



CITY COUNCIL AGENDA
August 7, 2023
CERTIFICATIONS

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

Please note the meeting location has changed to CitySpace, 100 Fifth Street NE.

4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at www.charlottesville.gov/zoom. The meeting may also be viewed 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. 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 APPROVED 5-0 (PINKSTON/WADE)

Reports

1. Report: Regional Transit Governance Study - Thomas Jefferson Planning District Commission (TJPDC)

5:30 PM NO CLOSED MEETING

6:30 PM BUSINESS SESSION

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. Comments on Public Hearing items are heard during the public hearing only.

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Soul of Cville

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

2. Minutes: June 20 regular meeting, July 5 joint Council/Planning Commission meeting, July 11 joint Council/Planning Commission public hearing
3. Resolution: #R-23-107 Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53 (2nd reading)
4. Resolution: #R-23-108 Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (2nd reading)
5. Resolution: #R-23-109 Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (2nd reading)
6. Ordinance: #O-23-110 Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (2nd reading)
7. Resolution: #R-23-111 Appropriating VDOT grant funds for Washington Park to Madison Avenue Trail - \$285,665 (2nd 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

8. Resolution: Referring the Zoning Ordinance rewrite to the Planning Commission (1 reading)
#R-23-112 APPROVED 5-0 (PINKSTON/WADE)
9. Resolution: Special Use Permit request at 207 and 211 Ridge Street (1 reading)
#R-23-113 APPROVED 5-0 the SUP as amended with the addition of Condition #10 (PINKSTON/PAYNE)
10. Resolution: Approving a Special Use Permit at 218 West Market Street (2nd reading)
#R-23-114 APPROVED 4-1 (PINKSTON/WADE; Payne opposed)

General Business

11. Written Report: Land Use and Environmental Planning Committee Semi-Annual Report
12. Written Report: Rivanna Authorities Quarterly Report

Other Business

Community Matters (2)

Adjournment

RESOLUTION
City Traffic Assets Insurance Reimbursement
\$56,316.53

WHEREAS, Progressive and National General Insurance Company are reimbursing the City of Charlottesville for a loss associated with City of Charlottesville Traffic assets;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$56,316.53 be appropriated in the following manner:

Revenues - \$

\$56,316.53 Fund: 426 Project Code: P-01036 G/L Account: 451110

Expenditures - \$

\$56,316.53 Fund: 426 Project Code: P-01036 G/L Account: 541040

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of funds from the Progressive and National General insurance companies.

**RESOLUTION APPROPRIATING FUNDS FOR
Virginia Department of Education Special Nutrition Program
Summer Food Service Program
\$100,000**

WHEREAS, the City of Charlottesville, through Parks and Recreation, has received approval for reimbursement up to \$100,000 from the Virginia Department of Education Special Nutrition Program to provide free breakfast and lunch to children attending summer camp programs; and

WHEREAS, the grant award covers the period from period June 20, 2023 through October 31, 2023.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, which the sum of \$100,000, received from the Virginia Department of Education Special Nutrition Program, is hereby appropriated in the following manner:

Revenue – \$100,000

Fund: 209 Internal Order: 1900528 G/L Account: 430120

Expenditures - \$100,000

Fund: 209 Internal Order: 1900528 G/L Account: 530670

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$100,000 from the Virginia Department of Education Special Nutrition Program.

**RESOLUTION REALLOCATING AND
APPROPRIATING FUNDS FOR
American Rescue Plan for Eligible Local Activities
\$33,827.85**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of \$33,827.85 from previously appropriated American Rescue Plan funds which have been returned to the City is hereby designated to be available for expenditure by the Department of Human Services for the continuation of eligible community resiliency activities.

Revenue:

Fund: 207	I/O 1900529	GL 451050	\$33,827.55
-----------	-------------	-----------	-------------

Expense:

Fund: 207	I/O 1900529	GL 599999	\$33,827.55
-----------	-------------	-----------	-------------

**AN ORDINANCE
APPROVING AN ENCROACHMENT AGREEMENT FROM
THE CITY OF CHARLOTTESVILLE, VIRGINIA TO 1117 PRESTON AVENUE LLC
FOR THE PRESTON HOUSE PROJECT AT 1117 PRESTON AVENUE**

WHEREAS, in order to facilitate a specific development project, 1117 Preston Avenue LLC (the “Applicant”), has requested an Encroachment Agreement with the City of Charlottesville to allow encroachment within the right-of-way of Preston Avenue; and

WHEREAS, the Applicants have submitted an Encroachment Exhibit, dated June 7, 2023, titled “ENCROACHMENT EXHIBIT FOR PRESTON HOUSE (1117 PRESTON AVE) to the City; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the attached Encroachment Agreement between the City of Charlottesville, Virginia and 1117 Preston Avenue LLC is hereby approved. The Mayor is authorized to execute the Agreement and any other documents necessary to consummate the transaction on behalf of the City, in form approved by the City Attorney.

**RESOLUTION Appropriating Funds from
VDOT Highway Safety Improvement Program Grant
for Washington Park to Madison Avenue Trail - \$285,665**

WHEREAS, the City of Charlottesville, through Parks and Recreation, was awarded \$285,665 from the Virginia Department of Transportation (VDOT) for the Cherry Avenue/Ridge Street Streetscape Project, and

WHEREAS, the City of Charlottesville has cancelled that project, and

WHEREAS, the City has an existing VDOT grant to construct a bicycle and pedestrian ramp to connect upper Madison Avenue and lower Washington Park that requires additional funding,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$285,665 is hereby appropriated in the following manner:

Revenues

\$285,665 Fund 426 WBS: P-01052 G/L Account: 430120

Expenditures

\$285,665 Fund 426 WBS: P-01052 G/L Account: 599999

BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$285,665 from the Virginia Department of Transportation.

RESOLUTION

Referring adoption of the Charlottesville Development Code (Zoning and Subdivision Ordinances) to the Planning Commission for review and recommendation

WHEREAS upon adoption of the Affordable Housing Plan (March 2021) and the Comprehensive Plan (November 2021) both containing recommendations to adopt new zoning to address issues of equity in land use practices and regulation and to provide opportunities to build affordable housing and expand the supply of housing options; and

WHEREAS staff has prepared a draft Development Code in a public process that has engendered extensive engagement with residents and property owners in the City; and

WHEREAS this Council finds that consideration of the proposed Development Code is required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville that the amendment and reenactment of the entire zoning ordinance is hereby initiated pursuant to City Code 34-41(a)(1); and

BE IT FURTHER RESOLVED THAT the proposed Development Code incorporating the amended zoning and subdivision ordinances is hereby referred to the Charlottesville Planning Commission for its recommendations, and to be scheduled for a public hearing. Based on the Planning Commission's deliberations and based on input received during the public hearing process, the Planning Commission shall report its findings and recommendations to City Council within 100 days after their first regular meeting following the adoption of this resolution.

**RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE PROPERTY
LOCATED AT 207 AND 211 RIDGE STREET (TAX MAP PARCEL 290029000)**

WHEREAS The Salvation Army of Charlottesville (“Applicant”) is the owner of certain land identified within the City of Charlottesville real estate records as Parcel Identification No. 290029000 (the “Subject Property”), which has frontage on Ridge Street and 4th Street Southwest; and

WHEREAS the Subject Property is located within an Architectural Design Control District and within the West Main East Corridor mixed use zoning district, a district in which, according to the Use Matrix set forth within City Code 34-796, use of the property as a Shelter Care Facility may be authorized by City Council by means of a Special Use Permit; and

WHEREAS the Project is described in more detail within the application materials submitted in connection with SP23-00004, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS the City Council and the Planning Commission conducted a joint public hearing on July 11, 2023, following public notice given in accordance with applicable law; and

WHEREAS the Planning Commission considered and recommended approval of this application at their July 11, 2023 meeting, subject to conditions recommended within the Staff Report, and modified as discussed in the meeting; now, therefore,

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

1. Per Section 34-796: Permitted Shelter Care Facility on the Subject Property with supporting services and no restrictions on number of beds.
2. Per Section 34-162: Alter the Ridge Street Streetwall requirement to state that at least thirty-two (32) percent of the building façade width of a building must be in the build-to zone on the Subject Property.
3. Per Section 34-162: Alter the 4th ST SW Streetwall requirements to state that setbacks shall be ten (10) feet minimum; no maximum and no percentage of the building façade width of a building must be in the build-to zone.
4. Per Section 34-162: No minimum parking is required on the Subject Property during construction, but the applicant will work with the City to develop a parking/safety/transportation plan (as part of a Final Site Plan) to ensure safe access to the site during construction to ensure continuity of services. When construction is complete, as indicated by the issuance of Certificate(s) of Occupancy (CO), no minimum parking will be required on the Subject Property, but should the number drop below 30 spaces, the applicant will work with the City’s Traffic Engineer to develop a Master Parking Plan for the Subject Property. This plan will be kept on file with the City and

may be updated or altered from time to time with authorization of the City's Traffic Engineer. The plan shall indicate how the developer will distribute available parking spots on site, how potential residents/employees are informed of their parking opportunities, and any possible offsite parking arrangements, etc....

5. Per Section 34-162: Onsite parking shall not be required to have fifty (50) percent covered.
6. Per Section 34-162: An extension of the SUP may be granted for up to two (2) years if requested by the applicant or landowner pursuant to Section 34-164(d).
7. Per Section 34-157(b): Trash receptacle (dumpsters) must be provided and secured in a facility that is adequate and cannot be accessed by the public.
8. Per Section 34-157(b): If the large oak tree [at Ridge Street] dies, then another large canopy tree will be planted [in its place].
9. Per Section 34-157(b): S-3 Screening shall be provided along the 4th ST SW boundary of the property.
10. The applicant will provide a construction access management plan. At minimum the plan will include measures to insure safe vehicular and pedestrian access along 4th ST SW and Dice ST during construction. The plan will be subject to approval by the Director of NDS and must be detailed within the Final Site Plan.

**RESOLUTION APPROVING A SPECIAL USE PERMIT
FOR PROPERTY LOCATED AT 218 WEST MARKET STREET**

WHEREAS, landowner Heirloom Downtown Mall Development, LLC is the current owner of a lot identified on 2023 City Tax Map 33 as Parcel 276 (City Parcel Identification No. 330276000), having an area of approximately 0.562 acre (24,480 square feet) (the "Subject Property"), and

WHEREAS, the landowner proposes to redevelop the Subject Property by constructing a mixed use building at a height of up to 101 feet on the Subject Property, with retail space on the ground floor facing West Market Street, residential dwelling units at a density of up to 240 dwelling units per acre, and underground parking ("Project"); and

WHEREAS, the Subject Property is located within the Downtown Architectural Design Control District established by City Code §34-272(1) and contains an existing building that is classified as a "contributing structure", and the City's board of architectural review (BAR) has been notified of this special use permit application and the BAR believes that any adverse impacts of the requested additional height, the loss of the existing contributing structure, and the massing of the proposed building to be constructed can be adequately addressed within the process of obtaining a certificate of appropriateness from the BAR;

WHEREAS, the Project is described in more detail within the Applicant's application materials dated October 10, 2022 submitted in connection with SP23-00002, as required by City Code §34-158 (collectively, the "Application Materials"); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on June 13, 2023; and

WHEREAS, upon consideration of the comments received during the joint public hearing, the information provided by the landowner within its application materials, and the information provided within the Staff Report, the Planning Commission voted to recommend approval of the proposed special use permit for the Project; and

WHEREAS, upon consideration of the Planning Commission's recommendation, and the Staff Reports discussing this application, public comments received, as well as the factors set forth within Sec. 34-157 of the City's Zoning Ordinance, this Council finds and determines that granting the proposed Special Use subject to suitable conditions would serve the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that, pursuant to City Code §§ 34-557 and 34-560, a special use permit is hereby approved and granted to authorize a building height of up to 101 feet, residential density of up to 240 dwelling units per acre, and reduced setback requirements for the Project, subject to the following conditions:

1. The specific development being approved by this special use permit ("Project"), as described within the October 10, 2022 exhibits submitted as part of the application

materials, as required by City Code Section 34-158(a)(1), shall have the following minimum attributes/ characteristics:

- a. Not more than one building shall be constructed on the Subject Property (the “Building”). The Building shall be a Mixed Use Building, containing residential and commercial uses in the percentages required by the Ordinance adopted by City Council on July 16, 2018 amending Article VI (Mixed Use Corridor Districts) of Chapter 34 (Zoning Ordinance) (relating to bonus height or density within mixed use zoning districts).
 - b. The commercial floor area within the Building shall contain space to be occupied and used for retail uses, which shall be located on the ground floor of the Building. The square footage of this retail space shall be at least the minimum required by the City’s zoning ordinance or, if none, equivalent square footage in relation to the gross floor area of the Building as depicted in the October 10, 2022 exhibits submitted as part of the application materials (subject to adjustment of the GFA, as necessary to comply with requirements of any COA approved by the BAR.
 - c. Underground parking shall be provided within a parking garage structure constructed underneath the Building.
 - d. Public pedestrian access between West Market Street and Old Preston Avenue shall be provided during normal business hours.
2. The mass of the Building shall be broken up to provide compatibility with the character defining features of the Downtown Architectural Design Control District (City Code §34-272(1)), subject to approval by the City’s board of architectural review.
 3. There shall be pedestrian engagement with the street with an active, transparent, and permeable façade at street level.
 4. The Landowner (including, without limitation, any person who is an agent, assignee, transferee or successor in interest to the Landowner) shall prepare a Protective Plan for the building located on property adjacent to the Subject Property at 110 Old Preston Avenue (“Adjacent Property”). The Protective Plan shall provide for baseline documentation, ongoing monitoring, and specific safeguards to prevent damage to the building, and the Landowner shall implement the Protective Plan during all excavation, demolition and construction activities within the Subject Property (“Development Site”). At minimum, the Protective Plan shall include the following:

- a. Baseline Survey—Landowner shall document the existing condition of the building at 110 Old Preston Avenue (“Baseline Survey”). The Baseline Survey shall take the form of written descriptions, and visual documentation which may include color photographs and video recordings. The Baseline Survey shall document the existing conditions observable on the interior and exterior of the Adjacent Property, with close-up images of cracks, staining, indications of existing settlement, and other fragile conditions that are observable. The Landowner shall engage an independent third party structural engineering firm (one who has not participated in the design of the Landowner’s Project or preparation of demolition or construction plans for the Landowner, and who has expertise in the impact of seismic activity on historic structures) and shall bear the cost of the Baseline Survey and preparation of a written report thereof. The Landowner and the Owner of the Adjacent Property (“Adjacent Landowner”) may both have representatives present during the process of surveying and documenting the existing conditions. A copy of a completed written Baseline Survey Report shall be provided to the Adjacent Landowner, and the Adjacent Landowner shall be given fourteen (14) days to review the Baseline Survey Report and return any comments to the Landowner.
- b. Protective Plan--The Landowner shall engage the engineer who performed the Baseline Survey to prepare a Protective Plan to be followed by all persons performing work within the Development Site, that shall include seismic monitoring or other specific monitoring measures of the Adjacent Property as recommended by the engineer preparing the Protective Plan. A copy of the Protective Plan shall be provided to the Adjacent Landowner. The Adjacent Landowner shall be given fourteen (14) days to review the Report and return any comments to the Landowner.
- c. Advance notice of commencement of activity--The Adjacent Landowner shall be given 14 days’ advance written notice of commencement of demolition at the Development Site, and of commencement of construction at the Development Site. This notice shall include the name, mobile phone number, and email address of the construction supervisor(s) who will be present on the Development Site and who may be contacted by the Adjacent Landowner regarding impacts of demolition or construction on the Adjacent Property.
The Landowner shall also offer the Adjacent Landowner an opportunity to have meetings: (i) prior to commencement of demolition at the Development Site, and (ii) at least fourteen (14) days prior to commencement of construction at the Development Site, on days/ times reasonably agreed to by both parties. During any such preconstruction meeting, the Adjacent Landowner will be provided information as to the nature and duration of the demolition or construction activity and the Landowner will review the Protective Plan as it will apply to the activities to be commenced.

Permits--No demolition or building permit, and no land disturbing permit, shall be approved or issued to the Landowner, until the Landowner provides to the department of neighborhood development services: (i) copies of the Baseline Survey Report and Protective Plan, and NDS verifies that these documents satisfy the requirements of these SUP Conditions, (ii) documentation that the Baseline Survey Report and Protective Plan were given to the Adjacent Landowner in accordance with these SUP Conditions.

5. Additional Building design requirements. In addition to the requirements of condition 2 herein, the Building shall incorporate the following design elements:
 - a. The Building shall have windows on all elevations.
 - b. After 45-feet, the Building shall have no less than 10-feet of building setback along the length of the West Market Street streetwall and no less than 5-feet of building setback along the length of the Old Preston Avenue streetwall.
6. Affordable Housing. The Owner shall comply with the requirements of City Code Section 34-12 as follows:
 - a. Number and Location of Affordable Units. Prior to issuance of the permanent certificate of occupancy for the Building the Owner shall construct 8 affordable dwelling units either on-site or off-site, or some combination of on-site and off-site. The aggregate size of all affordable units will be at least 5,800 square feet of gross floor area. Prior to commencing construction of the affordable units, the Owner will consult with and seek guidance as to the on-site and/or off-site locations of such affordable units from organizations such as, but not limited to, Piedmont Housing Alliance, Charlottesville Redevelopment and Housing Authority, New Hill Development Corporation, and from Neighborhood Development Services and the City's Housing Coordinator.
 - b. Levels of Affordability. The 8 affordable dwelling units shall have the following levels of affordability:
 - i. 4 units shall be affordable to those earning up to 80% of the Area Median Income ("AMI").
 - ii. 2 units shall be affordable to those earning up to 60% AMI.
 - iii. 2 units shall be affordable to those earning up to 50% AMI.

- c. Affordable Term. The 8 affordable dwelling units shall remain affordable for the following terms:
 - i. 6 of the affordable units shall remain affordable for a period of at least 8 years.
 - ii. 2 of the affordable units shall remain affordable for a period of at least 16 years.
 - d. Non-Concentration of Units. If there are 3 or more affordable units constructed within the Building, they will not be concentrated or isolated to a single floor of the Building, but instead will be spread out among 2 or more floors.
 - e. Variety of Unit Type and Size. If there are 3 or more affordable units constructed within the Building, they will be of a variety of unit types, to include a mix of studios, one-bedroom, and two-bedroom units.
7. Reduced Rent for Community Space. The Owner will make commercial space within the Building available to a community organization at a discounted rent rate on the following terms:
- a. The community space will be available to a 501(c)(3) organization whose primary mission is to further financial literacy, job creation, or business growth for the citizens from the historic Vinegar Hill Community of Charlottesville, such as, but not limited to Conscious Capital Group or Vinegar Hill Magazine.
 - b. The community space shall contain at least 700 square feet of gross floor area and shall be built out to a standard of “white box construction” ready for tenant improvements.
 - c. The lease term shall be for a minimum of 5 years.
 - d. The base rent rate shall not exceed 50% of the market rent rate for such comparable space (other commercial space in the Building, if any, otherwise other Class A commercial space in downtown Charlottesville).
 - e. Other commercially reasonable lease terms typical for similar commercial space.