



## CITY COUNCIL AGENDA February 21, 2023

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

### 4:00 PM OPENING SESSION

Register at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). The public may view this portion of the meeting electronically by registering in advance for the Zoom webinar or on the City's streaming platforms and local government Channel 10. 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](mailto:ada@charlottesville.gov). The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

### Call to Order/Roll Call

### Agenda Approval

### Reports

1. Report: Polco National Community Survey Presentation
2. Report: State of the Forest - Tree Commission
3. Report: City of Charlottesville Environmental Standards

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

Council Seat Announcement and Swearing In

### 6:30 PM BUSINESS SESSION

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

### Moment of Silence

### Announcements

### Recognitions/Proclamations

### Board/Commission

### Appointments

4. Resolution: Charlottesville Affordable Housing Fund Committee membership, replacing Resolution #R-23-012 (1 reading)
5. Resolution: Appointing the membership of the Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Task Force, Pursuant to City Code Section 2-417 (1 reading)

### Consent Agenda\*

6. Minutes: February 6 Council meeting, February 8 joint Council-School Board work session, February 10 and 13 special meetings
7. Resolution: Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$ 229,803 (2nd reading)
8. Resolution: Appropriating Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program (2nd reading)

- 9. Resolution: Appropriating State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement in the amount of \$7,743 (2nd reading)
- 10. Resolution: Appropriating funds for appraisal services at 0 East High Street - \$3,800 (2nd reading)
- 11. Resolution: Appropriating funds for the purchase of Charlottesville Area Transit radio equipment - \$237,000 (2nd reading)
- 12. Resolution: Considering a Special Use Permit for the Three Notch'd Brewery Expansion (1 reading)
- 13. Resolution: Appropriating funds for reimbursement of United Way Community Resource Hotline Staff Costs - \$45,559.02 (1 of 2 readings)
- 14. Resolution: Authorizing Signature Authority for Virginia Department of Transportation (VDOT) (1 reading)
- 15. Resolution: Supporting redevelopment of 1025 Park Street A & B (formerly MACAA Redevelopment) (1 reading)

**City Manager Report**

**Community Matters**

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

**Action Items**

- 16. Appeal: 507 Ridge Street - BAR Denial of a Certificate of Appropriateness for Demolition of Cottage/Shed (BAR 22-11-03)
- 17. Resolution: Appropriating funds in support of BEACON's Kitchen Project - \$500,000 (2nd reading, amended)

**General Business**

**Other Business**

**Community Matters (2)**

**Adjournment**

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



Agenda Date:	February 21, 2023
Action Required:	None at this time.
Presenter:	Joseph Dell'Olio
Staff Contacts:	Ashley Marshall, Deputy City Manager
<b>Title:</b>	<b>Polco National Community Survey Presentation</b>

**Background**

The National Community Survey™ (The NCS™) report is about the “livability” of Charlottesville. A livable community is a place that is not simply habitable, but that is desirable. It is not only where people do live, but where they want to live. The survey was developed by the experts from National Research Center at Polco. The report provides the opinions of a representative sample of 371 residents of the City of Charlottesville collected from November 9th, 2022 to December 22nd, 2022. The margin of error around any reported percentage is 5.1% for all respondents and the response rate for the 2022 survey was 14%. Survey results were weighted so that the demographic profile of respondents was representative of the demographic profile of adults in Charlottesville. In addition to the randomly selected “probability sample” of households, a link to an online open participation survey was publicized by the City of Charlottesville

**Discussion**

**Survey Methods**

The 2,800 randomly selected households received mailings beginning on November 9th, 2022 and the survey remained open for 7 weeks. The first mailing was a postcard inviting the household to participate in the survey. The next mailing contained a cover letter with instructions, the survey questionnaire, and a postage-paid return envelope. All mailings included a web link to give residents the opportunity to respond to the survey online. All follow-up mailings asked those who had not completed the survey to do so and those who had already done so to refrain from completing the survey again. About 4% of the 2,800 mailed invitations or surveys were returned because the household address was vacant or the postal service was unable to deliver the survey as addressed. Of the remaining 2,682 households that received the invitations to participate, 371 completed the survey, providing an overall response rate of 14%. The response rate was calculated using AAPOR’s response rate #2\* for mailed surveys of unnamed persons.

In addition to the randomly selected “probability sample” of households, a link to an online open participation survey was publicized by the City of Charlottesville. The open participation survey was identical to the probability sample survey with two small updates; it included a map at the beginning asking where the respondent lives and a question about where they heard about the survey. The open participation survey was open to all city residents and became available on December 7th, 2022. The survey remained open for 2 weeks. The data presented in the following tabs exclude the open-participation survey data, but a tab at the end provides the complete frequency of responses to

questions by the open-participation respondents.

### **Key Findings**

- Residents generally feel safe in Charlottesville but have some concerns about police services.
- Residents appreciate Charlottesville's natural environment and recreational opportunities.
- Charlottesville residents widely use alternative forms of transport and support increasing transportation options.
- While ratings for utilities are strong overall, Charlottesville residents point to affordable high-speed internet access as an area of opportunity.

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

The National Community Survey aligns with Goal 5: A Well-Managed and Responsive Organization as it will provide information for the City staff to utilize for service delivery and information for Council to utilize as it begins strategic planning processes.

### **Community Engagement**

The survey was both a random sampling of the community and had an open component so any member of the community could have the opportunity to respond.

### **Budgetary Impact**

Funding was budget neutral.

### **Recommendation**

N/A.

### **Alternatives**

N/A

### **Attachments**

1. The NCS Presentation Charlottesville VA 2023 Final



**Polco**



**National Research Center**

**THE NCS™**

THE NATIONAL COMMUNITY SURVEY™

# Results for Charlottesville, VA 2022 National Community Survey™





## Civic Communication & Analytics Platform

Smarter, better connected communities. A civic surveying, policy polling, and constituent communication tech platform.



## Advanced Survey Science & Performance Analytics

Data insights to help communities move forward. The premiere provider of professional civic surveys and performance benchmarking analyses.

**Questions about our product?**

Visit [www.polco.us](http://www.polco.us) to learn more

**Exclusive partners of:**





# Role of Resident Surveys in Local Governance



**Monitor trends in resident opinion**



**Measure government performance**

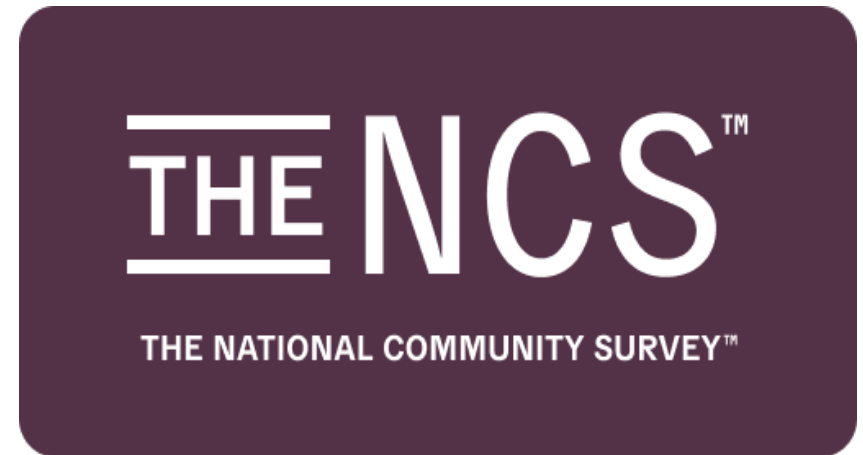


**Inform budget, land use, strategic planning decisions**



**Benchmarking to other communities**

# Facets of Community Livability





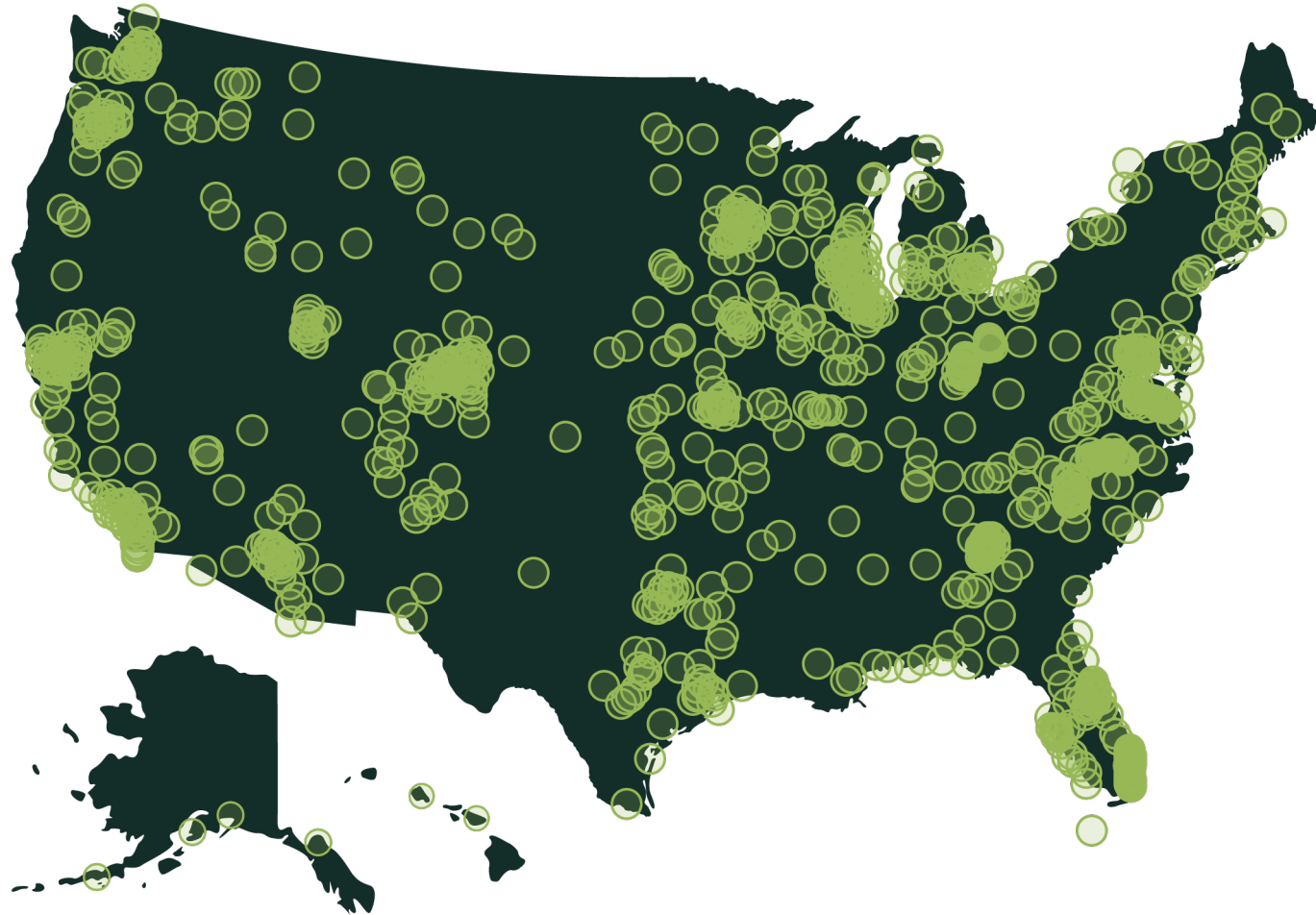
# The National Community Survey™ in Charlottesville



## The NCS™ for Charlottesville, VA

- Fifth time conducting The NCS (previous surveys in 2012, 2014, 2016, and 2018)
- Survey conducted from November 9, 2022 – December 21, 2022
- Mailing approach employed:
  - Probability-based sample of 2,800 randomly selected households
  - 371 total responses received
  - 14% overall response rate
  - Non-probability, open-participation survey: 356 responses
- Results statistically weighted to reflect Charlottesville overall
- 95% confidence interval with a +/- 5% margin of error

# Polco's Benchmarking Database



More than **500** comparison communities across the nation.

Representing the opinions of more than **50 million** residents.





# Overview of Survey Results



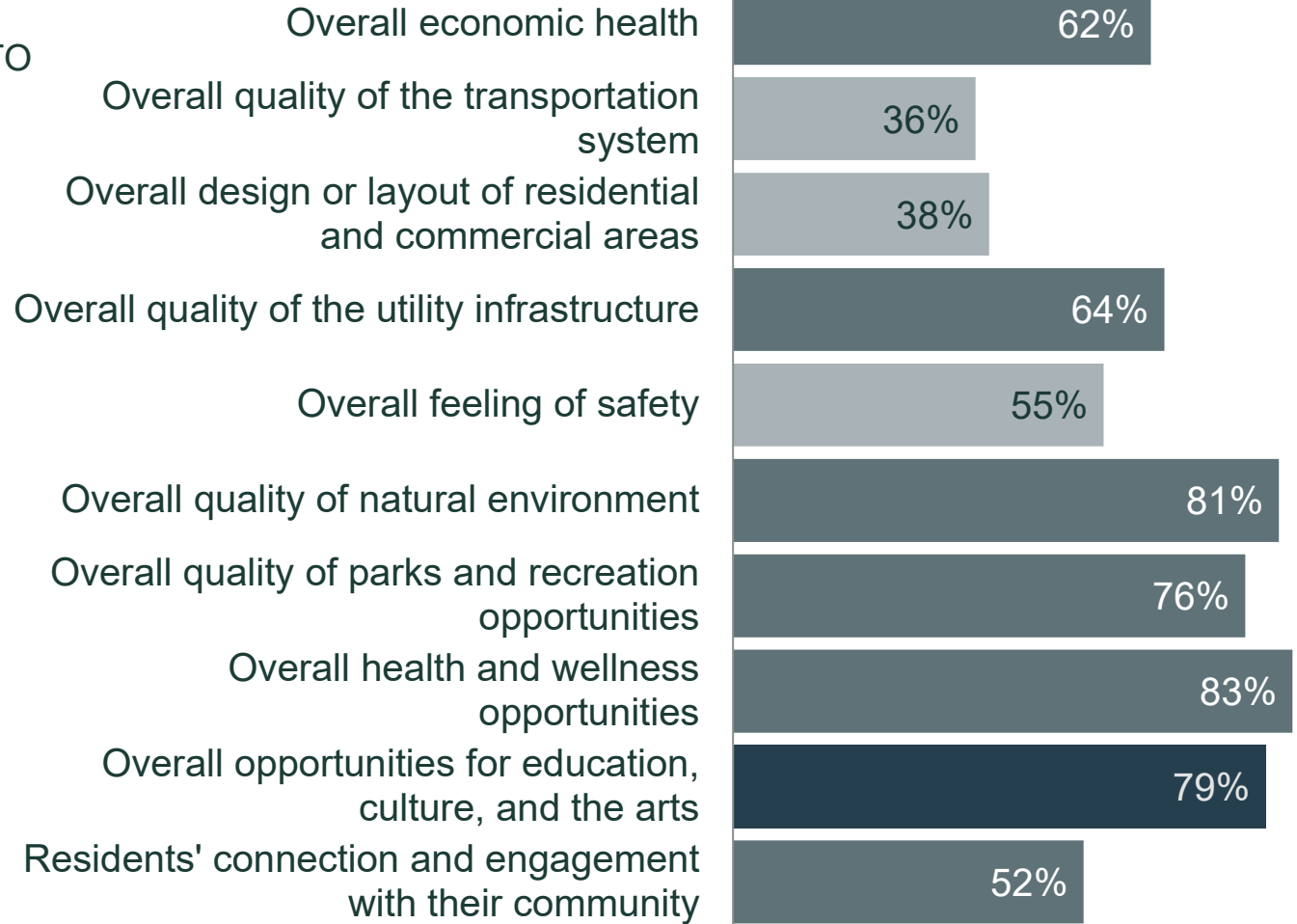


# Facets of Community Livability: Quality

COMPARISON TO NATIONAL BENCHMARK:

- Higher
- Similar
- Lower

## PERCENT EXCELLENT or GOOD



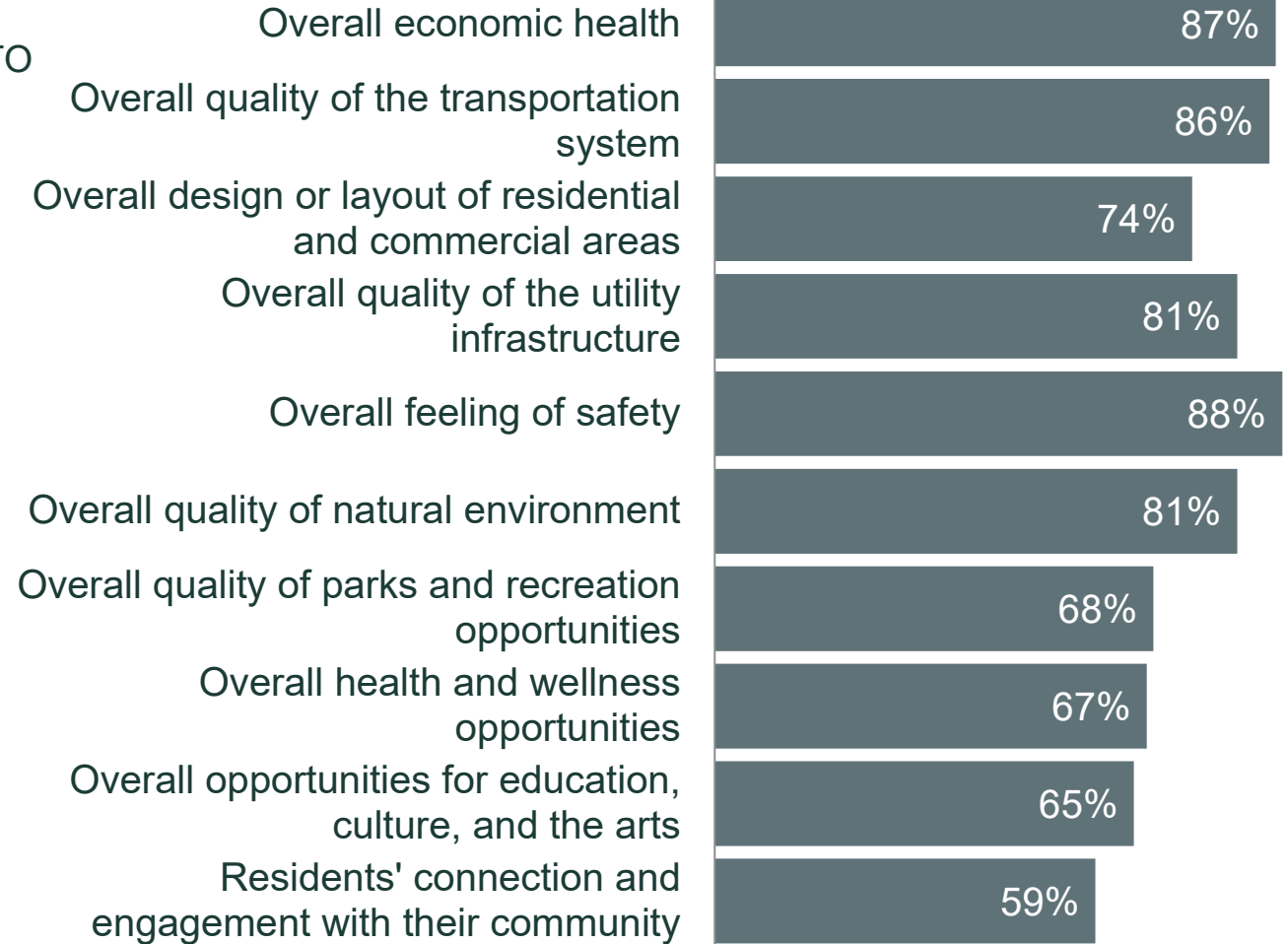


# Facets of Community Livability: Importance

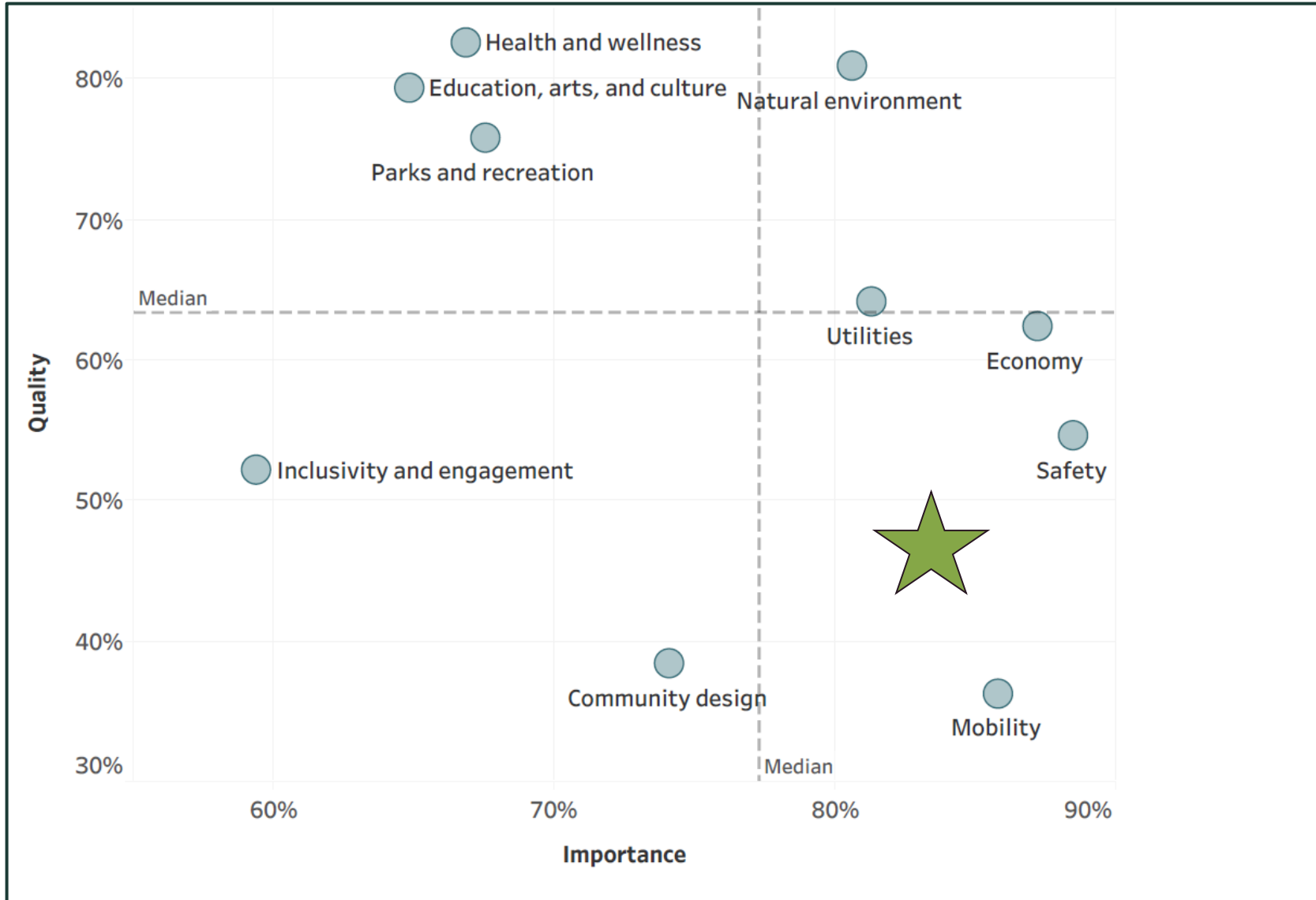
COMPARISON TO NATIONAL BENCHMARK:

- Higher
- Similar
- Lower

## PERCENT ESSENTIAL OR VERY IMPORTANT

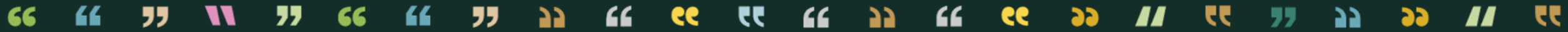
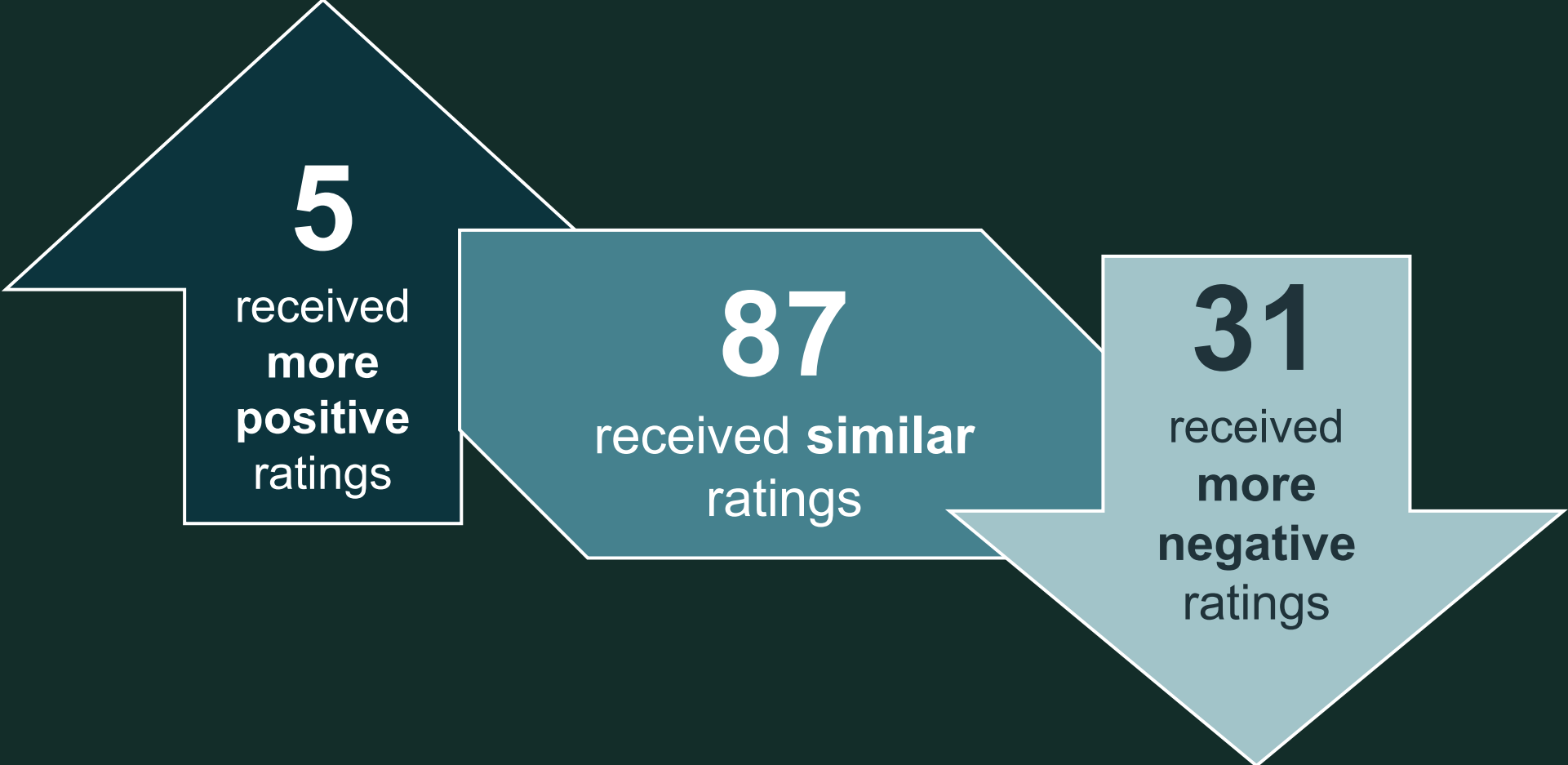


# Balancing Quality and Importance



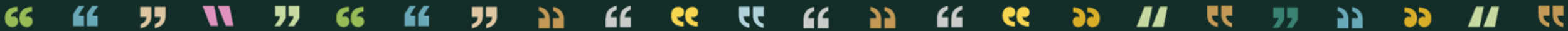


# Comparisons to National Benchmarks





# Comparisons from 2018 to 2022







# Key Findings





## Key Finding #1

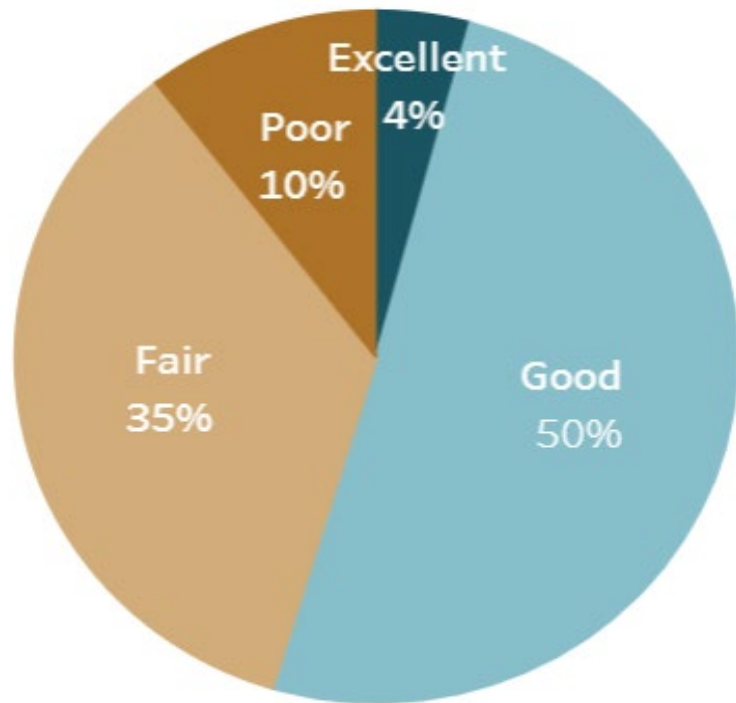
Residents generally feel safe in Charlottesville but have some concerns about police services.



# Safety in Charlottesville



Overall feeling of safety in Charlottesville, 2022

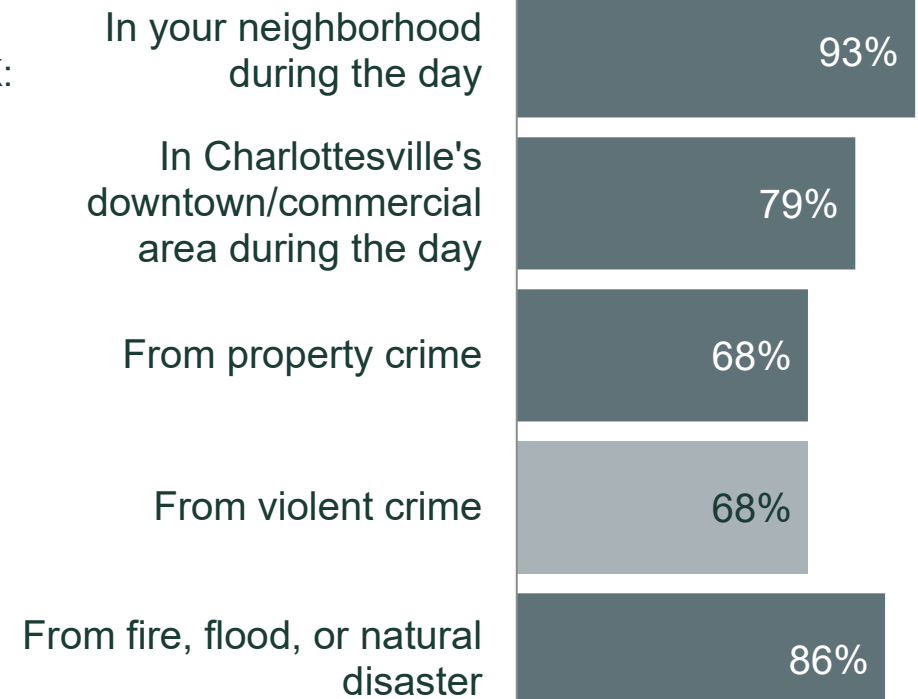


Please rate how safe or unsafe you feel:

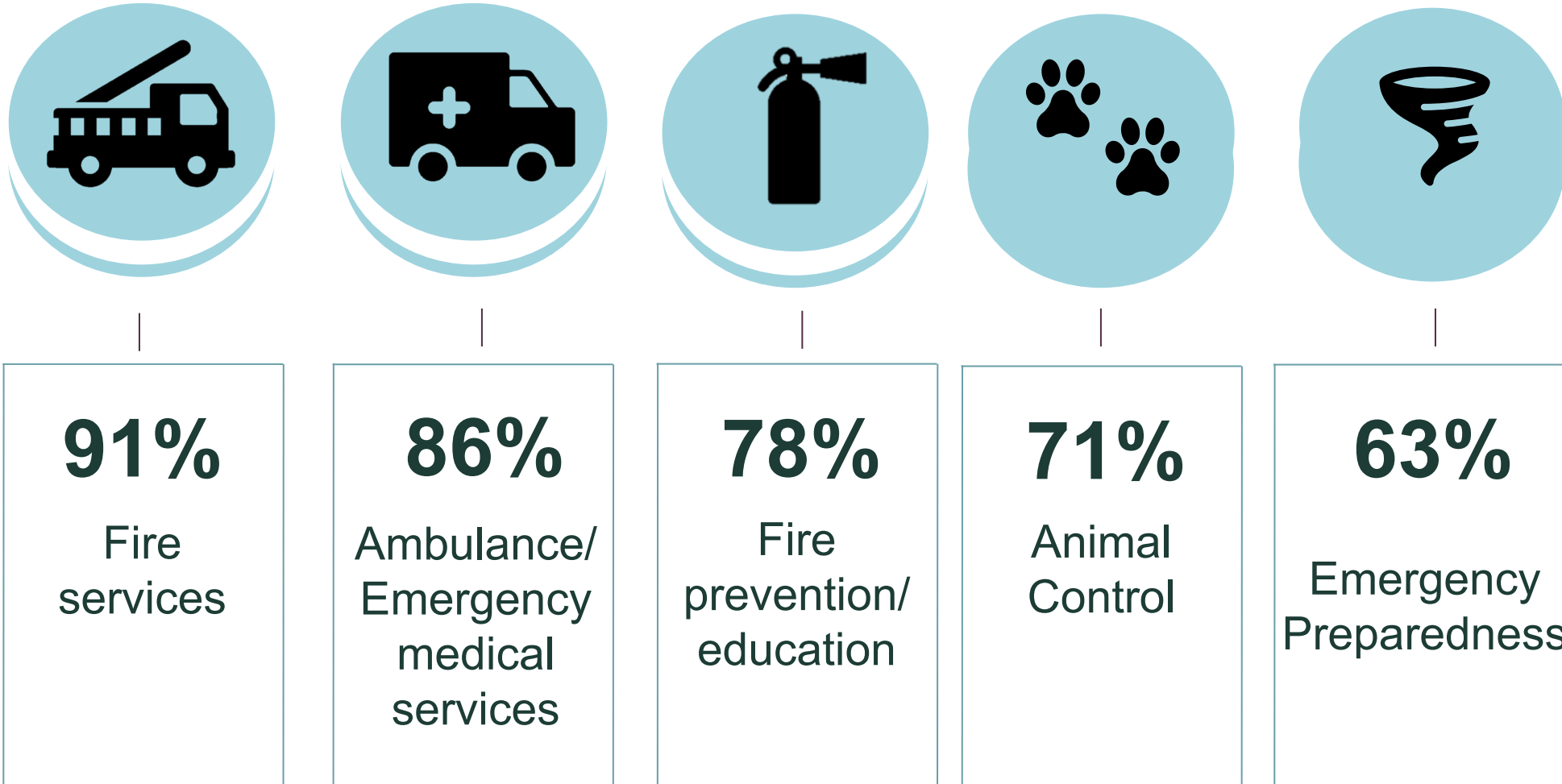
COMPARISON TO NATIONAL BENCHMARK:

- Higher
- Similar
- Lower

PERCENT VERY OR SOMEWHAT SAFE



# Safety Services in Charlottesville



Percent excellent or good  
All similar to national and peer benchmarks



↓ \*Lower than benchmark

## Police Services

Overall quality of police/sheriff services (53%) ↓

Overall quality of crime prevention (37%) ↓

\*Percent excellent or good

The city should focus on reducing crime and disorder (74%)

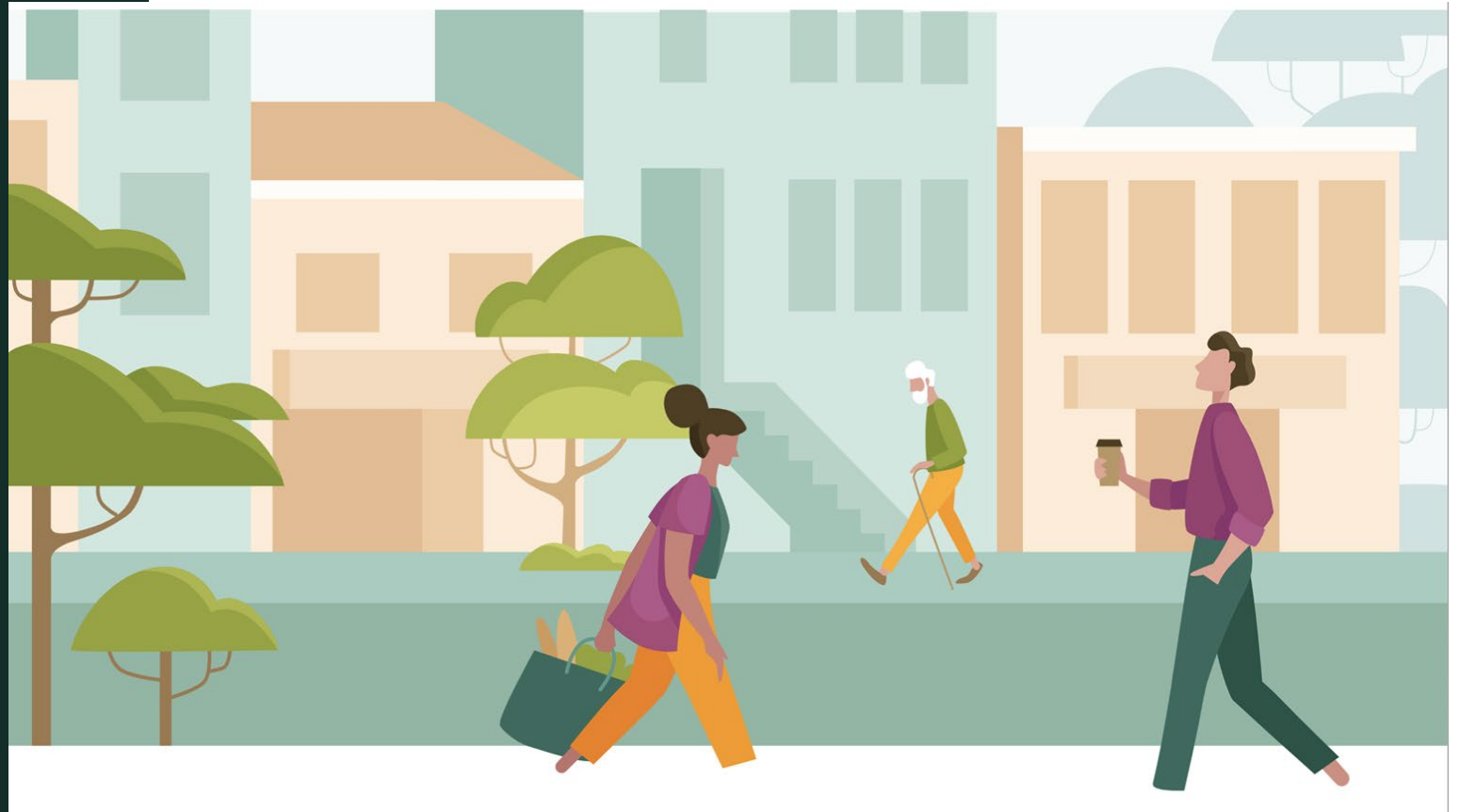
It is essential or very important for the City to increase service levels for police patrol and investigative services (70%)

## Resident Priority



## Key Finding #2

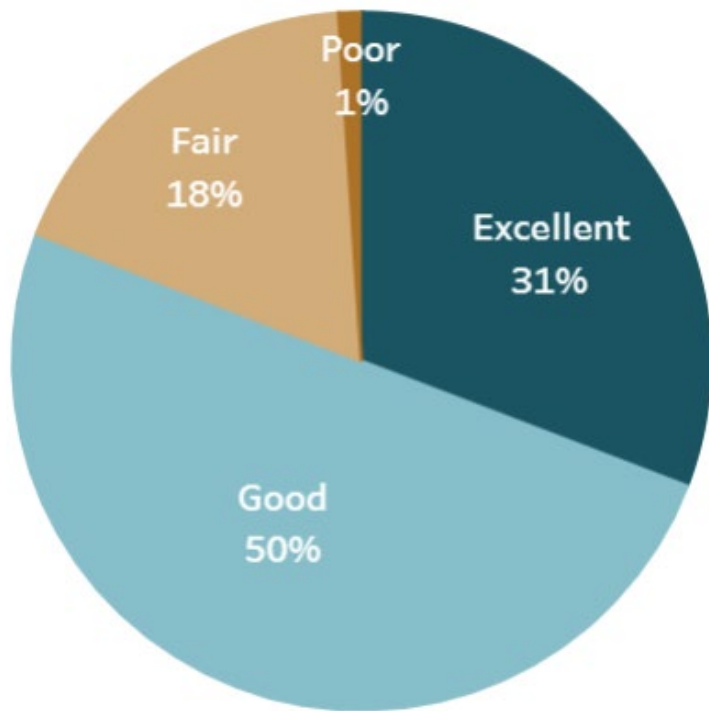
Residents appreciate Charlottesville's natural environment and recreational opportunities.



# The Natural Environment in Charlottesville



Overall quality of natural environment in Charlottesville, 2022

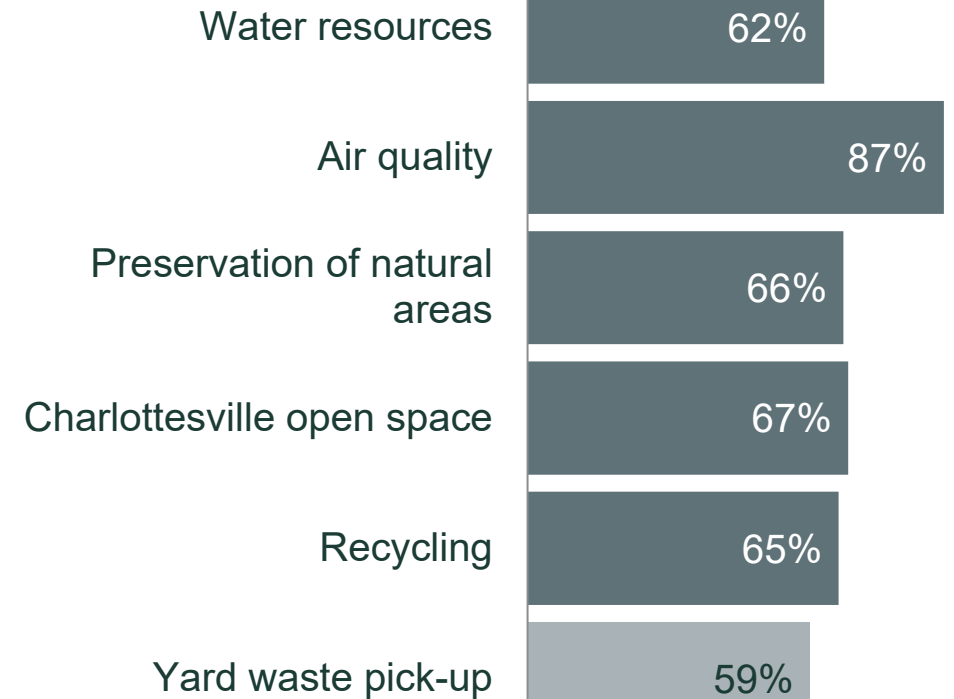


Please rate each of the following in the Charlottesville community:

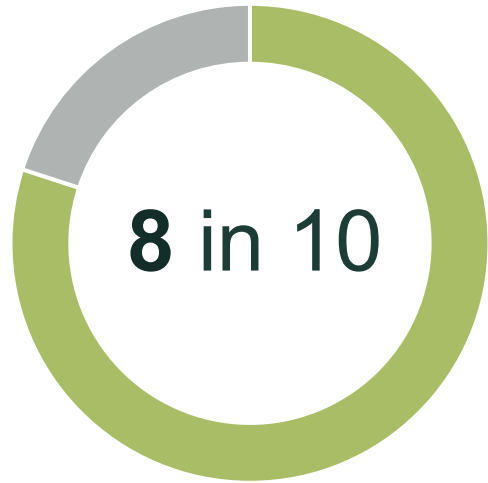
COMPARISON TO NATIONAL BENCHMARK:

- Higher
- Similar
- Lower

PERCENT EXCELLENT OR GOOD



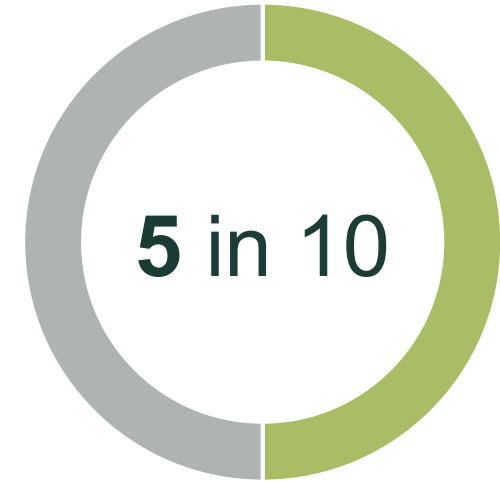
# Parks and Recreation in Charlottesville



There are sufficient fitness opportunities and availability of paths and walking trails.



Charlottesville provides excellent or very good quality recreation programs and facilities.



It is essential or very important to provide more and improved parks and open space.





### Key Finding #3

Charlottesville residents widely use alternative forms of transport and support increasing transportation options.



# Mobility in Charlottesville



Overall quality of the transportation system in Charlottesville, 2022



61% Ease of travel by car

60% Ease of walking in Charlottesville

38% Ease of public parking

30% Traffic flow on major streets

27% Ease of travel by bicycle

20% Ease of travel by public transportation



## Key Finding #4

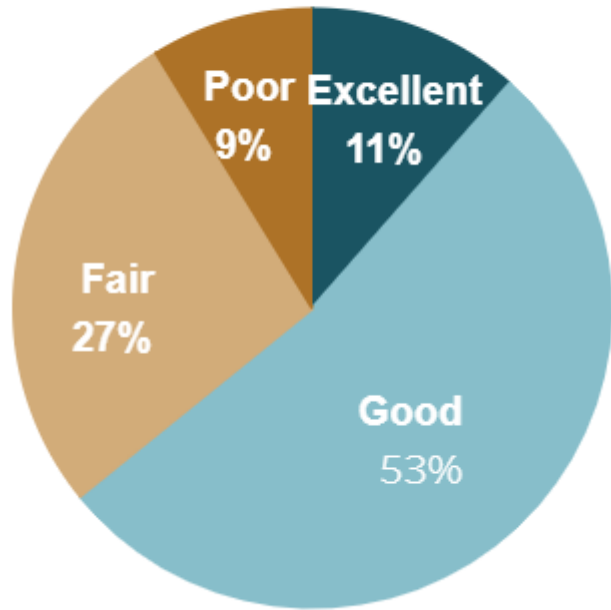
While ratings for utilities are strong overall, Charlottesville residents point to affordable high-speed internet access as an area of opportunity.



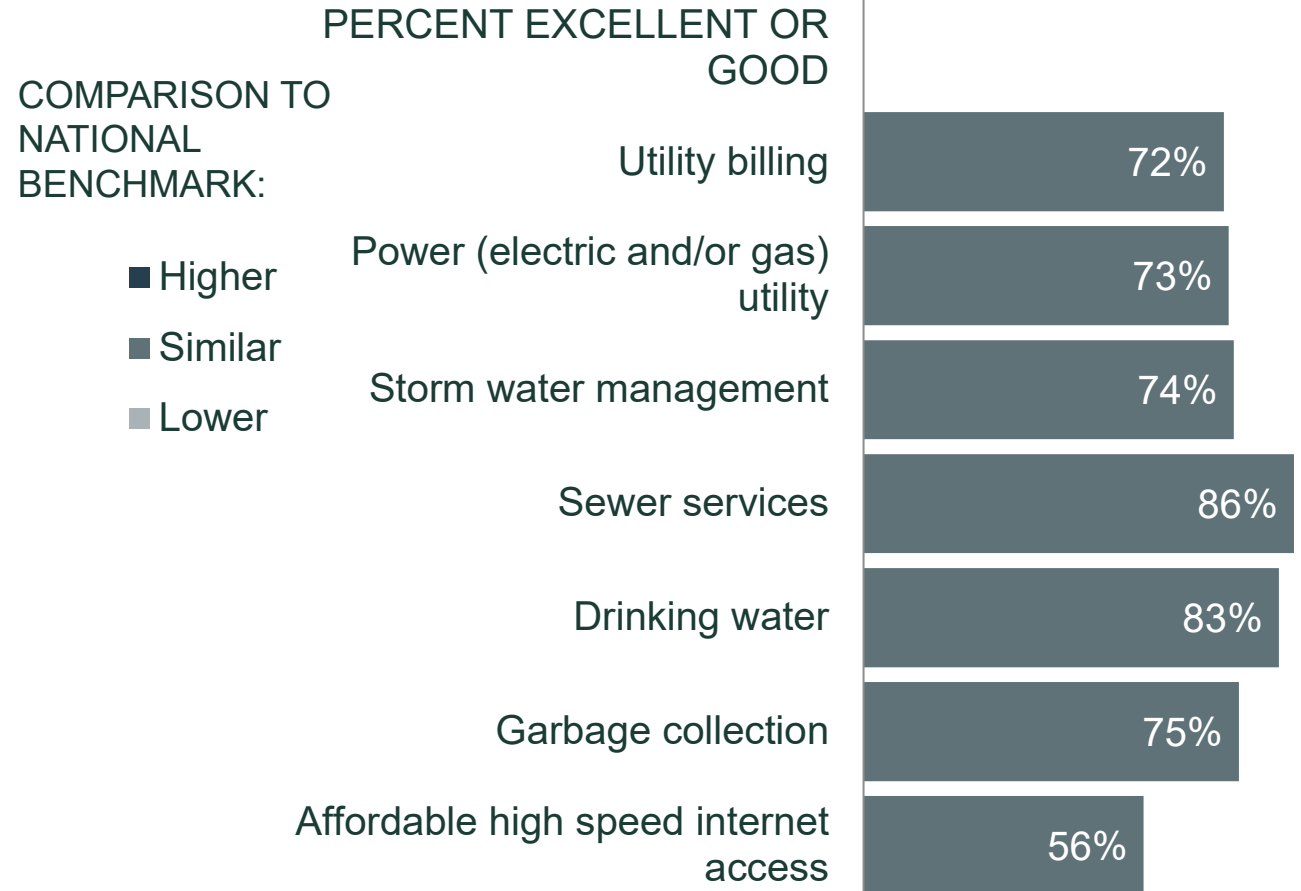
# Utilities in Charlottesville



Overall quality of the utility infrastructure in Charlottesville, 2022



Please rate the quality of each of the following services in Charlottesville:



# Additional Special Topics

13. For each of the following City services, please indicate if you think the current service level should be increased, remain at current levels, or be decreased.

	Increase service	Keep current service level	Decrease service	Don't Know
Building permit and inspection services .....	1	2	3	4
Street and sidewalk maintenance and repairs .....	1	2	3	4
Park maintenance .....	1	2	3	4
Traffic system improvements (intersections, signs, lanes, etc.) .....	1	2	3	4
Bicycle and pedestrian infrastructure .....	1	2	3	4
Police patrol and investigative services .....	1	2	3	4
Proactive code enforcement .....	1	2	3	4
Communicating with residents about City programs, services, and activities.....	1	2	3	4
Providing competitive grant funding to local non-profit agencies.....	1	2	3	4
Downtown parking management/enforcement .....	1	2	3	4

14. How important, if at all, are the following issues for the City to address within the next two years?

	Essential	Very important	Somewhat important	Not at all important
Providing quality affordable housing.....	1	2	3	4
Providing services to ensure City is AARP Age-Friendly .....	1	2	3	4
Providing supportive services to previously incarcerated persons .....	1	2	3	4
Increasing services to support the homeless population.....	1	2	3	4
Increasing economic development activities.....	1	2	3	4
Developing job training opportunities .....	1	2	3	4
Increasing the generation of revenue to support City services .....	1	2	3	4
Improving downtown Charlottesville.....	1	2	3	4
Improving park conditions .....	1	2	3	4
Providing more parks and open space .....	1	2	3	4
Improving environmental quality .....	1	2	3	4
Improving street paving conditions .....	1	2	3	4
Improving street and pedestrian lighting .....	1	2	3	4
Reducing crime and disorder .....	1	2	3	4
Improving traffic flow and pedestrian safety .....	1	2	3	4
Increasing transportation options (i.e. car/bike share, shuttles) .....	1	2	3	4
Increasing amount of City-sponsored cultural and community festivals.....	1	2	3	4
Positively marketing the City.....	1	2	3	4

# Charlottesville City Services



For each of the following City services, please indicate if you think the current service level should be increased, remain at current levels, or be decreased.

## Increase Service Level



- Bicycle and pedestrian infrastructure

## Equal increase/Keep Current

- Communicating with residents
- Competitive grant funding to local non-profits
- Traffic System improvements
- Police patrol and investigative services

## Keep Current Service Level

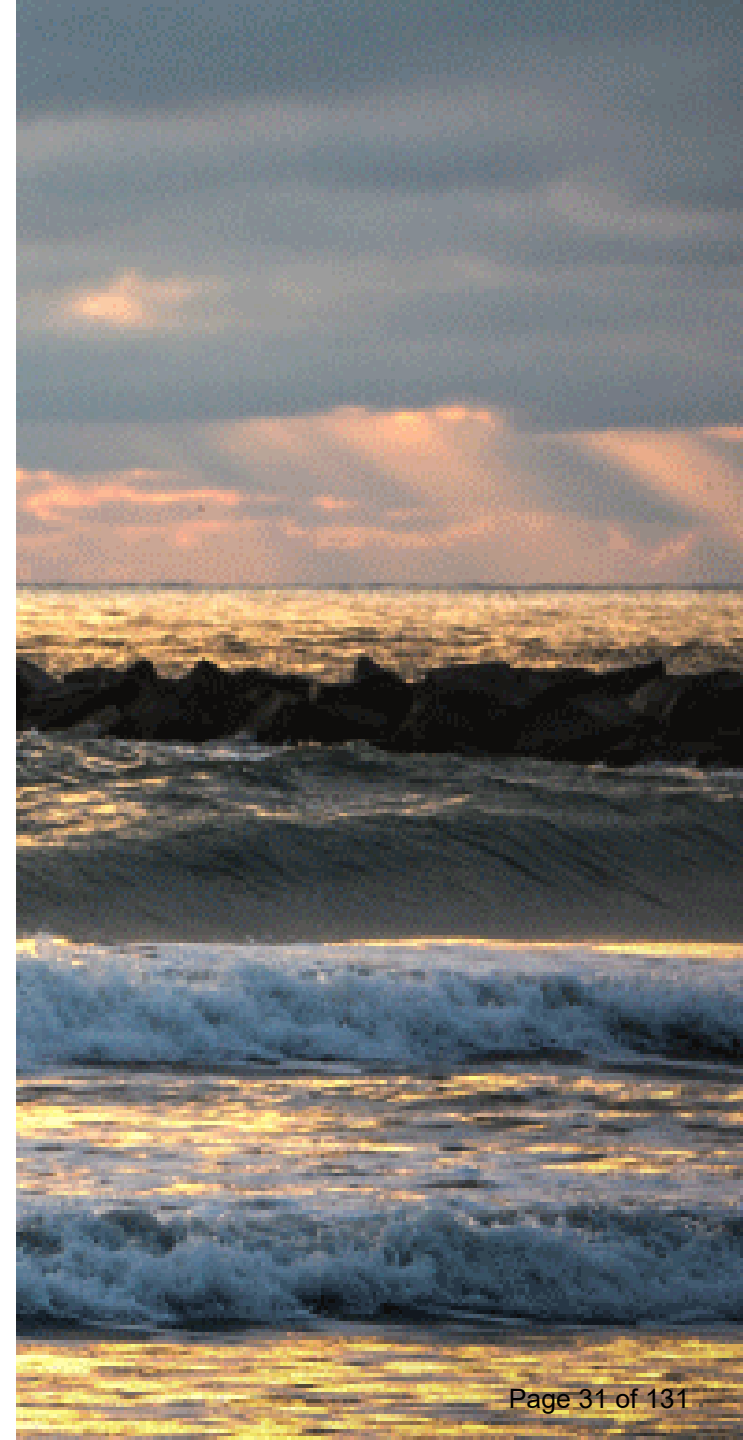


- Downtown parking enforcement
- Proactive code enforcement
- Park maintenance
- Street and sidewalk maintenance and repairs
- Building permit and inspection service



# Summary of Conclusions

- Residents generally feel safe in Charlottesville but have some concerns about police services.
- Residents appreciate Charlottesville's natural environment and recreational opportunities.
- Charlottesville residents widely use alternative forms of transport and support increasing transportation options.
- While ratings for utilities are strong overall, Charlottesville residents point to affordable high-speed internet access as an area of opportunity.



# Debriefing The Survey Results

**What findings did you expect?**

**What findings were surprising?**

**Are there areas where you need to dig deeper?**

**In what areas should you focus?**

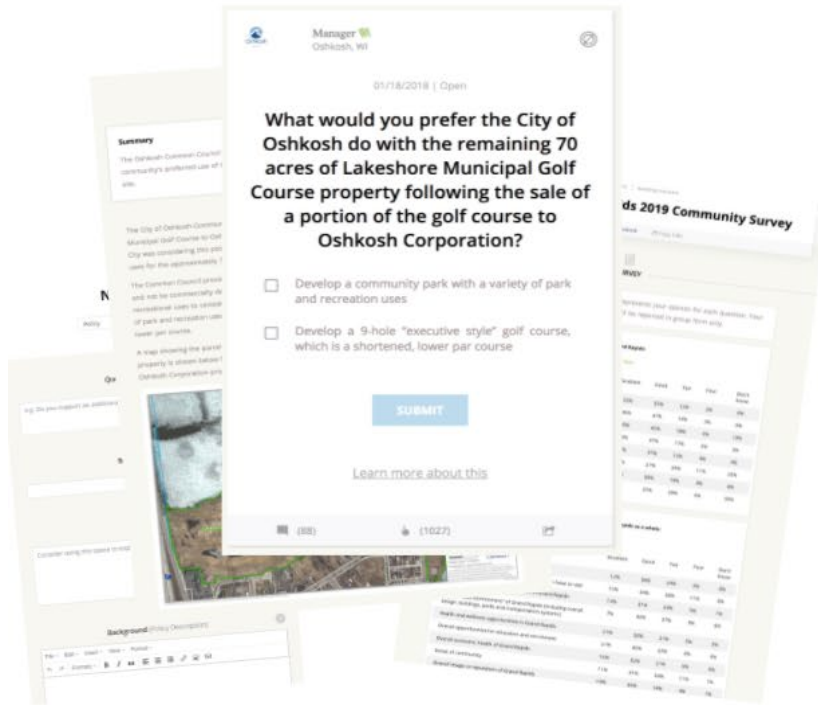


# Continue Resident Engagement on Polco



Don't let the community input and dialogue conclude with the survey.

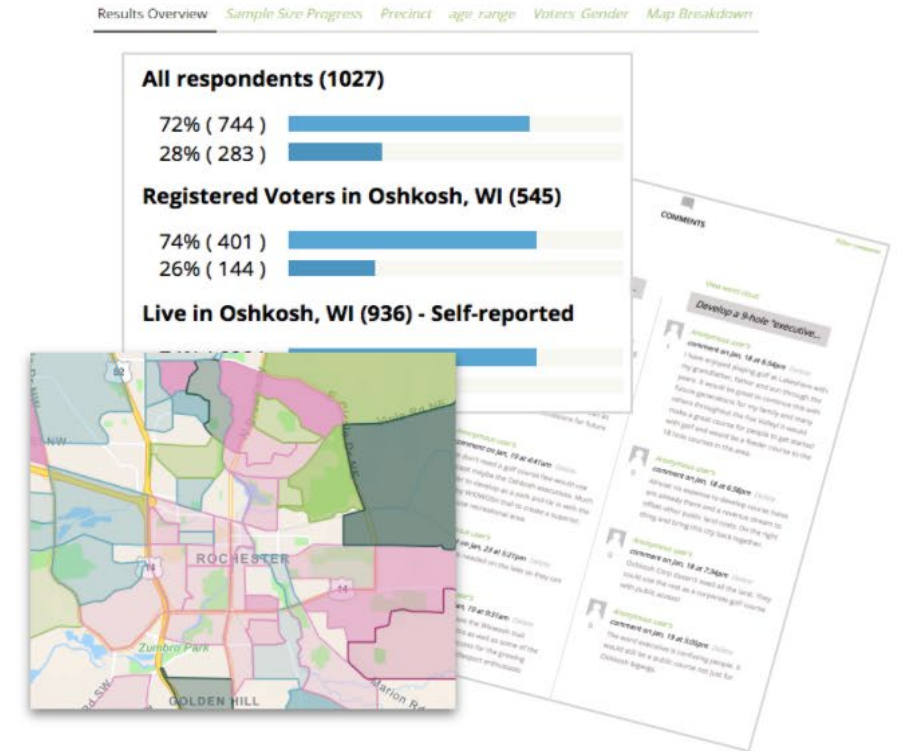
## Post



## Share



## Analyze



- Library of professional civic content
- Easily post custom surveys & polls

- Representative samples of households
- Accumulating residents on digital panels

- Maps, trendlines and dashboards
- Advanced benchmarking analyses

# Polco Performance Dashboards



More participation



Good government



More informed participation



Data driven performance management



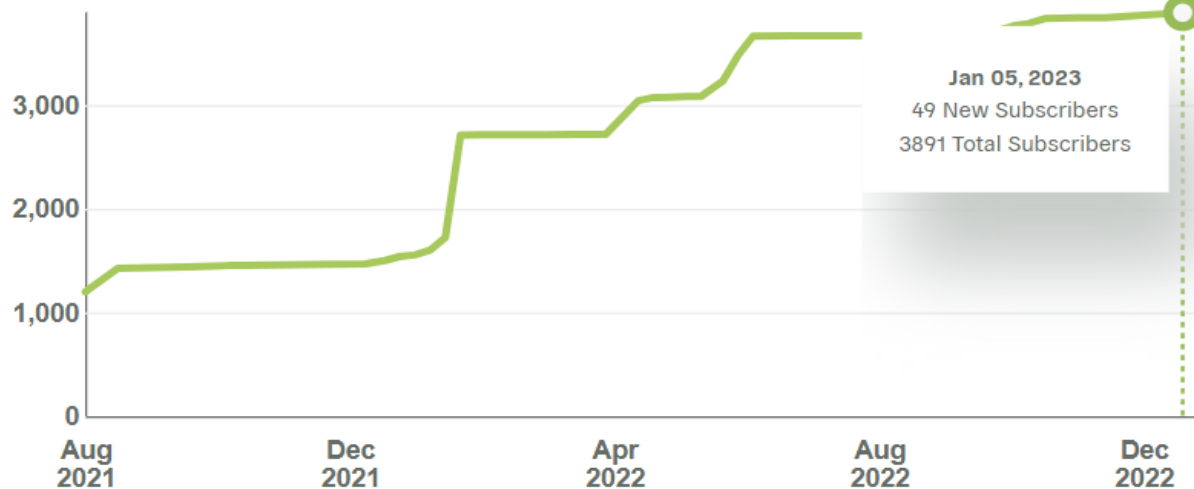
Better balanced participation



Save staff time and effort

Subscriber Growth Over Time (per week)

What's This?



**Polco**

ENGAGEMENT

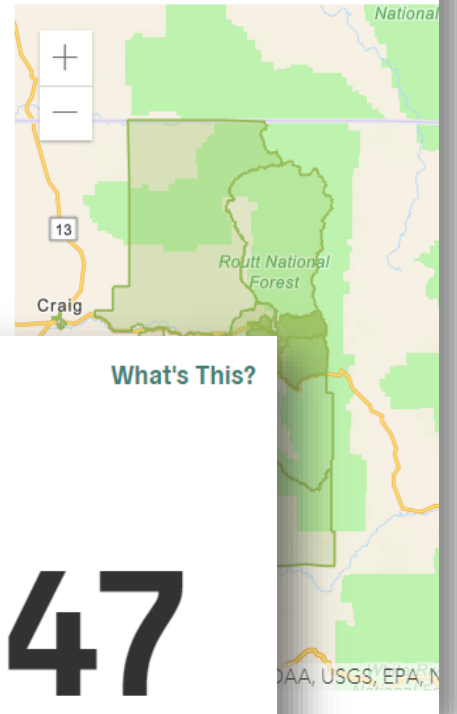
- Participants
- Content
- Outreach
- Polco Library

ACCOUNT

- Profile
- Settings
- Superadmin
- Configuration
- Benchmark Requests

## Participants

Residence of verified subscribers



Total Responses

What's This?

1,147

UNCHANGED

in the last 30 days

# Questions?



# Thank you!

Joseph Dell'Olio  
Senior Survey Associate  
Polco/National Research Center  
joe@polco.us



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date: February 21, 2023  
Action Required: Consideration of Recommendations  
Presenter: Steven Gaines, Urban Forester  
Staff Contacts: Steven Gaines, Urban Forester  
**Title: State of the Forest - Tree Commission**

**Background**

The City of Charlottesville Tree Commission provides an annual “State of the Forest” report to Council showcasing tree plantings, canopy coverage, benefits, and any concerns or issues related to the City’s public trees and forests.

**Discussion**

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

The Tree Commission is a public body appointed by City Council, with meetings open to the public and members of the public comprise the Commission.

**Community Engagement**

Green City, Applications of Climate Action Plan

**Budgetary Impact**

Report only, no budget impact.

**Recommendation**

See report

**Alternatives**

None

**Attachments**

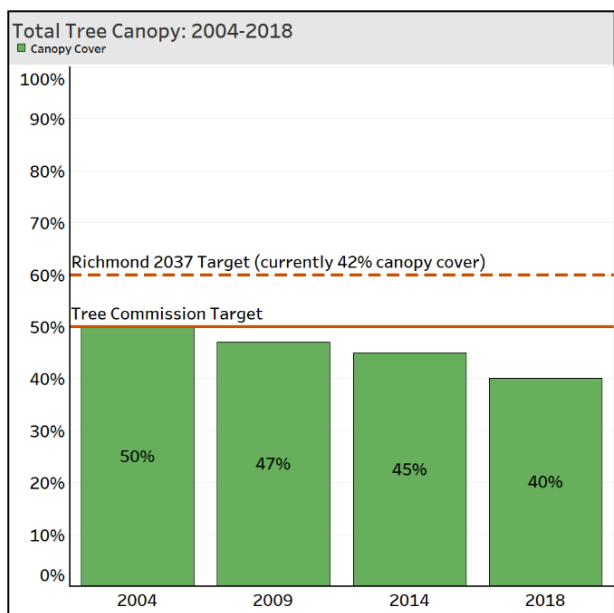
1. STATE OF THE URBAN FOREST\_FY22

# STATE OF THE URBAN FOREST - FY2022 Report of the Charlottesville Tree Commission

The Tree Commission works with the Parks & Recreation Department to protect and improve the urban forest so that **the City can reach its goals for public health, energy conservation, climate sustainability, stormwater management, water and air quality, and environmental justice and equity.**

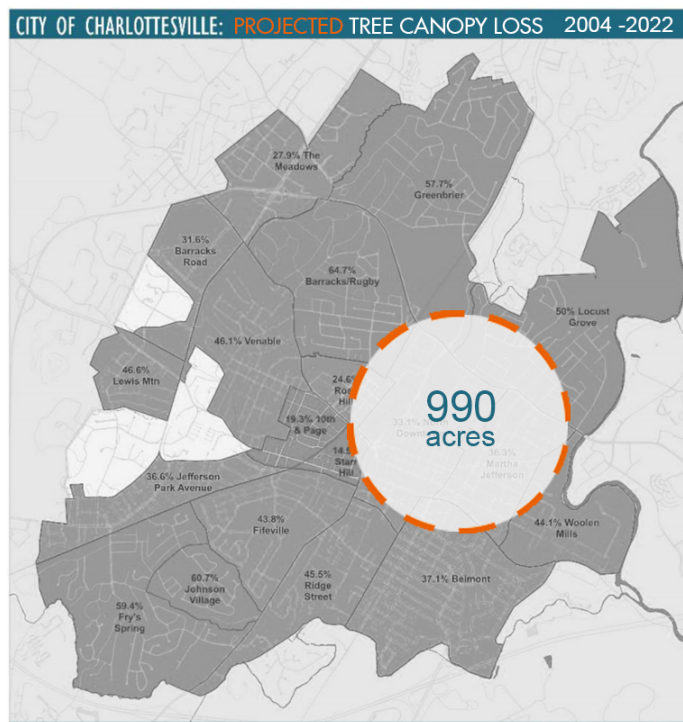
2022 was another year of challenges in achieving these aims. The Park’s department was without an Urban Forester for almost five months of that time and reductions in staff resources affected the ability of Parks & Recreation to meet green infrastructure goals. This report reflects these realities while offering some hope for the years ahead.

**Decline of the Urban Tree Canopy — Rather than robust and flourishing, Charlottesville’s overall tree canopy continues to decline at an accelerating rate.**



The last expert analysis of satellite imagery from 2018 shows a 10% reduction in tree canopy between 2004 and 2018, from 50% coverage to 40%. What is worse, the rate of loss is increasing over time.

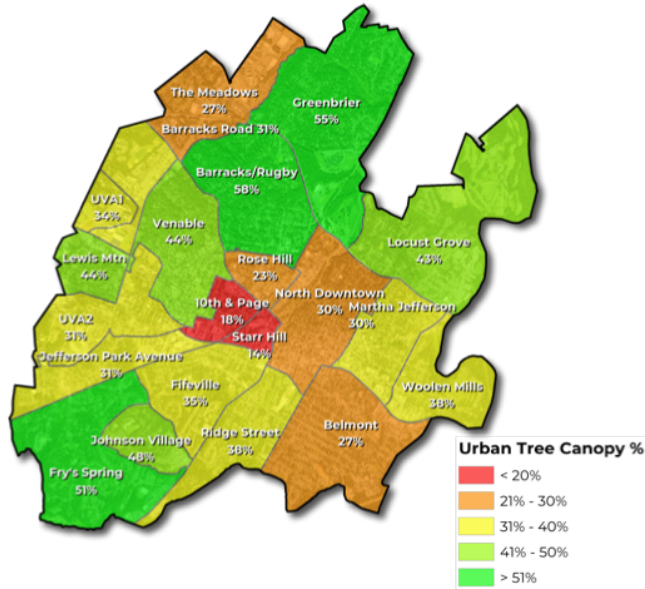
**Today, five years later, the total canopy loss may be closer to 35%, equal to a loss of 990 acres in less than two decades as seen on the map below.**



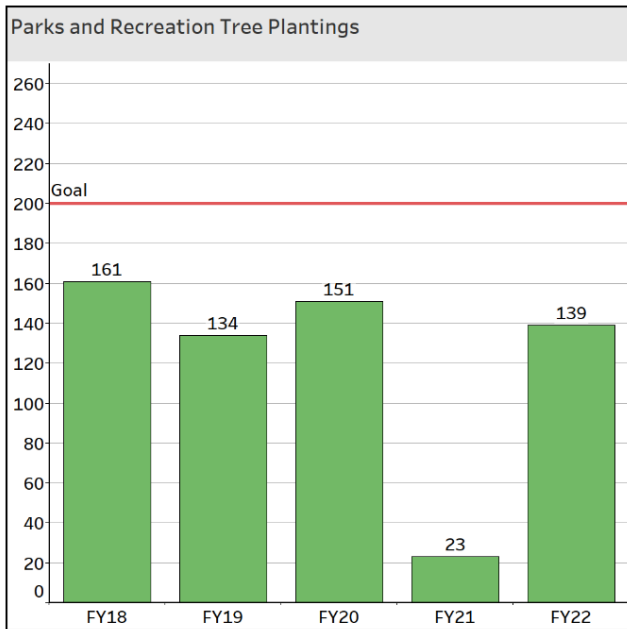
It is not impossible to increase tree canopy even in a developing city. Richmond continues to reach its goal of 60% canopy from its current coverage of 42%, and Washington DC also continues to increase its canopy coverage.

**Heat Islands, Public Health, & Justice — The canopy decline across all neighborhoods is most acute in low-income neighborhoods.** Fourteen of the city’s 19 neighborhoods are now below 40% canopy cover, and two of these are extremely low-canopy, below 20%. These neighborhoods face higher surface temperatures, greater utility costs, and their residents suffer the greatest physical stress, accounting for the majority of heat-related illnesses in any community.

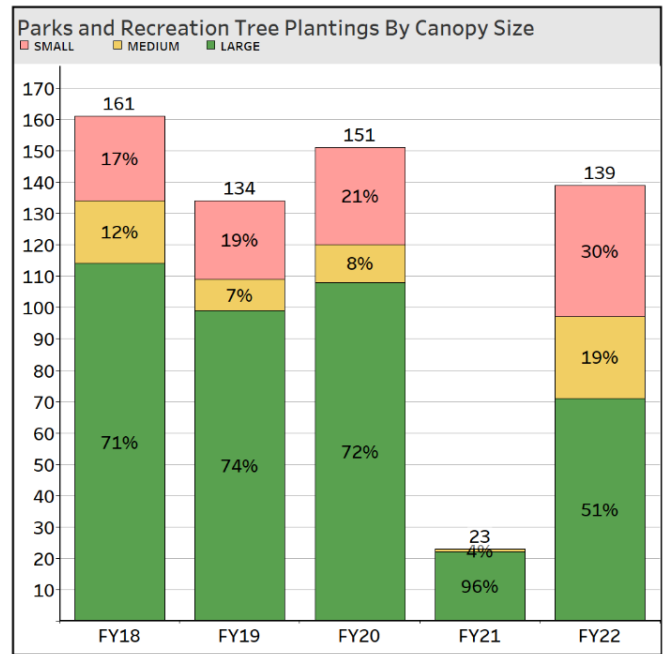
By these measures, Starr Hill and 10th & Page (below 20% canopy) and Belmont, Rose Hill, and The Meadows (below 30%) fare worse in the City. The map below shows that the City's low-canopy neighborhoods primarily correlate with lower-income neighborhoods.



**Critical Need to Plant Trees**—The City's goal is to plant 200 trees every year. It has not met this goal in any of the past five fiscal years, especially FY21 when the fiscal impact of Covid resulted in only 23 trees planted.

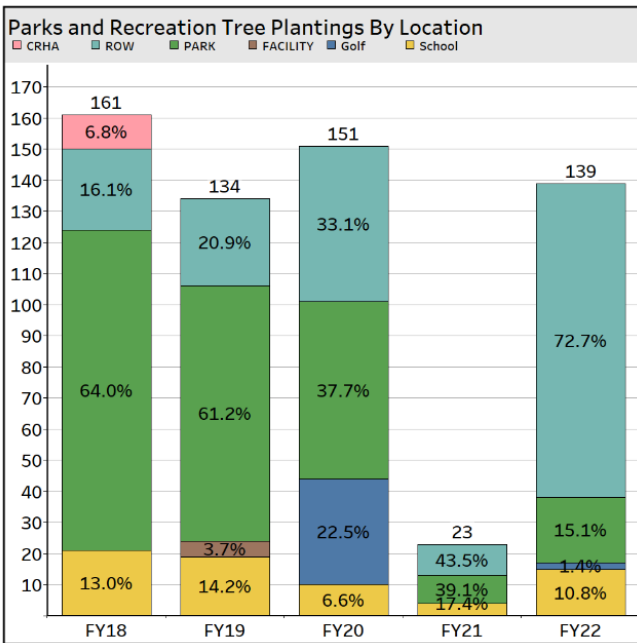


Compounding this shortfall, the City has removed more trees than it has replaced. **With devastating storms and diseases, especially the emerald ash borer, the City lost approximately 165 trees in FY22.**



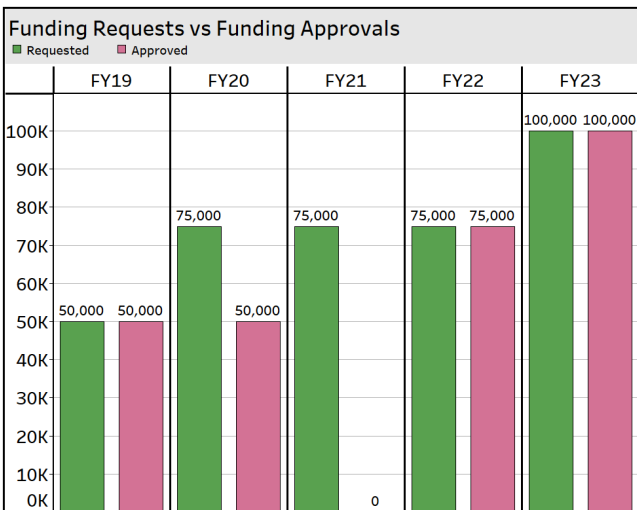
**Planting Large Canopy Trees** — A Tree Commission goal is to primarily plant shade trees. This accords with the goals of fostering healthier neighborhoods, providing greater shade for pedestrians, reducing energy costs, and mitigating pollution. As the graph above indicates, Parks & Recreation continues to include a high percentage of large canopy trees among those it plants each year.

**Location of Trees Planted on Public Property** — The graph below shows that plantings were primarily in the public right-of-way (ROW) in FY22. While these trees contribute to the overall tree canopy and provide shade for walkers, they do not provide sufficient shade to cool pedestrians where they play and gather. Thus, for the next couple of years, the Tree Commission will also prioritize planting on school grounds and parks. In order to improve tree canopy cover in low-canopy neighborhoods where there is little public property, the Tree Commission initiated ReLeaf Cville to plant on private property where the City cannot.



**Financial Investment in the Urban Forest –**

The financial uncertainty of the pandemic led to the elimination of the FY21 CIP budget for tree planting. **Fortunately, the City’s financial resources rebounded resulting in an increase for tree planting to 75K in FY22 and 100K in FY23.**



**It is crucial that the City continue to plant trees, which requires full funding of future CIP requests.**

Further delay in investing in the urban forest will only exacerbate negative health, environmental, and social consequences and reduce the likelihood of closing a years-long gap in planting.

**The inexorable spread of the emerald ash borer is a present dire threat to over 300 ash trees throughout Charlottesville’s urban forest as well as to the safety of citizens on the City’s streets and in its**

**parks.** To counter these threats, the City approved a FY23 request for \$50,000 for removals.

As for the preservation of trees, the Commission appreciates that Council recognizes this important need and for several years has provided funding in Parks & Recreation’s operating budget. The department uses these funds to prune, repair, and protect existing large and valuable trees in the community, especially specimen and historic trees protected under City ordinance.

**Zoning Ordinance Revision** – Both the recent Comprehensive Plan and the Climate Action Plan include excellent aspirations for a more sustainable built environment and healthier natural environment.

**Despite these lofty goals, the urban forest is suffering further fragmentation and degradation primarily as a result of the development of private land. Development often fails to protect and preserve existing trees, and also fails to incorporate appropriate number of new canopy trees.**

One of the most important suggestions in the Climate Action Plan refers to protecting and restoring natural ecosystems by using already **degraded** land for development, as opposed to denuding wild lands. Unfortunately, the City’s current regulations and policies often fail to follow this recommendation and are inadequate to protect and enhance the urban forest. **Thus, the zoning ordinance must be revised to address these deficiencies.**

**Activities of the Charlottesville Tree Commission** – The Tree Commission has continued to meet virtually. Despite this constraint, members worked individually and in small groups to promote the goals of the Tree Commission. What follows are the primary projects undertaken by the committees throughout 2022 into early 2023.

**Education & Advocacy**

- Worked with City staff to improve the Urban Forestry web site.
- Successfully advocated for full funding for tree planting and ash tree removal in the CIP.



- Worked with the Urban Forester to prepare The Downtown Mall Tree Management Plan RFP to better preserve the existing trees and to plan replacements.
- Collaborated with ReLeaf Cville and City of Promise to begin planting trees in the 10<sup>th</sup> and Page neighborhood which resulted in 39 trees planted this past fall.



- As seen in the photo below, participated in ReLeaf’s Environmental Career Fair at CHS to educate teenagers about jobs in the Green Industries.



- Began developing a handout to educate the community about the purpose and work of the Tree Commission.

### Arbor

- Held two events on Arbor Day - with CATS, recognized a notable Elm at Sojourners Church and with ReLeaf Cville, planted an Oak at Clark School with a group of third graders.

- Worked with the Urban Forester to revise priorities for locations of new trees and developed the list of tree species and locations for approximately 160 new trees for this spring.
- Advised the Department of Utilities on tree species for their Arbor Day tree-give-away program which resulted in over 200 tree requests by City residents.
- Began a conversation with PHA about working to save the Oak trees along Garret and 2<sup>nd</sup> Streets as PHA prepares their development plans for Friendship Court.

### Codes & Ordinances

- Continued to participate in virtual meetings of the C’ville Plans Together Steering Committee.
- Prepared for a thorough review of city zoning code and comments on proposed changes affecting trees.
- Prepared comments on the city’s Climate Action Plan.
- Consulted with neighborhood associations on the protection of trees when threatened by development.
- Submitted comments on proposals, including the Azalea Springs development and 5<sup>th</sup> Street safety improvements.
- Prepared comments concerning the critical slope ordinance, which has been consistently waived in the last two years and which is one of the few code provisions meant to protect sensitive environmental areas.

### Looking Forward: How the City Can Protect and Enhance Trees and the Natural Environment

The City should take budgetary and organizational action to support the city’s tree canopy, and live up to this vision as stated in the recently adopted Comprehensive Plan:

**“Charlottesville will be an environmental leader, with healthy air, water and ecosystems, as well as ample, high-quality, and accessible open space, natural areas, and a preserved and enhanced tree canopy.”**

Such environmental systems, including forests, are neither a luxury nor an amenity the city can choose to invest in or not; they are a critical element of the municipal infrastructure and essential to the well-being of all. Following are some steps the City can take to

support this vision.

**1. Fund the current CIP requests** for 100K for tree planting, 100K for the removal of hazardous ash trees, 100K for the ongoing preservation and replacement of the Downtown Mall trees, and 75K to reduce invasive plants that are rapidly outcompeting native vegetation on City-owned properties.

**2. Create a zoning ordinance that treats trees and the natural environment as vital City assets. As stated in the Comprehensive Plan, “Require that zoning changes preserve and enhance natural resources and sensitive environmental areas, designated flood plain areas, steep slopes, rivers, and streams.**

- Strengthen the critical slope and other environmental ordinances in the current rewrite of the zoning ordinance instead of waiting for a second phase.
- Enhance requirements, enforcement, and add penalties for tree protection during construction.
- Increase number of trees required in new development, stressing large canopy trees.
- Provide incentives to save trees in development, whether private or public trees.
- Require meaningful compensation from developers for damages or removal of public trees.
- Eliminate “no setback” waivers that prohibit opportunities to plant street trees.
- Encourage large developments to be located on already degraded land that do not destroy trees, forests, streams, and critical slopes.

**3. Improve the City’s organization to better manage urban forest and all natural resources**

- Encourage greater coordination and integration between Parks & Recreation, NDS, and Public Works.
- Support creation of Natural Resources Manager position.

**4. Enhance charge of the Tree Commission to better advocate for the urban forest and all natural resources**

- Support the Commission’s review of particular site plans, particularly for large-scale development, development that will have negative impact on trees and other natural systems.
- Encourage departments to work together on common goals, and require that a member of the

Environmental Sustainability division attend Tree Commission meetings along with Parks & Recreation and NDS representatives.

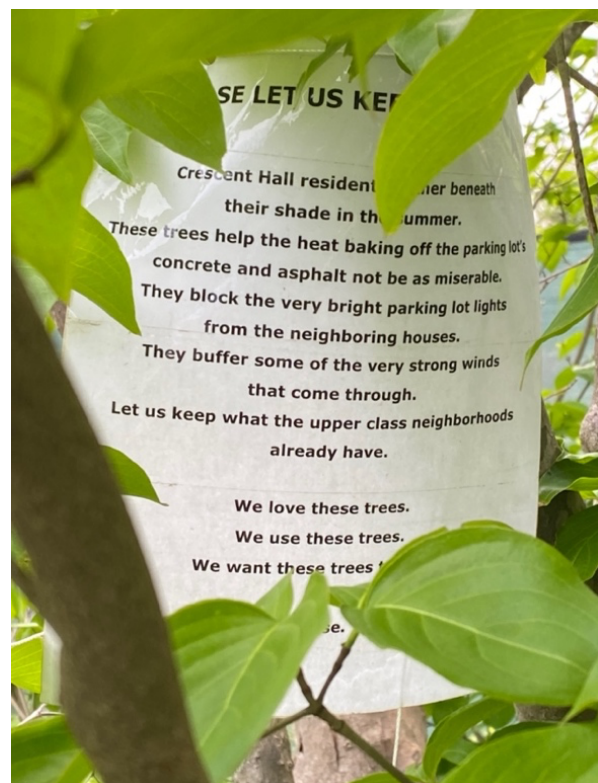
- Explore the creation of a Natural Recourse Commission or expand the Tree Commission’s charge to include enhancement and protection of all natural resources.

## Conclusion

The Tree Commission appreciates the support that City officials and staff, especially in Parks & Recreation, has given us in recent years as we struggled through the pandemic.

We take our charge seriously to advise and advocate for a healthy natural environment with an emphasis on trees. Furthermore, we truly believe we need more affordable housing, **but to be a livable city, we need both more housing and a healthy environment. It does not have to be one or the other.**

Many of our citizens may not be able to visit our state parks and other special natural areas. Therefore, Charlottesville must provide places where they can experience nature. More and more scientific research has found that people living near trees, forests and green space have better health. **This sign, posted by some residents of Crescent Hall expressing their love for their trees, makes the case for a healthy, natural environment within our City for all of its citizens.**



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



Agenda Date:	February 21, 2023
Action Required:	None
Presenter:	James Freas, Director of NDS
Staff Contacts:	James Freas, Director of NDS
Title:	<b>City of Charlottesville Environmental Standards</b>

**Background**

This report follows a discussion at the January 24th Planning Commission work session on the approach to critical slopes and the floodplain overlay district in the proposed new zoning. In that discussion, staff presented the idea of looking more comprehensively at the City's environmental regulations. This report describes this idea in greater detail.

**Discussion**

The focus of our work in the zoning ordinance rewrite has been primarily towards the major goals of the Comprehensive Plan relating to affordable housing, land use equity, and promoting walkability and a high-quality built environment reflective of the culture and history of Charlottesville. The environmental and climate mitigation benefits of directing new growth towards the City are significant, but there is still more that we can do to advance the environmental goals of the Comprehensive Plan.

The City has a robust environmental protection program; our objective looking forward is to address the following:

1. Strengthen the City's water quality protection program with a focus on riparian areas where there are parallel benefits of floodplain management, habitat protection, and tree canopy preservation.
2. Ensure that the City's environmental protection program does not unintentionally disincentivize and redirect development out of the City or result in inequitable land use patterns by balancing environmental and development benefits, targeting regulations to where they can have the greatest environmental benefits, and making the requirements predictable, achievable, and enforceable.
3. Promote development that aligns with the City's developing flood resiliency and climate adaptation plan strategies, which could include green design practices for sites and buildings.
4. Match the regulatory program to the City's staffing capacity and available resources.

Staff is proposing a two-step approach towards achieving these objectives. The first is to clarify and identify small improvements for those environmental regulations currently found in the zoning ordinance as part of the current zoning ordinance rewrite. The second would be a separate project to review, assess, and re-adopt the City's environmental program with broad community engagement, consistent with the goals and strategies of the Community Engagement and Collaboration chapter of the Comprehensive Plan.

**The Existing Environmental Program**

The City of Charlottesville's environmental regulatory program spans across a number of separate programs with its primary focus on the management of water. The following focuses just on the City's environmental regulations and not on other policies, programs, projects, or educational efforts.

Stormwater Management Program – Arising out of the federal Clean Water Act and working its way through state law and regulation, the City has been required since 2015 to regulate construction sites and new development to reduce pollution entering into our streams and rivers. The City's Erosion and Sediment (E&S) Control requirements mandate that builders manage their construction sites to prevent water carrying sediment from leaving the site. Following construction, developers are required to install stormwater infrastructure to manage water discharging from the development site, slowing it to reduce the likelihood of downstream erosion and removing pollutants it picks up as it runs across rooftops and pavement. Rather than removing pollutants projects can also purchase nutrient credits, which gives the option to pay into existing pollution reducing projects in the same watershed area rather than treating the stormwater on the development site itself. In Charlottesville, the requirements to provide E&S controls and permanent stormwater management are triggered when a project exceeds 6,000 square feet of disturbed area, which is a more rigorous standard than the State's 10,000 square feet of disturbed area trigger for E&S controls and 1 Acre for permanent stormwater management. The City exempts single family home construction from the E&S/SWM requirements as long as they enter into an "agreement in lieu" for E&S and SWM that requires minimal standards.

Critical Slopes – The City's current critical slopes ordinance was adopted in 2011 to protect slopes of 25% or more with 200 feet of a waterway in recognition of the negative impacts alteration of these environments can have on water quality. The ordinance does not allow development activity, with some exceptions, on critical slopes. In many respects this ordinance was superseded by the stormwater management program described above. In effect, the retention of this ordinance suggests that the City has a policy preference for a natural approach to water quality management over an engineered approach. Staff provided a more detailed look at this ordinance recently, which can be found [here](#). Waivers to the requirements of this ordinance may be granted by Council with the recommendations of staff and the Planning Commission.

Waterway Buffers – The buffer ordinance, adopted in 2004, requires a 100-foot buffer area along the Rivanna River, Moore's Creek, and Meadow Creek composed only of natural vegetation. Certain exemptions are allowed for pre-existing development or lots, which allow limited development within the 100-foot buffer area with a mitigation plan approved at the discretion of staff based on consistency with the ordinance and a guidance document.

Floodplain Overlay – Charlottesville's floodplains are regulated by a zoning overlay district. A detailed presentation on the rules associated with this district can be viewed at the recording of the Planning Commission's January 24 work session [link [here](#), presentation starts at 1:14]. In general, the boundaries of this district are set by the Federal Emergency Management Agency (FEMA) mapped floodplains. Structures are largely excluded from the floodway while in the remainder of the floodplain, the uses otherwise allowed by zoning are permitted if they elevate the finished floor elevations at least 1 –ft above the base flood elevation (the height of the "100-yr storm").

Trees– There are two primary environmental regulations pertaining to trees. The first is the tree conservation program found in Chapter 18 of the City Ordinance. This program protects heritage, specimen, memorial, or street trees nominated for protection and approved by City Council. The second set of requirements can be found in the Landscaping and Screening requirements of the Zoning Ordinance. There, development projects are requested to make reasonable efforts to protect existing trees. More importantly, a development must demonstrate a minimum area of tree canopy as a percentage of the lot size depending on the zoning district (sec 34-869) ranging from 10% to 20%. These percentages are set at the maximum allowed under state law.

## **Step 1 – As Part of the Zoning Rewrite**

The objective of changes to the environmental program in this first step is to clarify existing rules and identify reasonable small changes that can advance the goals of the Comprehensive Plan (inclusive of the Climate Action Plan). This step will primarily consider changes to the Zoning Ordinance.

Critical Slopes – As was discussed at the January 24 Planning Commission work session, the Critical Slopes Ordinance is proposed to remain largely the same. The primary change will be to reorganize and reword the section for clarity. One significant area for clarification is in the nature of the “public benefits” to be weighed against disturbance of the critical slope – are these meant to be any public benefit or only environmental public benefits. Review of prior decisions over the last several years indicates that the Commission and Council have relied on a broad definition of public benefits and the proposed draft language will reflect that understanding.

Floodplain Overlay – Staff presented a number of ideas for strengthening the development in the Floodplain Overlay rules at the January 24 Planning Commission work session. In the first step, staff is proposing consideration of the following changes:

1. Require City review and approval for any proposed changes to the Floodplain maps prior to submittals to FEMA.
2. Require that the first habitable floor of a building be elevated at least two feet over the base flood elevation rather than the current one-foot requirement.
3. Require a special use permit for development within the floodplain overlay district.

Climate/Green Design – In the current zoning ordinance draft, staff is looking for opportunities to reduce the barriers to green design methods. For example, solar shade devices over windows are exempt from setback requirements.

Trees – The draft zoning ordinance will retain the existing language regarding tree protection, which is again the maximum allowed under State law.

Arlington County has a tree protection ordinance that requires County authorization to cut or remove a publicly owned tree, including street trees. Where the County authorizes a tree to be removed, the applicant must replace the tree or pay a replacement fee. Charlottesville could consider incorporating similar language into the Tree Conservation section of Chapter 18 of the City Code as a short-term action.

## **Step 2 – Environmental Program Redesign**

Charlottesville has been a leader in the State relative to its environmental policies and the Comprehensive Plan continues that position. The proposed second step of a review and update of the City’s environmental regulations would engage a consultant team to work closely with City staff to identify improvements to the City’s environmental regulations towards the goals identified on the first page of this memo. The project would require review of the City’s authority under state law, assessment of the current regulatory system, analysis and mapping of the City’s environmental assets, community engagement through a steering committee and the general public, and drafting of new ordinances.

Ideas to consider in this process:

1. Stream Buffers – Expanding the City’s stream buffer program to protect natural vegetated areas along waterways and have stricter stormwater management requirements where natural buffer areas no longer exist.
2. Floodplain – Consider using a City defined floodplain area based on the 2005 floodplain maps rather than the area currently designated by FEMA and decrease allowable floodplain encroachments (widen the floodway).
3. Green Design – Create a requirement for including green design practices in developments over a set size. The requirements would be based on a menu of potential green design practices.

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

This report aligns with Goal 3: A Beautiful and Sustainable Natural and Built Environment and specifically with objectives 3.1 (robust and context sensitive planning) and 3.4 (responsible stewards of natural resources).

**Community Engagement**

**Budgetary Impact**

**Recommendation**

**Alternatives**

**Attachments**

None

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Resolution approval
Presenter:	
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions
Title:	<b>Charlottesville Affordable Housing Fund Committee membership, replacing Resolution #R-23-012 (1 reading)</b>

**Background**

Appointing the initial terms for the reconfigured Charlottesville Affordable Housing Fund and establishing staggered terms.

**Discussion**

On April 4, 2022, by resolution #R-22-039, the Charlottesville City Council established a new advisory body, to be known as “The Charlottesville Affordable Housing Fund Committee. On January 17, 2023, Council made initial appointments to the Committee; however, it did not include city staff representatives as recommended by the 2021 adopted Affordable Housing Plan. It is the City Council's desire to appoint the initial membership of the committee to include three city staff representatives as follows:

- Director of Finance or his/her Designee
- Director of the Office of Community Solutions or his/her Designee
- Director of Human Services or his/her Designee

This new resolution replaces Resolution #R-23-012 approved January 17, 2023, and Council continues to receive applications to fill existing vacancies and re-establish staggered terms for committee seats..

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

**Community Engagement**

Community members have been encouraged to apply.

**Budgetary Impact**

**Recommendation**

Appoint members to fill vacancies per the resolution and eligible applications.

## **Alternatives**

## **Attachments**

1. Resolution to Appoint the CAHF Committee



**RESOLUTION**

**Appointing the membership of the Charlottesville Affordable Housing Fund Committee**

**WHEREAS** on April 4, 2022, by resolution #R-22-039 the Charlottesville City Council established a new advisory body, to be known as “The Charlottesville Affordable Housing Fund Committee”, and

**WHEREAS** City Council desires to appoint the initial membership of the committee, and to make the appointments in a manner that will stagger the initial terms; **now, therefore,**

**BE IT RESOLVED** by the Council of the City of Charlottesville that the following individuals are hereby appointed to serve on the Charlottesville Affordable Housing Fund Committee, for the terms specified below:

Seats	Expiration of Initial Term	Name
<b>Asterisk (*) denotes eligibility requirements</b>		
At Large Community Members (3)	12/31/2025 (3 years)	Philip D’Oronzio (appointed 1/17/23)
	12/31/2024 (2 years)	S. Lisa Herndon (appointed 1/17/23)
	12/31/ 2023 (1 year)	Open
Affordable Housing Beneficiaries* (3) (*must be a current resident of an affordable dwelling unit)	12/31/2025	Open
	12/31/2024	Open
	12/31/2023	Open
City Staff* (3) (*must be a full-time city employee)	Term concurrent with time in position	Housing Program Manager (Taylor Harvey-Ryan)
	Term concurrent with time in position	Finance Director (Chris Cullinan)
	Term concurrent with time in position	Human Services Director (Misty Graves)

**BE IT FURTHER RESOLVED** that each of these appointments is made subject to the provisions of City Code Chapter 2, Article I, Sec. 2-8 (limitation on terms). Upon the expiration of the initial terms specified above, all appointments and re-appointments shall be for two (2) year terms. Pursuant to City Code Sec. 2-8(c), an individual initially appointed to a term of less than two (2) years may thereafter serve four complete terms of two (2) years each. City staff seats will have no term limitation.

**BE IT FURTHER RESOLVED** that, if an individual appointed to serve as an affordable housing beneficiary becomes ineligible during their appointed term, that individual’s seat shall be deemed to be vacant, and City Council will appoint an eligible individual to fill the unexpired portion of the term. If an individual appointed to serve a city staff seat leaves the designated position, the person hired to fill the position will also fill the seat vacancy.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Resolution approval
Presenter:	
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions
Title:	<b>Appointing the membership of the Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Task Force, Pursuant to City Code Section 2-417 (1 reading)</b>

**Background**

Whereas City Council desires to appoint the initial membership of the reconfigured CDBG-HOME Task Force, and to make the appointments in a manner that will stagger the initial terms; staff has prepared a resolution to establish initial term dates.

**Discussion**

The six positions with current vacancies are one (1) At-large Community Member seat and five (5) seats designated per City Code 2-417 (b)(1), for CDBG/HOME Area Community Members\* (\*must reside within a HUD-identified income eligible area AND must reside within a City-Council designated priority neighborhood). The priority neighborhoods are Belmont, Fifeville, 10th & Paige, Ridge Street and Rose Hill.

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

**Community Engagement**

Community members have been encouraged to apply.

**Budgetary Impact**

**Recommendation**

Appointment of members per the resolution and eligible applications

**Alternatives**

**Attachments**

1. CDBG Taskforce Appointment Resolution (002)

**RESOLUTION**

**Appointing the membership of the Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) Task Force, Pursuant to City Code Section 2-417**

**WHEREAS** City Council desires to appoint the initial membership of the reconfigured task force, and to make the appointments in a manner that will stagger the initial terms; **now, therefore,**

**BE IT RESOLVED** by the Council of the City of Charlottesville that the following individuals are hereby appointed to serve on the CDBG and HOME Task Force, for the terms specified below:

Seats	Expiration of Initial Term	Name
<b>Asterisk (*) denotes eligibility requirements</b>		
Pursuant to City Code 2-417 (b)(1), Five (5) CDBG/HOME Area Community Members* (*must reside within a HUD-identified income eligible area AND must reside within a City-Council designated priority neighborhood). These Neighborhoods are as follows:	Term Options: 12/31/25 (3 years) (1) 12/31/24 (2 years) (2) 12/31/23 (1 year) (2)	
Belmont Neighborhood	Select Term: 1yr; 2yrs; 3yrs	Open
Fifeville Neighborhood	Select Term: 1yr; 2yrs; 3yrs	Open
10 <sup>th</sup> & Paige Neighborhood	Select Term: 1yr; 2yrs; 3yrs	Open
Ridge Street Neighborhood	Select Term: 1yr; 2yrs; 3yrs	Open
Rose Hill Neighborhood	Select Term: 1yr; 2yrs; 3yrs	Open
One At-Large Community Member	12/31/2025 (3 years)	Open
One Member of the Charlottesville Planning Commission	Term runs concurrent with their term in office	Filled
School Board Representative	Term runs concurrent with their term in office	Filled
One Public Service Program Representative* (*must be a member of the governing board of the program, or an officer or executive director of the program)	12/31/2023	Filled

**BE IT FURTHER RESOLVED** that each of these appointments is made subject to the provisions of City Code Chapter 2, Article I, Sec. 2-8 (limitation on terms). Upon the expiration of the initial terms specified above, all subsequent appointments and re-appointments shall be for two (2) year terms. Pursuant to City Code Sec. 2-8(c), an individual initially appointed to a term of less than two (2) years may thereafter serve four complete terms of two (2) years each.

**BE IT FURTHER RESOLVED** that, if an individual appointed to serve as an affordable housing beneficiary, or a city staff representative, becomes ineligible during their appointed term, that individual's seat shall be deemed to be vacant, and City Council will appoint an eligible individual to fill the unexpired portion of the term.

## CHARLOTTESVILLE CITY COUNCIL MEETING

February 6, 2023 at 4:00 PM

In person: Council Chamber, 605 E. Main Street

Virtual/electronic: Zoom

The Charlottesville City Council met on Monday, February 6, 2023. The meeting was held in hybrid format with Council members and limited public seating in Council Chamber to mitigate health risks related to coronavirus and other communicable diseases, and electronic participation on the Zoom webinar platform. Mayor Lloyd Snook called the meeting to order at 4:05 p.m. and Clerk of Council Kyna Thomas called the roll, noting the following councilors present: Brian Pinkston, Mayor Lloyd Snook and Vice Mayor Juandiego Wade.

On motion by Pinkston, seconded by Wade, Council by the following vote ADOPTED the meeting agenda: 3-0 (Ayes: Pinkston, Snook, Wade; Noes: none; Absent: Payne).

Councilor Michael Payne joined the meeting at 4:07 p.m.

### REPORTS

#### 1. REPORT: Gravesites at Pen Park: Update on unmarked burials

Jeff Werner, Historic Preservation and Design Planner, presented background information on the project as follow-up to a presentation made to City Council in November 2020.

From the agenda memo: “The City acquired Pen Park in the 1970s. Pen Park, as it was named by Dr. George Gilmer who acquired the property in 1786, changed ownership several times; however, only three families - the Gilmers (from 1786 to 1812), the Cravens (from 1819 to 1845), and the Hotopps (from 1866 to early 1900s) - established cemeteries there. In 2019, Council authorized the use of \$9,319 from Neighborhood Development Services Small Area Plans to fund the archeological evaluation of possible unmarked graves at Gilmer/Craven/Hotopp Cemetery at Pen Park. (The final project cost was \$6,991.) In July 2020, Rivanna Archeological Services, working with NAEVA Geophysics Inc., conducted an examination using Ground Penetrating Radar (GPR). Evaluation of the GPR data suggested the likelihood of 43 unmarked and unrecorded graves outside three family plots. Evidence strongly suggests those buried here had been enslaved at Pen Park. The Gilmer and Cravens owned enslaved people. The Hotopp family employed individuals who may have been enslaved at Pen Park, if not elsewhere, and/or possibly related to those enslaved there. Since early 2021, staff has partnered with the Albemarle Charlottesville Historical Society to research the identities of those enslaved at Pen Park and, when connections can be made, to identify possible living descendants. The Waller family of Charlottesville was the first family staff contacted. That connection began with Jenney, a girl, as she is identified on an 1804 chancery note listing Dr. George Gilmer’s slaves. The marked and unmarked burials at Pen Park are family cemeteries.”

Tom Chapman, Executive Director of the Charlottesville-Albemarle Historical Society, presented research related to the unmarked burials at Pen Park, and family names associated with individuals enslaved at Pen Park: Anderson, Blue, Christian, Churchman, Dabney,

Dickerson, Ferguson, Flemming, Gibbons, Gilmore, Ivory, Miller, Morton, Newton, Payne, Rone, Swann, Wales, Willis, Woolfork, Wormley. They acknowledged that the list of names may not be exhaustive. Mr. Chapman listed next steps for the City as owner and steward of the park and burial site; Descendants (This is their family cemetery.); and Research (transitioning to Historical Society):

- identify and protect the burial site
- interpretive marker
- support descendant research
- work with descendant families re: rights and privileges
- maintenance plan that respects the burials
- research, interpret and present history of entire park.

## 2. REPORT: United Way of Charlottesville update

Ravi Respeto, United Way CEO, presented elements of the organization's FY23-27 Strategic Plan, stating the overarching goal "to eliminate barriers for minority and economically-disadvantaged populations and enable them to achieve financial stability and thrive economically. This may be achieved through coordinated service delivery among peer agencies supported by task force coalitions focused on long-term, systems-level change. Through this, we may begin to eliminate a dependency on these services such that individuals can thrive economically and become financially stable."

She gave an overview of the following United Way goals and the programs enacted to reach those goals:

- Goal 1: Help lift 1,800 families - including 630 Black families - out of poverty in Thomas Jefferson Planning District by 2027.
- Goal 2: Increase by 10% kindergartners from economically-disadvantaged families who pass development benchmarks by 2027; increase the number of Black kindergartners who pass by 20%.
- Goal 3: Build a more connected community through a deepened understanding of race and equity.

Programs:

- A More Equitable Charlottesville
- Family Investment Program
- Driving Lives Forward
- Go2Grow
- Early Learners Scholarships
- Preschool Development
- Mixed Delivery Grants
- Ready Regions Blue Ridge
- Santa Fund
- Community Table
- Impact Grants

## **CLOSED SESSION**

On motion by Pinkston, seconded by Wade, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none) to close this open meeting and convene in a closed session, as authorized by Virginia Code Section 2.2-3711(A)(1), for the discussion and consideration of appointing members to the following Charlottesville public bodies:

1. Police Civilian Oversight Board, and
2. Charlottesville City Council.

On motion by Pinkston, seconded by Wade, Council certified by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; 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.

## **BUSINESS SESSION**

City Council observed a moment of silence.

## **ANNOUNCEMENTS**

Councilor Payne highlighted the vigil held in memory of Eldridge Smith, who was a recent victim of gun violence in Charlottesville. Vice Mayor Wade shared the impact that Mr. Smith had on him as a mentor and his impact in the community.

## **RECOGNITIONS/PROCLAMATIONS**

- **Presentation to Sena Magill**  
Mayor Snook presented a service plaque to former Council Member Sena Magill.
- **Congenital Heart Disease Awareness Week, February 7-14**  
Mayor Snook proclaimed the week of February 7-14 as Congenital Heart Disease Awareness Week. Casey Fletcher expressed words of appreciation for the proclamation and shared a personal story.
- **Black History Month**  
Vice Mayor Wade proclaimed February as Black History Month.

## **BOARD/COMMISSION APPOINTMENTS**

Mayor Snook announced the March 10 quarterly deadline for boards and commissions applications to fill vacancies.

## **CONSENT AGENDA\***

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

3. MINUTES: January 3 Council meeting, January 17 Council meeting, February 2 Budget Work Session
4. RESOLUTION: Appropriating Grant Funds for improvements at 10th Street NW and Grady Avenue - \$500,106 (2nd reading)

**RESOLUTION**  
**Appropriating the amount of \$500,106**  
**Received by the City from the Highway Safety Improvement Program**

**WHEREAS**, the Highway Improvement Program (HSIP) provides Federal funding for intersection improvements that target the reduction in the number and severity, or the risk of and exposure to crashes, and has awarded the City of Charlottesville \$500,106 for such improvements;

**WHEREAS**, the BPSF program is a 100% reimbursement program requiring the City to meet all federal guidelines to qualify; NOW, THEREFORE,

**BE IT RESOLVED by the Council of the City of Charlottesville, Virginia** that, upon receipt of the sum of \$500,106.00 from the Commonwealth of Virginia HSIP Bicycle and Pedestrian Safety Program, said sum shall be appropriated as follows:

**Revenue – \$500,106**

\$500,106.00 Fund: 426 WBS: P-01092 G/L: 430120

**Expenditures - \$500,106**

\$500,106.00 Fund: 426 WBS: P-01092 G/L: 519999

5. RESOLUTION: Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$ 229,803 (carried)
6. RESOLUTION: Appropriating Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program (carried)
7. RESOLUTION: Considering a Special Use Permit request for 345 US 250 Bypass (250 Bypass Fire Station)

**RESOLUTION**  
**Granting a Special Use Permit for Property Located at 345 US 250 Bypass (Tax Map and Parcel/Tax Status: 450001000 Real Estate Tax Exempt) Application SP22-00008**

WHEREAS the City of Charlottesville, Virginia ( the “City”) is the owner of certain land located and currently addressed as 345 US 250 Bypass and identified on Tax Map and Parcel/Tax Status as 450001000 (Real Estate Tax Exempt), and includes McIntire Park, the Brooks Family YMCA, and the existing City Fire Station #1 (the “Property”),



WHEREAS the City Senior Project Manager (the “Applicant”) is requesting a Special Use Permit (“SUP”) to allow for construction of a new 8,000 square foot fire station to the south of an existing stub road on the Property (the “Project”); and

WHEREAS the Property is currently zoned R-1 (Single-Family Residential) and under R-1 zoning classification, municipal offices or other government buildings may be authorized with a Special Use Permit and are deemed substantially compliant with the Comprehensive Plan in accordance with by § 15.2-2232 of the Code of Virginia; and

WHEREAS the current City Fire Station #1 is a legal non-conforming use, with no Special Use Permit on file for this site; and

WHEREAS the Applicant seeks a Special Use Permit Under City Code Sec. 34-158 to allow for construction of the Project; and

WHEREAS the Project is described in more detail within the Charlottesville Public Works, Facilities Development Division’s Staff Report and application materials submitted in connection with SP22-00008, as required by City Code Sec. 34-158 (collectively, the “Application Materials”); and

WHEREAS the Planning Commission and the City Council conducted a joint public hearing, after notice and advertisement as required by law on, January 10, 2023; and

WHEREAS the Planning Commission considered and recommended approval of this application by a vote of 7-0 (which includes the Special Use Permit and substantial compliance with the Comprehensive Plan; and

WHEREAS upon consideration of the Planning Commission’s recommendation, the Application Materials, comments received at the public hearing, as well as factors set forth within 34-157 of the City’s Zoning Ordinance and §15.2-2232 of the Code of Virginia, this Council finds and determines that granting the proposed Special Use subject to suitable regulations and safeguards would contribute to the City Council’s Vision and Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment and Item 3.2: Provide reliable and high quality infrastructure, and would serve the public necessity, convenience, general welfare or good zoning practice; now therefore,

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that a Special Use Permit is hereby granted to allow the Project to be established on the Property, subject to the following conditions:

(1) That the Applicant’s Critical Slope Waiver filed and accompanying this SUP request be granted.

8. RESOLUTION: Considering a Critical Slope Waiver request for 345 US 250 Bypass (250 Bypass Fire Station)

**RESOLUTION**  
**APPROVING A REQUEST FOR WAIVER OF CRITICAL SLOPES PROVISIONS**  
**PURSUANT TO CITY CODE SECTION 34-1120(b) FOR PROPERTY LOCATED**  
**AT 345 US 250 Bypass**  
**(Tax Map and Parcel/Tax Status: 450001000 Real Estate Tax Exempt)**  
**Application P22-0091**

**WHEREAS** the City of Charlottesville, Virginia ( the “City”) is the owner of certain land located and currently addressed as 345 US 250 Bypass and identified on Tax Map and Parcel/Tax Status as 450001000 (Real Estate Tax Exempt), and includes McIntire Park, the Brooks Family YMCA, and the existing City Fire Station #1 (the “Property”),

**WHEREAS** the City Senior Project Manager (the “Applicant”) is requesting a waiver of the critical slopes requirement of City Code Sec. 34-1120(b) in connection with the construction of a new 8,000 square foot fire station to the south of an existing stub road on the Property (the “Project”); and

**WHEREAS** the Planning Commission held a hybrid virtual and in person joint public hearing with City Council on January 10, 2023 to give the public an opportunity to comment; and

**WHEREAS** the Planning Commission considered and recommended approval of the request to waive the critical slopes requirements, pursuant to City Code §34-1120(b) by a vote of 7-0, upon a finding that the public benefits of allowing disturbance of the critical slope outweigh the public benefits of the undisturbed slope; and

**WHEREAS** upon consideration of the information and materials provided by the applicant, and the recommendation of the Planning Commission, the City Council finds and determines pursuant to City Code Sec. 34-1120(b) that the benefits of allowing the disturbance of the critical slopes in connection with the development project outweigh the public benefits of the undisturbed slopes; and

**WHEREAS** upon further consideration of the Planning Commission’s recommendation, the Application Materials, comments received at the public hearing, as well as factors set forth within the Application Materials, this Council finds and determines that granting the proposed critical slope waiver subject to suitable regulations and safeguards would contribute to the City Council’s Vision and Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment and Item 3.2: Provide reliable and high quality infrastructure, and would serve the public necessity, convenience, general welfare or good zoning practice; now therefore,

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that the request by the Applicant, for a waiver of the critical slopes requirements for the above-described Project to be developed on the Property, is hereby granted.

9. RESOLUTION: Appropriating State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement in the amount of \$7,743 (carried)
10. RESOLUTION: Appropriating funds for appraisal services at 0 East High Street - \$3,800 (carried)

Mayor Snook opened the floor for comments on the Consent Agenda and no speakers came forward.

On motion by Councilor Pinkston, seconded by Vice Mayor Wade, Council by the following vote ADOPTED the Consent Agenda: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none).

### **CITY MANAGER REPORT**

Interim City Manager Michael Rogers stated that the monthly report was in the agenda packet and there was no information to add.

### **COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. Ruth Hill, crossing guard and resident of Palmyra, VA, spoke in support of adding cameras in school zones.
2. John Hall, city resident, spoke about annexing the University of Virginia in order to defray taxes for residents.
3. Mark Kavitt, city resident, spoke in favor of the use of speed cameras to manage traffic.
4. Kevin Cox, crossing guard and city resident, spoke in support of the need for traffic control, including speed enforcement cameras in school zones, traffic cameras, and Stop-sign activated cameras on school buses. He thanked
5. Peter Krebs, city resident and Piedmont Environmental Council representative, spoke in support of greater speed enforcement in school zones, better infrastructure, and he spoke in support of the 10<sup>th</sup> Street and Grady Avenue project.
6. Robin Hoffman, city resident, spoke about the death of Eldridge Smith and the need for gun legislation. She supported comments made by crossing guard Ruth Hill earlier in the meeting and requested that the city do something about signage in school zones.
7. Chris Meyer, city resident, commented about the city budget and the increasing demand on school infrastructure. He stated that the school population has become more full at Jackson Via Elementary School and the number of students with English as a second language has increased. He suggested finding ways to get UVA to contribute more funding locally...

### **ACTION ITEMS**

11. **PUBLIC HEARING/RESOLUTION: Approving a Lease Agreement with Omni Hotel for an outdoor cafe area at 212 Ridge- McIntire Road / 235 West Main Street**

Brenda Kelley, Office of Community Solutions, presented the request regarding an outdoor cafe area on public right-of-way.

Mayor Snook opened the public hearing. With no speakers coming forward, the mayor closed the public hearing.

On motion by Pinkston, seconded by Wade, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), APPROVED the following resolution:

### **RESOLUTION**

#### **Approving a lease of public right-of-way at 212 Ridge-McIntire Road/235 West Main Street to Omni Charlottesville Virginia Corporation**

WHEREAS, Omni Charlottesville Virginia Corporation, desires to lease certain City-owned property for a term of one year, with renewal options for up to four additional one year terms; and

WHEREAS, City Council has considered the terms of the proposed lease, and has conducted a public hearing in accordance with the requirements of Virginia Code Sec. 15.2-1800(B); NOW, THEREFORE,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the lease of City-owned property located at 212 Ridge-McIntire Road/235 West Main Street, Charlottesville, Virginia, to Omni Charlottesville Virginia Corporation presented to Council this same date for consideration, is hereby APPROVED and the City Manager is hereby authorized to execute the approved lease on behalf of City Council.

#### **12. PUBLIC HEARING: Re-precincting the City of Charlottesville (1st reading January 17; 2nd reading March 6)**

Taylor Yowell, Voter Registrar, summarized the purpose of the public hearing. Vice Mayor Wade suggested coordinating the precinct changes with schools since they also use their spaces for teacher development days.

Mayor Snook opened the public hearing. With no speakers coming forward, the mayor closed the public hearing.

Ms. Yowell stated that affected voters, if Council passes the ordinance on March 6, will receive notice of the changes.

#### **13. PUBLIC HEARING: Accepting public comments on filling the City Council seat vacated by Sena Magill as of January 12, 2023**

Mayor Snook explained the process thus far for filling the Council seat vacancy. The six finalists for the City Council seat were given up to eight minutes to speak in the following order:

- Leah Puryear
- Alex Bryant
- Kristin Szakos
- Kathy Galvin
- Natalie Oschrin
- Lisa Larson-Torres

Mayor Snook opened the public hearing, giving speakers up to two minutes each.

- Mark Kavitt, city resident, spoke in support of Kathy Galvin.
- Lakeshia Washington, city resident, spoke in support of Natalie Oschrin, Lisa Torres and Kristin Szakos, who provided responses to a survey from the Charlottesville Low Income Housing Coalition.
- John Hall, city resident, made general comments.
- Don Gathers, city resident, spoke about transparency in the process and in support of Kristin Szakos.
- Allexis Cooper, city resident, spoke about affordable housing as a focus for the new councilor.
- Marcia Geyer spoke in support of Kathy Galvin and Kristin Szakos.
- Barbara Myer spoke in support of Lisa Larson-Torres and suggested that a former councilor should not be appointed.

With no additional speakers coming forward, Mayor Snook closed the public hearing. He announced the City Council special meeting on February 10<sup>th</sup> for interviewing candidates, and a decision to be announced on February 21<sup>st</sup>. He commended all twenty applicants and thanked the six finalists for speaking.

**14. RESOLUTION: Appropriating funds in support of BEACON's Kitchen Project - \$500,000 (carried)**

Chris Engel, Director of Economic Development, provided an overview of New Hill Development Corporation and introduced Yolunda Harrell (NHD President).

Ms. Harrell presented BEACON (Black Entrepreneurial Advancement and Community Opportunity Network). She shared how the BEACON Kitchen Incubator Project fits into NHD's Vision and Mission. The model lends itself to start-ups and existing businesses. The project was submitted for review and analysis to the Weldon Cooper Center, with results showing that the project has a significant return on investment.

Mr. Engel stated staff's recommendation for support of the project and resolution, as a one-time investment. Presenters answered questions for Council.

Council discussed edits needed to the resolution prior to the second reading and vote on February 21.

Council unanimously agreed to carry the item to the February 21 meeting for second reading

and vote on Action Items.

**15. RESOLUTION: Considering a Comprehensive Sign Plan 701 East Water Street**

Read Brodhead, Zoning Administrator, presented the Comprehensive Sign Plan for 701 East Water Street and answered questions from Council.

On motion by Payne, seconded by Pinkston, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), APPROVED the following resolution with staff recommendations:

**RESOLUTION  
APPROVING COMPREHENSIVE SIGNAGE PLAN FOR  
701 East High Street**

**WHEREAS**, the City staff reviewed the Comprehensive Signage Plan proposed for 701 East High Street, and recommended approval of the plan if certain modifications were to be made such that only one (1) directory sign shall be permitted for each entrance/exit into the parking garage and will be installed perpendicular to the street at that location; and

**WHEREAS**, when approved those modifications shall be incorporated into a revised Comprehensive Signage Plan on 701 East High Street for review and approval; and

**WHEREAS**, in accordance with City Code Sec. 34-1045(c), City Council has determined that:

(1) There is good cause for deviating from a strict application of the requirements of Section 34-1020, et seq. (City Code Chapter 34, Article IX, Division 4 – Signs), and

(2) The comprehensive signage plan, as proposed, with the modifications provided by staff, will serve the public purposes and objectives set forth within City Code Section 34-1021 at least as well, or better, than the signage that would otherwise be permitted for the subject development; now, therefore;

**BE IT RESOLVED** by the Council for the City of Charlottesville, Virginia, that this Council hereby approves the Comprehensive Signage Plan for 701 East High Street subject to the modifications referenced herein as to the number of directory signs (one per entrance/exit) and the placement of such signs perpendicular to the street.

**16. RESOLUTION: Considering the use of speed cameras in School Zones**

Brennen Duncan, Traffic Engineer, presented the request. He stated that a quarter of students now are in the walking zone for schools.

Adrienne Dent, school crossing guard, read a letter on behalf of several school crossing guards, recommending three locations to install cameras in school zones to operate during school hours: 1) Monticello Avenue at Clark Elementary School, 2) Cherry Avenue at Johnson Elementary School, and 3) Cherry Avenue at Buford Middle School.

Mr. Duncan referenced enabling legislation, and explained costs as well as the processes for installing cameras, reviewing violations, and enforcement.

Mayor Snook suggested an amendment to the resolution to include the wording "for the school zones near" and "The cameras are to be used only when warnings of a reduced speed limit in the school zone are activated".

On motion by Pinkston, seconded by Wade, Council by a vote of 4-0 (Ayes: Payne, Pinkston, Snook, Wade; Noes: none), APPROVED the following resolution as amended:

**RESOLUTION  
TO APPROVE USE OF SPEED CAMERAS IN SCHOOL ZONES**

**WHEREAS**, the Code of Virginia 46.2-882.1 "Use of photo speed monitoring devices in highway work zones and school crossing zones" allows for state or local law-enforcement agencies to place and operate speed monitoring devices in school crossing zones for the purpose of recording violations,

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia **TO:**

Approve the use of speed cameras on Monticello Avenue for the school zone near Clark Elementary and on Cherry Avenue for the school zones near Buford Middle School and Johnson Elementary.

These cameras are to be used only when the school zone signs that warn of a lower speed limit are activated.

**17. RESOLUTION: Appropriating funds for the purchase of Charlottesville Area Transit radio equipment - \$237,000 (carried)**

Garland Williams, Transit Director, presented the request for funding.

Council unanimously agreed to carry the item to the February 21 Consent Agenda for second reading and vote.

**COMMUNITY MATTERS (2)**

There were no requests to speak.

Mayor Snook adjourned the meeting at 9:17 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**Charlottesville City Council and Charlottesville City Schools  
Joint Budget Work Session  
February 8, 2023 at 5:00 p.m.  
Charlottesville-Albemarle Technical Education Center (CATEC), 1000 East Rio Road**

The Charlottesville City Council and staff met in a joint budget work session with the Charlottesville City School Board and Central Office staff to discuss the Schools proposed budget for the Fiscal Year 2024.

School Board Chair James Bryant called the meeting to order at 5:07 p.m. Clerk Leslie Thacker called the roll for the School Board. Clerk of Council Kyna Thomas called roll for City Council, recording Mayor Lloyd Snook and Councilor Brian Pinkston present. Mayor Snook noted a lack of quorum with Mr. Payne and Mr. Wade absent and stated that quorum was not required for moving forward with the work session. Mr. Wade provided advance notice of his absence.

Superintendent Royal Gurley began the presentation of a needs-based FY2024 budget proposal for City Schools. Councilor Payne joined the meeting at 5:10 p.m., establishing quorum for City Council.

Dr. Gurley answered questions from City Council throughout the presentation. Topics of particular interest were the increase in students speaking English as a second language (ESL) and the larger than usual cohort of 9<sup>th</sup> graders enrolled at Charlottesville High School.

Garland Williams, Director of Transit, shared information to indicate a positive outlook for the hiring of Transit drivers.

Krisy Hammill, City Budget Director, answered funding questions regarding vacancy savings.

Emily Dooley, School Board Member, suggested collaboration between the City and City Schools to address behavioral issues with students and adults. City Manager Michael Rogers agreed. Dr. Gurley stated that addressing the issues will require funding and resources. The public bodies and staff engaged in discussion about the need to bring a variety of voices and stakeholders together to build solutions. School Board Member Lashundra Bryson Morsberger emphasized the importance of access to extracurricular activities for students, particularly at the middle school level.

Councilor Payne asked about the possibility of Schools utilizing the City's labor relations personnel as they look to implement collective bargaining. Mr. Rogers stated that he and Schools staff would discuss further.



Jennifer McKeever, School Board Member, acknowledged City support for crossing guards and children in school walking zones.

Chair Bryant opened the floor to comments from the public.

- Sandra Aviles-Poe, Charlottesville United for Public Education, highlighted three needs expressed in the community: 1) moving forward with reconfiguration for Buford Middle School and Walker Upper Elementary School; 2) safety in schools related to student behavior and finding ways to collaborate to find solutions for students; and 3) school transportation.
- Kristin Szakos suggested a community forum for City Council, School Board and city staff to listen to the community, using the results as a basis for solutions to issues facing the schools. She asked whether the proposed Data Specialist would be able to work with neighborhood-based organizations to look at aggregated data and track progress. Dr. Gurley advised that Schools has an Office of Strategic Initiatives, so community-based initiatives would fall under equity and community engagement.

With no additional speakers, Mr. Bryant adjourned the meeting at 6:16 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL  
SPECIAL MEETING  
February 10, 2023 at 1:45 p.m.  
In-person: Council Chamber, 605 E. Main Street  
Electronic: Zoom**

The Charlottesville City Council met on Friday, February 10, 2023. The special meeting was called so that Council could convene in closed session to interview candidates for the City Council seat vacated by Sena Magill.

Mayor Lloyd Snook called the meeting to order at 1:53 p.m. and Deputy Clerk of Council Maxicelia Robinson called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilors Michael Payne and Brian Pinkston.

On motion by Pinkston, seconded by Wade, Council voted 4-0 (Ayes: Payne, Pinkston, Snook, Wade; 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)(1), to conduct interviews of applicants being considered for appointment to the vacant City Council position.

On motion by Pinkston, seconded by Wade, Council certified by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; 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 5:11 p.m.

BY Order of the Mayor

BY Maxicelia Robinson, Deputy Clerk of Council

**CHARLOTTESVILLE CITY COUNCIL  
SPECIAL MEETING  
February 13, 2023 at 3:00 p.m.  
In-person: Council Chamber, 605 E. Main Street  
Electronic: Zoom**

The Charlottesville City Council met on Monday, February 13, 2023. The special meeting was called so that Council could convene in closed session to interview executive search firms in response to the City of Charlottesville Request for Quotes #23-56.

Mayor Lloyd Snook called the meeting to order at 3:08 p.m. and Clerk of Council Kyna Thomas called the roll, noting all members present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade, and Councilor Brian Pinkston.

On motion by Pinkston, seconded by Wade, Council voted 3-0 (Ayes: Payne, Pinkston, Snook, Wade; 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)(1), to conduct interviews with executive search firms in response to the City of Charlottesville Request for Quotes #23-56.

Councilor Michael Payne joined the closed session at 3:09 p.m.

On motion by Pinkston, seconded by Wade, Council certified by the following vote: 4-0 (Ayes: Payne, Pinkston, Snook, Wade; 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 4:47 p.m.

BY Order of the Mayor

BY Kyna Thomas, Clerk of Council

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Appropriation of Grant Funds
Presenter:	Kyle Rodland, Safe Routes to School Coordinator
Staff Contacts:	Kyle Rodland, Safe Routes to School Coordinator Ben Chambers, Transportation Planning Manager
Title:	<b>Appropriating funds for Safe Routes to School Program (SRTS) Non-Infrastructure Grants - \$ 229,803 (2nd reading)</b>

### **Background**

This is the 7th year that the Virginia Department of Transportation (VDOT) has awarded the City of Charlottesville with a Safe Routes to School (SRTS) Non-Infrastructure (Activities and Programs) Grant. This \$229,803 grant will be used to fund education, encouragement, evaluation and enforcement programs related to Safe Routes to School from October 2022 through September 2024. The Non-Infrastructure Grant will also be used to fund a SRTS coordinator who works within the school division to promote and facilitate Safe Routes to School activities.

### **Safe Routes to School Activities and Programs Plan**

<http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/transportation/bicycle-and-pedestrian/safe-routes-to-school>

### **Discussion**

As part of the grant application, the City was required to update the Safe Routes to School (SRTS) Activities and Programs Plan (APP), a written document that outlines a community's intentions for enabling and encouraging students to engage in active transportation (i.e. walking or bicycling) as they travel to and from school. The plan details the number of students living within ¼ to 2 miles of their school and demonstrates the potential benefits that can be accrued from a coordinate SRTS program (nearly 30% of students live within ½ mile of school and nearly 70% live within 1 mile of school). The SRTS APP was originally created through a team-based approach that involved key community stakeholders and members of the public in both identifying key behavior-related to barriers to active transportation and, using the four non- infrastructure related E's (education, encouragement, enforcement and evaluation) to address them.

The APP update reflects minimal changes from last year's plan, but emphasizes lessons learned since our Coordinator was hired in October 2016. The following short-term recommendations were developed to enhance the program:

- Institute bike riding, repair, and safety curriculum

- Develop a division-wide SRTS website
- Facilitate biking and walking incentive program
- Regularly host walk- and bike-to-school days
- Consistently host annual Bicycle Rodeos
- Conduct bike safety check
- Student Transportation Committee
- Expand the bike helmet give-away program
- Administer student travel tallies
- Keep records of participation in workshops, biking and walking trains, bike rodeos, afterschool clubs, and other events

The SRTS Activities and Programs Plan will continue to serve as a guiding document to assist in promoting, encouraging, and enabling walking and bicycling to school. The grant will allow the City to continue to fund a Safe Routes to School Coordinator and the supplies needed to implement the recommendations included in the APP.

The grant requires a 20% match (\$45,961). We anticipate receiving in-kind donations from the Charlottesville Area Mountain Bike Club for bicycle fleet maintenance.

As a reimbursable grant, costs will be incurred in the State Grant Fund and reimbursed by VDOT.

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

This initiative supports Council's Vision to be a "Connected Community" ("the City of Charlottesville is part of a comprehensive, regional transportation system that enables citizens of all ages and incomes to easily navigate our community") and "America's Healthiest City" ("we have a community-wide commitment to personal fitness and wellness, and all residents enjoy our outstanding recreational facilities, walking trails, and safe routes to schools").

In addition, the project contributes to Goals 1 and 3 of the Strategic Plan, to be an inclusive, self-sufficient community and a healthy and safe city.

The initiative further implements recommendations within the Comprehensive Plan (2013), Bicycle and Pedestrian Master Plan (2015) and supports the City's Healthy Eating Active Living (HEAL) Resolution.

### **Community Engagement**

This grant application implements one of the programming recommendations included in the Bicycle and Pedestrian Master Plan (adopted 2015), which included significant public involvement. Further, city staff from Neighborhood Development Services worked with staff from the Thomas Jefferson Health District and Charlottesville City Schools (Physical Education and Pupil Transportation) to create a Safe Routes to School Task Force in 2016 that was responsible for outlining elements of a city-wide Safe Routes to School Activities and Programs Plan (APP). The task force included representatives from city schools, community organizations, multiple city departments (NDS, Public Works, Parks and Recreation), as well as health and enforcement disciplines. The APP was developed by the task force with input from parents (via Parent Survey) and further discussed/refined at public meeting in February 2016. The Bicycle and Pedestrian Advisory Committee provided

feedback on the APP annually. A parent survey will be conducted in the 2022-2023 school year to better understand some of the barriers and challenges of walking and biking school.

**Budgetary Impact**

There is no impact to the General Fund. The total appropriation is \$183,842, which will be recorded and expensed from a grant fund.

**Recommendation**

Staff recommends approval and appropriation of the grant funds.

**Alternatives**

If grants funds are not appropriated, Safe Routes to School programming will continue in an ad- hoc fashion with assistance from community partners and parent volunteers.

**Attachments**

1. Resolution\_FY23-24 SRTS Non-Infrastructure Grant Appropriation

**RESOLUTION APPROPRIATING FUNDS for  
Safe Routes to School Program (SRTS) Non-Infrastructure Grants  
\$ 229,803**

**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 \$183,842;

**WHEREAS**, the two year SRTS award is a 80% reimbursement program requiring a 20% match of \$45,961. It will come from in kind donations and volunteer services from Charlottesville Area Mountain Bike Club

**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**

\$183,842	Fund: 209	Cost Center: 3901008000	G/L: 430120
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**EXPENDITURES**

(expenditures and salary)

\$79,842	Fund: 209	Cost Center: 3901008000	G/L: 599999
\$104,000	Fund: 209	Cost Center: 3901008000	G/L: 519999

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$183,842 from the Virginia Department of Transportation.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Appropriation of grant funds
Presenter:	Susan Morrow - Offender Aid and Restoration, Jen Scott - Offender Aid and Restoration
Staff Contacts:	Krisy Hammill, Director of Budget
Title:	<b>Appropriating Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program (2nd reading)</b>

**Background**

The City of Charlottesville, on behalf of the Charlottesville-Albemarle Therapeutic Docket program, has received a Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for operations of the therapeutic docket program, which is operated by Offender Aid and Restoration (O.A.R.). The City of Charlottesville serves as fiscal agent for the Supreme Court of Virginia Behavioral Health Docket Grant.

**Discussion**

In its fourth year of operation, the Charlottesville-Albemarle Therapeutic Docket program is a supervised 8 to 12 month treatment program that serves as an alternative to incarceration for offenders. The Therapeutic Docket is a specialized docket within the existing structure of the court system given the responsibility to handle cases involving non-violent adult misdemeanor offenders who suffer from serious mental illness. The program uses the power of the court to assist non-violent offenders to achieve wellness and recovery through a combined system of intensive supervision, medication management, mental health treatment, and regular court appearances.

The total program budget is \$228,700 and includes three funding sources:

Supreme Court of VA:	\$61,500
City of Charlottesville:	\$110,000, (previously appropriated)
Albemarle County:	\$57,200, (previously appropriated)

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

This relates to the City of Charlottesville's priority area of safety/criminal justice. The Therapeutic Docket is a valuable, less expensive alternative to incarceration for certain criminal offenders with serious mental illness which utilizes a blend of court-ordered supervision, mental health treatment services, court appearances, and behavioral sanctions and incentives to reduce recidivism and enhance personal accountability and mental health and wellness among participants.



### **Community Engagement**

The Therapeutic Docket is a direct service provider and is engaged daily with non-violent criminal offenders with serious mental illness who are at a high level of risk for reoffending and have a high level of need due to mental illness. By collaborating with the Court system, Region Ten Community Services Board and Partner for Mental Health, the Therapeutic Docket provides these offenders with a highly structured, rigorously supervised system of treatment and criminal case processing that results in a significant reduction in recidivism rates for program participants and graduates. Participants gain access to the Therapeutic Docket through referrals from police, probation, magistrates, defense attorneys and other local stakeholders. Participants have active criminal cases pending in the General District Court. If they successfully complete the program, which takes a minimum of 6 months, participants may have their pending charges dismissed. If participants are unsuccessful and have to be terminated from the program, they return to court to face their original charges. Successful Therapeutic Docket participants return the community's investment in them by improving their mental health status, maintaining compliance with treatment regimens, including medications, and reducing their criminal behaviors in the community.

### **Budgetary Impact**

No additional City funding is required as the City's match for this grant, \$110,000, was appropriated within the FY 2023 Council Approved Budget as part of the City's contribution to Offender Aid and Restoration.

### **Recommendation**

Staff recommends approval and appropriation.

### **Alternatives**

Council could choose to not approve the grant.

### **Attachments**

1. Resolution\_FY23 TD Appropriation 1900499

**RESOLUTION**  
**Appropriating the Grant for Charlottesville - Albemarle Therapeutic Docket Grant**  
**Award in the amount of \$61,500**

**WHEREAS**, the Supreme Court of Virginia awarded the Supreme Court of Virginia Behavioral Health Docket Grant in the amount of \$61,500 for the Charlottesville - Albemarle Therapeutic Docket in order to fund salaries, benefits, and operating expenses; and

**WHEREAS**, the City of Charlottesville serves as the fiscal agent for this grant program; and

**WHEREAS**, the City of Charlottesville and Albemarle County both have dedicated local matches to this grant, totaling \$167,200; and

**WHEREAS**, the grant award covers the period September 1, 2022 through June 30, 2023.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$61,500, received as a grant from the Supreme Court of Virginia, is hereby appropriated in the following manner:

**Revenues**

\$61,500      Fund: Internal Order: #1900499      G/L Account: 430110 (State Grant)

**Expenditures**

\$61,500      Fund: Internal Order: #1900499      G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$61,500 from the Supreme Court of Virginia.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Appropriation of Grant Funds
Presenter:	Gail Hassmer, Chief Accountant
Staff Contacts:	Gail Hassmer, Chief Accountant Ashley Marshall, Deputy City Manager
Title:	<b>Appropriating State Criminal Alien Assistance Program (SCAAP) Grant for 2021 reimbursement in the amount of \$7,743 (2nd reading)</b>

**Background**

The City of Charlottesville has received the State Criminal Alien Assistance Program Grant (SCAAP), on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$7,743. These are federal funds to reimburse the Albemarle-Charlottesville Regional Jail for Fiscal Year 2021 expenses of housing convicted alien inmates. Albemarle County is appropriating funds received under the same program that will also be passed through to the Regional Jail.

**Discussion**

The State Criminal Alien Assistance Program (SCAAP) provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating certain undocumented criminal aliens. The award amount is based on the number of undocumented persons incarcerated at the Albemarle-Charlottesville Regional Jail. As this is not a one-time grant, the Jail will receive future payments from the City as they are granted.

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

These funds align with Council's Vision for a Smart, Citizen-Focused Government -- Acceptance of these funds will support quality services at our Regional Jail and will help ensure that services are provided in the most efficient and cost effective way to citizens. These funds also support Goal 2: Be a safe, equitable, thriving and beautiful community, and Objective 2.1. Provide an effective and equitable public safety system

**Community Engagement**

N/A

**Budgetary Impact**

There is no budgetary impact as 78% of these funds will be passed through directly to the Regional Jail. The remaining 22% will be sent to Justice Benefits, Inc., which provides administrative support for the regional jail.

**Recommendation**

Staff recommends that Council appropriate the funds.

**Alternatives****Attachments**

1. Resolution\_SCAAP\_Regional Jail Appropriation Reimbursement \$7,743

**RESOLUTION APPROPRIATING  
State Criminal Alien Assistance Program (SCAAP) Grant for 2021  
reimbursement - \$7,743**

**WHEREAS**, the State Criminal Alien Assistance Program (SCAAP) grant, providing federal payments for correctional officer salary costs incurred for incarcerating certain undocumented criminals has been awarded the City of Charlottesville, on behalf of the Albemarle-Charlottesville Regional Jail, in the amount of \$7,743.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that a total of \$6,040 be appropriated and passed through to the Albemarle-Charlottesville Regional Jail and \$1,703 be appropriated and passed through to Justice Benefits, Inc.

**Revenues**

\$7,743	Fund: 211	Internal Order: 1900509	G/L Account: 431110
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**Expenses**

\$6,040	Fund: 211	Internal Order: 1900509	G/L Account: 530550
\$1,703	Fund: 211	Internal Order: 1900509	G/L Account: 530670

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,743 from the U. S. Bureau of Justice Assistance.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Approval
Presenter:	Samuel Sanders, Jr., Deputy City Manager
Staff Contacts:	Samuel Sanders, Jr., Deputy City Manager James Freas, Director of NDS
Title:	<b>Appropriating funds for appraisal services at 0 East High Street - \$3,800 (2nd reading)</b>

### **Background**

### **Discussion**

The appraisal will provide an estimated market value for the parcel at 0 East High as well as associated parcels - parcel ids 500144000, 500143100, 500143000 and 500133100. The appraisal will include sufficient information to understand the basis for the provided value taking into account market value for undeveloped land, the allowed uses of the property under zoning, and the costs associated with the necessary improvements to the property in order for it to be developable. The appraisal will be completed in 6 to 8 weeks from project initiation.

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

The proposed expenditure aligns with the Council vision to be a Green City and with Goal 3 of the Strategic Plan for a "A Beautiful and Sustainable Natural and Built Environment."

### **Community Engagement**

None

### **Budgetary Impact**

The appraisal will cost \$3,800 drawn from previously appropriated funds in the Council's Strategic Initiatives Fund.

### **Recommendation**

Staff recommends approval of the expenditure.

### **Alternatives**

If Council does not approve the use of the funds from the Council Strategic Initiatives account, funds will not be available for the appraisal.

**Attachments**

1. Resolution\_East High Appraisal Appropriation

**RESOLUTION APPROPRIATING FUNDING FOR  
Appraisal Services at 0 East High Street  
\$3,800**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Charlottesville, Virginia that the sum of \$3,800 is hereby paid from currently appropriated funds in the Council Strategic Initiatives account in the General Fund for appraisal services at 0 East High Street.

\$3,800

Fund: 105

Cost Center: 10110010000



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Appropriation of Funds
Presenter:	Garland Williams, Director of Transit
Staff Contacts:	Garland Williams, Director of Transit
Title:	<b>Appropriating funds for the purchase of Charlottesville Area Transit radio equipment - \$237,000 (2nd reading)</b>

**Background**

In FY2022, the Regional Public Service Radio System upgraded the emergency communication system to a new Interoperable Radio Structure with expanded coverage. The update of the regional radio system required a number of city departments to replace their outdated legacy communication equipment. The radio equipment models selected for the system do not meet the Federal Transit Administration's (FTA) Buy America guidelines; therefore, Charlottesville Area Transit (CAT) cannot apply any federal FTA funding for the purchase or installation of new radio equipment to upgrade to the new emergency communication system.

CAT is the last city department that must replace its radio equipment before the old legacy communication system stops working. Without the ability to apply federal funding to the purchase of new radio equipment, CAT is requesting local funding from the City to purchase and install new radio equipment in order for the transit system to be able to communicate with other city and regional agencies through the emergency communication system. The total funding needed to complete this communication upgrade is \$237,000.

**Discussion**

Annually CAT receives federal funding for operations and for the purchase of capital items that are allowable under the FTA Buy America guidelines. The purchase of radio equipment for CAT is a special circumstance, but the ongoing maintenance of the radio equipment can be funded with federal funding.

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

This appropriation contributes to Goal 1: An Inclusive Community of Self-sufficient Residents and Goal 2: A healthy and safe community of the City's Strategic Plan.

**Community Engagement**

None

**Budgetary Impact**

Funds are being requested from previously appropriated funds in the City's CIP Contingency account.

**Recommendation**

Staff recommends approval of the resolution.

**Alternatives**

If the funds are not approved, Charlottesville Area Transit will not be able to purchase the compatible equipment needed to access the local emergency communication system.

**Attachments**

1. Resolution\_CIP Contingency Transfer - CAT Radios

**RESOLUTION**

**Appropriating the Amount of \$237,000 from the CIP Contingency funds for the Purchase of Charlottesville Area Transit Radio Equipment**

**WHEREAS**, the radio equipment compatible with the regional emergency communication system does not meet the Federal Transit Administration’s (FTA) Buy America guidelines and;

**WHEREAS**, Charlottesville Area Transit (CAT) cannot apply any federal FTA funding for the purchase or installation of new radio equipment;

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

**Transfer From**

\$237,000      Fund: 426      WBS: CP-080      G/L Account: 599999

**Transfer To**

\$237,000      Fund: 426      Internal Order: 1000008      G/L Account: 599999

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date: February 21, 2023  
Action Required: Resolution Approval  
Presenter: Carrie Rainey, Urban Designer/City Planner  
Staff Contacts: Carrie Rainey, Urban Designer/City Planner  
**Title: Considering a Special Use Permit for the Three Notch'd Brewery Expansion (1 reading)**

**Background**

Scott Roth, Three Notch'd Brewing Company, LLC, acting as agent for Monticello Associates, LLC, owners of 522 2nd Street SE, Tax Map 28 Parcel 208.1 ("Subject Property") has requested a Special Use Permit on the Subject Property to establish a small brewery. The applicant currently operates a microbrewery on the Subject Property. Microbreweries are permitted to produce 15,000 barrels per year and small breweries are permitted to produce 30,000 barrels per year per Section 34-1200. The Subject Property is currently zoned DE Downtown Extended Mixed Use Corridor.

**Discussion**

The Planning Commission considered this application at their meeting on January 10, 2023. The Commission requested additional information on the term "biological oxygen demand" discussed in the staff report. Staff clarified biological oxygen demand is a water quality parameter measuring the amount of oxygen required to break down organic matter entering the sanitary sewer treatment facility. Uses such as breweries may increase organic matter. The Utilities Department is currently performing testing on the treatment facility to determine any potential issues with expanding the Three Notch'd Brewery from microbrewery to small brewery. The Commission also asked if the brewery expansion would result in increased odors, and the applicant confirmed the intensity of odors would not increase but may be present on additional days with increased production. The Planning Commission recommended approval of the Special Use Permit with the condition provided by staff to ensure brewery production is not expanded until either i. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion in brewery production, or ii. Facilities on the subject property are upgraded to address the increased biological oxygen demand, and the Utility Department confirms the upgraded facilities will adequately handle the increased demand.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 6 at the following link:

<https://civicclerk.blob.core.windows.net/stream/CHARLOTTESVILLEVA/be83a68f-2a65-43c7-b7d0-b9ce7543b4df.pdf?sv=2015-12-11&sr=b&sig=V97KC%2FZo7vLmliiUI%2BKxJP6qpId%2FJBs9QJVFdTdloPs%3D&st=2023-01->

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

The proposal aligns with the City Council Vision Statement of Economic Sustainability.

The proposal aligns with City Council Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment through Strategy 3.1 Engage in robust and context sensitive urban planning and implementation. The proposal aligns with City Council Strategic Plan Goal 4: A Strong, Creative and Diversified Economy through Strategy 4.2 Attract and cultivate a variety of businesses and Strategy 4.3 Grow and retain viable businesses.

### **Community Engagement**

Per Section 34-41(c)(2), the applicant held a community meeting on October 26, 2022. (The Zoning Administrator was able to attend as a NDS representative). No members of the public attended the meeting.

The Planning Commission held a joint public hearing with City Council on this matter on January 10, 2023. One member of the public spoke on the application. The member of the public raised concerns regarding potential issues during droughts and suggested hemp filters are available to limit potential smells.

### **Budgetary Impact**

No direct budgetary impact is anticipated as a direct result of this Special Use Permit.

### **Recommendation**

The Planning Commission voted 7-0 to recommend the application be approved with the condition provided by staff.

### **Alternatives**

City Council has several alternatives:

(1) by motion, approve the requested Special Use Permit 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 Special Use Permit within SP22-00011, based on a finding that the proposed permit is required by public necessity, convenience, general welfare, and good zoning practice”

(2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;

(3) by motion, take action to deny the Special Use Permit;

Or

(4) by motion, defer action on the Special Use Permit.

### **Attachments**

1. 522 2nd Street SE Small Brewery SUP Resolution

**RESOLUTION**  
**Granting a Special Use Permit for a Small Brewery at**  
**522 2<sup>nd</sup> Street SE**  
**Application SP22-00011**

**WHEREAS** Three Notch'd Brewing Company, LLC (“Applicant”) represents the owners of certain land identified within the City of Charlottesville real estate records by Real Estate Parcel Identification No. 280208100 (the “Subject Property”), which has frontage on 2<sup>nd</sup> Street SE and Monticello Avenue; and

**WHEREAS** the Subject Property is located in the Downtown Extended Mixed Use Corridor zoning district, and according to the Use Matrix set forth within City Code 34-796, small breweries are a permissible use of the Subject Property only if authorized by City Council by special use permit; and

**WHEREAS** the proposed small brewery is described in more detail within the application materials dated September 21, 2022, submitted in connection with SP22-00011, as required by City Code 34-158 (the “Application Materials”); and

**WHEREAS** the City Council and the Planning Commission conducted a joint public hearing on January 10, 2023, following public notice given in accordance with applicable law; and

**WHEREAS** the Planning Commission considered and recommended approval of this application at their January 10, 2023 meeting, subject to conditions recommended within the Staff Report; now, therefore,

**BE IT RESOLVED by the Council for the City of Charlottesville, Virginia**, that a Special Use Permit is hereby granted to allow a small brewery to be established on the Subject Property subject to the following conditions:

1. No expanded brewery production (beyond 15,000 barrels per year) is permitted on the subject property until:

- a. The Utilities Department confirms existing sanitary sewer facilities can adequately handle the increased biological oxygen demand generated by the expansion in brewery production, or
- b. Facilities on the subject property are upgraded to address the increased biological oxygen demand, and the Utilities Department confirms the upgraded facilities will adequately handle the increased demand.

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Approve Resolution for Appropriation
Presenter:	Misty Graves, Director of Human Services
Staff Contacts:	Misty Graves, Director of Human Services
Title:	<b>Appropriating funds for reimbursement of United Way Community Resource Hotline Staff Costs - \$45,559.02 (1 of 2 readings)</b>

**Background**

As a response to the COVID-19 pandemic, the Community Resource Hotline expanded their services to provide economic financial assistance through the Pathways program, a collaborative effort of the Charlottesville Department of Human Services, Albemarle County, and United Way of Greater Charlottesville. Residents call the hotline Monday through Friday between 9 a.m. and 5 p.m. and requests are verified and approved by Department of Human Services staff working on the community resource hotline. Financial support will be distributed by the United Way of Greater Charlottesville.

**Discussion**

As a result of call volume and requests, the Community Resource Hotline was required to hire additional staff to serve as operators. The Department of Human Services maintains the operations and oversight of the program. The City of Charlottesville covers 40 percent of staff costs, while the County of Albemarle covers 60 percent of those costs. The appropriation is the reimbursement of the County's portion of staff costs from July 1, 2022 through December 31, 2022. Future invoices to United Way will be submitted quarterly. During these two quarters the City of Charlottesville facilitated and secured emergency hotel stays on behalf of Albemarle county and the United Way and a portion of this appropriation reimburses our department for those payments.

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

This appropriation supports City Council's "Community of Mutual Respect" vision. It contributes to Goal 1: an inclusive community of self-sufficient residents. It also contributes to Goal 5: A well-managed and responsive organization.

**Community Engagement**

Since July 1, 2022, the Community Resource Hotline has disbursed \$725,173.26 to City residents and \$921,379.74 to County residents for a total disbursement thus far in FY 23 of \$1,646,553.00. This demonstrates the volume of residents being processed through the Community



Resource Hotline and the level of need that remains in this local community since the COVID - 19 pandemic.

**Budgetary Impact**

No additional funds are being requested from the City. The funds being appropriated are from the United Way and will reimburse the Human Services department for expenses already incurred.

**Recommendation**

Staff recommends approval and appropriation of funds.

Suggested Motion: "I move the RESOLUTION Appropriating the Amount of \$45,559.02 received from The United Way, as reimbursement of Community Resource Hotline Staff Costs"

**Alternatives**

Council may elect not to accept the funds and the community resource hotline will be understaffed and therefore will not have the capacity to administer financial assistance to people experiencing hardship.

**Attachments**

1. Resolution - United Way Reimbursement Q2FY23

**RESOLUTION**

**Appropriating the Amount of \$45,559.02 Received from The United Way, as reimbursement of Community Resource Hotline Staff Costs and Emergency Hotel Stays**

**WHEREAS**, The City of Charlottesville, through the Department of Human Services, has received reimbursement from the United Way of Greater Charlottesville in the amount of \$45,559.02;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$45,559.02 is hereby appropriated in the following manner:

**Revenues**

\$40,557.19	Fund: 213	Cost Center: 3411001000	G/L: 451022
\$5,002.83	Fund: 213	Cost Center 3411002000	G/L: 530102

**Expenditures**

\$40,557.19	Fund: 213	Cost Center: 3411001000	G/L: 599999
\$5,002.83	Fund: 213	Cost Center: 3411002000	G/L: 530102

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



Agenda Date:	February 21, 2023
Action Required:	Resolution Approval
Presenter:	Samuel Sanders, Jr., Deputy City Manager
Staff Contacts:	Jack Dawson, City Engineer Stacey Smalls, Director of Public Works
Title:	<b>Authorizing Signature Authority for Virginia Department of Transportation (VDOT) (1 reading)</b>

**Background**

The Virginia Department of Transportation (VDOT) and the City of Charlottesville (City) entered into an agreement allowing the City to locally administer certain state-funded projects over multiple fiscal years. The agreement further requests the City of Charlottesville to provide assurance of its commitment to funding its local share of preliminary engineering, right-of-way and construction, as applicable, for the project(s) administered under agreement with the Virginia Department of Transportation. The certification of commitment is executed through signature of the City Manager or designee on all documents pertaining to projects that fall under this agreement.

**Discussion**

The current authorizing signature authority for the City manager or designee was executed in March 2019. The three-year period of approval terminates in March 2023, which is why this item appears before council at this time.

As the City of Charlottesville remains a recipient of Virginia Department of Transportation funds under various grant programs for transportation-related projects, the Virginia Department of Transportation requires each locality by resolution, to provide assurance of its commitment to funding its local share, it is necessary to confirm the City manager or designee authorization to sign all project documents on behalf of the City of Charlottesville for another three-year period ending March 2026.

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

**Community Engagement**

n/a

**Budgetary Impact**

n/a

### **Recommendation**

Staff recommends approval of the Resolution to authorize the City Manager or designee to sign the relevant documents pertaining to funding arrangements in support of infrastructure projects in the city funded by or through VDOT.

### **Alternatives**

### **Attachments**

1. VDOT Resolution2023

**RESOLUTION**

**AFFIRMING THE CITY OF CHARLOTTESVILLE, VIRGINIA’S COMMITMENT TO  
FUND THE LOCALITY SHARE OF PROJECTS PURSUANT TO AGREEMENT  
WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION  
AND TO PROVIDE SIGNATURE AUTHORITY**

**WHEREAS**, the City of Charlottesville, Virginia (the “City”) is a recipient of Virginia Department of Transportation (“VDOT”) funds under various grant programs for transportation-related projects; and

**WHEREAS**, in order to receive VDOT funds under said grant programs, the governing body of a locality must, by resolution, provide assurance to VDOT of its commitment to funding its local share; now therefore,

**BE IT RESOLVED**, by the Council for the City of Charlottesville, Virginia, that the City commits to provide funding sufficient to meet its local share of preliminary engineering, right-of-way, and construction (as applicable) of the project(s) under agreement with VDOT in accordance with each project’s financial document(s); and,

**BE IT FURTHER RESOLVED**, that the City Manager for the City of Charlottesville, Virginia, and/or his designees is authorized to execute all agreements and/or addendums on behalf of the City for any approved projects with VDOT.

**In witness whereof, the forgoing was adopted by City Council of Charlottesville, Virginia on March 6, 2023.**

(locality seal) \_\_\_\_\_  
Kyna Thomas, City Clerk

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Approve Resolution
Presenter:	Alexander Ikefuna, Director of Community Solutions
Staff Contacts:	Alexander Ikefuna, Director of Community Solutions Brenda Kelley, Redevelopment Manager
Title:	<b>Supporting redevelopment of 1025 Park Street A &amp; B (formerly MACAA Redevelopment) (1 reading)</b>

**Background**

The Monticello Area Community Action Agency (MACAA) has partnered with Piedmont Housing Alliance (Piedmont Housing) and Habitat for Humanity of Greater Charlottesville (Habitat) for the redevelopment of its current office and Head Start site at 1025 Park Street into a new, primarily affordable, mixed-tenure residential community. The Charlottesville Redevelopment and Housing Authority (CRHA) and the Piedmont Community Land Trust (PCLT) are other potential partnerships currently being explored.

The overall redevelopment of 1025 Park Street involves the construction of 86 new, affordable apartments and townhomes, a small number of market rate homes, and 5,000 square feet of classroom space for MACAA's Head Start preschool program. Piedmont Housing will develop 1025 Park Street A & B to provide 66 one-, two-, and three-bedroom apartments for lease to individuals and households with incomes at or below 60% AMI. The apartments will provide 7 fully accessible, Section 504 homes for residents with physical impairments and 2 accessible homes for residents with sensory impairments. In addition, 12 townhomes and 8 duplex dwellings will be developed by Habitat. Habitat typically serves families below 50% AMI. Over the last four years, Habitat has served families with an average AMI of 34%. As this request for funding support for the redevelopment includes the Habitat homes, Habitat will not be requesting additional funding from the City. The site also includes a portion of the development being developed as market-rate homes. Details are still being finalized, but this development would be outside the scope of this project and funding. Planned community amenities include community rooms, bicycle storage, elevator access and interior hallways, and access to recreation paths, open greenspace, and a potential playground serving the overall development.

As the primary source of project financing, Piedmont Housing will pursue Low Income Housing Tax Credits (LIHTC), ensuring affordability for a minimum of 30 years. As a mission-driven nonprofit, Piedmont Housing intends to maintain the property affordable in perpetuity.

The final site plan is currently under review by the City. Piedmont Housing intends to submit the

project's LIHTC application in March 2023 with an anticipated reservation of credits in July 2023. Once LIHTC funding is secured, the development team will move forward with construction documents, permitting, and securing any remaining financing with the goal of starting construction in the first quarter of 2024. Construction is scheduled to take approximately 18 months with project completion and full occupancy anticipated by the end of 2025.

### **Discussion**

Applications for the Virginia Housing (formerly VHDA) LIHTC program are due in March 2023. Virginia Housing requires that LIHTC applications include a resolution by City Council that corresponds to any financial commitment(s) made for the redevelopment project. LIHTC funding is critical to the financing of the redevelopment of 1025 Park Street A & B and it is a competitive application process. The City's support, both financially and in declaration, helps to ensure the application receives the highest possible score.

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

The overall redevelopment of 1025 Park Street A & B 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 does not encumber any additional funding from the City budget. It provides acknowledgement that up to \$3,770,000 in funding may be provided.

### **Recommendation**

Staff recommends City Council approve the attached Resolution supporting redevelopment of 1025 Park Street A & B.

***Suggested motion: “I move the Resolution approving support for the redevelopment of 1025 Park Street A & B ...”***

### **Alternatives**

City Council could choose to not approve the supporting Resolution for 1025 Park Street A & B, which could have a negative impact on the LIHTC application.

### **Attachments**

1. RESOLUTION 1025 Park St A & B support 022123



**RESOLUTION**

**Financial Resolution Supporting 1025 Park Street A & B (f/k/a MACAA)  
Parcel Number: 470007100**

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Charlottesville, Virginia hereby commits up to \$3,770,000 in the form of grants for the development of 1025 Park Street A & B (f/k/a MACAA redevelopment project) subject to Piedmont Housing Alliance satisfying the conditions of a Memorandum of Understanding agreed to by the City and Piedmont Housing Alliance. The commitment of up to \$3,770,000 will help to subsidize 1025 Park Street A & B which in turn will create approximately 86 newly constructed affordable housing units in the City of Charlottesville. This commitment will be made to Piedmont Housing Alliance.

Approved by Council  
February 21, 2023

\_\_\_\_\_  
Kyna Thomas, CMC  
Clerk of Council

## City Of Charlottesville, Virginia City Council Agenda

Agenda Date:	February 21, 2023
Action Required:	Yes
Presenters:	Jeff Werner, Preservation & Design Planner, NDS
Staff Contacts:	Jeff Werner, Preservation & Design Planner, NDS James Freas. Director NDS
Title:	<b>507 Ridge Street - Appeal BAR Denial of a Certificate Of Appropriateness for Demotion of Cottage/Shed (BAR 22-11-03)</b>

### **Background:**

- On December 20, 2022 the City’s Board of Architectural Review denied a certificate of appropriateness (CoA) to allow demolition of a single-story, wood-framed cottage/shed constructed c1895 located at 507 Ridge Street pursuant to the details set forth within City application BAR 22-11-03. [Attachment 7.] Link to December 20, 2022 staff report, submittal, and historical survey:  
[BAR meeting packet – Dec 20 2022](#)
- The property owner/applicant, who resides at 507 Ridge Street, on January 4, 2023 appealed the BAR’s decision to City Council, pursuant to City Code §34-285(b) (“any aggrieved person may note an appeal of the BAR decision to the city council”). [Attachment 1.]
- State enabling legislation authorizes the City to establish historic districts within its zoning ordinance, and to designate specific buildings or structures within the zoning ordinance as having important historic, architectural, archaeological or cultural interest. Va. Code §15.2-2306(A)(1). Within the City’s zoning ordinance, 507 Ridge Street is located within the Ridge Street Architectural Design Control (ADC) District (ref. City Code §34-272(3) and both the house and the cottage/shed are identified as *contributing structures*. (The latter designation identifies structures deemed to contribute to the character of an ADC District. Per City Code §34-277, the demolition of a contributing structure requires BAR approval of a CoA.)
- State law also authorizes the City to include within its ordinance a requirement that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board. Va. Code §15.2-2306(A)(2). This has been implemented in the City’s zoning ordinance generally under City

Code Chapter 34 – Zoning, Article II - Overlay Districts, Division 2 - Historical Preservation and Architectural Design Control Overlay Districts and specifically under City Code §34-278.

- State law also requires the City, by enacting the above, include within its ordinance the right of the owner of a historic landmark, building or structure to appeal to the circuit court for such locality from any final decision of the governing body. Va. Code §15.2-2306(A)(3). This has been implemented in the City’s zoning ordinance by City Code §§ 34-285 and 34-286.
- **The City Council’s role in this appeal is to make the final decision on the certificate of appropriateness (i.e., approval or denial).** According to City Code §34-286(b): “City Council shall consult with the BAR and consider the written appeal, the criteria [standards for review] set forth within City Code Sec. 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application.” Council should make a final decision on the application, and should not refer the matter back to the BAR.

***Sample motion to approve: “Upon consideration of all of the information and factors referenced in City Code §34-278 and 34-286, I move to approve a certificate of appropriateness for Application No. BAR 22-11-03.”***

***Sample motion to deny: “Upon consideration of all of the information and factors referenced in City Code §34-278 and 34-286, I move to deny a certificate of appropriateness for Application No. BAR 21-11-03.”***

- If the owner of 507 Ridge Street is aggrieved by City Council’s final decision, the owner may appeal the decision to the Charlottesville Circuit Court. The City’s ordinance does not allow appeals to Circuit Court by anyone *other than* the landowner. See City Code §34-286(c). [See discussion below under *Alternatives*.]

The order of presentation for Council’s review of an appeal from a BAR decision is: (1) City Preservation Planner presentation of the staff report, (2) Appellants’ presentation, and (3) BAR chair presentation.

### **Staff Recommendation:**

Based on the application materials, the information and standards set forth within City Code §34-278 and §34-286, and for the reasons set forth within the Staff Report, staff’s recommendation is that City Council should render a final decision to deny a CoA to demolish the cottage/shed at 507 Ridge Street [BAR #21-11-03].

### **Discussion:**

The City’s historical survey identified the building as a servant’s cottage and staff believes it dates to the c1895 construction of the house. Staff found no conclusive evidence it was or was

not used by servants or occupied as a servant's residence; however, during the two meetings, the BAR noted those possibilities and reflected on the building's uniqueness. For example:

From November 15, 2022:

- Gastinger: "I do think that this is a remarkable structure. I think it is pretty unique. From what we have seen, reviewed, and the history that has been given, it tells a pretty interesting story about the house, neighborhood, and the development of the city."
- Gastinger: "It does have a chimney in the structure, which is not usual for an exterior structure. It seems pretty clear that somebody was spending significant time here. We don't have much evidence to the contrary."
- Gastinger: "This is unusual in its age, association with the house at this age."
- Timmerman: "This is me coming at it from the perspective of understanding the pressures you feel but also wishing there was a way to view this thing for what it is which is a little piece of a much bigger history lesson. Somewhere in the staff report, there are some lines about 'every little bit that you chip away, you lose something.'"

From December 20, 2022:

- Lewis: "People lived in [buildings smaller than this]."
- Birle: "Even though it is a humble building, it is listed on the National Register. It is a contributing resource. It is our purview to protect buildings like this."
- Whitney: "It does seem with the windows and the chimney that it was more than a shed at one time. It does seem like a unique piece we would lose it if it is approved to be demolished. It is unique in that we don't see a lot of historic fabric of the city."

From Chapter I of the ADC District Design Guidelines

*Ridge Street ADC District:* Located on one of the city's principal thoroughfares, this residential street is lined with architecturally significant structures. Many of these residences belonged to Charlottesville's wealthy merchant families and date to the last quarter of the nineteenth century. Smaller residences on this street were the homes of the African-American domestic community. In the early twentieth-century, due to the advent of the automobile, many merchants moved to the suburbs. Their homes were acquired by the African-American community for use as rental properties. Home ownership and infill are current trends.

*Subarea b.* Ridge Street between Cherry/Elliott and Dice: major entry corridor, moderate to large scale residences with some converted to business and multi-family residential, predominantly 2 to 2 1/2 stories with some small, mid-twentieth century, 1 story infill, newer commercial infill minimal setbacks, porches, mixture of styles, brick, stucco, metal roofs



The requested CoA was presented to and discussed by the BAR as follows:

- **November 15, 2022:** BAR reviewed the requested CoA for demolition of the cottage/shed (BAR # 22-11-03) and voted to defer action to the December 20, 2022 BAR meeting.

Mr. Whitney moved to defer the request. Mr. Schwarz, second. Motion passed 6 – 0.  
[Note: Being deferred by the BAR, the matter will be reviewed at the December 20, 2022 meeting.]

Link to the BAR meeting video. (Discussion begins at approx. 01:30:00)  
<https://boxcast.tv/channel/vabajtzezyv3iclkx1a?b=zws6izrpegx6m7ox2o8i>

Link to November 15, 2022 staff report and submittal:  
[BAR meeting packet – Nov 15 2022](#)

- **December 20, 2022:** BAR denied the requested CoA (BAR # 22-11-03).

Mr. Zehmer moved: Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition at 507 Ridge Street does not satisfy the BAR’s criteria and guidelines for demolitions and that for the following reasons the BAR denies the application as submitted because the proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located that is the subject of the application.

Mr. Whitney second. Motion passed 4– 2. CoA was denied.

Link to the BAR meeting video. (Discussion begins at approx. 00:04:30)

<https://boxcast.tv/channel/vabajtzezuuy3iclkx1a?b=lmmnlcna1fcybl7u4xsr>

Link to December 20, 2022 staff report and submittal:

[BAR meeting packet – Dec 20 2022](#)

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

Upholding the BAR’s decision aligns with Council’s vision for *Charlottesville Arts and Culture*: Charlottesville cherishes and builds programming around the evolving research and interpretation of our historic heritage and resources; and for *A Green City*: Charlottesville citizens live in a community with a vibrant urban forest, tree-lined streets, and lush green neighborhoods. It contributes to Goal 2 of the Strategic Plan, to be a safe, equitable, thriving and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

### **Community Engagement:**

City Code Sec. 34-284 requires public notice prior to the BAR’s review of a CoA request. For the BAR meetings on November 15, 2022 and December 20, 2022 the abutting landowners were notified by letter and the meeting was publicly posted, as required by Charlottesville City Code.

Except for the property owners, there were no public comments during the November 15, 2022 BAR December 20, 2022. [See minutes in Attachments 3 and 6.]

On December 20, 2022, BAR received comments from the owner of 406 Oak Street, who opposed the demolition, [See Attachment 5.]

Note: Minutes for November 15, 2022 and December 20, 2022 meetings have not been approved by BAR. The draft minutes reflect only the BAR’s discussion and comments prior to action taken.

### **Budgetary Impact:**

None.

### **Alternatives:**

1. If City Council agrees with the appellant, then Council should vote to overturn the BAR decision. The owner could then proceed to obtain a demolition permit to demolish the building.
2. If City Council agrees with the BAR decision to deny demolition, then Council should vote to uphold the decision. The applicant would then have the option to make further appeal to the Circuit Court.

In addition to the right of further appeal, following a denial by City Council, the owner may

make a bona fide offer to sell the property to a person willing to preserve and restore it per state code and local ordinance, Sec. 34-286 (d). The sale price must be reasonably related to the fair market value of the building, which amount must be confirmed by City Council before the property is offered for sale. If no bona fide offers are received within three (3) months, the owner may renew his demolition request to City Council, and is entitled to demolish if all conditions have been met. [Note: See section 34-286(e)(1). The required time period is based on the value of the structure. Assessed at \$2,700, per the J. Davis email of Nov. 9, 2202, it can be assumed the market value would be under \$25,000 and therefore the time period would be three months.]

**Sec. 34-286. - City council appeals.**

- a) An applicant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the application. The applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.
- b) In any appeal the city council shall consult with the BAR and consider the written appeal, the criteria set forth within section 34-276 or 34-278, as applicable, and any other information, factors, or opinions it deems relevant to the application.
- c) A final decision of the city council may be appealed by the owner of the subject property to the Circuit Court for the City of Charlottesville, by filing with the court a petition at law, setting forth the alleged illegality of the action taken. such petition must be filed with the circuit court within thirty (30) days after council's final decision. The filing of the petition shall stay the council's decision pending the outcome of the appeal; except that the filing of the petition shall not stay a decision of city council denying permission to demolish a building or structure. Any appeal which may be taken to the circuit court from a decision of the city council to deny a permit for the demolition of a building or structure shall not affect the right of the property owner to make the bona fide offer to sell referred to in subparagraphs (d) and (e), below.
- d) In addition to the right of appeal set forth above, the owner of a building or structure, the demolition of which has been the subject of an application appealed to the city council, shall, as a matter of right, be entitled to demolish such building or structure if all of the following conditions have been met:
  - (1) The owner has appealed to city council for permission to demolish the building or structure, and city council has denied such permission;
  - (2) The owner has, for the applicable sale period set forth herein below, and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to sell the building or structure, and the land pertaining thereto, to a person or legal entity that gives reasonable assurance that the building or structure will be preserved and restored; and
  - (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.
  - (4) If all of the foregoing conditions are not met within the applicable sale period, then the city council's decision denying a permit shall stand, unless and until that decision is overturned by the circuit court. However, following expiration of the applicable

sale period, a property owner may renew his request to the city council to approve the demolition of the historic landmark, building or structure.

- e) The time in which a property owner may take advantage of the rights afforded by subparagraph (d), above (the applicable "sale period") shall be as follows:  
(1) ***Three (3) months, when the offering price is less than [\$25,000.00].***  
[...]

4. If the structure is intentionally razed without the necessary approval.

From the December 20, 2022 BAR staff report (page 2): **Per Sec. 34-277** (*Certificates of appropriateness; demolitions and removals*), the BAR must approve the razing or moving of a contributing structure, except *upon the determination of the building code official that the building or structure is in such a dangerous, hazardous or unsafe condition that it could reasonably be expected to cause death or serious injury*. Having no such determination by the City, that exception does not apply. Additionally, failure to obtain the necessary approval for demolitions, the owner is subject to a civil penalty *not to exceed twice the fair market value of the building or structure, as determined by the city real estate tax assessment at the time of the demolition, razing or moving*. (Sec. 34-86(b). See *Appendix* of this staff report.) The City's current assessment for this structure is \$2,700. (Reference J. Davis email of Nov. 9, 2202.) As such, the fine could not exceed \$5,400.

**Attachments:**

1. January 4, 2023 Lauter appeal of BAR's December 20, 2022 action re: BAR 21-11-03.
2. Staff response to appeal.
3. BAR meeting draft minutes, November 15, 2022 (excerpts re: 507 Ridge Street)
4. BAR action memo, November 15, 2022
5. A. Roades comments submitted prior to the December 20, 2022 BAR meeting.
6. BAR meeting draft minutes, December 20, 2022 (excerpts re: 507 Ridge Street)
7. BAR action memo, December 20, 2022

**Links to the City of Charlottesville's ADC District Design Guidelines**

- [Chapter 1 Introduction \(Part 1\)](#)
- [Chapter 1 Introduction \(Part 2\)](#)
- [Chapter 2 Site Design and Elements](#)
- [Chapter 3 New Construction and Additions](#)
- [Chapter 4 Rehabilitation](#)
- [Chapter 5 Signs, Awnings, Vending, and Cafes](#)
- [VII: Public Improvements](#)
- [Chapter 7 Moving and Demolition](#)
- [Index](#)



# Clayt DeMotte Lauter

507 Ridge Street, Charlottesville, VA 22902 / [clayt.lauter@aya.yale.edu](mailto:clayt.lauter@aya.yale.edu) /  
434.249.2771

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January 4, 2023

City Council of Charlottesville  
City Council  
c/o Ms. Kyna Thomas / [clerk@charlottesville.gov](mailto:clerk@charlottesville.gov)  
PO Box 911  
Charlottesville, VA 22902

RE: BAR #22-11-03  
507 Ridge Street, Tax Parcel 290141000  
Ridge Street ADC District  
Owner / Applicant: Kimberly and Clayt Lauter  
Project: Demo backyard shed / cottage

Dear City Councilors,

In accordance with Charlottesville City Code Sections 34-285 and 34-286 please find our official appeal of the Board of Architectural Review's (BAR) decision on December 20, 2022, referenced above, herein.

## Background

Recently, we filed an application with the Charlottesville BAR for permission to demolish the existing outbuilding / shed behind our historic home at 507 Ridge Street to build / construct an appropriate Accessory Dwelling Unit (ADU) for my wife's father, Craig J. Dieterich, who is elderly and in failing health. Mr. Dieterich is 81 years of age with limited resources, which will be exhausted in the middle of 2024 (estimated). The existing structure although "historic" is 1) not in its original location with regard to the home (it has been moved at least two times and currently located above our sanitary line), 2) is in poor condition, not suited for renovation to accommodate current building codes and occupancy requirements for an ADU, much less an elderly man, and 3) is not visible to any other, save my family, immediate neighbors, as foliage allows, and any guests we may have at our home (it is not truly viewable / appreciable from the either Ridge Street or Oak Street; simply another shed).

During conversations with the BAR, several members assumed the intractable position that our "historic" shed must be preserved for preservation's sake, though it clearly is in rough shape, and does not meet any of the needs outlined above. Simply put, the majority of the BAR decision (4 to 2) as of December 20<sup>th</sup>, 2022, was that demolition of the existing shed is not in line with the mission of the BAR. I defer to the council to review the written position and video of meetings in November and December. Those in favor of allowing us to demolish the shed (those voting Nay on the motion to deny our request) rightly supported these key points: 1) the shed behind our home is NOT uniquely represented on the National Historic Register and its demolition would not adversely or any other way detract from the historic designation of the Ridge Street Historic District 2) the shed is NOT viewable to the public, 3) is not associated to ancillary citizenry and/or historical figure (NO NAME OR PERSONAGE OF ANTIQUITY CAN BE DIRECTLY LINKED TO THIS STRUCTURE) and 4) its (the shed's) demolition is not without precedent; larger and much more historic structures have been raised in recent years, thus substantiating such actions (again, please review dissent decision of BAR members on 12/20/2023).

# Clayt DeMotte Lauter

507 Ridge Street, Charlottesville, VA 22902 / [clayt.lauter@aya.yale.edu](mailto:clayt.lauter@aya.yale.edu) / 434.249.2771

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## Council Appeal

As outlined, both Kimberly and I are seeking to create a safe, affordable, living residence for her aged father; one that will allow him to finish his life in relative comfort, with family support. Mr. Dieterich is currently living in an assisted living facility for the aged and infirm in Lakeside, OH. He has limited resources, which are rapidly draining, due to the cost of the facility (~\$8.5K/month). Under such conditions and with Medicare covered facilities limited, his options are scarce. We seek to demolish the existing structure and use his available remaining funds to construct an ADU, within city guidelines / approval and BAR approval (if necessary) to retain the historical look of our home / property. The location for placement of ADU must be handicapped accessible and directly adjacent to our home, both for utility and healthcare reasons (utility integration and oversight of Mr. Dieterich's care).

Simply put, the question is one of value; the value of the quality of life of my 81-year-old father-in-law, or the value of a unremarkable out building / shed, which although old, isn't viewable to the public, cannot meet the needs of renovation to serve as an ADU, and its demolition in no way detracts from the Ridge Street National Historic Designation nor the Local Historic Designation.

The arguments put forward by BAR members and Staff are those of "retaining the structure in order to maintain a window to the past". Some historical structures should and are retained and maintained due to and for their historical value. This is not one of them nor should it be. Conservatorships and foundations have been and are created to seek donations and resources to ensure the continued existence of structures such as Monticello or Mount Vernon. This is a ~12' by ~14' shed, in poor repair (the roof is leaking, the windows are damaged, animals are living in it, etc.) on our private property, with no access to the community, which's value is diminishing daily. The BAR's wish that it be maintained in perpetuity for its own sake is capricious and unreasonable. In its decision, the BAR's motive to deny our demolition of the shed appears a matter of precedent rather than sound judgement.

In truth, I have approached the BAR in good faith several times, following the process in accordance with Charlottesville City Code(s) regarding our historic district (see historical records regarding 1) Solar Panel placement and 2) rain gutter replacement). Allegations from the BAR chair during the 12/20/2022 meeting that were flaunting the BAR's oversight are unfounded and inflammatory. As active citizens in good standing within Charlottesville, we have always sought appropriate action in good conscious. I formally reject Chair Lewis's accusations as noted in the council meeting (again, see video of the BAR meeting 12/20/2022).

## Conclusion

The BAR's 12/20/2022 motion to deny our request to demolish the old, non-locational, out building behind our home at 507 Ridge Street was decided wrongly. Our desire to remove it, retain appropriate elements for the construction of a ADU for my wife's aged father, Craig J. Dieterich is fiscally, morally, and socially the correct one, adding human value to our community. Sometimes it is appropriate to retain / maintain structures for their own sake, adding context and value to the community. This structure is not one of them.

Respectfully,

*Clayt DeMotte Lauter*  
Clayt Lauter

**Attachment 2**

City Staff Report in Response to the Appeal from the BAR’s December 20, 2022  
Decision Denying a “CoA” for proposed demolition of a cottage/shed at 507 Ridge Street  
(BAR #21-11-03)

(Throughout this Response, references to “Staff” represent the collective positions of the BAR, the City’s Preservation and Design Planner, and the City Attorney’s Office.)

**EXECUTIVE SUMMARY OF STAFF’S RESPONSE**

This appeal has been taken by Clayt Lauter (Appellant), who owns and resides at 507 Ridge Street, the property that is the subject of this appeal. For the reasons stated below (within specific responses to each of the Appellants’ separate contentions), Staff’s position is that the concerns expressed by the Appellant do not provide a basis for approving a Certificate of Appropriateness [for demolition], under the standards set forth within Chapter 34 (Zoning) Article II (Overlay Districts), Division 2 (Historical Preservation and Architectural Design Control Overlay Districts).

Council’s Role on Appeal: Reference Sec. 34-286(b) and (c) of the City Code (Chapter 34 of the City Code is referred to as the “Zoning Ordinance”). Council’s role on appeal is to serve as the final decision-maker. Council must consider the appeal, consider the BAR’s position communicated in this Response as the “Staff Response”, and Council may consider any other information, factors or opinions it deems relevant to the application. Council should make a final decision on the application and should not refer the matter back to the BAR.

**Staff Response to Appellant’s Contentions**

Note: Omissions or edits below to the appellants comments are intended for clarity, brevity, and to omit comments not germane to the BAR’s purview. The omissions are not intended to be disrespect of the appellant or the circumstances cited in their appeal letter.

**Paragraph 1**

Appellant: “[We] filed an application with the Charlottesville BAR for permission to demolish the existing outbuilding / shed behind our historic home at 507 Ridge Street to build / construct an appropriate Accessory Dwelling Unit (ADU)[.] The existing structure although “historic” is 1) not in its original location with regard to the home (it has been moved at least two times and currently located above our sanitary line), 2) is in poor condition, not suited for renovation to accommodate current building codes and occupancy requirements for an ADU[,] and 3) is not visible to any other, save my family, immediate neighbors, as foliage allows, and any guests we may have at our home (it is not truly viewable / appreciable from the either Ridge Street or Oak Street; simply another shed).”

Staff comment:

- *Historic*: By legislative action, City Council established the Ridge Street ADC District and designated as *contributing* the house and cottage/shed at 507 Ridge Street. (Ref. Code Section 34-272(3).) The BAR does not and cannot determine

historic designation, nor can the BAR choose to disregard such a designation established by the zoning ordinance.

- *Condition:* Refer to the staff report. Staff visited the site on November 3, 2022 and found the cottage to be in poor condition, but not at immediate risk of collapse.
- *Historic location:* Staff concurs. As expressed in the staff report, evidence suggests the cottage/shed is in its original location on the property.
- *Construction of an ADU:* Per Sec. 34-275. - *Certificates of appropriateness; construction and alterations*, new construction within an ADC District requires BAR review and approval of a CoA. The request presented to the BAR was only for the demolition of the cottage/shed. There has been no CoA request submitted for constructing an ADU on this property. [It is worth noting that nothing precluded—or precludes--the owner from presenting to the BAR a proposed ADU.
- *Visibility:* The cottage/shed is designated a *contributing structure* to the Ridge Street ADC District. Per Sec. 34-277 the BAR has purview to review and approve demolition of a contributing structure, applying the criteria under Sec. 34-278. - *Standards for considering demolitions*. That criteria makes no reference to evaluating the visibility of a contributing structure, not from the public right of way, a neighboring property, or otherwise.

## **Paragraph 2**

Appellant: “During conversations with the BAR, several members assumed the intractable position that our “historic” shed must be preserved for preservation’s sake, though it clearly is in rough shape, and does not meet any of the needs outlined above. Simply put, the majority of the [BAR’s December 20, 2022 denial] was that demolition of the existing shed is not in line with the mission of the BAR.[...] Those in favor of allowing us to demolish the shed (those voting Nay on the motion to deny our request) rightly supported these key points:

- 1) the shed behind our home is NOT uniquely represented on the National Historic Register and its demolition would not adversely or any other way detract from the historic designation of the Ridge Street Historic District
- 2) the shed is NOT viewable to the public,
- 3) is not associated to ancillary citizenry and/or historical figure (NO NAME OR PERSONAGE OF ANTIQUITY CAN BE DIRECTLY LINKED TO THIS STRUCTURE) and
- 4) its (the shed’s) demolition is not without precedent; larger and much more historic structures have been raised in recent years, thus substantiating such actions[.]”

### Staff comment:

- *Historic:* See comments above.
- *Preservation/CoA denial:* In evaluating a demolition request, the BAR can consider only the criteria under Sec. 34-278. - *Standards for considering demolitions*. In applying those criteria, the BAR determined that preservation of the cottage/shed was valid and therefore denied the demolition request. (Refer to the approved motion for denial.) However, per Sec. 34-286. - *City council appeals*, in addition to an appeal presenting the procedures and/or standards violated or misapplied by the BAR, an appellant may submit for Council’s consideration “additional information, factors or opinions he or she deems relevant [to the appeal].”

- *Virginia and federal designations:* (Refer to pages 3 and 4 of the December 20, 2022 BAR staff report.) The house and cottage at 507 Ridge Street are listed on the Virginia Landmarks Register and the National Register of Historic Places as contributing structures to the Ridge Street Historic District (VDHR #104-0025). The VCRIS record indicates the property was found ineligible for individual listing. [It is important to note that while the BAR’s review, per Sec. 34-278, includes consideration of state and/or national designation, it is only a result of local [City] designation that the BAR has purview.]
- *Association with historic individual(s):* Staff concurs. There is no indication the property, house or cottage/shed are associated with a *historic person, architect or master craftsman, or with an historic event.* (Refer to page 4 of the December 20, 2022 BAR staff report.)
- *Prior approvals of demolitions:* The BAR reviews each request individually, applying the design guidelines and, following discussion, voting on that specific request. In evaluating this request, the BAR voted 4-2 to deny the CoA for the demolition.

### **Paragraph 3**

Appellant: “[We] seek to demolish the existing structure [and] construct an ADU, within city guidelines / approval and BAR approval (if necessary) to retain the historical look of our home / property. The location for placement of ADU must be handicapped accessible and directly adjacent to our home[.]”

Staff comment:

- *Construction of an ADU:* (See comments above.)

### **Paragraph 4**

Appellant: “[The cottage/shed] cannot meet the needs of renovation to serve as an ADU, and its demolition in no way detracts from the Ridge Street National Historic Designation nor the Local Historic Designation.”

Staff comment:

- *Construction of an ADU:* (See comments above.)
- *Impact on National Register Historic District:* Refer to the page 7 of the December, 2022 staff report: Per discussions with VDHR staff, November 4, 2022, removal of the cottage/shed would not cause the primary structure (house) to become non-contributing, nor the historic district to be de-listed. Note: This was not a statement to support for the demolition, nor a dismissal of its important, only that, the historic district taken as a whole, this demolition would not likely result in delisting of the district or for the house to no longer be a contributing resource to the district.
- *Impact on the City ADC District:* In its motion to deny the CoA, the BAR determined that demolition of the cottage/shed would be incompatible with the historic, cultural or architectural character of the Ridge Street ADC District.

### **Paragraph 5**

Appellant: “The arguments put forward by BAR members and Staff are those of “retaining the structure in order to maintain a window to the past”. Some historical structures should and are retained and maintained due to and for their historical value. This is not one of them, nor should it be. Conservatorships and foundations have been and are created to seek donations and resources to ensure the continued existence of structures such as Monticello or Mount Vernon. This is a ~12’ by ~14’ shed, in poor repair (the roof is leaking, the windows are damaged, animals are living in it, etc.) on our private property, with no access to the community, which’s value is diminishing daily. The BAR’s wish that it be maintained in perpetuity for its own sake is capricious and unreasonable. In its decision, the BAR’s motive to deny our demolition of the shed appears a matter of precedent rather than sound judgement.”

#### Staff comment:

- *Historical value*: See comments above re: *Historic*. Accessibility to the public is not a requirement for or result of historic designation. Except for public buildings and sites that have been designated, staff is not aware of any state, City, or federally designated properties in the City that are under conservancy and/or available for public access.
- *Condition*: Staff concurs the cottage/shed is in disrepair; however, the applicant did not submit a professional assessment of its condition. (See page 5 of the December 20, 2022 BAR staff report.)
- *CoA denial*: See comments above.

### **Paragraph 6**

Appellant: “I have approached the BAR in good faith several times, following the process in accordance with Charlottesville City Code(s) regarding our historic district [requesting BAR approval of] 1) Solar Panel placement and 2) rain gutter replacement). Allegations from the BAR chair during the 12/20/2022 meeting that were flaunting the BAR’s oversight are unfounded and inflammatory.”

#### Staff comment:

- *Prior BAR submittals*: Staff concurs with the appellant.
- *Allegations*: At no point did the BAR flaunt its purview, nor misrepresent the review process. In brief, during the discussion (see pages 2 and 4 of the December 20, 2022 staff minutes), the applicant stated: “[The cottage/shed] is going to go away, whether it is tomorrow, next week, or in three years due to upkeep.” And “I said that it will come down eventually.” Ms. Lewis, presiding over the meeting as vice-chair, responded she had “never heard an applicant say that; that they will get their way.”

### **Paragraph 7**

Appellant: “The BAR’s [denial] was decided wrongly. Our desire to remove [the cottage/shed], retain appropriate elements for the construction of a ADU [is] fiscally, morally, and socially the correct one, adding human value to our community. Sometimes it is appropriate to retain /

maintain structures for their own sake, adding context and value to the community. This structure is not one of them.”

Staff comment:

- *CoA denial*: (See comments above.)
- *Construction of an ADU*: (See comments above.)

City of Charlottesville Board of Architectural Review  
Regular Meeting  
November 15, 2022, 5:30 p.m.  
Hybrid Meeting (In-person at CitySpace and virtual via Zoom)  
Draft Minutes: Excerpts re: 507 Ridge Street

BAR members present: Gastinger, Timmerman, Schwarz, Birle, Zehmer, Whitney.  
BAR members absent: Lewis, Bailey.  
[Note: The BAR is a nine-member board; however, one seat is vacant.]

**Jeff Werner, Staff** – [introduction of submittal and staff report.]

**Clayt Lauter, Applicant** – We love the shed. It's cute. It's a question of value. I have an 81 year old father in law with limited resources living in an assisted living facility in Sandusky, Ohio. He has maybe enough money for 18 months at \$8,000 a month to live in that facility. His daughter (my wife) and his sister are in Virginia. One is in Washington DC. My wife and I are here. No other family under 80 years old is near him. It is little things. His driver's license has expired. There's nobody there to help him get an ID, except for the facility owners, who want every dime. It's a nine hour drive to Ohio. We have to pay a personal expense, time away from her children, our three special needs kids (two autistic and one diabetic) in order to facilitate her seeing her father. The second value is this shed. It is unremarkable. The windows are busted out. There's nothing but plywood on the floor. Birds and a groundhog live in it. The chimney is falling down. It leaks. It's been a great place for the last 13 years to keep my tablesaw. It's not intended for any living. Were it a historic, brick cottage, I would completely support renovating it. One of the reasons we bought the home is that we care. I have already been before you once to get gutters because the roof was falling down. We put solar panels in our backyard because we care about the environment and our footprint. There are other things of value than simply maintaining a structure because it once stood. It's really a question of value of the quality of life for my father in law and his remaining days and how we can afford to keep him happy, well, and engaged in life when his family is nine hours away. He sits in his chair all day. That's all he does. Think about your family. Is that more important or less important than this? I appreciate you all wanting to protect and value the history of this town. I do too, which is why we bought the house and why I have spent thousands of hours insuring that house is a good house, a beautiful home. I don't think that this shack is more important than my father in law. We have to find a way forward. If we have to defer until December 20<sup>th</sup>, we will for a little while. His funds are running out. He's in good health. He might live another ten years. If that's the case, with an accessory building that we want to put there, we can use the electrical and water from the home within code tastefully done. I am happy to get approval for a design from you. His life matters. The value of his life matters more than this.

## QUESTIONS FROM THE BOARD

**Mr. Gastinger** – I have questions for staff (Jeff). You stated that you hadn't found evidence of this having a resident from the census. We have multiple documents that suggest that this was one of the last servant's quarters in this part of the city. It does have a chimney in the structure, which is not usual for an exterior structure. It seems pretty clear that somebody was spending significant time here. We don't have much evidence to the contrary.



**Mr. Werner** – There is a lot of information in the census and city directories. You can piece things together and try to see if there's a gap. Is there something on either end that suggests someone at this house? I think it is very possible. I think it would have been during the period Mr. Gianniny and his family were there. It does not look like this building has been there a long time. If this was in my yard, I would have that there as something to warm the shop. It does not appear to me to be in the original location. There's no denying this is something probably from 1895. If it is associated with Mr. Gianniny, it definitely dates to the house. It is unique. I have gone through every survey of the Ridge Street Historic District. I can't find another cottage/servant's quarters. In some ways, you can say that this is the only one I am aware of. In the context of its setting and its association with someone there, I can't put someone there. It becomes a shed that dates to the house.

**Mr. Birle** – I was confused. You're asking to take this down in order to build something else there?

**Mr. Lauter** – Yes. An accessory dwelling unit/home for him (father in law) so we can have adjacent access for him. He is not necessarily in the home. If there's a problem, we can be there. We can get Meals for Wheels. We can build something that adds value to the end of his life. Should one of our children fail to launch, that would be appropriate as well. We have a great deal of land. Some of it is not in the historic area. It doesn't make any sense from a utility standpoint. He has maybe \$125,000/\$150,000 depending on the market. That's not going to last very long at \$8,000 a month at an assisted living facility.

**Mr. Birle** – You have looked at moving this on your property?

**Mr. Lauter** – We haven't looked at it. If I tried to put a forklift under there and move it, I know that it's going to fall apart. I have moved a number of buildings with forklifts. I don't find it remarkable. I think some of the wood in it is heart pine. It is beautiful. It can be milled. We would incorporate what was appropriate in the new dwelling. It matters to us aesthetically to match the current home and make it look nice. From a functional standpoint, the building is falling down, the footers are falling down. It is rotten on the back. I have termites in there. We do not have the resources to provide the "TLC" that was mentioned. We don't intend to. It is not utilitarian enough to use for anything other than storage of materials.

**Mr. Timmerman** – Is one of the reasons you're demolishing it is because you don't have enough space? Have you looked at a scenario where you might leave it and build around it?

**Mr. Lauter** – We have not looked at that. Right underneath that is a sanitary line. It makes the most sense. We don't want to eat up our entire backyard without building it. We want to enjoy the space. It's a beautiful area. Putting another building next to it and retaining that aesthetically; no we have not considered that. We have considered further down on the property doing that. That is cost prohibitive. I have to run additional electrical. It's going to have to have its own service. At this point, it is feasible to trench from its location into our basement and run electrical and water. I am on one meter and I meet the city's guidelines for an ADU. We're a constrained family (resource). Doing it for its own sake adds no value in our world.

## COMMENTS FROM THE BOARD

**Mr. Gastinger** – I do think that this is a remarkable structure. I think it is pretty unique. From what we have seen, reviewed, and the history that has been given, it tells a pretty interesting story about

the house, neighborhood, and the development of the city. We are set up as a board to follow our guidelines. For all of the personal stories and realities that are very present for the applicant, that is not part of our mandate and review process. Just as we don't evaluate what is happening within the walls of the structure, we are looking to protect the historic fabric and character of our community where we can. It is not say that those things are any less real. We're not the body to evaluate those other circumstances. That would be City Council. In my mind, it's very straight forward that this is a structure that we want to try to protect and retain. I think it adds to the property and it adds to our community. I'm interested in ways that we can do that. It would certainly be preferred to protect it in place. Secondly, to protect it on the property. Thirdly, protect it in some other fashion. I do find it to be intriguing and interesting and even in its smallness it is an important of our city's history.

**Mr. Zehmer** – I think Mr. Gastinger put it very well. Our purview is that this is a contributing structure in the historic district. It is our duty to protect it. I appreciate the applicant's personal situation. It does make it difficult. Our purview is to protect the contributing structures. I did visit the site. I looked at the building. It is certainly in rough shape. I have seen worse. In particular looking under the building, there's a number of pressure treated floor joists. It has seen some care at some point. There are some pretty easy ways to help mitigate some of the termite damage. There's a lot of mulch piled up around the building. That can be raked back. That's from a preservation standpoint. In a way to try and meet the applicant's goals, I agree with Mr. Gastinger that possible relocation on the property would be an acceptable solution. There's considerable room further down the hill. I know there are the solar panels further down the hill and maybe even further down. Mr. Gastinger laid it out perfectly. Choice one is preserve it. Choice two is relocate on the property. Choice three is relocate within the district as opposed to somewhere else and completely out of context. Our guidelines really discourage demolishing a building. I do not feel that we can do that in good conscience in following our guidelines.

**Mr. Timmerman** – I sympathize with your situation. I understand what you're going through. I do agree with my colleagues. Even if you don't see that thing as a remarkable structure, you might consider seeing it in a different way. It's remarkable for the little piece of the overall puzzle of our historic district. I live in an old house. There's a certain weight that you carry when you're in these things. We often make our own decisions about that from a personal standpoint. It is a bit of a burden. On the other side when you look at those photographs, that photo where you have the cottage in front of the old house, to me, that adds quite a bit of value to your property. There's a wonderful connection of the smaller house with the larger house in your yard. It seems to have a symbiosis relationship at least in the photo that I was looking at. I think we're talking about biases here. What we're really here for is upholding the guidelines. How do we do that? I am looking at your site plan. I'm not sure what is happening in the rear yard. I don't think it is necessarily a bad thing given the fact that the original location of the cottage was further back. I like the idea of restoring it to its original location if it has to be moved. It does seem that there's a good amount of space to work around back there. I understand the proximity issue as far as cost goes. That seems like a viable option to me. It might be a value added thing where you might develop some of the rest of the property further back to extend that backyard. This is me coming at it from the perspective of understanding the pressures you feel but also wishing there was a way to view this thing for what it is which is a little piece of a much bigger history lesson. Somewhere in the staff report, there are some lines about 'every little bit that you chip away, you lose something.' Our job here is to recognize these things. The big things are obviously easy. The little things are harder. We sympathize with the kind of positions that people are in economically and socially. We don't want

to be a burden in that way. We are here to protect that fabric and those stories so we can keep this place as special as we know it is.

**Mr. Whitney** – I am in agreement with a lot of the statements that the board has made. I don't have anything else to contribute beyond what has already been said. I would encourage the applicant to try to find a way to relocate it on the site. I do understand the applicant's desire to build and all of the reasons set forth for trying to build an ADU in this location.

My question for staff is that we mentioned the possibility of finding another home for it and what that venue would look like for finding another location.

**Mr. Werner** – The applicant sent me a note today and asked about a C and a D in the staff report. For whatever reason, there are two lists for demolitions. In the second list, it referred back to the first list. The applicant asked "where are C and D?" They are answered. If this does get into a situation where there's an appeal, let's do the right steps. Word had just changed the lettering. Those were the three things. In fairness to the applicant, I just want to point that out. With the overall condition and integrity, I have stated it and shared that. We know there was not an engineer's report. To what extent, the means/methods for moving/removing, it is to be demolished. I don't see anything left out of the discussion. It is absent in the staff report.

With moving it to a site that is not within a district, I don't know what it would take to establish it as a contributing structure. I don't know that step. I know we've talked about it. We've moved entire houses in the city without them losing their designation. I know there was a discussion of relocating the house on Preston Place. It's been discussed. With the mechanism by which it would be protected, I don't know. That's the piece to figure out if that's the opportunity. In my conversation with the applicant, I sent all of the questions to him that you all had. What about rolling it down the hill? He said there was the cost of rolling it down the hill and maintaining it when it is down the hill. I am not trying to make a judgment. What is best for this structure? In the zoning ordinance, if somebody knocks this down and they knocked it down without BAR approval, there is a fine. I talked to the city assessor. They have a valuation of this at \$2700. It would be the maximum the city could fine someone for such a demolition would not be more than two times that value. If the building fell into disrepair, the city does have the means by which a contributing structure in a historic district is not maintained. I am not entirely clear. It is \$500 and an X amount for each additional incident. What does that mean? I know there is a threshold at which it won't go any further. There are ways we can compel this owner to not let something happen. In my conversations with them, they don't want to put in the expense into moving it. With moving it, the roof is in bad shape and that it doesn't shed water. There's a cost associated with that. My concern is that these other avenues might lead to the building's loss. Is there a way to find a solution? The BAR can evaluate these guidelines. The remedy for that is an appeal to Council. That is an option. That is built into the ordinance. City Council can consider those other things. I would recommend deferral. If there's an appeal on a denial, there has been this omission. If you all feel this omission is not significant, however it is spelled there, it is available.

**Mr. Birle** – To me, moving it on the property is just as good as keeping it where it is. It looks to me like it has been moved more than once. Moving it away/selling it and taking it out of context has very little value at that point. Our focus does have to be pretty narrow. It might be for others to consider the other issues. It is pretty 'cut and dry.' We're being told by the reports that it is significant and rare.

**Mr. Schwarz** – I ultimately would support demolition for this through precedent. I know that most of our Board is very new. I have seen quite a few demolition approvals where whole servant's quarters get chopped off the back of large houses; something much more significant than this small building that we don't really know if a servant lived in. I recognize the sense that it is rare in the neighborhood. It is just out of precedent that we have approved demolitions much more significant than this in the past. It is coming down. Nobody is going to take it. Whether it comes down and we fine you for it or whether you go through a Council appeal and pay for the appeal, we're going to cost you money by delay. As others have said, that's not our purview. What is our purview is the fact that we have demolished much more significant structures in the past.

We could defer this and prolong it. Or we can make a motion tonight and you can take the motion and do what you want with it, whether it is an appeal or you 'put this to bed.' Would you like to defer it and see if you can figure out someone who can take the shed for you?

**Mr. Lauter** – I am more than happy to allow you people to reconsider your comments if intractable on that. I would remind this group that not an eighth of a mile away is a hotel in the historic district. That is condos in the historic district that many in our community fought against in front of you and Council about eight years ago with tooth and nail. That's OK? But my 10 by 12 shed is the Holy Grail of the neighborhood. I appreciate that you want to stay in your 'swim lane.' Let's talk precedence and reality. It's coming down one way or another or it is getting moved. If this Council would like to fund its movement to somewhere on my property, write me a check. If the expectation that me and my wife and our limited resources have to go find \$10,000 to move this when it is coming down anyway, that's the question of value I pose. Historic value does have value; so does current value. This is current. I am not going to be selling tickets to this shed on my property. Nobody is going to come and want to see it. If they did, they're going to require my permission. I am more than happy if you want to defer it to consider it. That's fine. The clock is ticking on my father's quality of life. I understand that it is fine to keep your blinders on and stay within your mission statement. Why do you think I put solar panels on my property? I did it because I care about the environment and our town. To detract from the beauty of the nature of my lawn, you're 'darn tooting.' It is the right thing to do. Our world is much bigger than the ordinances that you operate under. I am fine if you defer to December 20<sup>th</sup>. It is coming down; one way or another. We have to take care of my father in law.

**Mr. Birle** – One thing I wonder about is this idea of precedent. I'm new to the Board. What are the other examples where we have had similar or more significant demolitions?

**Mr. Schwarz** – There are a couple of large houses on Park Street where they took the entire back half of the house off so they could put on a new addition back there. Those back halves were inferior in the sense that they had lower ceilings and smaller rooms presumably because they were servant's quarters. I can think of two examples. One was Chris Long's former house. The other one was Hard Bargain. It is way down Park Street and almost at the end of the district. On Virginia Avenue, we took down the last three working class bungalows on the street. We took down two of those. We did keep one for an apartment building.

**Mr. Gastinger** – They do have some precedent value. They're not quite like this. This is unusual in its age, association with the house at this age. My recollection of those precedents is that those were more recent additions and a different series of conditions. I do think there's a chance if the applicant

came to the Board and demonstrated that there was no way the ADU could be built and that it required the demolition. That might change some minds. On the other hand, given the information that we have, the preservation of the structure (from our guidelines) is the preferred recommendation.

**Mr. Lauter** – What is it that you mean the ADU requires the demolition? What are you saying?

**Mr. Gastinger** – We have had requests for demolitions in the past that were of (in some ways) modest but significant structures; historic nonetheless. We have approved demolition along with a successful building that was going in its place. We understood the necessity of removing the structure. That's one of our evaluation criteria. Without any other context, we don't have any way to evaluate whether the structure is required to come down.

**Mr. Timmerman** – If we could see what the hardship is and see the design, (there are setbacks) then there is an example of where the hardship is coming from as opposed to saying 'we have to move it. We have to get it out of here because we have another structure that we want to put in.'

**Mr. Lauter** – There's no other place for it to go on our property that is governed by you all fundamentally. There's no other place for it to go. We can't put it in our front yard. That is the only place it can go based on the setback if you look at where that fence is. I have to come five feet off that fence according to the current guidelines. I can go back. I then have a parking area that is nothing but gravel. From a functional standpoint, it is right over the sewer. I can get into the house. We can cost effectively put an ADU in an area that's maybe 16 by 25 feet long; a little bit larger than this but not significantly. Match it in form and structure to what we have there currently and add value. The notion that someone is going to buy it, I don't see it. You guys are the BAR. Maybe you know someone who has that interest. For me to use my father in law's limited funds to pick it up and move it, replace it, and then maintain it somewhere else on my property. I am sure that you have very wealthy people come before you that have the funds, the resources, and the means to do that every day. I am not one of them. I think this is a logical value add thing. I appreciate and am more than happy to allow Mr. Werner and whomever else would like to document the process by which it comes down. The notion that it is going to sit into perpetuity, well maintained by me and family, who don't plan on selling this home anytime soon, I wouldn't put money on it. I hope you do it in conscience understanding that you approved the hotel at the corner of my street. I have a 9 mm round in the front of my house. My kids saw the shooting across the street 18 months ago. Not many people are walking up on my property. We live on Ridge Street, which is a little different than Park Street.

**Mr. Schwarz** – You do have a choice. If you want to request a deferral or if you want us to defer it, we can do that. We can vote. It sounds like the vote is going to be to deny the demolition. That would let you move on. What would you prefer us to do?

**Member from the Public** – Are you saying this building could leave the property?

**Mr. Schwarz** – I think that's an option some Board members are for.

**Mr. Werner** – There is precedence there. We have allowed that evaluation of Wyndhurst.

**Member from the Public** – There are people who will take it. They're not going to buy it. They will take it for free. They will take it down and disassemble it or move it wholesale.

**Mr. Lauter** – I don't know if that meets their criteria with regards to preservation.

**Mr. Schwarz** – That sounds like a reason to defer. Would you be all right with that? Give it a month.

**Mr. Lauter** – I am more than happy to defer. I know you don't want to consider the financial arrangement and the quality of life issue of my father in law. That is too hard for me.

**Mr. Gastinger** – It's not that we don't want to; we can't. We're volunteers governed by the statutes. That's not a criteria we can use as part of our evaluation.

**Mr. Schwarz** – You're Ok with the deferral to investigate. It sounds like the applicant is not going to do the investigation. Is that something staff is going to do or should we just end this?

**Mr. Werner** – Ending it is assuming a denial. That places some choices for Mr. Lauter to make. I would assume the loss of the building. I cannot tell you right now what I could offer or what I would do tomorrow. If it is deferred, the applicant doesn't have a proposal for an ADU in the back. A deferral does not in any way, shape, or form cause any financial problem with anybody. If we had before you tonight a project to be approved to construct something new, it would be a little different sense of urgency. Maybe in a month, I can think of something and maybe I can't. At least, I know a decision hasn't been made that is final for that structure. If someone is willing to take this, there is not opposition to that. I keep thinking what we can do, that will provide some certainty for this building.

**Mr. Timmerman** – There may be some benefit for the applicant as well. If there's a deferral, there's maybe a chance that you don't have to pay the fine.

**Mr. Lauter** – I am fine with that. I am emotional about it because I have seen the man. I understand that no one comes to see him.

**Mr. Werner** – There is an ADU process that we need to be having underway as far as a design for something.

**Mr. Schwarz** – How about we move for the deferral? That gives it 30 days.

**Mr. Werner** – I did speak with the DHR (Department of Historic Resources). In their staff opinion, the removal of this building would not place the overall district at risk. One of the reasons you're having this discussion is the BAR's purview is a function of the local designation. However, one of the questions is about (DHR) whether the demolition of a structure be reason for delisting the district. That answer was no. I don't want to lose the building. If an option presents itself, a month gives me the 30 days to figure it out. I may not be able to.

**Motion – Mr. Whitney moved to defer the request. Mr. Schwarz, second. Motion passed 6 – 0. [Note: Being deferred by the BAR, the matter will be reviewed at the December 20, 2022 meeting.]**

## Werner, Jeffrey B

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**From:** Murphy, Mollie  
**Sent:** Thursday, November 17, 2022 3:36 PM  
**To:** clayt.lauter@aya.yale.edu  
**Cc:** Werner, Jeffrey B  
**Subject:** BAR # 22-11-03

BAR # 22-11-03  
507 Ridge Street, Tax Parcel 290141000  
Ridge Street ADC District  
Owner/Applicant: Kimberly and Clayt Lauter  
Project: Demo backyard shed/cottage

Mr. Lauter:

The CoA request for the above referenced project was reviewed by the City of Charlottesville Board of Architectural Review on November 15, 2022. The following action was taken:

- **Action:** Mr. Whitney moved to defer the request. Mr. Schwarz, second. Motion passed 6 – 0. [Note: Being deferred by the BAR, the matter will be reviewed at the December 20, 2022 meeting.]

For specifics of the discussion, the meeting video is on-line at:

<https://boxcast.tv/channel/vabajtzezyv3iclkx1a?b=zws6izrpegx6m7ox2o8i>

Per the provisions of City Code Sec. 34-280: This CoA is valid for 18 months [from the date of BAR approval]; upon written request and for reasonable cause, the director of NDS or the BAR may extend that period by one year; and this CoA does not, in and of itself, authorize any work or activity that requires a building permit. (Link to Sec. 34-280: [CoA period of validity](#))

If you have any questions, please contact me at [murphymo@charlottesville.gov](mailto:murphymo@charlottesville.gov).

Sincerely,  
Mollie



**Mollie Murphy** (*she/her*)  
Assistant Historic Preservation and Design Planner  
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City of Charlottesville  
(434) 970-3515 | [murphymo@charlottesville.gov](mailto:murphymo@charlottesville.gov)

<https://www.charlottesville.gov/264/Historic-Preservation-Design-Review>  
<https://gisweb.charlottesville.org/GisViewer/>  
<https://opendata.charlottesville.org/>

**Werner, Jeffrey B**

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**From:** noreply@civicplus.com  
**Sent:** Tuesday, December 20, 2022 10:26 AM  
**To:** BAR  
**Subject:** Online Form Submittal: Email Contact Form for Board of Architectural Review

## Email Contact Form for Board of Architectural Review

Please complete the online form below to submit your message.

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### Contact Information

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First Name                      Antoinette W.

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Last Name                        Rodes

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Contact Phone Number:      4342933148

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Email Address:                 awroades2@gmail.com

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Enter your message here      Dear BAR Members and Staff:

This comes to you in the hope that you will defer a decision re Kim and Clayt Lauter's petition to demolish a small structure behind 507 Ridge Street. I ask because I note that despite obviously extensive background research on the structure, one possibility has not been considered: That is, that it is a dependency constructed by Allen W. Hawkins (1800-1855) for John Bibb by agreement of 1844. I have lived within sight of this structure since 1987. In about 2004, when I discovered the document I'm about to cite, it occurred to me immediately that it might well be an item described therein.

Background: Teenaged brickmason Allen Hawkins came to Albemarle with kin in response to Thomas Jefferson's advertisement for workmen to build a new university. He is documented to have worked on serpentine walls and also at least one Lawn hotel. In 1829, Hawkins bought from Alexander Garrett the block of land now bounded by Ridge Street, Oak Street, Fifth Street SW, and Cherry Avenue. By 1832, he built the local landmark brick cottage that still stands on 5th for himself. Then he went on to build houses around the block, as well as on other land he purchased, for family members or for sale. He and his workers also made the bricks they used in building, and Hawkins sold the surplus. In addition, he acted for



a time as agent in Charlottesville for the property and projects of Gen. John Hartwell Cocke of Bremo.

In 1844, Hawkins completed a house commissioned by merchant John Bibb. It still stands as 505 Ridge Street. On May 24, Hawkins wrote (phoenetically, as always) to Gen. Cocke that Bibb "was at the building a few day [sic] back and seemed to be very well pleased with the work and told me he intended to get me to build him a kitichin [sic] and smoke house at the place and him [sic] and his wife gave directions how they wanted things done and there [sic] directions has been strickly [sic] attended by the worke [sic] men and myself in every respect." (letter in Cocke Papers, [U.Va.](#) Special Collections)

This does not prove that the little structure, which has certainly been moved about, is one of those buildings mentioned, of course. But to me it strongly suggests that another look is in order. Are its bricks the same as those used at 505? How about its framing elements? Etc. And if it appears to have that earlier origin, that fact should be documented at least.

There is some urgency. When I learned yesterday that this item was on your agenda, I e-wrote the Lauters with the information above and my hope that they would pause the process to allow for further investigation. They responded by making it absolutely clear that the "shack" (demolition by derogatory language?) will be taken down regardless of how BAR or City Council rule.

I cannot do more at this point -- except, that is, hope the little survivor of at least one century and maybe most of another as well will get its due before yet another piece of history is permanently deleted from my genuinely historic neighborhood.

Sincere thanks for your time, attention, and any consideration.

Antoinette W. Roades  
406 Oak Street

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City of Charlottesville Board of Architectural Review  
Regular Meeting  
December 20, 2022, 5:30 p.m.  
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Draft Minutes: Excerpts re: 507 Ridge Street

BAR members present: Lewis, Bailey, Schwarz, Birle, Zehmer, Whitney.  
BAR members absent: Gastinger, Timmerman.  
[Note: The BAR is a nine-member board; however, one seat is vacant.]

**Jeff Werner, Staff** – [introduction of submittal and staff report.]

**Ms. Lewis** – Has anybody come forward saying that they would like to pay for removal of this? If so, are they working with the owners to do that?

**Mr. Werner** – I have two parties who have expressed interest. I asked them (the applicants) if somebody was interested if we could take a look at it. I know that it would not be moved to another district, an IPP, or something like that. It would essentially be allowing demolition by allowing it to be removed and placed somewhere else. The two parties that I talked to are interested in using it as a structure. No point in belaboring this unless you all were interested in it. If you were, we could take a look at it.

**Ms. Lewis** – For us looking to take a vote tonight, we have an application to demolish unless somebody modified that application and gave us information about a removal, which is some of the same criteria. We would have to have information about the removal. I don't know if anybody is prepared to do that tonight. I am trying to summarize where we are. We have a lot of information from staff and certainly from last month's discussion.

**Mr. Werner** – Removal would be not two sites that it would fall under BAR purview. It would essentially be allowing someone else to remove the building, put it somewhere, and utilize it. There would be no assurances that would result in preservation.

**Ms. Lewis** – Are you going to suggest that as staff? I am thinking procedurally. How do I go forward with this?

**Mr. Werner** – I haven't dealt with a situation like this. I was figuring where things stood with all of you. In my personal/professional opinion, it is one of those that you load it up on a truck and take it down the road. That can be easily done. I have expressed that to both parties. Were this to be removed, the goal is quick removal. This is not turning into a construction project in someone's backyard.

**Ms. Lewis** – Is it sturdy enough to be removed?

**Mr. Werner** – I would take the windows out and I would put a lot of framing inside to hold it together to keep it from wracking. The chimney would have to be taken down. I think it can be done. The result, when it got somewhere else; that would have to be determined to be expedient on behalf of the owner and out of respect for them. Allowing it to be relocated is no guaranteed protection. I know they want to have it removed. I know the next step, if this was to be denied, is an

appeal to Council. If Council agrees with the BAR, the next step is the required sale. The amount of time for this would be two months on the market. There's a sequence of steps in the ordinance. It would be up to them as to what they do with it after that; should nobody step forward.

**Ms. Lewis** – I didn't see any information in the staff report about a removal.

**Mr. Werner** – I mentioned the interested individuals. It is not like on Preston and that house was being moved down the street to another site within the district. It would simply be allowing its removal to someone seeking to use the structure.

**Ms. Lewis** – A long time ago, I represented an applicant who wanted to demolish a shed that was believed to have been inhabited. It was dated older than this. It was in Woolen Mills. My client, like these applicants, wanted it demolished. After we were defeated by the BAR, we came back with another motion to move it elsewhere on the property. We're here because there's an application that somebody has presented. I am not hearing from them.

**Mr. Werner** – I am offering you what I can. To take it straight out of the BAR protocols, the recommendation would be that this is the demolition of a building that is contributing and historic. We don't have an engineer's report. My concern is that it will likely be a denial. It will likely be lost. I don't know how to word that carefully. You all within your right to review the staff report. There is evidence in there and you can make a decision based on that.

**Kimberly Lauter, Applicant** – You said that it was a contributing structure. I thought that it doesn't have any effect on the designation as a historic district.

**Mr. Werner** – There are two districts involved here. One is the local/city district. It is designated as contributing. That is why the BAR is reviewing it. One of the criteria in the guidelines is: How is it referred to in the National Register listing? For the Ridge Street Historic District, it is listed as contributing. It is a contributing structure. However, in conversations with the Department of Historic Resources, removing it (in their opinion), would not put the district at risk of being delisted. The house is not individually listed. It is all part of the district. If ninety percent of the buildings that are historic on Ridge Street were demolished, DHR would probably say that this no longer qualifies for the National Register listing. It is contributing locally and to the National Register. It is not individually listed. Removing it from this site will not place the National Register designation in jeopardy.

**Ms. Lauter** – We have not been able to determine if anyone actually lived in the structure. We have reason to believe it was maybe a kitchen. It is so small. It is 10 by 10. Nobody lived in there.

**Ms. Lewis** – People lived in 10 by 10s.

**Clayt Lauter, Applicant** – The intention here is not to cause a fuss but to remove this building to put in an ADU for her failing health, aged father. The value proposition of this structure is for the structure's sake. It is going to go away, whether it is tomorrow, next week, or in three years due to upkeep. We are not selling tickets. We are not roping this off. We're not inviting the public to come view it. I am more than happy to document the construction in its removal. The notion that it should be lifted, put on a flat-bed, and carted off to a non-historic: No, that's crazy. If you had another location in the district where you would like to move it, we can consider that. What you're saying is

that I am giving a building away for free to somebody with no oversight of this body or anybody else. That's nuts. I understand the purview, the directive, and the mission of this Board. When it makes sense to do exterior modifications or retain historical value, I get it. I support it. That's why we lived in the house in the first place. This building is falling down with birds. There are those that come before you with millions of dollars. We are not one of them. I understand that your purview is structures historic in nature. We're talking about my mother's father. If necessary, we will see you in front of City Council.

## QUESTIONS FROM THE BOARD

No Questions from the Board

## COMMENTS FROM THE BOARD

**Mr. Schwarz** – With the previous BARs, there is precedence for taking down much larger portions of historic structures. There is also precedence for basically giving quite a bit of free reign to the rear side of historic houses. This is in the rear. It is not visible from the street. Its removal will not change the district. It is very particular to this one property. Through precedent alone, I would vote for approval of demolition.

**Mr. Bailey** – I will associate myself with your remarks (Mr. Schwarz).

**Mr. Zehmer** – In reference to the letter that was submitted and having seen the building, I am not convinced that it is mid-18<sup>th</sup> century. The saw marks on the framing and the construction don't look like it is 1840s. I think the staff report is more accurate. It is likely the 1890s time period. As I mentioned last month, I don't feel that it is beyond repair.

**Mr. Birle** – Our purview is fairly narrow here. Even though it is a humble building, it is listed on the National Register. It is a contributing resource. It is our purview to protect buildings like this. With that narrow and analytical focus, that would be my recommendation.

**Mr. Whitney** – What seems unique to this structure is that I wouldn't want to set a precedent for the BAR to associate with is that it does seem like a piece of character we wouldn't want to lose. It does seem with the windows and the chimney that it was more than a shed at one time. It does seem like a unique piece we would lose it if it is approved to be demolished. It is unique in that we don't see a lot of historic fabric of the city. I would be in favor of denying the motion for demolition.

**Mr. Bailey** – It is interesting that you use the word 'see.' As was pointed out, you can't see it. Nobody wondering around the district can see it for the most part. It isn't contributing in the sense that the public gets to enjoy it. That is the motion that we have approved in the past; things that are behind historic structures that are not contributing to the fabric of the neighborhood in the sense that people will get to see the neighborhood and experience it in that way. I think that should be taken into consideration.

**Ms. Lewis** – I find this challenging because we're seeing reasonable people differ strongly on this. With no disrespect to the applicant, I have been on the BAR previously from the Planning Commission for two terms. I have been back on this Board for two years. I haven't heard an

applicant threaten to demolish something that they legally couldn't demolish. You said that it will come down.

**Mr. Lauter** – I said that it will come down eventually.

**Ms. Lewis** – I heard within a shorter period of time. We do have someone taking the minutes. I have never heard an applicant say that; that they will get their way. I don't know how that impacts my voting. I am sitting here. Does that mean it will be demolished no matter what this Board or whether it makes me emboldened to vote to deny it? I don't know. I am noting for me that is a shocking comment. I am sure the applicant (through staff) is well aware of the consequences and fines. Those may not be personal concerns for them. I want to note that for my colleagues. We deal with people's private property. We deal with their property rights every single time we're here. Our guidelines do impose the right for us to do certain things. A demolition is an extreme example of when a property owner wants to do something with their property. I have never had a property owner say "I want to alter it. If you deny me, I am going to alter it anyway." I have never heard those words. I don't know how it effects my voting on this.

**Mr. Lauter** – We wouldn't be here if we didn't respect the process. We live in the area. We have lived in the area for 13 years. We have complied with all other asks of this BAR. Whether they have been installing gutters on the front of the house when I came before with my children years ago; whether it is solar panels. I don't know if perhaps my comments were inarticulate. What I did mean to say was that we are not going to allocate the resources that some on this committee would wish us to allocate to maintain this structure into perpetuity. By withholding maintenance, it will fall down on its own. It was not a threat by myself or my wife. The letter that you read mentioned something. Those were not our words. It said something about being destroyed imminently. I believe those were Tony's words. They were not our words. I apologize for the miscommunication. I agree with the gentleman who said that this cannot be seen by the public. I am not speaking ill of my neighborhood. We love our neighborhood. It can be a little rough. There are 9 mm holes in front of my house. There are drive-bys up the street. Do I allow people to walk through my yard? No. It is completely our property. This shed/shack is not visible to anyone unless you're my neighbor. The public can't see it. We're not going to sell tickets. I respect this body. I respect your mission as described and outlined to maintain the historic fabric of the community for the public. This is not publicly seen, viewable, or considerate one that the public can consider. It does not contribute. It is not individually listed on the National Register. It is a contributing building that will not affect the National Register or the Local Register. I appreciate your purview. I understand your passion. I respect it.

**Motion – Mr. Zehmer – Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition at 507 Ridge Street does not satisfy the BAR's criteria and guidelines for demolitions and that for the following reasons the BAR denies the application as submitted because the proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located that is the subject of the application**

**Mr. Birle second. Motion passed 4–2. CoA was denied.**

**Werner, Jeffrey B**

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**From:** Murphy, Mollie  
**Sent:** Wednesday, December 21, 2022 3:31 PM  
**To:** clayt.lauter@aya.yale.edu; kimberly.lauter@gmail.com  
**Cc:** Werner, Jeffrey B  
**Subject:** BAR # 22-11-03

**Certificate of Appropriateness**

BAR # 22-11-03  
507 Ridge Street, TMP 290141000  
Ridge Street ADC District  
Owner/Applicant: Kimberly and Clayton Lauter  
Project: Demo backyard shed/cottage

Mr. Lauter:

The CoA request for the above referenced project was reviewed by the City of Charlottesville Board of Architectural Review on December 20, 2022. The following action was taken:

**Mr. Zehmer moved:** Having considered the standards set forth within the City Code, including the ADC District Design Guidelines, I move to find that the proposed demolition at 507 Ridge Street does not satisfy the BAR's criteria and guidelines for demolitions and that for the following reasons the BAR denies the application as submitted because the proposal is incompatible with the historic, cultural or architectural character of the district in which the property is located that is the subject of the application

**Mr. Whitney second. Motion passed 4– 2. CoA was denied.**

For specifics of the discussion, the meeting video is on-line at:  
<https://boxcast.tv/channel/vabajtzeuyv3iclkx1a?b=lmmnlcna1fcybl7u4xsr>

Per city Code Sec. 34-285 (*Approval or denial of applications by BAR*) and Sec. 34-286 (*City council appeals*), following the denial of a CoA request, the applicant may appeal the decision to City council by filing a written notice of appeal within ten working days of the date of the decision. [Note: Due to the holidays and City Hall closures, *ten working days* allows an appeal to be filed by January 6, 2023.] The appeal shall “set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the BAR, and/or any additional information, factors or opinions he or she deems relevant to the [appeal].” The fee to submit an appeal of BAR decision is \$125.

Link to City Code: [ADC Districts - City Code Section](#)

If you have any questions, please contact me at [wernerjb@charlottesville.gov](mailto:wernerjb@charlottesville.gov)

Please remove the notice sign posted at the site.

Sincerely,

Jeff Werner, AICP  
Historic Preservation and Design Planner  
City of Charlottesville  
Neighborhood Development Services  
City Hall | P.O. Box 911  
610 East Market Street  
Charlottesville, VA 22902

Phone: 434.970.3130

Email: [wernerjb@charlottesville.gov](mailto:wernerjb@charlottesville.gov)

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	February 21, 2023
Action Required:	Approve resolution
Presenter:	Chris Engel, Director of Economic Development, Yolunda Harrell - New Hill Development Corporation
Staff Contacts:	Chris Engel, Director of Economic Development Michael Rogers, City Manager
Title:	<b>Appropriating funds in support of BEACON's Kitchen Project - \$500,000 (2nd reading, amended)</b>

**Background**

New Hill Development Corporation (NHDC) is an African American-led nonprofit Community Development Corporation (CDC) formed in 2018 with the goal of strengthening the Black community in Charlottesville through financial coaching, entrepreneurial support, economic development and asset building. In 2019 NHDC conducted extensive community engagement as part of its process to create a Vision Plan for the Starr Hill neighborhood. Born out of that plan was the idea to create an incubator for Black-owned businesses. In 2020, NHDC began developing plans for the Black Entrepreneurial Advancement and Community Opportunity Network (BEACON). BEACON is a business incubator and accelerator to advance opportunities for Black entrepreneurs. Given the large number of restaurants and hospitality related entities in the Charlottesville area already, the decision was made to focus first on creating a shared-use commercial kitchen to be known as BEACON's Kitchen.

**Discussion**

Research has indicated that there is a robust local and regional food system centered around Charlottesville, supplied by over 4,500 local farming operations and covering 800,000 acres of vegetables, orchards, berries, and honeybees. However, there is no large shared-use commercial kitchens/processing facilities between Richmond and Roanoke where regional farmers can produce value-added products, avail themselves of co-packing services, and rent much needed dry, cooled, and frozen storage space. The absence of a fully equipped commercial kitchen facility is limiting regional farmers from increasing product production, manufacturing value-added products at scale, diversifying their product lines, and selling outside their local markets.

NHDC proposes to fill this gap by, renovating, and equipping a 11,300 square foot shared-use commercial kitchen serving restaurant, hospitality, as well as value-added producers in the area. The kitchen will include packaging equipment, as well as production equipment. When fully built out, it is expected that up to 16 food businesses will be able to operate simultaneously. NHDC has negotiated a long-term rental agreement at an ideal location for the kitchen in Kathy's Shopping



Center located at 221 Carlton Road in Charlottesville. While this project is led by the principals of NHDC, it is also supported by a strong team of pro bono professional advisors that include: an individual to serve as owner's rep during construction, an architect, a kitchen designer, a chef, a marketing and graphic design firm, a financial adviser, a grant writer as well as the Community Investment Collaborative and the Small Business Development Center. NHDC as a 501(c)3 nonprofit organization will oversee the project and operate the shared-use commercial kitchen.

BEACON's kitchen will be open to any interested member. However, analysis of other shared kitchens in Virginia indicates that 75% of its user-businesses will be owned by minorities and women. The kitchen will have 24-hour access and will use a monthly or hourly subscription model so that producers and small businesses can economically access just those services they need. This flexibility is important to producers with seasonal produce. It is also important for value-added product producers for whom developing a non-shared kitchen is cost prohibitive. Commercial real estate rental rates areas in Charlottesville are currently higher than many similar areas in the state and availability of space is very limited. It is estimated that using the BEACON model will save businesses approximately two-thirds of the costs associated with operating a stand-alone facility. We believe this approach will spur new value-added products, create new jobs, and develop additional markets for agricultural production in our area.

To better assess the impact of the facility, NHDC commissioned the Weldon Cooper Center at the University of Virginia to conduct an economic impact analysis. The study estimated that by the fifth year of operation 90 jobs would be created due to the facility and \$2.2 million local tax revenues would be generated annually as a result (Note: the study region included the City and the County of Albemarle and thus the revenues accrued solely to the City would be some portion of the total).

The funding needed to make this project a reality is estimated to be \$2.2 million. To date, this project has received early support from the Governor's DHCD Business Resurgence Award \$150,000 (October 2021), GO Virginia \$189,000 (June 2022), University of Virginia Economic Development \$10,000 (February 2022), Charlottesville Economic Development Authority pledge of \$25,000 matching funds for GO Virginia grant (June 2022 award), County of Albemarle Economic Development Authority pledge of \$25,000 for GO Virginia matching funds (June 2022 award), Letter of Commitment for a \$500,000 revolving loan from the Community Investment Collaborative (March 2022), Governor's Agriculture and Forestry Industries Development Fund – Infrastructure Grant Program with matching funds pledged by the Charlottesville Economic Development Authority of \$50,000 (December 2022) and \$200,000 in additional private pledges. The above amounts total over \$1.2 million, just over half of the estimated total needed for full funding. NHDC is actively seeking to raise additional funds to help close the funding gap. The Charlottesville Area Community Foundation is assisting. A funding commitment to the project by the City will be critical to unlocking additional grants as well as philanthropic funding. NHDC's operating pro forma for the kitchen includes sufficient working capital over the first five years to ensure the project stabilizes. Once stable the identified revenue streams are expected to cover expenses thus eliminating the need for ongoing financial support.

Staff believes this project has the potential to be transformative and should receive city support. It meets a recognized demand in a strong and growing sector of the economy. It promotes the opportunity for job and wealth creation particularly in the Black and minority business community. And it has a demonstrated positive return on investment to the City with an increase in business activity and local taxes generated.

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

This action aligns with the Council's Vision for economic sustainability. This action aligns with the City Council's Strategic Plan Goal Four: A Strong Diversified Economy.

### **Community Engagement**

The Vision Plan for the Starr Hill neighborhood had significant engagement from city residents, business leaders and local government representatives.

### **Budgetary Impact**

There is no impact to the General Fund. What is proposed is a onetime investment from the ARP Strategic Investment Account.

### **Recommendation**

Staff believes this project represents a unique opportunity to grow the economy and assist in developing minority owned businesses. Should Council agree and wish to support the effort, staff recommends that the attached resolution signaling the City's intent to financially contribute to the project be approved and upon verification of similar support from private sources authorizes the City Manager to execute a grant agreement of up to \$500,000 with New Hill Development Corporation.

### **Alternatives**

### **Attachments**

1. Support of BEACON's Kitchen Project - RESOLUTION

**RESOLUTION**

**New Hill Development Corporation - BEACON's Kitchen \$500,000**

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of \$500,000 is hereby authorized to be allocated from currently appropriated funds in the ARP Strategic Investment Account (\$500,000) to New Hill Development Corporation upon the drafting of an approved Donation Agreement between the City of Charlottesville and New Hill Development Corporation and pursuant to said Agreement, the City Manager is hereby authorized to execute the Donation Agreement with New Hill Development Corporation.

\$500,000      Fund: 207                      I/O:1900491