respects be governed by the provisions of City Code §34-12 (c) and §34-12(g).

2. TRANSPORTATION IMPROVEMENTS: Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall construct road improvements at the intersection of Park Street and Davis Avenue as shown on the plan entitled, MACAA PUD DEVELOPMENT PLAN, dated September 3, 2021, last revised _____, prepared by Timmons Group, specifically:

- (i) Relocation of the entrance into the Subject Property to align with Davis Avenue east of Park Street;
- (ii) Removal of fencing and vegetation, and maintenance of vegetation, to improve sight distance for vehicles exiting the Subject Property to turn onto Park Street;
- (iii) Elimination of the driveway directly accessing Park Street on Parcel 47000800 (1021 Park Street);
- (iv) Installation of a right out only direction curb island at the exit from the Subject Property onto Park Street to prevent left turns out of the driveway onto Park Street; and

(v) Relocation of the existing pedestrian crosswalk across Park Street in accordance with the new entrance alignment, connecting the southern end of the driveway into the Subject Property with the southern end of Davis Avenue; the new pedestrian crosswalk shall consist of high-visibility pavement markings, ADA curb ramps, and advanced signage.

3. **PEDESTRIAN/BICYCLE ACCESS EASEMENT:** At the request of the City, and which may be a condition to the issuance of the first certificate of occupancy, the Owners shall dedicate to the City at no cost a permanent public easement for pedestrian and bicycle access in the general locations shown on the Application Plan, as will be determined with specificity during the site planning process and shown on the final approved site plan for the Subject Property and on the subdivision plat or separate easement plat, providing pedestrian and bicycle access from the public right-of-way / sidewalk system within the development through the Subject Property to the U.S. Route 29/250 Bypass multi-modal trail.

(Signature Page Immediately Follows)

DRAFT

WHEREFORE, the undersigned Owners stipulate and agree that the use and development of the Subject Property shall be in conformity with the conditions hereinabove stated and request that the Subject Property be rezoned as requested, in conformance with the Zoning Ordinance of the City of Charlottesville.

Respectfully submitted this _____ day of _____, 202__.

OWNERS:

MONTICELLO AREA COMMUNITY ACTION AGENCY,
a Virginia nonstock corporation

By: _____
Name: _____
Title: _____

1023 PARK STREET, LLC,
a Virginia limited liability company

By: _____
Name: _____
Title: Manager

**AN ORDINANCE
APPROVING REZONING APPLICATION ZM21-00003
A REQUEST TO REZONE LAND FRONTING ON PARK STREET AND THE ROUTE
250 BYPASS FROM R-1 (LOW DENSITY RESIDENTIAL)
TO PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO PROFFERED
DEVELOPMENT CONDITIONS**

WHEREAS, in order to facilitate a specific development project, Piedmont Housing Alliance, as agent for Monticello Area Community Action Agency (“MACAA”) and 1021 Park Street LLC (collectively, the “Applicants”), have submitted rezoning application ZM21-00003, proposing a change in the zoning classification (“rezoning”) of certain land fronting on Park Street and the Route 250 Bypass and accessible by the private lane Macaa Drive off Park Street, identified on Tax Map 47 as Parcels 470007100, 470011000, and a portion of 470008000 (collectively, the “Subject Property”), from R-1 (Single Family Residential) to PUD (Planned Unit Development), with said rezoning to be subject to proffered development conditions; and

WHEREAS, in connection with the Proposed Rezoning, the Applicants submitted: (i) a written PUD Development Plan, dated September 03, 2021 (Revision #1 November 15, 2021), titled “MACAA PUD Development Plan”, and (ii) proffered development conditions submitted in writing to the City; and

WHEREAS, a joint public hearing on the proposed rezoning was conducted by the Planning Commission and City Council on December 14, 2021, following notice to the public and to adjacent property owners, as required by law, and following the joint public hearing, the Planning Commission voted on December 14, 2021, to recommend that City Council should approve the Proposed Rezoning for the Project; and

WHEREAS, this City Council has considered the details of the specific Project represented within the Landowners’ application materials for ZM21-00003; has reviewed the NDS Staff Report, public comments, the Planning Commission’s recommendation, and the Comprehensive Plan; and

WHEREAS, this Council finds and determines that the public necessity, convenience, general welfare and good zoning practice require the proposed rezoning; that both the existing zoning classification (R-1) and the proposed zoning classification (PUD 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 all of the land designated on City Tax Map 47 as Parcels 470007100, 470011000, and a portion of 470008000

(“Subject Property”), containing, in the aggregate approximately 9.05 acres (approximately 395,298 square feet), from R-1 (Single Family Residential) to PUD (Planned Unit Development), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowners in accordance with law and are hereby accepted by this City Council:

Approved Proffers

The use and development of the Subject Property shall be subject to the following development conditions voluntarily proffered by the Landowners, which conditions shall apply in addition to the regulations otherwise provided within the City’s zoning ordinance. Such proffers shall be binding to the Property, which means the proffers shall be transferred to all future property successors of the land:

1. Affordable Housing Units:

- (a) A minimum of eighty percent (80%) of the residential units built on the Subject Property will be Affordable Dwelling Units (ADU’s) as defined below.
- (b) Affordability of the rental dwelling units shall be defined as dwelling units that are affordable to households with incomes at not more than eighty percent (80%) of the Area Medium Income (“AMI”) and that are committed to remain affordable for not less than thirty (30) years from the date of the issuance of the last certificate of occupancy for multi-family buildings on the Subject Property. The Affordability covenants of this subparagraph (b) shall be recorded in the City land records as deed restrictions in form and substance consistent with the requirements of Virginia Housing as to each affected lot or parcel.
- (c) Each for-sale ADU shall be affordable over a term of not less than thirty (30) years from the date of the recordation of the deed transferring the ADU to the first homeowner. Affordability shall be ensured by means of deed restrictions, which shall provide the seller a right of first refusal to repurchase each ADU and which shall provide that, if the right of first refusal is not exercised by the seller, that any sale of the ADU to a purchaser with household income greater than sixty percent (60%) of the Charlottesville AMI shall require profit-sharing and reinvestment of net proceeds from the sale of the ADU into at least one new ADU in the City. For purposes of this Proffer 1(c), “affordability” means dwelling units that are affordable to households with incomes of not more than sixty percent (60%) of the Charlottesville AMI; the administration of the for-sale ADU’s shall in other respects be governed by the provisions of City Code §§ 344-12(c) and 34-12(g), respectively.

2. Transportation Improvements: Prior to the approval of a certificate of occupancy for the first unit, the Applicant shall construct the following road improvements, as depicted in the development plan:

- i. Relocation of the entrance into the Subject Property to align with Davis Avenue east of Park Street;
 - ii. Removal of fencing and vegetation, and maintenance of vegetation, to improve sight distance for vehicles exiting the Subject Property to turn onto Park Street;
 - iii. Elimination of the driveway directly accessing Park Street on Parcel 47000800 (1021 Park Street);
 - iv. Installation of a “right-out only” direction curb island at the exit from the Subject Property onto Park Street to prevent left turns out of the driveway onto Park Street; and
 - v. Relocation of the existing pedestrian crosswalk across Park Street in accordance with the new entrance alignment, connecting the southern end of the driveway into the Subject Property with the southern end of Davis Avenue. The new pedestrian crosswalk shall consist of high-visibility pavement markings, ADA curb ramps, and advanced signage.
- 3. Pedestrian/Bicycle Access Easement:** The Landowners shall dedicate to the City, at no cost, a permanent public easement for pedestrian and bicycle access in the general locations shown on the Application Plan, as will be determined with specificity during the site planning process and shown on the final approved site for the Subject Property and on the subdivision plat or separate easement plat, providing pedestrian and bicycle access from the public right-of-way/sidewalk system within the development through the Subject Property to the U.S. Route 29/250 Bypass multi-modal trail.

BE IT FURTHER ORDAINED THAT the City’s Zoning Administrator shall update the Zoning District Map to reflect this rezoning of the Subject Property subject to the proffered development conditions.

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



Agenda Date:	January 3, 2022.
Action Required:	Council Appropriation (2 nd of 2 readings).
Presenter:	Chris Cullinan, Director of Finance.
Staff Contacts:	Chris Cullinan, Director of Finance. Krisy Hammill., Senior Budget and Management Analyst.
Title:	Year-End Adjustments Fiscal Year 2021.

Background:

The audit for Fiscal Year (FY) 2021 has been completed. To close the City’s financial records for the year, several year-end adjustments to various accounts require City Council action. These adjustments are to carry over unspent funds from the last fiscal year to the current fiscal year. These carry overs are the result of either previous City Council policy direction or requirements associated with the funds.

Discussion:

For FY2021, the General Fund ended \$5.5 million in excess of its 17% fund balance policy.

COVID 19 influenced the City’s finances in FY 2021 as several economically sensitive revenues (Lodging Taxes, Meals Taxes, and Personal Property Taxes) performed under budget and below FY2020 levels. Fortunately, Real Estate Taxes (the City’s largest revenue source for the General Fund) performed slightly better than expected as real estate values increased and property owners were able to make their payments in full and on time. The City’s Sales Tax receipts also performed better than expected because of greater online sales during the pandemic and consumer spending on nondiscretionary goods (such as groceries).

General Fund expenditures were below budget which helped offset reduced revenue performance. Several large departments had salary and benefit savings from vacant positions. Departments also saw savings as a result of reduced levels of service and closed facilities resulting from the pandemic. The City also used received \$8.2 million of CARES Act funds which were used for eligible expenses in lieu of the City using its own funds (Note: the surplus General Fund revenues do not include CARES funds as these are accounted for in a separate fund).

Recommendation/Carryover Request:

Staff have three recommendations for City Council’s consideration:

1. Transfer \$6,674,971 from the Citywide Reserve-Economic Downturn account to the CIP Contingency account. The FY2021 budget included a reserve in anticipation of COVID 19 having a negative impact on the City’s revenues. This reserve was created by not transferring funds from the General Fund to the CIP. While this strategy was in contradiction to the City’s financial management policies, it was deemed prudent in light of the extraordinary and uncertain circumstances caused by the pandemic. As the fiscal year progressed, the City did not need to use these reserves. Now that the fiscal year is complete, staff recommends City Council transfer these funds to the CIP Contingency account in acknowledgement of how the reserve was created in the first place and the need for additional capital funds.

2. Transfer \$5,503,327 from the General Fund fund balance to 2213001000 for employee compensation. Per City policy, the surplus fund balance amount is recommended to be transferred to the CIP Contingency account. However, discussions with City Council and city management indicate a desire that employee compensation be the focus of utilizing surplus funds. The proposed use of these funds includes:

* A \$3,500 bonus for all employees who worked full time between January 1, 2021 and November 26, 2021. This is “thank you” for their service and essential work during what has been a difficult year. For employees who joined the City during the year or are seasonal/part time/temporary, they will receive a pro-rated amount of the \$3,500 based on when they started and/or hours worked during the year.

* A 6% pay adjustment for all benefit eligible employees. This is a market adjustment which recognizes the need for the City to retain and recruit qualified employees.

3. Transfer \$6,393 from General Fund fund balance to City Treasurer’s Office. In April of 2019, the City Treasurer’s Office opened a DMV Select Office in the lobby of City Hall. The agreement with the Commonwealth included language by which excess funds generated by the DMV transactions would be remitted to the Treasurer’s Office to compensate for additional processing costs. The amount listed above reflects the excess revenue from FY2021 due to the Treasurer’s Office in accordance with the DMV Select contract.

In addition to these recommendations are several carry over appropriations needed to close the books for the fiscal year. These are detailed in the attached memo.

Community Engagement:

A public hearing was held on December 20, 2021.

Budgetary Impact:

As noted above, the recommended transfer from the Citywide Reserve-Economic Downturn account to the CIP Contingency account is in accordance with the City’s financial policy and contributes towards a “pay as you go” (PAYGO i.e. cash) C.I.P. versus issuing bonds. The bonus recommendation is a one-

time expense which is an appropriate use of a one-time revenue. The midyear market adjustment does have on-going costs. Staff's analysis of current year revenues and future revenues indicate these pay increases are sustainable in the future.

Alignment with Council Vision Areas and Strategic Plan:

This resolution aligns with Goal 4 of the Strategic Plan, to be a well-managed and successful organization.

Recommendation:

Staff recommend that Council approve the first reading of the attached resolution.

Alternatives:

Amend the recommendations.

Attachments:

1. Memo- End of Year Adjustments.
2. FY 2021 Year End Appropriation.

To: Members of City Council.
From: Chris Cullinan, Director of Finance.
Krisy Hammill, Senior Budget and Management Analyst.
Date: December 20, 2021
Subject: **Fiscal Year 2021 End of Year Adjustments.**

In order to close the City’s financial records for Fiscal Year 2021, City Council is requested approve the attached resolution to adjust certain accounts.

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

- Section I - General Fund.
- Section II - Facilities Repair Fund.
- Section III – Grants Fund.
- Section IV – School Gainsharing.

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 carryovers of unspent funds and shall be considered continuing appropriations unless further altered by Council.

- City Treasurer’s Office. \$6,393.

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

- Transfer to Employee Benefits \$5,503,327.
There funds will be used for employee compensation.
- Transfer to Capital Projects Fund \$6,674,971.
These funds will be transferred to the C.I.P. Contingency Fund per the City’s financial policy.

II. Facilities Repair Fund.

- Courthouse Maintenance (P-00099) - \$6,130 - 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.

- Courthouse Construction (P-00783) - \$8,014 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

III. Grants Fund.

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

- \$1,384 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

IV. Schools Gainsharing.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City. For the year ending June 30, 2021, the Schools had an operating surplus of \$387,250. According to the formula, \$100,000 will be contributed to the City's School Lump Sum Project Fund, \$193,625 will be retained by the City Schools and \$93,625 will be returned to the City.

Cc: Lisa Robertson, City Attorney.

FY 2020 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, 2021. The memo to Council dated December 20, 2021 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 and shall remain as continuing appropriations unless further altered by Council:

1901001000 City Treasurer's Office.	\$6,393.
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Total Section I (a).	<u>\$6,393.</u>
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(b) Additional Transfers and Appropriations.

2213001000. Transfer to Employee Benefits.	\$5,503,327.
--	--------------

9803030000. Transfer to Capital Projects Contingency Fund.	\$6,674,971.
--	--------------

Total Section I (b).	<u>\$12,178,298.</u>
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II. Facilities Repair Fund (107).

- Courthouse Maintenance (P-00099) - \$6,130 - 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.
- Courthouse Construction (P-00783) - \$8,014 – These unspent restricted court fees will be used for future renovations or construction projects relating to the courts and will be carried over in the Facilities Repair Fund.

Total Section II.	<u>\$14,144.</u>
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III. Grants Fund (209).

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

- \$1,384 – these funds will be used for additional qualifying State Fire Grant expenditures (1900010).

Total Section III.

\$1,384.

IV. Schools Gainsharing.

In 1998, the School Board and City Council entered into a gainsharing agreement. This agreement mandates that the first \$100,000 to go to facilities for School Capital Improvement Projects, the next \$100,000 is retained by the Schools in the General Fund and then any amount over \$200,000 will be shared equally (50/50) between the School Board and the City. For the year ending June 30, 2021, the Schools had an operating surplus of \$387,250. According to the formula, \$100,000 will be contributed to the City's School Lump Sum Project Fund and \$193,625 will be retained by the City Schools.

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



Agenda Date:	January 3, 2022
Action Required:	Approval of Resolution
Presenter:	Lisa Robertson, City Attorney
Staff Contacts:	Lisa Robertson, City Attorney Kyna Thomas, Clerk of Council
Title:	City Council Regular Meeting Schedule for 2022

Background

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

Discussion

Regularly scheduled City Council meetings take place on the first and third Mondays of each month at 6:30 p.m. in Council Chambers at City Hall, 605 E. Main Street. During the Covid-19 State of Emergency, regular meetings are held electronically or virtually. If a regularly scheduled Council meeting falls on a holiday, then the meeting will take place on Tuesday. Council has previously chosen to take a summer break and has discussed holding only one meeting in December.

The regular Council meeting schedule for 2022 is below and may be modified after Council discussion:

January 3	<i>Tuesday, July 5</i>
<i>Tuesday, January 18</i>	July 18
February 7	August 1
<i>Tuesday, February 22</i>	August 15
March 7	<i>Tuesday, September 6</i>
March 21	September 19
April 4	October 3
April 18	October 17
May 2	November 7

May 16

November 21

June 6

December 5

Tuesday, June 21

December 19

Italics indicate an adjusted date due to a holiday.

Alignment with City Council's Vision and Priority Areas

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

Attachment

Resolution

RESOLUTION
Approving the City Council Regular Meeting Schedule for 2022

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the following dates are approved for regularly scheduled Council meetings for 2022:

January 3	<i>Tuesday, July 5</i>
<i>Tuesday, January 18</i>	July 18
February 7	August 1
<i>Tuesday, February 22</i>	August 15
March 7	<i>Tuesday, September 6</i>
March 21	September 19
April 4	October 3
April 18	October 17
May 2	November 7
May 16	November 21
June 6	December 5
<i>Tuesday, June 21</i>	December 19

Italics indicate an adjusted date due to a holiday.

BE IT FURTHER RESOLVED that these dates will be published on the City’s calendar at www.charlottesville.gov and posted at the Clerk of Council’s office; and

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

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	January 3, 2022
Action Required:	Consideration of an application for a Critical Slope Waiver
Presenter:	Brian Haluska, Principal Planner, Neighborhood Development Services
Staff Contacts:	Brian Haluska, Principal Planner, Neighborhood Development Services
Title:	P21-00082 – 1221, 1223 and 1225 Harris Street, request for a Critical Slope Waiver

Background:

C-Ville Business Park, LLC is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for construction of a mixed-use development that would include up to 120 residential units.

Existing critical slope areas located on this Property include 0.285 acres or 26% percent of the project site. The applicable definition of “critical slope” is as follows:

Any slope whose grade is 25% or greater, and (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, and (b) a portion of the slope is within 200 feet of a waterway. See Section 34-1120(b)(2).

Discussion:

The Planning Commission considered this application on the consent agenda at their meeting on December 14, 2021.

Alignment with City Council’s Vision and Strategic Plan:

The City Council Vision of *Quality Housing Opportunities for All* states that “Our neighborhoods retain a core historic fabric while offering housing that is affordable and attainable for people of all income levels, racial backgrounds, life stages, and abilities. Our neighborhoods feature a variety of housing types, including higher density, pedestrian and transit-oriented housing at employment and cultural centers. We have revitalized public housing neighborhoods that include a mixture of income and housing types with enhanced community amenities. Our housing stock is connected with recreation facilities, parks, trails, and services.” This request is connected with a proposed building that is adjacent to McIntire Business Park, and is within walking distance of McIntire Park and Shenck’s Branch Greenway.

Community Engagement:

In line with Section 34-1120(b)(6)(b), property owners and occupants within 500-feet of the subject property, as well as neighborhood association leaders, were notified of the Planning Commission’s meeting. No members of the public spoke at the meeting.

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of this Critical Slope Waiver.

Recommendation:

Staff recommends the application be approved with conditions. The Planning Commission voted unanimously to recommend the application be approved with conditions as proposed by staff.

Alternatives:

City Council has several alternatives:

- (1) by motion, approve the requested Critical Slope Waiver as recommended by the Planning Commission with the following suggested motion;

“I move the adoption of the Resolution included in our agenda materials, granting this Critical Slope Waiver within P21-00082, based on a finding that due to unusual physical conditions, or the existing development of the property, compliance with the City’s critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii).”

- (2) by motion, request changes to the attached resolution, and then approve the Critical Slope Waiver;
- (3) by motion, take action to deny the Critical Slope Waiver;

Or

- (4) by motion, defer action on the Critical Slope Waiver.

Attachment:

- A. Proposed Resolution
- B. City Staff Report
- C. Application and Supporting Documentation

**RESOLUTION APPROVING THE REQUEST TO WAIVE
THE CRITICAL SLOPE REQUIREMENTS
OF CITY CODE SECTION 34-1120(b) FOR THE DEVELOPMENT TO BE BUILT AT
1221, 1223 AND 1225 HARRIS STREET
(CITY TAX MAP PARCELS 340090B00, 340090C00, AND 34009100)**

WHEREAS C-Ville Business Park, LLC, (the “Landowner”) is the owner of record of the property of certain land identified by City tax map parcels 340090B00, 340090C00, and 34009100 currently addressed as 1221, 1223, and 1225 Harris Street, respectively (together, the “Property”) and the Landowner requested a Waiver of the Critical Slopes requirements of City Code Sec. 34-1120(b)(6)(b) in connection with the construction of a mixed-use development to include 120 residential units located on the Property and referred to as City’s Edge;

WHEREAS existing Critical Slopes constitute 0.29 acres, or 26% of the project site; and

WHEREAS the Planning Commission considered and unanimously approved this application at their December 14, 2021 meeting, subject to the 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 1221, 1223, and 1225 Harris Street also referred to as City’s Edge to include 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”. Outfalls from any proposed 1223 Harris Street Critical Slope traps shall be established with rigorous independent E&S controls, early in the sequence, prior to the establishment of a sediment trap and associated conveyances.
- 2) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) At no time shall concentrated water be directed toward the critical slopes.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT



PLANNING COMMISSION REGULAR MEETING
APPLICATION FOR A CRITICAL SLOPE WAIVER
APPLICATION NUMBER: P21-0082
DATE OF MEETING: December 14, 2021

Project Planner: Brian Haluska, AICP
Date of Staff Report: December 1, 2021

Applicant: C-Ville Business Park, LLC
Applicant's Representative(s): Chris Virgilio
Current Property Owner: C-Ville Business Park, LLC

Application Information

Property Street Address: 1221, 1223, and 1225 Harris Street
Tax Map & Parcel/Tax Status: 340090B00, 340090C00 and 34009100 (real estate taxes paid current – Sec. 34-12)
Total Project Area (Limits of Disturbance): 1.12 acres
Total Area of Critical Slopes on Parcels: 0.285 acres | 26.3%
Area of Proposed Critical Slope Disturbance: 0.221 acres | 77.6% of total critical slopes area on parcel
Comprehensive Plan (General Land Use Plan): Neighborhood Mixed Use Node
Current Zoning Classification: IC - Industrial Corridor
Overlay District: None

Applicant's Request (Summary)

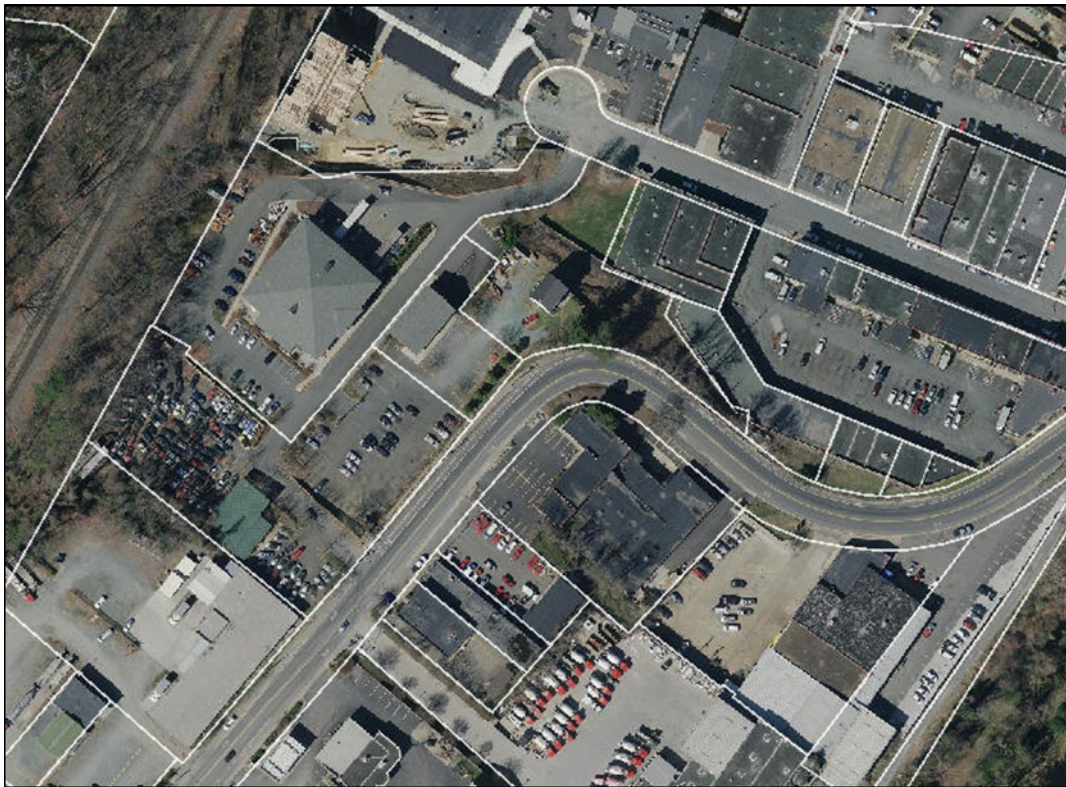
C-Ville Business Park, LLC is requesting a waiver from Section 34-1120(b) of the City Code (Critical Slope Ordinance) to allow for construction of a mixed-use development that would include up to 120 residential units. Improvements specific to areas where critical slopes would be impacted should the waiver be approved are shown on the Critical Slope Exhibit (**Attachment B**) and include portions of all proposed lots in the development

Existing critical slopes areas located on this Property include 0.285 acres or 26.3 percent of the site. The applicable definition of "critical slope" is as follows:

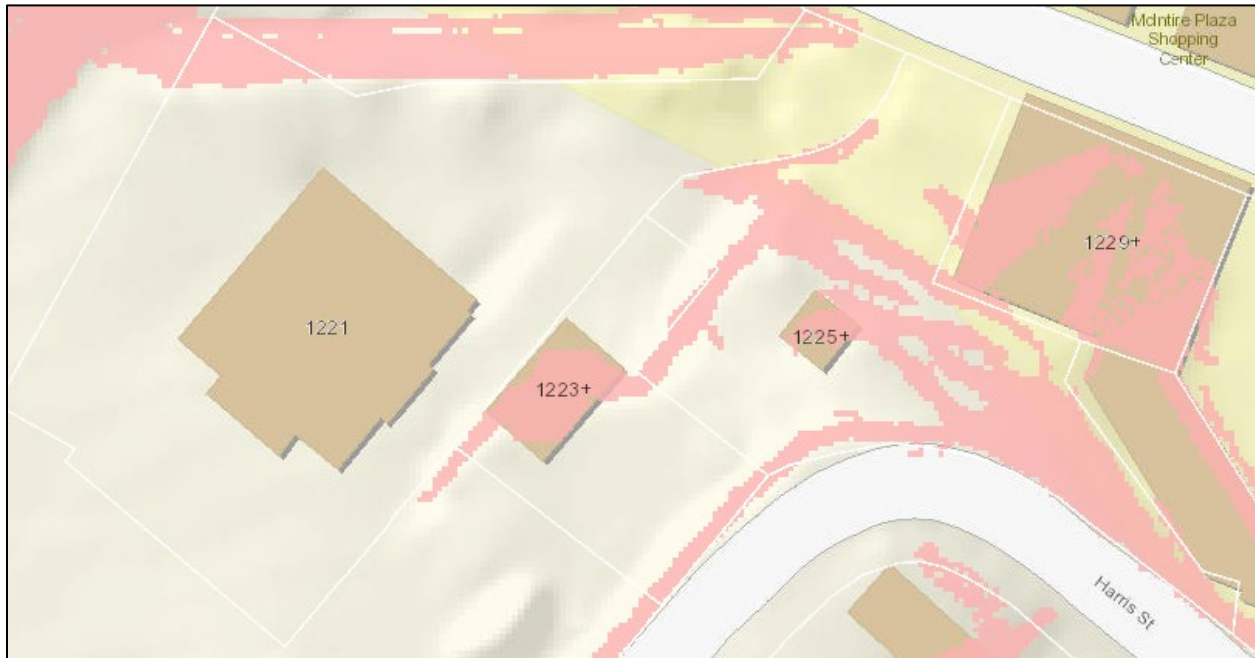
Any slope whose grade is 25% or greater, **and** (a) a portion of the slope has a horizontal run of greater than 20 feet, and its total area is 6,000 SF or greater, **and** (b) a portion of the slope is within 200 feet of a waterway. See City Code Sec. 34-1120(b)(2).

Based on the information presented within the application materials, Staff verifies that the area for which this waiver is sought meets all of the above-referenced components of the definition of “critical slope”.

Vicinity Map



Critical Slopes per the Zoning Ordinance



Standard of Review

Per Sec. 34-1120(6)(d): The planning commission shall make a recommendation to city council in accordance with the criteria set forth in this section, and city council may thereafter grant a modification or waiver upon making a finding that:

- (i) The public benefits of allowing disturbance of a critical slope outweigh the public benefits of the undisturbed slope (public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes); or
- (ii) Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

If the recommendation is for City Council to grant the requested waiver, the Planning Commission may also make recommendations as to the following: In granting a modification or waiver, city council may allow the disturbance of a portion of the slope, but may determine that there are some features or areas that cannot be disturbed. These include, but are not limited to:

- (i) Large stands of trees;

- (ii) Rock outcroppings;
- (iii) Slopes greater than 60%.

City council shall consider the potential negative impacts of the disturbance and regrading of critical slopes, and of resulting new slopes and/or retaining walls. City council may impose conditions as it deems necessary to protect the public health, safety or welfare and to insure that development will be consistent with the purpose and intent of these critical slopes provisions. Conditions shall clearly specify the negative impacts that they will mitigate. Conditions may include, but are not limited to:

- (i) Compliance with the "Low Impact Development Standards" found in the City Standards and Design Manual.
- (ii) A limitation on retaining wall height, length, or use;
- (iii) Replacement of trees removed at up to three-to-one ratio;
- (iv) Habitat redevelopment;
- (v) An increase in storm water detention of up to 10% greater than that required by city development standards;
- (vi) Detailed site engineering plans to achieve increased slope stability, ground water recharge, and/or decrease in stormwater surface flow velocity;
- (vii) Limitation of the period of construction disturbance to a specific number of consecutive days;
- (viii) Requirement that reseeded occur in less days than otherwise required by City Code.

Project Review and Analysis

Each applicant for a critical slopes waiver is required to articulate a justification for the waiver, and to address how the land disturbance, as proposed, will satisfy the purpose and intent of the Critical Slopes Regulations, as found within City Code Sec. 34-1120(b)(1). The applicant has provided information in the attached critical slopes waiver narrative (**Attachment A**) for Application Finding #1 and #2.

Staff Analysis 34-1120(b)(d)(i) Application Finding #1:

Staff does not recommend a waiver on the basis of Finding 1 for this application.

Staff Analysis 34-1120(b)(d)(ii) Application Finding #2 :

Engineering Department:

The City Engineering Department's comments on this application can be found in Attachment C.

“Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.”

Based on the submitted materials and the applicant’s justifications, engineering cannot recommend approval under either Finding #1 or Finding #2. The plan is not yet approvable, though still under development. City Engineering provides the following recommended conditions which have been selected for based on the design and review history of this project. Most are already incorporated into the design. If the Planning Commission decides to approve the project, the following should be considered for applicable conditions:”

City Engineering recommends the following conditions:

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed 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) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) At no time shall concentrated water be directed toward the critical slopes.

Planning Department: The specific physical characteristics of the site meet the standards required in Finding #2. City Council previously granted the applicant a Special Use Permit for a project proposed to be located on the site that would disturb all of the parcels at 1223 and 1225 Harris Street. A strict application of the critical slope requirements would make it unlikely the applicant would be able to implement the plan previously reviewed by the Planning Commission and Council.

The site layout of the currently proposed development is consistent with the materials presented by the applicant when the parcels were granted an SUP by City Council.

Staff Recommendation

Staff recommends the Planning Commission recommend to City Council to grant the critical slope waiver on the basis that “due to unusual physical conditions, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use of such property.”

Recommended Conditions

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed

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) "Super Silt Fence" (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) At no time shall concentrated water be directed toward the critical slopes.

Suggested Motions

1. "I move to recommend approval of the critical slope waiver for Tax Map and Parcel 340090B00, 340090C00 and 34009100, as requested, with the conditions listed in the staff report, based on a finding that [*reference at least one*]:
 - The public benefits of allowing the disturbance outweigh the benefits afforded by the existing undisturbed critical slope, per Section 34-1120(b)(6)(d)(i) [Not Recommended]
 - Due to unusual physical conditions, or the existing development of the property, compliance with the City's critical slopes regulations would prohibit or unreasonably restrict the use or development of the property, per Section 34-1120(b)(6)(d)(ii) [Recommended]
2. "I move to recommend denial of the steep slope waiver for Tax Map and Parcel 340090B00, 340090C00 and 34009100.

Attachments

- A. Application and Narrative
- B. Critical Slope Exhibit
- C. City Engineering Comments on the Proposed Application



WAIVER REQUEST FORM

Please Return To: City of Charlottesville
Department of Neighborhood Development Services
PO Box 911, City Hall
Charlottesville, Virginia 22902
Telephone (434) 970-3182 Fax (434) 970-3359

For a Critical Slopes Waiver Request, please include one of the following application fees: \$75 for single-family or two-family projects; \$500 for all other project types. **additional application form required*
For all other Waiver Requests, please include one of the following application fees: \$50 for single-family or two-family projects; \$250 for all other project types.

Project Name/Description 1223 Harris St. Parcel Number 340090C00 & 340090100
Address/Location 1223 Harris ST, Charlottesville, VA 22903
Owner Name C-Ville Business Park LLC Applicant Name C-Ville Business Park LLC

Applicant Address: 224 14TH STREET, CHARLOTTESVILLE, VA 22903
Phone (H) 434-989-0372 (W) 434-971-8860 (F) _____
Email: C.VIRGILIO@WOODARDPROPERTIES.COM

Waiver Requested (review Zoning Ordinance for items required with waiver submissions):

- Sidewalk
- Drainage/Storm Water Management
- *Contact Staff for Supplemental Requirements
- Off-street Parking
- Site Plan Review
- Lighting
- Landscape
- Signs
- Setbacks
- Critical Slopes **additional application form required*
- Communication Facilities
- Other
- Stream Buffer Mitigation Plan

Description of Waiver Requested: A Critical Slopes Waiver is requested to disturb approximately 0.22 acres of critical slopes on parcels 340090C00 and 340090100, located at 1223 Harris St.

Reason for Waiver Request: Slope disturbance is being requested to support the proposed development of 120 housing units and commercial space associated with SP 21-00001.

[Signature]
Applicant Signature
[Signature]
Property Owner Signature (if not applicant)

6/4/2021
Date
6/4/2021
Date

For Office Use Only: Date Received: _____
Review Required: Administrative _____ Planning Commission _____ City Council _____
Approved: _____ Denied: _____
Director of NDS
Comments: _____

**City of Charlottesville
CRITICAL SLOPES WAIVER REQUEST SUPPLEMENT**

Please review city zoning ordinance section 34-1120(b) "Critical Slopes" and submit a completed Waiver Application Form, Critical Slopes Waiver Request Supplement and a Critical Slope Exhibit*.

Applicant: C-Ville Business Park LLC

Property Owner: C-Ville Business Park LLC

Project Description: What are you proposing to do on this site?

Improvements to the parcels to provide 120 multi-family housing units, 3,000 SF of commercial space as well as supporting road and utility infrastructure.

Existing Conditions:

This existing parcels include commercial space, and residential duplex.

Total Site Area:

1.084 Parcel area. 1.05 Acres disturbed area.

Zoning (if applying for rezoning-please note existing and intended change):

IC (Industrial Corridor); SP21-00001

Percentage of Area that is made up of critical slopes - meets criteria set forth in Sec. 34-1120(b)(2) *Definition of critical slope*: greater than or equal to 25% slopes and a) a portion of the slope has a horizontal run of greater than twenty (20) feet and its area is six thousand (6,000) square feet or greater; and b) a portion of the slope is within two hundred (200) feet of any waterway:

Total Critical Slope Area:

The site area is 1.084 acres. There are 0.285 acres of critical slopes located on site, or 26.3% of the site area.

Critical Slope Area Disturbed:

0.22 acres of the total critical slope area identified above will be disturbed, or 77.6 % of the total critical slope area. Proposed critical slope area to be disturbed is 20.3% of the site area.

***Critical Slope Exhibit:** Survey indicating location and area of critical slopes and what portions of critical slopes are proposed to be disturbed. Survey should be prepared, sealed, signed and dated by a professional engineer or land surveyor licensed to practice within the Commonwealth of Virginia.

This application should be used to explain how the proposed project meets some or all of the requirements as described in Section 34-1120(6) "Modification or waiver." The applicant is expected to address finding #1 and/or finding #2 and justify the finding by utilizing the "critical slope provisions" as a guide. Completing this application will help staff make their recommendation to the Planning Commission and City Council.

City Council may grant a modification or waiver, upon making one or more of the following findings:

Finding #1: The public benefits of allowing disturbance of critical slope outweigh the public benefits of the undisturbed slope(public benefits include, but are not limited to, stormwater and erosion control that maintains the stability of the property and/or the quality of adjacent or environmentally sensitive areas; groundwater recharge; reduced stormwater velocity; minimization of impervious surfaces; and stabilization of otherwise unstable slopes)

This project provides thoughtful design to minimize negative impacts from critical slopes disturbance, while providing the necessary infrastructure to support up to 120 housing units. Erosion and sediment control measures are being implemented per state regulations to promote slope stabilization post construction and to reduce sediment laden runoff from leaving the site during construction. Erosion to remaining slopes will be avoided by capturing and piping runoff from the entirety of the roof area and nearly all of the other impervious areas underground directly to the existing 6' box culvert

Finding #2. Due to unusual size, topography, shape, location, or other unusual physical conditions, or existing development of a property, one (1) or more of these critical slopes provisions would effectively prohibit or unreasonably restrict the use, reuse or redevelopment of such property or would result in significant degradation of the site or adjacent properties.

The subject parcel is situated on a steep grade. The access points on either end of the site are separated by 40' vertically. The proposed slope disturbance is necessary in order to provide much needed housing consistent with approved SP 21-00001.

Please address how Finding #1 and/or Finding #2 will be met utilizing the "critical slope provisions" noted below.

1. Erosion affecting the structural integrity of those features.
Erosion and sediment control measures will be employed as necessary to protect undisturbed areas during construction. Down hill structural practices, silt fence, sediment traps and inlet protection will capture sediment.

2. Stormwater and erosion-related impacts on adjacent properties.

Stormwater and erosion-related impacts are limited by the detention of site runoff within sediment basin during construction. Diversion dikes will be implemented to ensure runoff on-site is directed to the proposed basin during construction. Additional E&SC measures will be employed to ensure adjacent properties are not impacted by stormwater runoff during construction. Storm water is captured in the post condition and piped underground to the adjacent 6' box culvert. Stormwater calculations will be provided, demonstrating compliance with all erosion and flood protection requirements.

3. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands.

Wetland disturbance and Stream disturbance is not proposed with this project. All applicable E&SC and Stormwater management regulations will be demonstrated.

4. Increased stormwater velocity due to loss of vegetation.

Stormwater is being captured and routed in underground pipes to mitigate against potential issues from increased stormwater velocity.

5. Decreased groundwater recharge due to changes in site hydrology.

Due to the site geometry and scale of the building as well as close proximity to adjacent buildings, groundwater recharge is not being promoted.

6. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat.


This site is completely cleared in the existing state and has a substantial amount of impervious cover. Loss of forest and wildlife is not a significant issue on this site. Also note, a significant amount of steep slopes appear to have been man made as a result of construction of Harris St.

Please list all attachments that should be viewed as support to the above explanations.


Critical Slopes Exhibit

Please sign the following statement.

I certify that, to the best of my knowledge, the information I have provided above is based on sound engineering and surveying data and that this site has been carefully inspected and reviewed for the purposes of completing this application accurately. I certify that as the property owner/applicant I have not given false information that may affect the decisions made regarding this development.

 6/4/2021

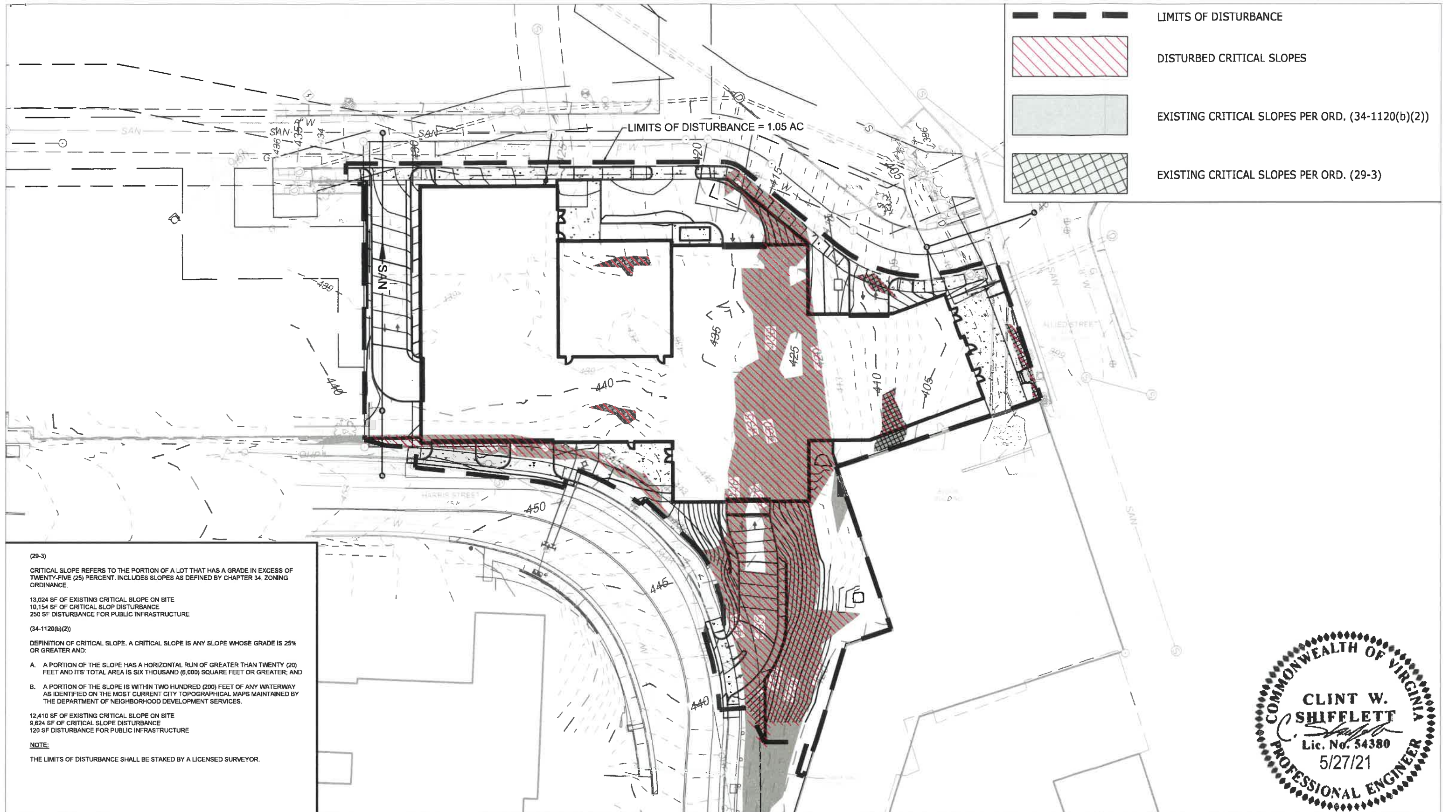
Property Owner

 6/4/2021

Applicant

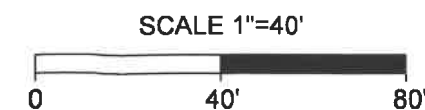
Please do not write below this line. For office use only.
Planner's Comments/Recommendations:

Engineer's Comments/Recommendations:



CRITICAL SLOPES EXHIBIT - ZONING & SUBDIVISION ORDINANCE

1223 HARRIS ST. - MAY 27, 2021



Brian,

In regards to providing an evaluation of the waiver in accordance with Sec. 34-1120 (6) (c):

“The director shall provide the planning commission with an evaluation of the proposed modification or waiver that considers the potential for soil erosion, sedimentation and water pollution in accordance with current provisions of the Commonwealth of Virginia Erosion and Sediment Control Handbook and the Virginia State Water Control Board best management practices, and, where applicable, the provisions of Chapter 10 of the City Code. The director may also consider other negative impacts of disturbance as defined in these critical slope provisions.”

This project triggers the City of Charlottesville threshold for requiring both VESCH, and VSMP plans. Since this requires a full review for compliance from the City, and ultimate approval in order to receive a Land Disturbing Permit, the City will have control over assuring the project conforms to VESCH, VA SWM BMP, as well as Chapter 10 of the City Code. The project has received 3 review from the City PWE staff after having initial submittal rejected for review for not meeting minimal State Code standards for review. Each iteration has gotten progressively closer to meeting basic VSMP/VESC standards. An evaluation of negative impacts specifically provided in the critical slope provisions, while also taking into account the latest plan submittal follows:

a. Erosion affecting the structural integrity of those features./ b. Stormwater and erosion-related impacts on adjacent properties.

The applicant references ESC measures being implemented. These plans are under development. For such a small site, it is very complicated but the last review generated comments primarily about clarifying the sequence for constructability (clarity for contractor) as well as comments about the “SSF” being applied at the perimeter and limits of flow length to silt fence. This ESC scheme has progressed significantly and is near approvable.

c. Stormwater and erosion-related impacts to environmentally sensitive areas such as streams and wetlands. There is a “conveyance” adjacent the site. It is not considered a natural channel.

d. Increased stormwater velocity due to loss of vegetation. Discharges downstream of the site should remain at similar amounts due to VSMP compliance parameters. Since most outfalls are being “reused”, velocity will remain similar.

e. Decreased groundwater recharge due to changes in site hydrology. There is no mitigation proposed for groundwater recharge. Existing slopes and impervious limit recharge opportunities in both existing and proposed conditions.

f. Loss of natural or topographic features that contribute substantially to the natural beauty and visual quality of the community such as loss of tree canopy, forested areas and wildlife habitat. There was not mitigation addressed for loss of natural features. There are extremely limited natural features regarding canopy or habitat in existing conditions.

In regards to providing a recommendation of the waiver, in accordance with Sec. 34-1120 (6) (d):

“No modification or waiver granted shall be detrimental to the public health, safety or welfare, detrimental to the orderly development of the area or adjacent properties, or contrary to sound engineering practices.”

Based on the submitted materials and the applicant’s justifications, engineering cannot recommend approval under either Finding #1 or Finding #2. The plan is not yet approvable, though still under development. City Engineering provides the following recommended conditions which have been selected for based on the design and review history of this project. Most are already incorporated into the design. If the Planning Commission decides to approve the project, the following should be considered for applicable conditions:

- 1) Site Plans (VESCP Plans) should include, at a minimum, 4 stages/phases of ESC controls. The first phase shall include “Initial/Preliminary Controls”. Outfalls from any proposed 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) “Super Silt Fence” (chain linked backing) shall be installed where perimeter silt fence is specified.
- 3) At no time shall concentrated water be directed toward the critical slopes.

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



Agenda Date:	January 3, 2022
Action Requested:	Resolution
Presenter:	Alex Ikefuna, Interim Director, Office of Community Solutions
Staff Contacts:	Alex Ikefuna, Interim Director, Office of Community Solutions Brenda Kelley, Office of Community Solutions
Title:	Designation of MACAA Apartments site as a Revitalization Area

Background:

Piedmont Housing Alliance is proposing a residential, mixed-income development on the MACAA site, located at 1025 Park Street. The project proposes 66 total units spread across a mix of 1-, 2-, and 3-bedroom unit types with rents affordable to households ranging from 30% AMI to 80% AMI. The total development cost is currently estimated at \$21,525,000. The project is expected to start construction in Summer/Fall of 2023.

MACAA Apartments Low Income Housing Tax Credit (LIHTC) application will be evaluated and scored based on criteria defined in the 2022 Qualified Allocation Plan (QAP), which factors in whether a property is in a designated revitalization area. LIHTCs are critical to the financing of the development of deeply affordable housing projects and it is a competitive application process.

An application for Site Plan approval is anticipated to be submitted in February 2022, and an application for LIHTC funding in March 2022 is anticipated.

Discussion:

Application for Virginia Housing (formerly VHDA) LIHTC program are due in March 2022. Projects seeking LIHTC support score more competitively if located within a revitalization area as defined by Virginia Code 36-55.30:2.

Alignment with City Council's Vision and Strategic Plan:

The overall development of MACAA Apartments supports City Council's visions of Quality Housing Opportunities for All; A Green City; Community of Mutual Respect; and Smart, Citizen-Focused Government.

Approval of this request is also supported by the following:

Strategic Plan Goals:

- Goal 1.3: Increase affordable housing options
- Goal 2.3: Improve community health and safety outcomes by connecting residents with effective resources (aligning health care with provision of housing for the elderly and disabled)

Comprehensive Plan Guiding Principles (2021):

- Equity & Opportunity – All people will be able to thrive in Charlottesville.
- Community Culture & Unity – Charlottesville’s rich and diverse culture and form will be celebrated, and the entire community will feel welcomed, valued and respected.
- Local & Regional Collaboration – From the neighborhood to the region, open conversations and partnerships will make the city stronger.
- Environmental Stewardship & Sustainability – The Charlottesville community will demonstrate environmental and climate leadership.
- Connections & Access – The City will consider land use and transportation in complementary ways, creating more accessible and safer mobility options for all.
- (Numerous Goals in the Comprehensive Plan also support this request).

Community Engagement:

In conjunction with its PUD rezoning request for the MACAA property, the project team engaged community members, city staff, and the Planning Commission in a series of meetings in order to identify potential impacts of the project and hear the questions and concerns of residents. Piedmont Housing Alliance convened an initial community meeting for neighborhood residents on July 27, 2021 at the Charlottesville Waldorf School Pavilion. 13 residents were in attendance. This meeting provided an opportunity to introduce the project and receive additional feedback prior to entering the process mandated by the City. The project team then held an official community meeting at Charlottesville High School on August 10, 2021, that was attended by 46 in-person and virtual attendees. Additional public comment was received at a Planning Commission work session on August 24, 2021, and at a public hearing on December 14, 2021. Following the public hearing, the Planning Commission unanimously approved the rezoning request to allow the use.

Budgetary Impact:

This request has no budget impact.

Recommendation:

Staff recommends City Council approve the attached Resolution declaring the MACAA Apartments site as being located in a revitalization area based on the following:

1. The industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND
2. Private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Alternatives:

City Council could choose to not support the revitalization area certification for the MACAA Apartments site, which could have a negative impact on the LIHTC application.

Attachments:

Resolution

RESOLUTION

**Revitalization Area Certification for MACAA Apartments site/1025 Park Street
Parcel Numbers: 470007100, 470011000 & 470080000**

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the MACAA Apartments site is located within a Revitalization Area, defined by Virginia Housing (formerly Virginia Housing Development Authority) as any area that 1) the industrial, commercial or other economic development of such area will benefit the city or county but such area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in such area; AND 2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in such area and will induce other persons and families to live within such area and thereby create a desirable economic mix of residents in such area.

Approved by Council
January 3, 2022

Kyna Thomas
Clerk of Council