



CITY COUNCIL AGENDA
February 2, 2015

6:00 p.m. – 7:00 p.m.

Closed session as provided by Section 2.2-3712 of the Virginia Code
Second Floor Conference Room (Boards and Commissions; disposition of City-owned property located on Water Street)

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL

Council Chambers

AWARDS/RECOGNITIONS
ANNOUNCEMENTS

Fire Protection Rating

MATTERS BY THE PUBLIC

Public comment permitted for the first 12 speakers who sign up before the meeting (limit 3 minutes per speaker) and at the end of the meeting on any item, provided that a public hearing is not planned or has not previously been held on the matter.

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

1. CONSENT AGENDA*

(Items removed from consent agenda will be considered at the end of the regular agenda.)

a. Minutes for January 20

b. APPROPRIATION:

Charlottesville Affordable Housing Fund – \$215,913.33 and Tonsler Park Capital Project Account – \$156,391.02 (1st of 2 readings)

c. RESOLUTION:

Special Use Permit for Temporary City Market (1st of 1 reading)

d. RESOLUTION:

Initiation of Changes to the Procedures for Submission and Public Review of Certain Applications (1st of 1 reading)

**2. PUBLIC HEARING /
ORDINANCE***

Designated Trees Under the Tree Ordinance (1st of 2 readings)

3. PUBLIC HEARING

Ending Lee/Jackson Day Observation

**4. PUBLIC HEARING /
ORDINANCE***

Spot Blight – 610 Ridge Street (1st of 2 readings)

5. REPORT

Disproportionate Minority Contact (DMC) and Racial Disparities in the Juvenile Justice System

6. REPORT*

Family Self Sufficiency Services to assist Public Housing Residents

7. RESOLUTION*

Road Projects Update & Old Lynchburg Road Project Funds Transfer to Capital Improvement Program – \$850,000 (1st of 1 reading)

8. REPORT ONLY

WRPP (Water Resources Protection Program) Advisory Committee Annual Report
(no verbal presentation)

OTHER BUSINESS

National League of Cities Annual Conference Review

MATTERS BY THE PUBLIC

COUNCIL RESPONSE TO MATTERS BY THE PUBLIC

*ACTION NEEDED

This page intentionally left blank.

CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	February 2, 2015
Action Required:	Approval of Appropriation
Staff Contacts:	Kathy McHugh, Housing Development Specialist
Presenter:	Kathy McHugh, Housing Development Specialist Brian Daly, Parks & Recreation Director
Title:	Appropriation of Funds - \$215,913.33 to the Charlottesville Affordable Housing Fund (CP-084) and \$156,391.02 to the Tonsler Park Capital Project Account (P-00777).

Background: The City received funds that need to be appropriated. The Pavilion at North Grounds (d.b.a. Blue Atlantic Cville, L.L.C.) made a cash contribution of \$59,522.31 for Phase II as required by the Affordable Dwelling Unit Ordinance per Charlottesville City Code Section 34-12. Southern Development paid \$312,782.04 for property purchased from the City at Cherry and Ridge (Tax Map Parcel numbers 290145000 and 290149000). The Land Purchase and Sales Agreement for this sale, dated October 28, 2008, stated that the purchase price would be used for a cash contribution to a Fifeville neighborhood affordable housing fund, another affordable housing fund designated by the City, or for improvements to Tonsler Park, in the discretion of City Council.

Discussion: The revenue from the sale of land has been deposited to the contingency account (CP-080). One half of that amount, \$156,391.02, will be transferred to the Charlottesville Affordable Housing Fund (CP-084) and the other half to Tonsler Park Capital Project Account (P-00777). The cash contribution received from The Pavilion at North Grounds will be appropriated to the Charlottesville Affordable Housing Fund (CP-084).

Community Engagement: There has been no direct community engagement on this issue.

Alignment with City Council Vision and Strategic Plan: Approval of this item aligns with the City Council Vision of 'Quality Housing for All' and 'A Green City'.

Budgetary Impact: This will have a positive impact on the Capital Budget.

Recommendation Staff recommends approval of the appropriation.

Alternatives: There is no alternative for appropriation of the funds received from the Affordable Dwelling Unit payment for Pavilion at North Grounds, as these must be appropriated to the Charlottesville Affordable Housing Fund per City Code 34-12(d)(2). As for appropriation of the funds received for the purchase of land at Cherry and Ridge, City Council could choose to appropriate the funds differently (rather than 50/50%); however, pursuant to the Land Purchase and Sale Agreement dated October 28, 2008, funds should go to either an affordable housing fund or improvements for Tonsler Park. The proposed division of funds provides an equal share to both affordable housing and Tonsler Park.

Attachments: N/A

APPROPRIATION.
Charlottesville Affordable Housing Fund (\$215,913.33) and
Tonsler Park Capital Project (\$156,391.02)
\$372,304.35.

WHEREAS, the City of Charlottesville has received funding from The Pavilion at North Grounds (\$59,522.31) as its Affordable Dwelling Unit payment for Phase II as required by the Zoning Ordinance Section 34-12, and Southern Development (\$312,782.04) for the purchase of property at Cherry and Ridge; and

WHEREAS, the Affordable Dwelling Unit payment must be paid into the city's affordable housing fund pursuant to Section 34-12(d)(2); and

WHEREAS, the Land Purchase and Sale Agreement dated October 288, 2008 stated that those funds will be appropriated for either affordable housing or for improvements to Tonsler Park.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$59,522.31, to be received as payments from The Pavilion at North Grounds, is appropriated as follows:

Revenues

\$59,522.31	Fund: 426	Project: CP-084	G/L Code: 451020
-------------	-----------	-----------------	------------------

Expenditures

\$59,522.31	Fund: 426	Project: CP-084	G/L Code: 599999
-------------	-----------	-----------------	------------------

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

Transfer From

\$312,782.04	Fund: 426	Project: CP-080	G/L Code: 599999
--------------	-----------	-----------------	------------------

Transfer To

\$156,391.02	Fund: 426	Project: CP-084	G/L Code: 599999
\$156,391.02	Fund: 426	Project: P-00777	G/L Code: 599999

This page intentionally left blank.

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

Agenda Date: February 2, 2015

Action Required: Consideration of a Special Use Permit

Presenter: Brian Haluska, Neighborhood Planner, Neighborhood Development Services

Staff Contact: Brian Haluska, Neighborhood Planner, Neighborhood Development Services

Title: SP-14-12-12: Temporary City Market

Background:

The Applicant has submitted an application seeking approval of a Special Use Permit for a temporary farmer's market located at 100 East Water Street. The Property has additional street frontage on 2nd Street SE, 1st Street S, and West South Street. The proposed development plan shows an existing parking lot that would host a weekly Farmer's Market.

Discussion:

The Planning Commission considered this application at a joint public hearing on January 13, 2015. The Commission primarily discussed how long the use permit should be valid.

Citizen Engagement:

The Planning Commission held a joint public hearing with City Council on this matter at their meeting on January 13, 2015. No members of the public spoke.

The BAR at its meeting on January 20, 2015, recommended to City Council that the proposed special use permit to allow a farmer's market (City Market) as a temporary use at 100 E Water Street will not have an adverse effect on the Downtown ADC district, and the BAR recommended approval of the special use permit.

Alignment with City Council's Vision and Priority Areas:

The City Council Vision of Economic Sustainability states that "We have a business-friendly environment in which employers provide well-paying, career-ladder jobs and residents have access to small business opportunities. The Downtown Mall, as the economic hub of the region, features arts and entertainment, shopping, dining, cultural events, and a vibrant City Market."

Budgetary Impact:

No direct budgetary impact is anticipated as a direct result of the special use permit.

Recommendation:

The Commission took the following action:

“Mrs. Keller moved to recommend approval of a special use permit as requested in SP-14-12-12, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the conditions referenced in the staff report dated December 19, 2014, subject to the following revisions:

1. The Farmer’s Market shall be easily visible from adjacent vehicular rights-of-way, easily accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a comfortable flow of pedestrians among the various vendor stands within the Market.
2. The special use permit shall expire on December 31, 2017.”

Mr. Santoski seconded the motion. The Commission voted 7-0 to recommend approval of the special use permit.

Alternatives:

City Council has several alternatives:

- (1) by motion, take action to approve the attached resolution (granting an SUP as recommended by the Planning Commission);
- (2) by motion, request changes to the attached Resolution, and then approve an SUP in accordance with the amended Resolution;
- (3) by motion, defer action on the SUP, or
- (4) by motion, deny the requested SUP.

Attachment:

Draft Resolution
Staff Report dated December 19, 2014.

RESOLUTION
APPROVING A SPECIAL USE PERMIT
AS REQUESTED BY APPLICATION NO. SP-14-12-12
TO AUTHORIZE THE TEMPORARY USE OF PROPERTY
LOCATED AT 100 EAST WATER STREET
TO BE TEMPORARILY USED AS A FARMER’S MARKET

WHEREAS, the Director of Neighborhood Development Services, on behalf of the City of Charlottesville (“Applicant”) has submitted application SP-14-12-12 (“Application”) seeking approval of a special use permit authorizing the use of property located at 100 East Water Street, identified on City Tax Map 28 as Parcel 62 (“Subject Property”) as a temporary site on which the City’s Farmer’s Market may operate; and,

WHEREAS, the special use permit application seeks authorization to use the Subject Property, for temporary retail activity (farmer’s market) pursuant to §34-796 of the City Code; and

WHEREAS, the Subject Property is part of the Water Street Corridor District subject to the requirements of the City’s historic overlay district zoning regulations, and to a parking modified zone overlay; and

WHEREAS, following a joint public hearing before the Planning Commission and City Council, duly advertised and held on January 13, 2014, the Planning Commission reviewed this application and determined that the proposed special use permit, under suitable regulations and safeguards set forth within a list of recommended conditions, will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and the Planning Commission has transmitted its recommendation to City Council; and

WHEREAS, this Council concurs with the Planning Commission and hereby finds and determines that, under suitable regulations and safeguards, the proposed special use permit will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code. **NOW, THEREFORE**,

BE IT RESOLVED by the City Council of the City of Charlottesville, that a special use permit is hereby approved, to authorize use of the Subject Property, for temporary retail activity (farmer’s market);

AND BE IT FURTHER RESOLVED that this special use permit is granted subject to the following conditions:

1. The Farmer’s Market shall be easily visible from adjacent vehicular rights-of-way, easily accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a comfortable flow of pedestrians among the various vendor stands within the Market; and
2. This special use permit shall expire on December 31, 2017.

CITY OF CHARLOTTESVILLE
DEPARTMENT OF NEIGHBORHOOD DEVELOPMENT SERVICES
STAFF REPORT

APPLICATION FOR A SPECIAL USE PERMIT

**PLANNING COMMISSION AND CITY COUNCIL JOINT
PUBLIC HEARING**

DATE OF MEETING: January 13, 2015
APPLICATION NUMBER: SP-14-12-12

Project Planner: Brian Haluska, AICP
Date of Staff Report: December 19, 2014

Applicant: City of Charlottesville

Current Property Owners:

Charlottesville Parking Center (Woodard Properties will become the leaseholder on the property on January 1, 2015)

Application Information

Property Tax Map/Parcel # and Street Addresses:

Tax Map 28 Parcel 62: 100 E. Water St.

Total Square Footage/Acreage Site: 0.992 acres

Comprehensive Plan (Land Use Plan) Designation: Mixed-Use

Current Zoning Classification: Water Street Corridor with Architectural Design Control District and Parking Modified Zone Overlays

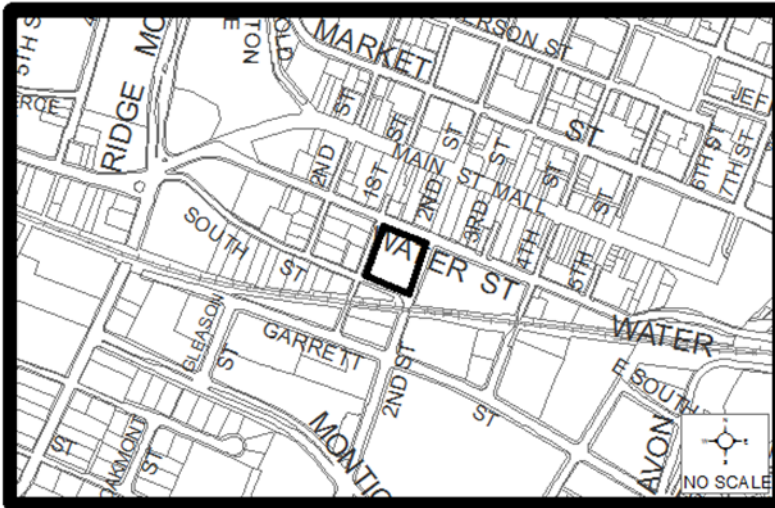
Tax Status: The City Treasurer's office confirms that the taxes for this property are current as of the drafting of this report.

Applicant's Request

Special Use Permit for:

1. **Special uses** of the Property, per City Code Sec. 34-796: Farmer's Market.

Vicinity Map



Background/ Details of Proposal

The Applicant has submitted an application seeking approval of a Special Use Permit for a farmer’s market located at 100 East Water Street. The Property has additional street frontage on 2nd Street SE, 1st Street S, and West South Street. The proposed development plan shows an existing parking lot that would host a weekly Farmer’s Market.

Land Use and Comprehensive Plan

EXISTING LAND USE; ZONING AND LAND USE HISTORY:

The property is currently used as surface parking lots.

Section 34-541 of the City Code describes the purpose and intent of the Water Street Corridor zoning district:

“The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.”

Zoning History: In 1949, the property was zoned **B-2 Business**. In 1958, the property was zoned **B-3 Business**. In 1976, the property was zoned **B-4 Business**. In 1991, the property was zoned **B-4 Business**. In 2003, the property was rezoned to **Downtown Corridor**. In 2008, City Council rezoned the property to the **Water Street (Mixed Use Corridor)** district.

SURROUNDING LAND USES AND ZONING DISTRICTS

- North:** Immediately north of the property are several multi-story structures. One building is retail and office uses, while two others are theaters. One block further north is the Downtown Pedestrian Mall. These properties are zoned Downtown Corridor with ADC District Overlay.
- South:** Immediately south of the property are multi-story structures that house commercial uses. These properties are zoned Water Street Corridor with ADC District Overlay. Further south are the Buckingham Branch Railroad lines, and properties zoned Downtown Extended.
- East:** Immediately adjacent to the east is the Water Street Parking Garage, a five-level structured parking facility that serves the downtown area. This property is zoned Water Street Corridor with ADC district Overlay.
- West:** Immediately adjacent to the west is a parking lot that is the subject of a plan of development for a nine-story mixed-use building known as “Market Plaza”. The weekly farmer’s market proposed for the subject property is currently hosted on the property adjacent to the west. Further to the west are one and two-story residential scale properties that are used for commercial purposes. These properties are zoned Water Street Corridor with ADC district Overlay.

NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:

The site does not have any notable natural resources. The site is mostly paved and used for parking. There are some small trees along Water Street.

COMPREHENSIVE PLAN ANALYSIS:

The Comprehensive Plan is generally supportive of high density, mixed-use developments along the major corridors in the City, especially along Water Street. The Comprehensive Plan also contains language that places a strong emphasis on supporting development that is multi-modal, particularly developments that encourage biking and walking.

Specific items from the Comprehensive Plan are as follows:

Land Use

- When considering changes to land use regulations, respect nearby residential areas. (Land Use, 2.1)
- Enhance pedestrian connections between residences, commercial centers, public facilities and amenities and green spaces. (Land Use, 2.3)
- Expand the network of small, vibrant public spaces, particularly in areas that are identified for higher intensity uses and/or potential higher density. (Land Use, 2.5)
- Enhance existing neighborhood commercial centers and create opportunities for others in areas where they will enhance adjacent residential area. Provide

opportunities for nodes of activity to develop, particularly along mixed-use corridors. (Land Use, 3.2)

Economic Sustainability

- Continue to encourage private sector developers to implement plans from the commercial corridor study. (Economic Sustainability, 6.6)

Housing

- Promote redevelopment and infill development that supports bicycle and pedestrian-oriented infrastructure and robust public transportation to better connect residents to jobs and commercial activity. (Housing, 8.5)

Transportation

- Encourage a mix of uses in priority locations, such as along identified transit corridors and other key roadways, to facilitate multimodal travel and increase cost effectiveness of future service. (Transportation, 2.4)
- Promote urban design techniques, such as placing parking behind buildings, reducing setbacks and increasing network connectivity, to create a more pedestrian friendly streetscape and to reduce speeds on high volume roadways. (Transportation, 2.6)
- Encourage the development of transit-oriented/supportive developments. (Transportation 6.6)

Historic Preservation and Urban Design

- Promote Charlottesville’s diverse architectural and cultural heritage by recognizing, respecting and enhancing the distinct characteristics of each neighborhood. (Historic Preservation and Urban Design, 1.2)
- Facilitate development of nodes of density and vitality in the City’s Mixed Use Corridors, and encourage vitality, pedestrian movement, and visual interest throughout the City. (Historic Preservation and Urban Design, 1.3)
- Encourage the incorporation of meaningful public spaces, defined as being available to the general public, into urban design efforts. (Historic Preservation and Urban Design, 1.6)

Public and Other Comments Received

PUBLIC COMMENTS

No public comments have been received by staff on this proposal at the time of the drafting of this report.

BOARD OF ARCHITECTURAL REVIEW

At the Board of Architectural Review’s December 16 meeting, the board reviewed the re-striping of the parking lot with a new vehicular entrance proposed on South Street, which they approved. They also recommended to the Planning Commission (in anticipation of the SUP) that the main

entrance to the lot should be moved from Water Street to 2nd Street SE, opposite the Water Street parking garage entrance.

IMPACT ON CITY SERVICES:

Public Works (Water and Sewer):

Staff does not anticipate any problems with serving the projected demands of this request.

Public Works (Storm Drainage/Sewer): The proposed project will not disturb the current paved surface of the parking lot.

Staff Analysis and Recommendation

ANALYSIS

Assessment of the Development as to its relation to public necessity, convenience, general welfare, or GOOD ZONING PRACTICE:

The City has zoned Water Street to encourage mixed-uses and higher residential densities. This is an attempt to enhance and expand on the existing vibrant character of the Downtown Mall.

Farmer's markets are best located in centrally located areas of higher residential density that permit people to use modes of transportation other than automobiles. The urban areas also provide multiple options for parking for those visitors that do use automobiles. Additionally, the proximity to complementary uses can reduce the amount of single purpose car trips.

Assessment of Specific Potential Impacts of the Proposed Development:

- 1. Massing and scale of the Project, taking into consideration existing conditions and conditions anticipated as a result of approved developments in the vicinity.**

No new structures are proposed on the property in conjunction with this special use permit

- 2. Traffic or parking congestion on adjacent streets.**

The proposed project will shift some traffic in the downtown area due to the relocation of the farmer's market to the adjacent property. No major impacts are anticipated.

- 3. Noise, lights, dust, odor, vibration**

The noise generated from the farmer's market will be of a level typically experienced on market days on the adjacent property.

4. Displacement of existing residents or businesses

The proposal would not displace any existing residents or businesses, as the property is currently vacant.

5. Ability of existing community facilities in the area to handle additional residential density and/or commercial traffic

No additional residential density or commercial traffic is proposed with this application.

6. Impact (positive or negative) on availability of affordable housing

The proposed project would not directly impact the availability of affordable housing.

RECOMMENDATION

Staff finds that the proposal is supported by the City’s Comprehensive Plan, that the use requested is appropriate for this location, and that the impacts of the development can be addressed through conditions placed on the special use permit.

Staff recommends the application be approved with the following condition:

1. The Farmer’s Market shall be easily visible from adjacent vehicular rights-of-way, easily accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a comfortable flow of pedestrians among the various vendor stands within the Market.

Attachments

1. Copy of City Code Sections **34-157** (General Standards for Issuance) and **34-162** (Exceptions and modifications as conditions of permit)
2. Copy of City Code Section **34-541** (Mixed-Use Districts – Intent and Description)
3. Suggested Motions and the text of an SUP (Resolution) for your consideration
4. Applicant’s Submission

Attachment 1

Sec. 34-157. General standards for issuance.

(a) In considering an application for a special use permit, the city council shall consider the following factors:

- (1) Whether the proposed use or development will be harmonious with existing patterns of use and development within the neighborhood;
- (2) Whether the proposed use or development and associated public facilities will substantially conform to the city's comprehensive plan;
- (3) Whether proposed use or development of any buildings or structures will comply with all applicable building code regulations;
- (4) Whether the proposed use or development will have any potentially adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts. Potential adverse impacts to be considered include, but are not necessarily limited to, the following:
 - a. Traffic or parking congestion;
 - b. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
 - c. Displacement of existing residents or businesses;
 - d. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
 - e. Undue density of population or intensity of use in relation to the community facilities existing or available;
 - f. Reduction in the availability of affordable housing in the neighborhood;
 - g. Impact on school population and facilities;
 - h. Destruction of or encroachment upon conservation or historic districts;
 - i. Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and,
 - j. Massing and scale of project.
- (5) Whether the proposed use or development will be in harmony with the purposes of the specific zoning district in which it will be placed;
- (6) Whether the proposed use or development will meet applicable general and specific standards set forth within the zoning ordinance, subdivision regulations, or other city ordinances or regulations; and
- (7) When the property that is the subject of the application for a special use permit is within a design control district, city council shall refer the application to the BAR or ERB, as may be applicable, for recommendations as to whether the proposed use will have an adverse impact on the district, and for recommendations as to reasonable conditions which, if imposed, that would mitigate any such impacts. The BAR or ERB, as applicable, shall return a written report of its recommendations to the city council.

(b) Any resolution adopted by city council to grant a special use permit shall set forth any reasonable conditions which apply to the approval.

Sec. 34-162. Exceptions and modifications as conditions of permit.

(a) In reviewing an application for a special use permit, the city council may expand, modify, reduce or otherwise grant exceptions to yard regulations, standards for higher density, parking standards, and time limitations, provided:

(1) Such modification or exception will be in harmony with the purposes and intent of this division, the zoning district regulations under which such special use permit is being sought; and

(2) Such modification or exception is necessary or desirable in view of the particular nature, circumstances, location or situation of the proposed use; and

(3) No such modification or exception shall be authorized to allow a use that is not otherwise allowed by this chapter within the zoning district in which the subject property is situated.

(b) The planning commission, in making its recommendations to city council concerning any special use permit application, may include comments or recommendations regarding the advisability or effect of any modifications or exceptions.

(c) The resolution adopted by city council to grant any special use permit shall set forth any such modifications or exceptions which have been approved.

Attachment 2

Sec. 34-541. Mixed use districts—Intent and description.

- (1) *Downtown Corridor.* The intent of the Downtown Corridor district is to provide for a mixture of commercial and residential uses, and encourage such development by right, according to standards that will ensure harmony with the existing commercial environment in the city's downtown area. Ground-floor uses facing on primary streets should be commercial in nature. The area within this zoning district is the entertainment and employment center of the community and the regulations set forth within this district are designed to provide appropriate and convenient housing for persons who wish to reside in proximity to those activities. Within the Downtown Corridor district the following streets shall have the designations indicated:

Primary streets: All streets are primary.

Linking streets: None.

- (2) *Downtown Extended Corridor.* Historically, the areas within the Downtown Extended district contained manufacturing uses dependent upon convenient access to railroad transportation. In more recent times, use patterns within this area are similar to those within the Downtown district. The intent of this district is to encourage an inter-related mixture of high-density residential and commercial uses harmonious with the downtown business environment, within developments that facilitate convenient pedestrian and other links to the Downtown area. Within the Downtown Extended district, the following streets shall have the designations indicated:

Primary streets: Garrett Street, Monticello Avenue, 6th Street, Market Street, Carlton Road and 10th Street, N.E.

Linking streets: Avon Street, Dice Street, 1st Street, 4th Street, Gleason Street, Goodman Street, Oak Street, and Ware Street.

- (3) *North Downtown Corridor.* The Downtown North Corridor district is the historic center of the City of Charlottesville, and contains many historic structures. In more recent years this area has also developed as the heart of the city's legal community, including court buildings and related law and professional offices, and commercial and retail uses supporting those services. Within this area, residential uses have been established both in single-use and in mixed-use structures. Many former single-family dwellings have been converted to office use. The regulations for this district are intended to continue and protect the nature and scale of these existing patterns of development. Within the Downtown North Corridor district, the following streets shall have the designations indicated:

Primary streets: 8th Street, N.E. (between High Street and Jefferson Street), 5th Street, N.E., 1st Street, 4th Street, N.E., High Street, Jefferson Street, Market Street, 9th Street, 9th Street, N.E., 2nd Street, N.E., 2nd Street, N.W., 7th Street, N.E., 6th Street, N.E., and 3rd Street, N.E.

Linking streets: East Jefferson Street (east of 10th Street, N.E.), 8th Street, 11th Street, N.E., Lexington Street, Locust Street, Maple Street, Sycamore Street.

- (4) *West Main North Corridor.* The West Main North district is established to provide low-intensity mixed-use development at a scale that respects established patterns of commercial and residential development along West Main Street and neighborhoods adjacent to that street. When compared with the area further south along West Main Street, lots within this area are smaller and older, existing buildings (many of them historic in character) have been renovated to accommodate modern commercial uses. Within this district, established buildings are located in close proximity to the street on which they front, and one (1) of the primary goals of this district is to provide a uniform street wall for pedestrian-oriented retail and commercial uses. Within the West Main Street North district, the following streets shall have the designations indicated:

Primary streets: 4th Street, 14th Street, 10th Street, Wertland Street, and West Main Street.

Linking streets: Cream Street, Commerce Street, 8th Street, Elsom Street, 7th Street, 6th Street, 10½ Street and, 12th Street.

- (5) *West Main South Corridor.* Property on the south side of West Main Street are much deeper, and generally larger in size, than those to the north, and established non-commercial uses typically are separated from adjacent residential neighborhoods by railroad tracks and street rights-of-way. The purpose of this zoning district is to encourage pedestrian-friendly mixed-use development, at an intensity slightly greater than that to the north of West Main. The permitted uses and building heights, those allowed by-right and by special permit, respect the scenic character of the West Main Street corridor. Within the West Main Street South district, the following streets shall have the designations indicated:

Primary streets: Jefferson Park Avenue, 9th/10th Connector, Ridge Street, 7th Street, and West Main Street.

Linking streets: Dice Street, 11th Street, 5th Street, 4th Street, and 7th Street.

- (6) *Cherry Avenue Corridor.* This zoning classification establishes a district designed to encourage conservation of land resources, minimize automobile travel, and promote employment and retail centers in proximity to residential uses. It permits increased development on busier streets without fostering a strip-commercial appearance. It is anticipated that development will occur in a pattern consisting of ground-floor commercial uses, with offices and residential uses located on upper floors. This district is intended to promote pedestrian-oriented development, with buildings located close to and oriented towards the sidewalk areas along primary street frontages. Within the Cherry Avenue Corridor district the following streets shall have the designations indicated:

Primary streets: Cherry Avenue, 9th/10th Connector.

Linking streets: 4th St., 5th St., Delevan St., Estes St., Grove St., King St., Nalle St., 9th St., 6th St., 6½ St., 7th St.

- (7) *High Street Corridor.* The areas included within this district represent a section of High Street that has historically developed around medical offices and support services, as well as neighborhood-oriented service businesses such as auto repair shops and restaurants. The regulations within this district encourage a continuation of the scale and existing character of uses established within this district, and are intended to facilitate infill development of similar uses. Within the High Street corridor district the following streets shall have the designations indicated:

Primary streets: East High Street and Meade Avenue.

Linking streets: 11th Street, Gillespie Avenue, Grace Street, Grove Avenue, Hazel Street, Moore's Street, Orange Street, Riverdale Drive, Stewart Street, Sycamore Street, Ward Avenue, and Willow Street.

- (8) *Neighborhood Commercial Corridor district.* The intent of the Neighborhood Commercial Corridor district is to establish a zoning classification for the Fontaine and Belmont commercial areas that recognize their compact nature, their pedestrian orientation, and the small neighborhood nature of the businesses. This zoning district recognizes the areas as small town center type commercial areas and provides for the ability to develop on small lots with minimal parking dependent upon pedestrian access. The regulations recognize the character of the existing area and respect that they are neighborhood commercial districts located within established residential neighborhoods. Within this district the following streets shall have the designations indicated:

Primary streets: Bainbridge St., Carlton Ave., Douglas Ave., Fontaine Ave., Garden St., Goodman St., Hinton Ave., Holly St., Lewis St., Maury Ave., Monticello Rd., and Walnut St.

Linking streets: None.

- (9) *Highway Corridor district.* The intent of the Highway Corridor district is to facilitate development of a commercial nature that is more auto oriented than the mixed use and neighborhood commercial corridors. Development in these areas has been traditionally auto driven and the regulations established by this ordinance continue that trend. This district provides for intense commercial development with very limited residential use. It is intended for the areas where the most intense commercial development in Charlottesville occurs. Within this district the following streets shall have the designations indicated:

Primary streets: Bent Creek Road, Carlton Rd., Emmet Street, 5th Street, Harris Road, Hydraulic Road, Monticello Ave., and Seminole Trail.

Linking streets: Angus Road, East View Street, Holiday Drive, India Road, Keystone Place, Knoll Street, Linden Avenue, Line Drive, Michie Drive, Mountain View Street, Seminole Circle, and Zan Road.

- (10) *Urban Corridor.* The intent of the Urban Corridor district is to continue the close-in urban commercial activity that has been the traditional development patterns in these areas. Development in this district is both pedestrian and auto oriented, but is evolving to more of a pedestrian center development pattern. The regulations provide for both a mixture of uses or single use commercial activities. It encourages parking located behind the structure and development of a scale and character that is respectful to the neighborhoods and university uses adjacent. Within this district the following streets shall have the designations indicated:

Primary streets: Barracks Road, Emmet Street, and Ivy Road.

Linking streets: Arlington Boulevard, Cedars Court, Copeley Drive, Copeley Road, Earhart Street, Massie Road, Meadowbrook Road, Millmont Street and Morton Drive.

- (11) *Central City Corridor.* The intent of the Central City Corridor district is to facilitate the continued development and redevelopment of the quality medium scale commercial and mixed use projects currently found in those areas. The district allows single use development, but encourages mixed

use projects. The regulations are designed to encourage use of and emphasize proximity to natural features or important view sheds of natural features. Development allowed is of a scale and character that is appropriate given the established development that surrounds the district. Within the Central Corridor district the following streets shall have the designations indicated:

Primary streets: East High Street, Harris Street, Long Street, Preston Avenue, Rose Hill Drive, 10th Street, Preston Avenue, and River Road.

Linking streets: Albemarle Street, Booker Street, Caroline Avenue, Dale Avenue, 8th Street, Forest Street, 9th Street, and West Street.

(12) Water Street Corridor District. The intent of the Water Street Corridor District is to provide for a mix of commercial, retail and entertainment uses in a way that complements and supports the Downtown Pedestrian Mall area. As the Downtown Pedestrian Mall develops, the natural spillover will be to this area. While not a complete pedestrian zone, it contains many characteristics thereof. Development therefore should blend the pedestrian scale with a slightly more automobile oriented feel to achieve this supportive mixed-use environment.

***Primary streets:* All.**

***Linking streets:* None.**

(13) *South Street Corridor District.* Adjacent to the downtown area and wedged against the railroad tracks is a small grouping of large historic homes, many of which have been converted to offices and/or apartments. In order to preserve the rich character and style of these few remaining structures from another era, the South Street Corridor District has been created. This district is intended to preserve the historic pedestrian scale, recognizing the importance of this area to the history of the downtown area.

Primary streets: South Street.

Linking streets: None.

(14) *Corner District.* The Corner District is established to provide low-intensity missed-use development to primarily serve the area surrounding the University of Virginia. It encourages development at a scale that respects the established character of the historic commercial area adjacent to the central grounds of the University. Within the district two- and three-story buildings front the streets establishing a pedestrian scale for retail and commercial uses.

Primary streets: University Avenue, West Main Street, Wertland Street, Elliewood Avenue 13th Street and 14th Street.

Linking streets: Chancellor Street, 12th Street, 12½ Street and 13th Street.

Attachment 3

Approval without any conditions:

I move to recommend approval of a special use permit as requested in SP-14-12-12, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice.

OR

Approval with conditions:

I move to recommend approval of a special use permit as requested in SP-14-12-12, subject to conditions, because I find that approval of this request is required for the public necessity, convenience, general welfare or good zoning practice. My motion includes a recommendation for the conditions referenced in the staff report dated December 19, 2014, subject to the following revisions:

[List desired revisions]

Denial Options:

I move to recommend denial of this application for a special use permit;

SP 14 - 00006



SPECIAL USE PERMIT APPLICATION

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

For Non-Residential and Mixed Use projects, please include \$1,500 application fee. For Residential projects, please include \$1,800 application fee; checks payable to the City of Charlottesville. All petitioners must pay \$1.00 per required mail notice to property owners, plus the cost of the required newspaper notice. Petitioners will receive an invoice for these notices and approval is not final until the invoice has been paid.

I (we) the undersigned property owner(s), contract purchaser(s) or owner's agent(s) do hereby petition the Charlottesville City Council for a special permit to use the property located at: East Water Street (address), zoned: WS, for: operation of a temporary city market.

A. Property Information – Please note on the back of this form any applicable deed restrictions.

- 197 feet of frontage on Water Street (name of street)
- Approximate property dimensions: 197 feet by 220 feet.
- Property size: 9920 (square feet or acres)
- Present Owner: CPC/Woodward Properties on 11/15 (Name) as evidenced by deed recorded in Deed Book Number _____ Page _____, with the Clerk of the Circuit Court.
- Mailing Address of Present Owner: _____
- City Real Property Tax Map Number 28 Parcel(s) 62, _____; Lot(s): _____

B. Adjacent Property Owners' Addresses (Use the back of this form if necessary.)

	<u>Property Owner Name</u>	<u>Mailing Address</u>	<u>City Tax Map and Parcel #</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

C. Applicant Information – Please note that if the applicant is not the owner, proof of status as contract purchaser or owner's agent must be furnished. (Office Use: Proof Furnished _____)

Applicant's Name City of Charlottesville
Mailing Address PO Box 911 CVille 22902
Applicant's Phone Number(s): (434) 970-3101 Work _____ Home _____
Applicant's Signature Maurice Jordan

D. Attachments Submitted by the Applicant

- A required site plan was previously submitted on _____ (Date) with the required fee, for a pre-application review conference on _____ (Date). This site plan was prepared by:
Name: _____
Address: _____
Phone: _____
- Other attachments as required by Section 34-158 of the City Code (Office Use: Submitted _____).
- The correct application fee (see above). n/a

For Office Use Only

I certify that the sign(s) as required by Section 34-44 of the City Code as amended has been posted on the following date: _____

Signature: _____ (Zoning Administrator)

Amt. Paid n/a Date Paid _____ Cash/Check # _____ Received by _____

SUBLEASE AGREEMENT

THIS SUBLEASE AGREEMENT is made as of the ___ day of _____, 2014, by and between **SKYVIEW PARKING, LLC**, a Virginia limited liability company, Grantor, herein referred to as “Tenant”, and the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, Grantee, herein referred to as “Subtenant”.

WITNESSETH:

- 1. Subleased Property.** Effective January 1, 2015, the Tenant will be in rightful possession of the parcel of land located in the City of Charlottesville that is bounded by 1st Street South, East South Street, 2nd Street, S.E., and East Water Street, consisting of approximately .9920 of an acre, more or less, and shown on City Real Property Tax Map 28 as Parcel 62. The property that is the subject of this Sublease Agreement is herein referred to as “the Subleased Property”, and consists of that portion of Parcel 62 that is outlined in red on the aerial photograph that is attached hereto as “Exhibit A”. Tenant hereby subleases to Subtenant, and the Subtenant leases from the Tenant, the Subleased Property, under the terms and conditions set forth herein.

- 2. Warranty by Tenant.** Tenant represents and warrants to the Subtenant that, for the term of this Sublease Agreement and any extension thereof, it has the power and authority under its Lease with the owner of the Subleased Property to execute this Sublease Agreement and to carry out and perform all covenants to be performed by the Tenant under this Sublease Agreement, and that there are no outstanding uncured notices of default or termination.

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

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

Tolbert, Jim

From: Keith Woodard <Keith@woodardproperties.com>
Sent: Tuesday, December 9, 2014 4:55 PM
To: Tolbert, Jim
Subject: RE: cpc lot
Attachments: Skyview Parking Plan proposal 11-25-14.pdf

Hello Jim,

You have my permission for Maurice Jones to sign the application for the SUP (Special Use Permit) to allow the City Market to be located on the Parking Lot at 100 East Water Street. My lease for that lot begins on January 1, 2015, so you may also need/want to have the ok from CPC Inc as they are currently the owner.

I have attached the proposed layout of the parking lot that I did to accommodate the City Market with perpendicular spaces, and to improve the traffic flow. This includes the additional entrance on South Street.

Please let me know if you need anything else.

Thanks,
Keith

Keith O. Woodard



Woodard Properties
224 14th Street NW
Charlottesville, VA 22903
Phone (434) 971 8860
FAX 293 2280
Email: Keith@WoodardProperties.com

From: Tolbert, Jim [mailto:tolbertj@charlottesville.org]
Sent: Tuesday, December 09, 2014 4:44 PM
To: Keith Woodard
Subject: cpc lot

Keith

Can you get me two things please.

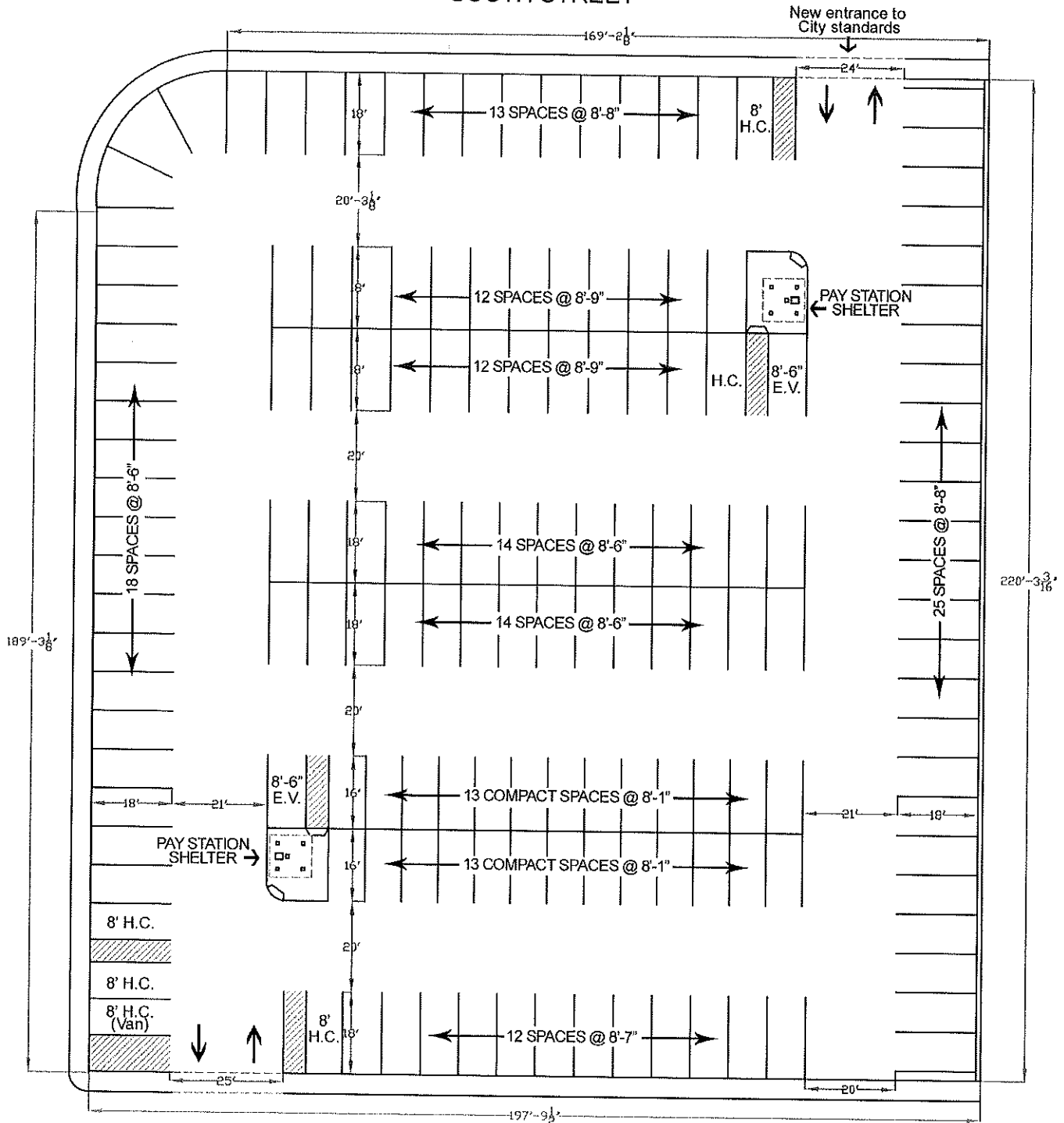
I need an email from you saying it is ok for Maurice to sign the application for sup for the market on the lot.

Could you also send the current layout of the parking lot that you are proposing.

Thanks

jim

SOUTH STREET



WATER STREET

SCALE = 1/32"



224 14th Street N.W. Charlottesville VA, 22903

SKYVIEW PARKING PLAN

CHARLOTTESVILLE, VIRGINIA

For:

Woodard Properties

DATE:
12/05/2014

CITY OF CHARLOTTESVILLE, VIRGINIA

CITY COUNCIL AGENDA



Agenda Date: February 2, 2015

Action Required: Approval of Resolution to Initiate Text Amendments to the Zoning and Subdivision Ordinances

Presenter(s): Lisa Robertson; Missy Creasy

Staff Contacts: Lisa Robertson; Missy Creasy

Title: INITIATION OF CHANGES TO THE PROCEDURES BY WHICH CERTAIN APPLICATIONS REZONING, SPECIAL USE PERMITS AND DEVELOPMENT PLANS ARE SUBMITTED AND PUBLICLY REVIEWED

Background:

The City Manager and Director of Neighborhood Development Services have requested us to prepare zoning and subdivision text amendments, to provide for community meetings at which the public would have an opportunity to receive information, and to comment on development projects, before applications seeking approval of the projects move forward for formal approval by the planning commission and city council. The purpose of this community meeting would be to enhance and promote public information and participation in the review process.

Discussion:

Attached is a Resolution that would initiate the planning commission's consideration of ordinance amendments to accomplish the requested community meeting procedures. The changes set forth within the Resolution are modeled on procedures found within Section 33 of the Albemarle County Zoning Ordinance. They are lengthy; however, we strongly recommend that consideration of zoning and subdivision text amendments should be commenced at a broad scope, and then, following a public hearing and receipt of recommendations from the planning commission, City Council could narrow the scope of amendments.

In our opinion, the elements of the Albemarle County ordinance which contribute to a flexible, meaningful public review process are:

(A) Timing—in Albemarle, community meetings take place after application materials are submitted, but before an application is officially referred to the planning commission for public hearing and recommendations. *(By law, a zoning ordinance amendment cannot be adopted by city council unless and until the proposed amendment has been referred to the planning commission for its recommendations. Currently, in sec. 34-41(d) of the City’s zoning ordinance, every application is automatically “deemed” to be referred by council to the planning commission. In Albemarle, the referral is not automatic, but occurs only after the application has been presented at a community meeting and the application is otherwise deemed ready by County officials for consideration in the formal public hearing process).*

(B) Flexibility to allow Council, the Commission and the BAR an opportunity to review the application materials in detail, in advance of being required to act on it-- the County’s ordinance allows its Planning Director to recommend public work sessions for council, the planning commission, BAR, etc., as might be beneficial—again, before an application is ever referred to the Commission for commencement of a formal public hearing process;

(C) Detailed requirements as to application materials—a list of supplemental information requirements that can be required of applicants, as deemed beneficial for adequate consideration and understanding of a particular project *(this list of supplemental requirements provides a selection of items that can be required, or not, depending on the complexity or extent of a proposed development)*, and

(D) Mandatory pre-application staff meetings—the requirement for a pre-application meeting at which, among other things, the required application submission materials will be established and the community meeting requirement will be explained by the Director.

Given the structure of our own City Ordinances, we do not believe that simply adding a pre-application requirement for a community meeting will achieve the desired additional level of public notice and information. Establishing specific details as to information that must be contained within an application is necessary to ensure a meaningful level of information and review by citizens at the community meetings. Additionally, reserving to the Director and City Council the ability to determine when an application is ready for formal consideration within the structure of a public hearing process (instead of the current practice of automatically referring it upon receipt) would add significant flexibility for a better-informed public vetting of proposed developments.

Alignment with Council Vision Areas and Strategic Plan:

This item aligns with the City Council Vision to be a smart citizen-focused government.

Community Engagement:

There has been no community engagement prior to preparation of this Resolution for your consideration; however, the purpose of the proposed text amendments is specifically to provide for enhanced community engagement on an ongoing basis. If you initiate the planning commission's consideration of the Discussion Draft Ordinance, the Discussion Draft will be studied within a public process and then the Planning Commission will return its recommendations for additions or revisions to you, within the next 100 days.

Budgetary Impact:

Not known at this time. The procedures suggested within the text amendment will potentially require a substantial additional amount of staff time to contribute information and support to the scheduling and conduct of community meetings.

Recommendation:

Approved the attached Resolution, to initiate a public hearing process for zoning and subdivision text amendments that would establish enhanced procedures for public review and citizen engagement, in relation to proposed development projects within the City.

Alternatives:

Take no action.

Attachments:

- (1) Resolution to Initiate Public Consideration of Amendments of the Zoning and Subdivision Ordinances, to Provide for Enhanced Citizen Engagement in the Review of Proposed Developments.
- (2) Discussion Draft Ordinance, dated February 2, 2015

RESOLUTION
TO INITIATE A PUBLIC PROCESS FOR CONSIDERATION OF
AMENDMENTS OF THE CITY'S ZONING AND SUBDIVISION ORDINANCES
TO PROVIDE FOR ENHANCED CITIZEN ENGAGEMENT IN THE REVIEW OF
PROPOSED DEVELOPMENTS

WHEREAS, this City Council desires to enhance opportunities for citizens to obtain information about proposed developments within the City, and to allow expanded opportunities for public discussions of development applications; and

WHEREAS, Council believes that revising established application review processes for certain types of applications will have the effect of improving citizens' opportunities to understand, review and comment on applications seeking development approvals, and will assure that Council, the Planning Commission, the BAR and other public bodies can make their decisions based on more detailed application materials and public comments, and

WHEREAS, Council desires to expedite the time frame in which changes to the City's procedures for review of development applications can be implemented; NOW, THEREFORE,

BE IT RESOLVED THAT this Council does hereby initiate amendments of the Charlottesville City Code, Chapters 34 (Zoning, §§ 34-8, 34-4, 34-42, 34-158, 34-160, 34-515, and 34-804) and 29 (Subdivisions, § 29-59) for the purpose of revising the City's regulations and procedures for submitting applications seeking approval of proposed zoning map amendments, special use permits, subdivisions and site plans, and refers such amendments to the Planning Commission for its recommendations and for commencement of a public hearing process.

BE IT FURTHER RESOLVED that the Planning Commission is requested to utilize the Discussion Draft Ordinance, dated February 2, 2015, as a guide for their discussions; however, the Commission's consideration of amendments need not be limited to this Discussion Draft. Based on input received during the public hearing process, and the Planning Commission's own deliberations, the Planning Commission should report back to Council its own recommendations:

(1) as to whether any amendments of the City's zoning and subdivision ordinances are necessary or advisable, and

(2) if the Commission determines that amendments are necessary or advisable, then the Commission should return to this Council an ordinance containing their recommended language for such amendments.

FEBRUARY 2, 2015

DISCUSSION DRAFT AMENDMENTS

TO CITY ZONING AND SUBDIVISION ORDINANCES

I. CHANGES TO THE APPLICATION REQUIREMENTS FOR SPECIAL USE PERMITS AND REZONINGS (INCLUDING PUD AND PUD AMENDMENT)

Sec. 34-8. Disclosure of real parties in interest.

- (a) An applicant for a special exception, a special use permit, an amendment to the zoning ordinance or a variance shall make complete disclosure of the equitable ownership (i.e., the real parties in interest) of the real estate to be affected. The applicant shall provide the names and addresses of all of the real parties in interest, including, without limitation: each of the stockholders, officers and directors of a corporate entity (corporations, professional corporations, limited liability companies, professional limited liability companies, etc.). However, the requirement of listing names of stockholders shall not apply to a corporation whose stock is traded on a national or local stock exchange and which corporation has more than five hundred (500) shareholders.
- (b) All petitions initiated by property owners or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships.¹

Sec. 34-41. Amendments to the zoning ordinance.

- (a) Whenever the public necessity, convenience, general welfare or good zoning practice require, the city council may, by ordinance, amend, supplement or change the city's zoning district regulations, district boundaries or zoning district classifications of property. Any such amendments may be initiated by:
- (1) Resolution of the city council;

¹ [Moved from 34-41(c)]

- (2) Motion of the planning commission; or
- (3) Petition of any person who is the owner, owner's agent, or contract purchaser (with the owner's written consent) of property, where such petition proposes a change of the zoning district classification of such property ("zoning map amendments"). For purposes of this section, the term zoning map amendment includes, without limitation: petitions seeking to establish or to amend a planned unit development; petitions to amend established proffers; and petitions for approval of a special use permit.

(b) Petitions for zoning map amendments shall be made in writing, shall be addressed to the city council, and shall be filed in the department of neighborhood development services; and shall be submitted to the city's department of neighborhood development services at least forty-nine (49) days prior to a regular meeting of the planning commission. Each application shall be accompanied by the required application fee, as set forth within the most recent fee schedule adopted by city council. Each application shall be composed of a completed city-provided application form and supplemental information required in order for the city to review and act on the application. At a minimum, a complete application shall include:

(1) Verification of the applicant's attendance at a pre-application meeting with a City planner, at which the applicant was provided a list of the application materials, including required supplemental information, required for an application;

(2) A city-provided application form, signed by the owner of the property. Alternatively, the application form may be signed by the owner's authorized representative, if the application form is accompanied by the owner's written authorization;

(3) Written certification of compliance with sec. 34-10(b);

(4) The required application fee, as set forth within the most recent fee schedule adopted by city council;

(5) All information required by any provision of this zoning ordinance (including, without limitation: sec. 34-158 and 34-other applicable city ordinances, or state law;

(6) All required supplemental information.

The director of neighborhood development services shall establish and maintain appropriate uniform application forms for zoning map amendments. documents and informational requirements for making such petition, as well as a list identifying all materials required to be submitted along with the petition, which shall include any information the director deems necessary for the planning commission and city council to adequately evaluate the request which is the subject of the petition. Upon receipt of an application, the director shall within ten (10) business days review the application for completeness. Incomplete applications shall be rejected and shall not proceed for review or

decision, and the applicant shall be notified in writing of the rejection and the reasons therefor.

(c) All petitions initiated by property owners, contract purchasers, or the agents thereof, shall be sworn to under oath before a notary public, stating: (i) whether or not any member of the planning commission, or his immediate family member, has any personal interest in the property or transaction that is the subject of the application; and (ii) whether or not any member of the city council, or his immediate family member, has any such interest. A personal interest arises when a financial benefit or liability may accrue to a member of the planning commission or city council, or his immediate family member, as a result of an individual or business interest in the subject application. For the purposes of this section, the term "personal interest" shall have the meaning set forth within the State and Local Government Conflicts of Interests Act, Code of Virginia, § 2.2-3101, and may refer to an interest accruing to a person individually, as a result of business or professional relationships. Following receipt of a complete application for a zoning map amendment:

(1) Either the city council or the director may request work sessions or other public presentations to be scheduled before the city council, the planning commission, the board of architectural review (if property is within an historic district), or other public bodies, as the director determines to be appropriate, taking into consideration the nature of the approval requested, the acreage affected, potential impacts of an approved application, applicable legal requirements, and any other factors consistent with good zoning practices. The purpose of a work session or other public presentation is to allow an applicant to present a proposed project, to allow the department of neighborhood development services to present a preliminary scoping of major issues, to seek directions as to the board's or commission's expectations in addressing those issues, and to allow the board or commission to receive public comments. The applicant's consent to a work session is required, if the work session would extend the time for action by the board or commission beyond applicable deadlines established by law.

(2) The applicant shall hold a community meeting for the application. The purposes of a community meeting are to provide citizens an opportunity to receive information about a proposed project, about applicable zoning processes and procedures, about applicable policies of the comprehensive plan and city ordinances or regulations that may apply to the project, and to give citizens an opportunity to ask questions about the project. The director of neighborhood development services is authorized to establish written guidelines pertaining to which applications should have community meetings, when in the process such meetings should be conducted, the manner in which the meeting should be conducted, and how (and to whom) notice of the community meeting should be given. The applicant's consent to a community meeting is required, if the community meeting cannot, due to no fault of the applicant, be scheduled in sufficient time to allow action by the board or planning commission within applicable deadlines established by law. The director may waive the requirement for a public meeting, upon a determination that the meeting is not likely to achieve the public purposes intended to be served, after consideration of the following: (i) the nature of the approval requested,

the acreage affected, the proposed density, the proposed scale, and potential impacts, (ii) any other factors deemed relevant upon applying sound zoning principles, (iii) whether other public work sessions or meetings have already been held regarding the application, so as to make a community meeting unreasonably duplicative.

- (3) Unless otherwise directed by city council, upon the director's receipt of proof by the applicant that a community meeting has been held in accordance with applicable policies and procedures, the director is authorized to refer the matter to the planning commission's for review in accordance with sec. 34-42(c), by written notice given to the planning commission chair.

- (d) ~~Once a proposed amendment has been initiated as set forth within this section, it shall be deemed referred by the city council to the planning commission for study and recommendation reviewed by the director of neighborhood development for completeness. Incomplete applications shall be rejected and shall not proceed for review or decision. For~~ each application for a zoning map amendment, the director may require supplemental information to be submitted along with the application. In determining what supplemental information must be submitted, the director shall consider the proposed use, the proposed density, the proposed zoning district classification, and other considerations the director determines to be relevant according to sound zoning practices. Required supplemental information may consist of any or all of the following:
 - (1) Project Proposal Narrative, consisting of a detailed written statement of the proposal, its public need or benefit, and of how the project satisfies the purpose, intent or objectives of the applicable zoning district classification.

 - (2) Comprehensive Plan Analysis, consisting of a detailed written statement of the project's consistency with the comprehensive plan, including the land use map and any small area, strategic investment area or other plan for the applicable development area.

 - (3) Impacts on Public Facilities and Infrastructure. A detailed narrative statement detailing the project's impacts on public facilities and infrastructure, including, without limitation: sidewalks and other pedestrian facilities; bicycle, public transit and motor vehicle transportation facilities; storm sewers; existing platted rights-of-way which have not previously been improved or accepted by the city for maintenance, etc.

 - (4) Maps. One or more maps showing the proposed project's neighborhood context, existing natural and man-made conditions, and existing topography. If the proposal is to amend an existing planned unit development district, and the proposed amendment would affect less area than the entire district, the applicant shall submit a map showing the entire existing PUD and identifying any area to be added to or deleted from the district, or identifying the area to which the amended PUD plan or any amended proffers, would apply. If the proposal is for a special use permit, and the area proposed

to be subject to the special use permit is less than an entire lot (or less than an entire PUD, if applicable) a map shall be provided showing the area proposed to be subject to the special use permit.

- (5) Impacts on Environmental Features. A narrative of environmental features of the property that would be affected by the project, including, without limitation: trees, existing pervious surfaces, steep slopes, streams, etc. Photographs shall be provided of features described in the narrative.
- (6) Project Concept Plan. For any zoning map amendment to establish a conventional zoning district (i.e., a district other than a PUD) or seeking approval of a special use permit, a conceptual plan shall be provided showing, as applicable: (i) street network, including circulation within the project and connections to existing and planned streets within and outside the project; (ii) general location of pedestrian and bicycle facilities; (iii) building envelopes; (iv) parking envelopes; (v) public spaces and amenities; (vi) conceptual stormwater management facility locations and types; (vii) conceptual grading; (viii) conceptual landscape plan, (ix) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (x) general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities.
- (7) PUD Concept Plan. In addition to any information required by city code sec. 34-517, a PUD concept plan shall include: (i) typical cross-sections to show proportions, scale, and streetscape/cross-sections/ circulation; (ii) conceptual stormwater management facility locations and types; (iii) conceptual grading; (iv) a use table listing the specific uses to be included by right, and the number of dwelling units, by type; (v) building envelopes; (vi) topography, and identification of the source of the topographical information, supplemented where necessary by spot elevations, and identification of areas of the site containing slopes in excess of 25%; (vii) general layout for water and sewer systems; (viii) the general location of central features or major elements within the project that are essential to the design of the project, such as parking areas and structures, civic areas, open spaces, green spaces, recreation areas and other amenities; (viii) a code of development identifying standards for proposed yards, open space characteristics, and any landscape or architectural characteristics relating to scale, proportions, and massing; and (ix) a conceptual lot layout.
- (8) Proposed Proffers to Address Impacts, consisting of a written statement of conditions, limitations, restrictions or amenities that the property owner offers as a means of mitigating impacts of a project or enhancing the public benefits of a project.
- (9) Other Information, including, without limitation, special studies or documentation, identified by the director as being necessary for a full and complete review of the proposed zoning map amendment consistent with good zoning practices.

Sec. 34-42. Commission study and action.

(a)...[NO CHANGE PROPOSED]

(b)...[NO CHANGE PROPOSED]

(c) The planning commission shall review the proposed amendment and shall report its findings and recommendations to the city council, along with any appropriate explanatory materials, within one hundred (100) days after the proposed amendment was referred to the commission for review. Owner-initiated petitions for zoning map amendments shall be deemed referred to the commission as of the date on which: (i) city council, by motion or by resolution, refers an amendment to the commission for review, or (ii) the first planning commission meeting following the referral acceptance of the petition by the director of neighborhood development services pursuant to sec. 31-41(c)(3). Failure of the commission to report to city council within the 100 one hundred-day period shall be deemed a recommendation of approval, unless the petition is withdrawn. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.

II. CHANGES TO SPECIAL USE PERMIT APPLICATION REQUIREMENTS

Sec. 34-158. Application generally.

(a) The procedure for filing and consideration of an application for a special use permit is the same as that required by sec. 34-41 for an owner-initiated rezoning petition for a zoning map amendment, except that ~~each~~ a complete application for a special use permit shall also include:

(b) ...[NO CHANGE PROPOSED]

Sec. 34-160. Review and action on application.

(a)...[NO CHANGE PROPOSED]

(b) The planning commission shall review and make recommendations to city council in the same manner as provided within sec. 34-41 for an owner-initiated petition for a zoning map amendment rezoning application. The planning commission may concurrently approve a preliminary site plan, subject to city council's approval of a special use permit, and subject to any necessary amendments to the site plan as a result of the city council's action. Alternatively, the planning commission may choose to defer consideration of a site plan until after council has rendered a final decision on the application for a special use permit.

III. CHANGES TO PUD APPLICATION REQUIREMENTS

Sec. 34-515. Pre-application review process.

- (a)...
- (b) Upon confirmation by the director that all materials and information submitted by the applicant satisfy the requirements referenced within paragraph (c), below, in this section, the pre-application will be scheduled for a preliminary discussion to be held at a regular planning commission meeting application will be reviewed and acted upon in the manner prescribed within sec. 34-41.
- (c) Each application shall ~~be accompanied by the required fee, as set forth within the most recent fee schedule adopted by city council~~ satisfy the requirements of sec. 34-41 as well as all of the requirements of this article.

IV. CHANGES TO SITE PLAN APPLICATION REQUIREMENTS

Sec. 34-804. Pre-application ~~conference~~ requirements

- (a) No application seeking approval of a site plan, preliminary or final, for property that will be used for any commercial or industrial purpose, or that will contain six (6) or more residential dwelling units, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development at the time of city council's consideration of an application for approval of a special use permit or petition for a zoning map amendment. The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. Prior to submission of a preliminary site plan, an applicant for site plan review should meet with the director to ~~verify~~ determine whether a site plan will be required and if so, what information and application materials must be provided in either case.
- (b) The purpose of a pre-application conference is to discuss the required site plan, its contents, and the various city requirements pertaining to zoning, erosion and sedimentation control, building code regulations, and to consider preliminary features of a proposed site. At a pre-application conference, the director will verify whether a site plan will be required for a proposed development and if so, what information and application materials must be provided. As part of the pre-application conference the developer shall confer with the director to determine if the site plan should include provision for the reservation and/or dedication of suitable areas for parks, open space and other public facilities, utilities and uses as recommended in the comprehensive plan. The developer shall also confer with the director and/or other appropriate public officials of the city, to ascertain if, and when, and in what

manner, any such areas should be reserved for acquisition by the city. Nothing in this provision shall be construed to preclude the dedication of any property for public use which is not included in the comprehensive plan, provided such property is acceptable to the city for dedication and maintenance.

V. CHANGES TO SUBDIVISION APPLICATION REQUIREMENTS

Sec. 29-59. Review and approval.

- (a) No application seeking approval of a subdivision, preliminary or final, that would divide any parcel(s) of land into six (6) or more lots, or involving a new street, shall be accepted for review, unless and until the applicant has participated in a pre-application conference and has held a community meeting in accordance with guidelines established by the director of neighborhood development services in accordance with sec. 34-41(c)(2). Any application that fails to demonstrate compliance with these requirements shall be rejected as incomplete. The director may waive the requirement for a community meeting, if a community meeting was previously held for the same development as part of city council's consideration of an application for approval of a special use permit or a petition for approval of a zoning map amendment. Within fourteen (14) days of receipt of ~~such~~ an applicant's official submission of a complete application for approval of a subdivision, plats the agent shall forward copies to the affected city departments for their review and comments.
- (b)[NO CHANGE PROPOSED]
- (c)[NO CHANGE PROPOSED]

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



Agenda Date:	February 2, 2015
Action Required:	Public Hearing/Ordinance
Presenter:	Bitsy Waters, Chairperson, Tree Commission Doug Ehman, Parks Division Manager, Parks and Recreation
Staff Contacts:	Doug Ehman, Parks Division Manager, Parks and Recreation
Title:	Designation of Trees per the Tree Conservation Ordinance

Background:

On November 4, 2013 the City Council passed a tree conservation ordinance that permitted the designation of public or private trees as protected under one of four categories:

1. Heritage tree means any tree that has been individually designated by city council to have notable historic or cultural interest.
2. Memorial tree means any tree that has been individually designated by city council to be a special commemorating memorial.
3. Specimen tree means any tree that has been individually designated by city council to be notable by virtue of its outstanding size and quality for its particular species.
4. Street tree means any tree that has been individually designated by city council and which grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Attached are the first two trees forwarded for designation under this program. One is a large Sycamore tree in Quarry Park that has been requested to be designated as a specimen tree and the other a large private tree, a white oak, located on a property commonly known as “the Farm” with a requested designation of Heritage tree.

Pursuant to section 18-9(b)(2) Council is required to conduct a public hearing on these requests. The Tree Commission and City Arborist findings along with the original applications and departments of Neighborhood Development Services and Public Works reviews are attached.

Discussion:

In 2012 the Tree Commission began to work, in earnest, on a tree conservation ordinance that would afford protection to trees that had a unique or unusual set of attributes or conditions. After working extensively with the City Attorney, individuals and organizations such as the Tree Stewards and a careful and thoughtful review of the Commonwealth enabling legislation a proposed ordinance was forwarded to City Council and approved November 4, 2013.

The program is voluntary in nature and requires that all public tree nominations originate with the Tree Commission while private trees may only be nominated by the owner of the property on which the tree resides. The nomination then undergoes a review by the City Arborist as to condition and verification of species, Neighborhood Development Services to determine if the tree could be impacted by any anticipated development and Public Works for an assessment of impact from any known or anticipated maintenance or construction activity. The Tree Commission then considers all these findings and makes a determination whether or not to forward the nomination to the City Council on a quarterly basis. The two nominations requested for consideration are the first fruits of this exhaustive process.

The provisions of this ordinance, pursuant to the enabling legislation, shall not apply to:

- (1) Work conducted on federal or state property;
- (2) Emergency work to protect life, limb or property;
- (3) Routine installation, maintenance and repair of cable and wires used to provide cable television, electric, gas or telephone service;
- (4) Activities with minor effects on trees, including but not limited to, home gardening and landscaping of individual homes; and
- (5) Commercial, silvicultural or horticultural activities, including but not limited to planting, managing, or harvesting forest or tree crops.

Upon designation the ordinance notes that:

A property owner shall undertake reasonable efforts to preserve and protect any trees designated pursuant to this article. No heritage, memorial, specimen or street tree may be removed or intentionally damaged in a way that could destroy the tree unless authorized by City Council. City Council may authorize the removal or other action upon making a determination that: (i) there is an overriding need for public improvements which necessitate removal of the tree; or (ii) not removing the tree will cause severe hardship to the property owner.

Any person or entity that knowingly violates any provision of this article shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500.00) for each violation. Civil penalties shall be imposed by the issuance of a civil summons returnable in the general district court

Alignment with Council Vision Areas and Strategic Plan:

The initiative supports City Council's "Green City" vision. It contributes to Goal 2 of the Strategic Plan: Be a safe, equitable, thriving, and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Community Engagement:

There has been no extensive community engagement on these two proposed designations. However, notice of the public hearing on February 2, 2015 was advertised to the public at least 7 days in advance of the hearing.

Budgetary Impact:

There is not an anticipated budgetary impact.

Recommendation:

The Tree Commission recommends and requests that these two trees be designated as requested and staff can find no reason that should not occur.

Alternatives:

Council could take no action on the designation of these trees.

Attachments:

Attachment 1	Quarry Park sycamore application
Attachment 2	Quarry Park NDS review
Attachment 3	Quarry Park Public Works review
Attachment 4	Quarry Park City Forester review
Attachment 5	Quarry Park Tree Commission Review
Attachment 6	The Farm white oak application
Attachment 7	The Farm NDS review
Attachment 8	The Farm white oak Public Works review
Attachment 9	The Farm white oak City Forester review
Attachment 10	The Farm white oak Tree Commission Review

ORDINANCE
DESIGNATING CERTAIN TREES AS PROTECTED TREES
UNDER THE CITY’S TREE CONSERVATION ORDINANCE

WHEREAS, the City of Charlottesville (the City) adopted a Tree Conservation Ordinance on November 4, 2013 to preserve certain significant trees within the City of Charlottesville; and

WHEREAS, per Section 18-5 *et seq.* of the City Code (Tree Conservation Ordinance), the City Arborist and Tree Commission may make recommendations to Council on a quarterly basis to consider designation of certain trees as Heritage, Memorial, Specimen, or Street trees; and

WHEREAS, Michael Bednar and Elizabeth Lawson, owners of property at 1201 East Jefferson Street, have made application to the City to designate a large White Oak tree on their property as a Historic tree, and the Tree Commission has made application for a large Sycamore tree in Quarry Park to be designated as a Specimen tree; and

WHEREAS, after the required review by City staff, the City Arborist and the Tree Commission, the Tree Commission has recommended that the above-described trees be afforded protection by designation under the Tree Conservation Ordinance; and

WHEREAS, City Council has considered the report and recommendations of the City Arborist and the Tree Commission, and conducted a public hearing on February 2, 2015; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, that:

(1) The large Sycamore tree in Quarry Park on Quarry Road (as shown in the attached photograph) is hereby designated as a Specimen Tree, notable for its outstanding size and quality for the particular species; and

(2) The large White Oak tree, with an approximate circumference of 16 feet and estimated to be over 400 years old, located on private property at 1201 East Jefferson Street (“The Farm”) is hereby designated as a Historic Tree, notable for its historic or cultural interest.

Tree Conservation - Nomination Form

Instructions: Please complete all sections highlight in and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911

Application Number: 0001-4

Date Received: July 21, 2014

Nominator: Name (Print) Dorothy Smith for Tree Commission
E-Mail: dotcostume@gmail.com
Phone: 295-1576
Signature: Dorothy Smith

Please place address, description and location sketch of tree in box

Quarry Park
Sycamore
Long $78^{\circ}28'37.25''$ ~~W~~^{de}
LAT $38^{\circ}00'51.68''$ N

Category of Tree (Circle one): Public Private (If selected see added requirements below)

Designation Requested (circle one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attached additional information)

The Quarry Park sycamore has the second largest registered canopy spread in Virginia at 119 ft. The tree was designated a landmark Tree by the C'ville Area Tree Stewards on Arbor

If Private Tree the following information must also be received or the nomination cannot be processed:

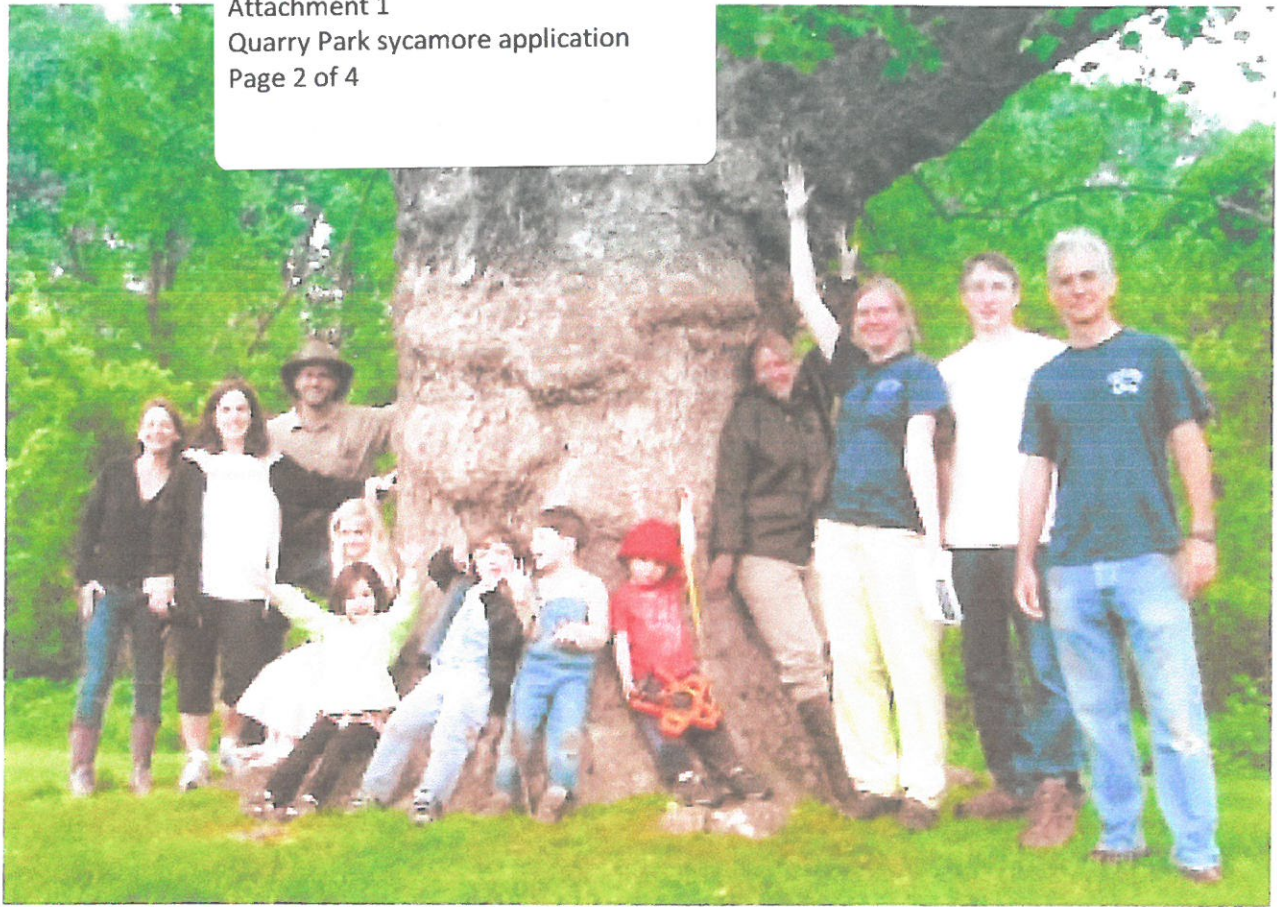
Owner: Name (Print) C'ville
E-Mail: _____
Phone: _____

Day 2013. Sycamores are a host for songbirds and other

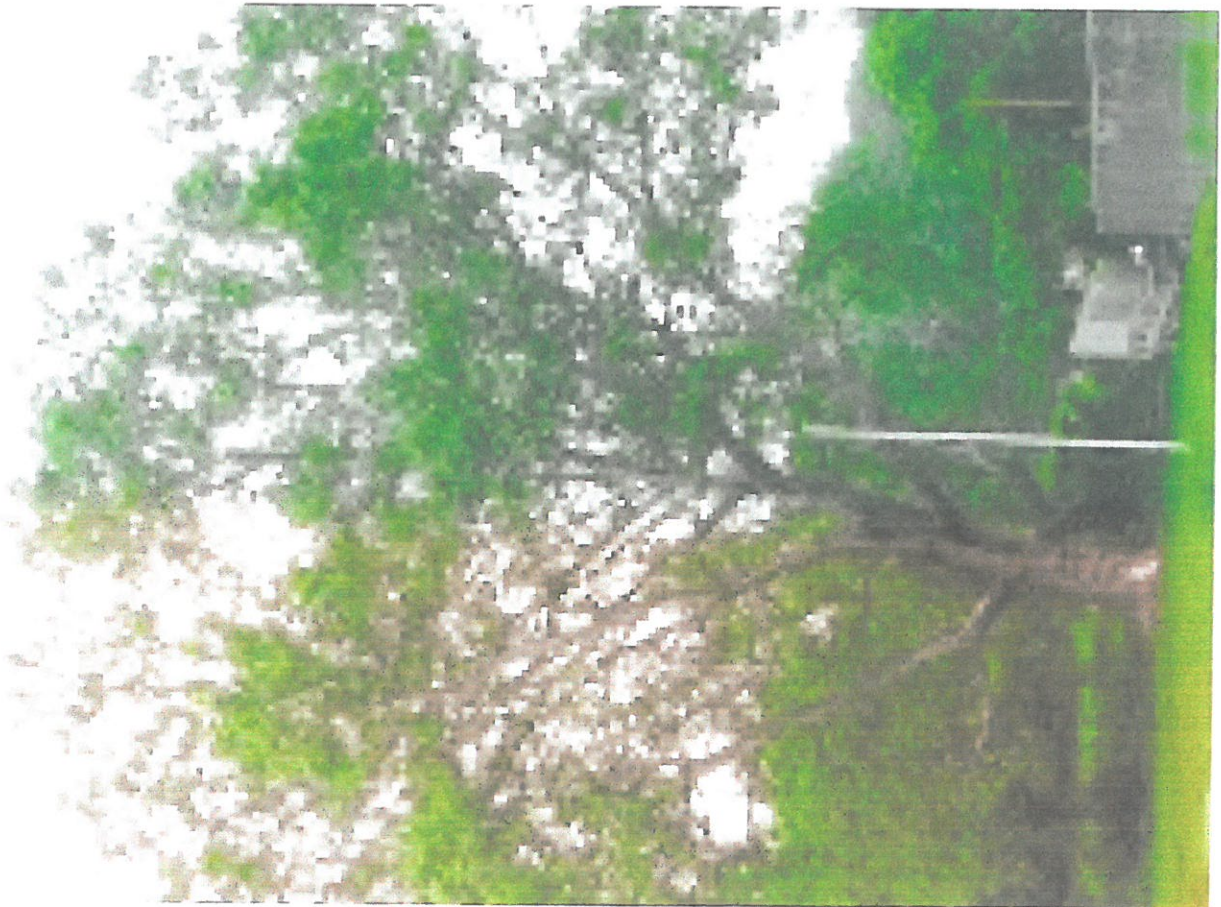
wildlife; so no surprise that Quarry Park is on the Virginia Birding & Wildlife Trail. For what children learned about the Quarry Park Sycamore visit

115 ft is the 5th largest in VA. The height of about

photos attached Piedmont discovery.blogspot.com/2011/05/giant-at-quarry-park.htm







Tree Conservation - NDS Report

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 21, 2014

Date Returned: 7/21/14

Nominator: Name (Print) _____
E-Mail: _____
Phone: _____
Signature: _____

On application

Please place address, description and location sketch of tree in box

Large Sycamore @ Quarry PK behind
BALL field

ON ATTACHMENT

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? Not at this time If yes please detail below:

If Parks were to ~~consider~~ plan changes to this site, a site plan would be required. If designated the tree would be added as such on the plan + adequate measures put in place to preserve

Name (Printed) Missy Creasy

Signature: *Missy Creasy*

Date: 7/21/14

Tree Conservation-Public Works Report

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 21, 2014

Date Returned: _____

Nominator: Name (Print) _____
E-Mail: _____
Phone: _____
Signature: _____

ON ATTACHED
~~FORM~~ NOMINATION FORM

Please place
address,
description and
location sketch
of tree in box

LARGE SYCAMORE @ Quarry Pk behind
Gailfield

Are there any road, sidewalk, utility or rights-of-way work now active, planned or anticipated that could impact this tree? NO If yes please detail below:

[Empty box for detailing work that could impact the tree]

Name (Printed) Kathryn McNamee

Signature: [Handwritten Signature]

Date: 7/23/14

Tree Conservation - Arborist Report

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 21, 2014

Date Returned: 7/22/14

Verification of Information: Common Name AMERICAN SYCAMORE Genus/Species PLATANUS OCCIDENTALIS

DBH: 46.6" Height: 130' General Condition: Poor Good Excellent

Narrative assessment please note pluses and minuses of nominated trees:

This tree is a true specimen of the species,
HAS excellent structure + huge canopy spread.

Designation Requested: Specimen

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

None -
*Removable bollards would be a good idea to only allow mtc + stbb entry near the tree w/ vehicles

Name (Printed) Timothy A. Hughes

Signature: [Signature]

Date: 7/22/14

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 0001

Date Received: July 21, 2014

Date Assigned: July 23, 2014

Date Returned:

Verification of Information:

Common Name: American Sycamore Genus/Species: *Platanus occidentalis*

Location: Quarry Park, behind the field, near the stream

Public: Private:

DBH in inches: 61.6 Height in feet: 130 Average Crown Spread in feet: 117

General Condition: Poor Good Excellent

Designation Requested: Specimen

Narrative assessment, summary and recommendation:

The sycamore was remeasured by Tim Hughes and Tree Commission member Ineke Dickman on July 24th, 2014. The trunk perimeter is 194"; its height of 130' is the third largest recorded in VA if compared with the VA Big Tree Register. Its spread is the largest recorded in Virginia. It truly is a specimen tree, as it is in excellent condition, has good structure, little deadwood or decay and a thick dense healthy crown with huge spread. While it is not a Big Tree Champ it would come in as # 6 with a point total of 353. The VA Champ has a total of 504 points. The national champion according to American Forests has a circumference of 341" and height of 132 feet and a spread of 126 feet with a point total of 505. The tree was designated as a Landmark Tree by the Charlottesville Tree Stewards on Arbor Day 2013. There do not appear to be any objections from Public Works, NDS or Tim Hughes to approve this tree as a Specimen Tree under the Tree Conservation Ordinance. The Tree Commission recommends that this tree receives the status of specimen tree under the Charlottesville Tree Conservation Ordinance.

Name: Ineke Dickman, Certified ISA Arborist MA-4441A

Signature: Ineke Dickman

Date:

Tree Conservation - Nomination Form

In November 2013, Charlottesville City Council adopted the Tree Conservation Ordinance regulating the preservation and removal of Heritage, Specimen, Memorial and Street Trees, (Chapter 18 (Parks and Recreation), Article II, Tree Conservation) in order to secure protection for a portion of the City's urban forest and the ecosystem services that this forest provides.

The ordinance can be used to protect individual trees on public land, or privately owned individual trees that property owners voluntarily agree to safeguard. Individual property owners and the Tree Commission may nominate trees. Four categories of trees can be considered: **specimen, heritage, memorial, and street trees**. As defined by Virginia State law, specimen trees are those that are notable in their size and quality for their species. Heritage trees have historical or cultural interest. Memorial trees can be designated to commemorate a person, group or life event. Street trees are those that have been planted by the City within a public right-of-way on public or private land. The Tree Commission reviews and City Council decides if nominated trees are worthy of this special status.

Instructions: Please complete and fill in (spaces expand) all applicable and highlighted sections and mail or drop off to: Parks Division, Attn: Exceptional Tree Nomination, 1300 Pen Park Road, Charlottesville, VA, 22911, or email to ehmand@charlottesville.org.

Application Number: 003

Date Received: _____

Nominator: Name (Print) Michael Bednar
E-Mail: mjb6g@virginia.edu
Phone: 434-293-3411
Signature: _____

Tree to be nominated:

Address: 1201 E. Jefferson St.

Location description (if address unknown: Please include sketch below if needed). E. Jefferson and 12th St. NE

Common name or Latin name of tree (if known): white oak

Category of Tree (check one): Public: Private (If selected see added requirements below)

Designation Requested (check one):

Heritage tree means a tree that has notable historic or cultural interest.

Memorial tree means a tree that is intended to be a special commemorating memorial.

Specimen tree means a tree that is notable by virtue of its outstanding size and quality for its particular species.

Street tree means a tree that grows in the street right-of-way or on private property as authorized by the owner and placed or planted there by the local government.

Statement that supports requested designation (You may attach additional information)

When Colonel Banastre Tarleton and his Green Dragoons came to Charlottesville to capture Governor Thomas Jefferson and the Virginia General Assembly they probably camped under this tree, the so called Tarleton Oak. It is north of a spring on 12th Street and within 150 feet of the Nicholas Lewis House (1770) where Tarleton had words with Mrs. Lewis.

<http://people.virginia.edu/~mjb6g/LewisHouse/nicholaslewishouse.htm>

This tree is a very large white oak with a circumference of 16'-3". Based on the average growth rate of this species it is over 400 years old. Two large branches have broken off in the last ten years and the crown has been struck by lightning. Nevertheless, it is a majestic specimen perched on its embankment. A photo is attached.

If **Private Tree** the following information must also be received or the nomination cannot be processed:

Owner: Name (Print) Michael Bednar
E-Mail: mjb6g@virginia.edu
Phone: 434-293-3411

If Private Tree:	Requested	Received
Owner Affidavit:	_____	_____
NDS Review:	_____	_____
Public Works Review:	_____	_____

All Nominations:	Assigned	Returned
Arborist Report Received:	_____	_____
Commission Report Received:	_____	_____
Recommendation Formulated:	_____	_____
Action to Forward:	_____	_____
Council Action Date:	_____	
Nominator Notified:	_____	
Owner Notified:	_____	
Loaded in GIS:	_____	

Tree Conservation - NDS Report (Fillable fields expand)

Application Number: 003

Date Received: _____

Date Assigned: _____

Date Returned: 11/24/2014

Nominator: Name (Print): Michael Bednar
E-Mail: mjb6g@virginia.edu
Phone: 434-293-3411
Signature: _____

Please place
address,
description and
location sketch
of tree in box

Are there any current, anticipated or pending site, subdivision or similar development plans that could impact this tree? no If yes please detail below:

Name (Printed) Missy Creasy

Signature: _____

Date: 11/24/2014

Tree Conservation-Public Works Report (all fields expand)

Application Number: 003

Date Received: November 21, 2014

Date Assigned: November 21, 2014

Date Returned: December 4, 2014

Nominator: Name: Michael Bednar
E-Mail: mjb6g@virginia.edu
Phone: 434-293-3411
Signature: _____

Address of tree/and or description of location: 1201 E. Jefferson

Add location sketch if needed:

GIS photo attached-no Utilities w/in area of tree; Gas line on other side of the house.

Is there any roadwork, sidewalk, utility or rights-of-way work now active, planned or anticipated, that could impact this tree? No

Name: Lauren Hildebrand, Director of Utilities

Signature: 

Date: December 4, 2014

Attachment 8
 "The Farm" white oak application
 Public Works review
 Page 2 of 2

Subject Tree




This map was prepared by the City of Kent, WA, and is provided for informational purposes only. It is not intended to be used as a legal document. The City of Kent, WA, is not responsible for any errors or omissions on this map. The City of Kent, WA, is not responsible for any damages or losses resulting from the use of this map.



- Hydrants**
- Manholes**
- Sanitary Pipes**
- Abandoned Gas Service**
- Active Gas Line**
- Active Infield Gas**
- Gas Mains**

Tree Conservation - Arborist Report (all fields are fillable and expand)

Application Number: 003

Date Received: 11/24/2014

Date Assigned:

Date Returned:

Verification of Information: Common Name: white oak Genus/Species: Q. alba

DBH in inches: 63 Height in feet: 96 Average Crown Spread in feet: 126

General Condition: Poor Good Excellent

Narrative assessment, please note pluses and minuses of nominated trees:

Condition rating 55 out of 100. Tree has a large column of decay down one entire side- there is healthy callus growth along both sides of decay column. The loss of two large leaders and branches and a possible lightning strike caused the decay column. The remaining branches and leaders appear to be healthy and growing well. The street side of tree with the heavy branching could benefit by some weight reduction pruning.

Designation Requested: Heritage

Is there any condition(s) that would preclude the tree's inclusion in the designated category requested?

N/A

Name (Printed) Timothy A. Hughes

Signature: TAH

Date: 11/26/2014

Tree Conservation – Tree Commission Evaluation Form (all fields expand)

Application Number: 003

Date Received: 11-24-14

Date Assigned: 12-5-14

Date Returned:

Verification of Information:

Common Name: White oak Genus/Species: Quercus alba

Location: within property located at corner of 12 St NE and E. Jefferson Street

Public: Private:

DBH in inches: 63 Height in feet: 96 Average Crown Spread in feet: 126

General Condition: Poor Good Excellent

Designation Requested: Heritage

Narrative assessment, summary and recommendation:

The white oak was measured by the property owner/applicant and listed in the applicants nomination form having a 16'-3" circumfrance with an estimated age of 400 years based upon the applicants opinion of the average growth rate of white oak in a wooded condition. Tim Hughes the City Arborist has measured the tree with a DBH of 63" with an estimate height of 96' and crown of 126' and evaluated the tree as "good" with major limb damage and some rot. The tree is listed by the applicant of having historic significance due to its age and its relation to the Nicholas Lewis House (1770) near the tree on the adjoining property. There does not appear to be objections or utility issues from reviewing City staff or from the City Arborist to approve this tree as a Heritage Tree under the Tree Conservation Ordinance. Therefore the Tree Commission recommends that this tree receive the status of Heritage Tree under the Charlottesville Tree Conservation Ordinance.

Name: John Schmidt, PLA, ASLA

Signature:

Date: 12-7-14

Certified Letter re: Tree Com.
 Tree designation as req'd per code.

Downtown Station
 Charlottesville, Virginia
 229029998
 5176530902 -0099
 01/14/2015 (800)275-8777 04:30:05 PM

Product Description	Sales Receipt Sale Qty Unit Price	Final Price
CHARLOTTESVILLE VA 22902-5414 Zone-0 First-Class Mail Letter 0.50 oz. Expected Delivery: Fri 01/16/15 @@ Certified USPS Certified Mail #: 70142120000279319505		\$0.49
Issue Postage:		\$3.30
		=====
Total:		\$3.79

Paid by:
 VISA \$3.79
 Account #: XXXXXXXXXXXXX3566
 Approval #: 014550
 Transaction #: 641
 23 903420941

@@ For tracking or inquiries go to
 USPS.com or call 1-800-222-1811.

Order stamps at usps.com/shop or call
 1-800-Stamp24. Go to usps.com/clicknship
 to print shipping labels with postage. For
 other information call 1-800-ASK-USPS.

 Get your mail when and where you want it
 with a secure Post Office Box. Sign up for
 a box online at usps.com/poboxes.

7034 2120 0002 7931 9505

U.S. Postal Service™			
CERTIFIED MAIL® RECEIPT			
Domestic Mail Only			
For delivery information, visit our website at www.usps.com ®			
CHARLOTTESVILLE VA 22902			
OFFICIAL USE			
Postage	\$	\$0.49	0902
Certified Fee		\$3.30	08
Return Receipt Fee (Endorsement Required)		\$0.00	Postmark Here
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	
Sent To Michael Bednar & Elizabeth Lawson			
Street & Apt. No., or PO Box No. 1201 E. Jefferson St.			
City, State, ZIP+4 Charlottesville, VA 22902			
PS Form 3800, July 2014		See Reverse for Instructions	

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



Agenda Date:	February 2, 2015
Action Required:	Public Hearing
Presenter:	Maurice Jones, City Manager
Staff Contacts:	Maurice Jones, City Manager
Title:	Ending the Observance of Robert E. Lee/Thomas “Stonewall” Jackson Holiday

Background:

There is a long and complex history associated with the observance of the birthdays of former Confederate Generals Robert E. Lee and Thomas “Stonewall” Jackson in the state of Virginia. The Commonwealth first commemorated Lee’s birthday (January 19) in 1889. Fifteen years later in 1904, Jackson was added to the holiday.

In 1983, Dr. Martin Luther King, Jr. Day became an official federal holiday to honor the life and achievements of the Civil Rights leader. Here in Virginia, there was a successful movement in the legislature to combine the Dr. King holiday with Lee-Jackson Day. It remained that way until 2000, when Governor Jim Gilmore requested splitting the holidays by moving Lee/Jackson Day to the Friday before Dr. King Day.

The City of Charlottesville continues to observe both holidays.

Discussion:

A request has been made of City Council to end the City’s observance of Lee-Jackson Day. There is a growing concern that commemoration of the lives of two Confederate generals is offensive to many in our community, especially people of color.

Many cities around the state have elected not to observe Lee-Jackson Day, including Alexandria, Danville, Fairfax, Fredericksburg, Galax, Hampton, Lynchburg, Norfolk, Richmond, Roanoke, Staunton, Virginia Beach, Waynesboro and Winchester.

Alignment with Council Vision Areas and Strategic Plan:

Community of Mutual Respect

In all endeavors, the City of Charlottesville is committed to racial and cultural diversity, inclusion, racial reconciliation, economic justice, and equity. As a result, every citizen is respected. Interactions among city leaders, city employees and the public are respectful, unbiased, and without prejudice.

Citizen Engagement:

City Council is holding a public hearing to gather input from the public on this issue. In addition, dozens of people have sent emails to Council or posted on social media sites encouraging the Council to end the observance of Lee-Jackson Day.

Council is scheduled to vote on the subject at its regularly scheduled meeting on February 17th.

Recommendation:

If City Council decides to end the observance of Lee-Jackson Day, staff recommends adding another holiday to the City's official holidays' list. There are several options for replacing the holiday:

- With an observance of Veterans Day, a federal holiday that is observed on November 11.
- By adding December 26th as a holiday.
- By adding the Wednesday before Thanksgiving as a holiday.

Council may also offer alternatives or simply end the observance without an additional holiday.

Budgetary Impact:

There is no budgetary impact.

Alternatives:

The City Council could decide to continue observing Lee/Jackson Day.

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date:	February 2, 2015
Action Required:	Approval of Ordinance
Presenter:	Jim Tolbert
Staff Contacts:	Jim Tolbert, Director NDS; Patricia Carrington, NDS; Richard Hunt, NDS
Title:	Spot Blight Property at 610 Ridge Street

Background: At their January 13, 2015 meeting, the Planning Commission adopted a resolution declaring 610 Ridge St. as a blighted property and agreed with the NDS Director's plan of action. The Planning Commission staff report and resolution are attached.

Discussion: In finding the property blighted, the Commission made the following findings:

- (1) The property is a blighted property, as defined within City Code section 5-192;
- (2) The owner has failed to cure the blight or to present a reasonable plan to do so;
- (3) The property is not occupied for personal residential purposes;
- (4) The property has not been condemned for human habitation for more than one (1) year;
- (5) The director's plan for the repair or other disposition of the property is reasonable and in accordance with the city's adopted comprehensive plan, zoning ordinances, and other applicable land use regulations; and
- (6) The property is located within an area listed on the National Register of Historic Places. This commission has referred the director's plan to the board of architectural review for comment regarding the director's proposed plan for repair or other disposition of the property.

The Commission also agreed with the Director's recommendation to first attempt to purchase the property and then, only if it cannot be purchased, move through the process to demolish the property. The specific recommendation as contained in the Planning Commission resolution is as follows:

BE IT FURTHER RESOLVED THAT this Planning Commission hereby directs staff to transmit these findings to City Council after receipt of the BAR's written comments on the Director's plan, and the Council transmittal shall include a recommendation that City Council should affirm these findings and take all necessary action to abate the blight on this Property.

If staff is unsuccessful in purchasing the property it will be brought back to Council for further action.

This item was reviewed by the Board of Architectural Review on January 20, 2015, as requested by the Planning Commission. The BAR recommended approval of the proposed plan by a 7-0 vote.

Alignment with Council Vision Areas and Strategic Plan: This agenda item furthers the City Council's vision to be a Smart, Citizen-Focused Government.

Community Engagement: The Planning Commission held a public hearing on this item on January 13, 2015. No members of the public spoke.

Budgetary Impact: If the City does agree to purchase the property, the potential impact to the budget will be the appraised value of the property.

Recommendation: Staff recommends that Council adopt the attached ordinance declaring 610 Ridge Street to be a blighted property and approving the Director's plan. The ordinance instructs the Director to attempt to purchase the property and if unsuccessful, to work with the City Attorney to demolish the house. If demolition is the option, staff recommends that an application be submitted to the Board of Architectural Review for a Certificate of Appropriateness as required by the zoning code. Staff further recommends that if purchased, funds come from the Housing Fund, with repayment at the time the property is sold.

Alternative: Council could decide not to declare this a blighted property.

Attachments: Planning Commission Staff Report
Ordinance

**ORDINANCE
TO DECLARE THE PROPERTY LOCATED AT 610 RIDGE STREET
A BLIGHTED PROPERTY**

WHEREAS, on October 27, 2014 the Director of Neighborhood Development Services made a preliminary determination (“Director’s Determination”) that the property located at 610 Ridge Street, further described on City Tax Map 29 as Parcel 263 (“Property”) is a blighted property; and

WHEREAS, notice of the Director’s Determination was provided to the owner of the Property in accordance with the requirements of Sec. 5-193 of the Code of the City of Charlottesville (“City Code”) and Sec. 36-49.1:1(B) of the Virginia Code, and the owner failed to respond with a reasonable plan to cure the blight; and

WHEREAS, the Director requested the City’s Planning Commission to conduct a public hearing and make findings and recommendations concerning the repair or other disposition of the Property in question, in accordance with Sec. 5-193 of the City Code, and the Planning Commission conducted the public hearing on January 13, 2015, following notice to the public and to the owner as required by Sec. 5-194 of the City Code; and

WHEREAS, following the January 13, 2015 public hearing, the Planning Commission made a finding that the Property is a blighted property, as defined within Sec. 5-192 of the City Code, and adopted the other findings, as required by City Code Sec, 5-195, and the Planning Commission’s findings and recommendations are set forth within a Resolution adopted on January 13, 2015; and

WHEREAS, Council conducted a public hearing on this Ordinance on February 2, 2015 after advertised notice as required by Sec. 5-196 of the City Code, and Council has considered all of the information, facts, data and recommendations presented; and now,

THEREFORE, BE IT ORDAINED that the Charlottesville City Council hereby finds and declares the Property located at 610 Ridge Street to be a “blighted property,” as that term is defined within Sec. 5-192 of the City Code. The Director of Neighborhood Development Services is authorized, on behalf of this Council, to acquire the property as authorized by Virginia Code Sec. 36-49.1:1(A).

This page intentionally left blank.

**Report of the Director of Neighborhood Development Services
To The Planning Commission
Repair or Disposition of Blighted Property (City Code 5-194)
December 15, 2014**

Subject Property: 610 Ridge Street
Tax Map: 29-263
Zoning: Residential, Historic Overlay District (Ridge Street)
Owner: Juanita L. Jones and Ruth L. Jones (together, "owner")
10902 Oakwood Street, Silver Springs, MD 20901
Local Agent: None

Background

On October 27, 2014 I rendered a preliminary determination that the above referenced property is a "blighted property" as that term is used within City Code §5-191 et seq. Upon making that determination, I notified the owner of the property. A copy of my preliminary determination letter is attached.

At this time, pursuant to §5-193 of the City Code, I request that the planning commission conduct a public hearing and make findings and recommendations concerning the repair or other disposition of this property. Following a public hearing, the planning commission will be required to make specific findings and a recommendation to Council. The remaining portion of this report sets forth my analysis, and pertinent factual information, as to the matters on which the Commission is required to make findings.

Background

Virginia's Housing Code provides a procedure for abatement of properties that constitute spot blight. The enabling legislation is found in Virginia Code §36-49.1:1 (spot blight abatement authorized; procedure). In 2001 the City Council enacted an ordinance incorporating the spot blight procedures into our local code, set forth within §§50-191 through 5-197 of the City Code.

Proposed Plan

For the reasons analyzed below, it is my opinion that any further attempt to elicit the property owner's cooperation and follow-through with a plan for the repair and rehabilitation of this property would be futile. At this time, I believe that the only course of action that will achieve the repair of this property for beneficial residential use will be for the City to acquire the property as authorized by Virginia Code §36-49.1:1(A). Therefore, my recommendation is that the Planning Commission should confirm my finding that this is a blighted property, and should recommend to City Council that it take all steps necessary to acquire the property from the owner and repair it.

Analysis – Findings Required of the Planning Commission

(1) **Is this a Blighted Property?** The City Code, §5-192 et seq. defines a blighted property as follows:

“any property with buildings or improvements which, by reason of dilapidation, overcrowding, lack of ventilation, light and sanitary facilities, deleterious land use, or any combination of these or other factors, are detrimental to the safety, health, or welfare of the community.”

For more than a decade, this property has remained vacant. The house currently has no working facilities for heat or water. The exterior of the house has deteriorated, and there is evidence that the owner’s long-term neglect is also having an impact on the interior. Frequently, City Housing Inspectors find it necessary to board the first-floor windows and doors in an attempt to secure the house from public entry. Other than City personnel, no person(s) regularly remove trash and debris, or mow weeds and grass, on the property. In this condition, the property is attractive to trespassers and is having an adverse impact on surrounding properties within the Ridge Street Architectural Design Control District. In my opinion, these circumstances cause the property to fit within the definition of “blighted property”.

In October 2006, the Planning Commission issued a determination that this was a blighted property. At the City Council meeting the Council decided against a blight finding based on the promise of the owner to begin repair to the property. The owner subsequently began those repairs but has since ceased repairs.

(2) **Has the Owner, after reasonable notice, failed to cure the blight, or to present a reasonable plan to do so?** Since the date on which my preliminary determination was issued, the owner has failed to cure the blight or to present a reasonable plan to do so. My determination was mailed, as required by law, to the owner at her address specified in the City’s real estate records, which is also the last known address available to us.

Since at least 1989 the City’s Housing Inspectors have cited the property owner(s) with approximately fifty (50) violations of City or state property maintenance codes. The City routinely mows the grass, cuts and removes weeds, shrubbery and damaged trees, removes accumulations of garbage, rubbish, and shopping carts, and paints and repairs exterior wood surfaces, and boards first-floor windows and doors to secure the house against public entry. With each violation, the City has provided the property owner with notice of the violation, as required by law, and the property owner has either ignored or failed to respond to the notice. As allowed by law, the City then performs the necessary work and charges the cost back to the property owner as a lien on the real property. The property regularly pays off the accumulated lien(s). Our Property Maintenance Official, Patricia Carrington, has unsuccessfully attempted on numerous occasions to communicate with the owner, or someone authorized to act on her behalf. The owner has a brother who lives in Crozet who, for at least a time, undertook a level of

responsibility for the property. However, subsequent to 1995, when the City initiated a building code enforcement action in Circuit Court, the brother has not been provided with the legal authority or financial ability to make the necessary repairs. He has no ownership interest in the property.

In 1998 the property owner entered into an agreement with the City, allowing the City's Building Official to remove a building located at 818 Page Street. This property, which was uninhabited at the time, had been allowed to deteriorate to the point of presenting a danger to the public. The owner authorized a demolition of the structure by the City, at a total cost of \$2,600.00, and granted to the City a lien in that amount recoverable upon the sale of the property. The property remains in the same ownership, and is currently a vacant lot with an assessed value of approximately \$166,000

As a result of the foregoing history, it was not unexpected that the property owner would fail to respond to my October 27, 2014 notice of determination of blight, and fail to submit a plan for rehabilitating the property. The owner is elderly; however, our staff is without information as to her financial resources. All that we can say is that, when the City has placed lines against the property for work performed to abate housing code violations, those amounts are routinely paid off along with the real estate taxes.

(3) Is this property currently occupied for residential purposes? What is/are the other current land uses?

This property is not currently occupied by any persons for residential purposes. It is vacant.

(4) Has this property been condemned for human habitation? What is the status of any outstanding Building Code Violations?

On several occasions, our Building Maintenance official and inspectors have acted under the building code to board the property against public entry. This process involves posting a notice that "THIS STRUCTURE IS UNFIT FOR HABITATION AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CODE OFFICIAL". According to the Building Maintenance Official, the property has been without proper heat or water facilities since 1993 and therefore cannot be lawfully inhabited. The City's Building Code official has issued about fifty (50) notices of property maintenance code violations to this property since 1989.

(5) Is the Director's Plan reasonable, and is it in accordance with the requirements of the City's comprehensive plan, zoning ordinance, and other applicable City ordinances or regulations?

In my opinion, the proposal for the City to acquire the property is the minimum necessary course of action to permanently remedy the conditions that are the basis of my blight determination.

- a. The comprehensive plan contains the following language, relevant to the desired use(s) and proportion of this property: Ridge Street is an urban residential neighborhood with a small mix of detached dwelling and cottages and suburban style single-family detached dwelling. It remains an important residential area in the City African-American community.
- b. If acquisition of the property is recommended as the desired course of action to remedy this blighted property, subsequent repair and disposition of the property would be conducted in accordance with applicable City ordinances, including consultation with the BAR regarding any necessary alterations, and consistent with the purposes set forth within Title 36 (Housing) of the Virginia Code.

The City Attorney's Office has been given an opportunity to review my proposal in advance of this report and agrees that (i) the property is a blighted property, and (ii) acquisition of the property by the City appears to be the only option that will be likely to remedy the blight.

(6) Is this property listed on the National Register, or locally designated a protected property?

This property is a contributing structure in a National Register Historic District.

The property is situated within the Ridge Street Architectural Design Control District, and it is a contributing property under §34-272(3) of the City's zoning ordinance.

610 Ridge Street was constructed in 1894 by John Gleason and represents an example of a late 19 C. vernacular house with the irregular form and gabled projecting bays associated with the Queen Anne style. It is akin in form and scale to other house of that period in the Ridge Street district and stands in a prominent location near the intersection of Ridge Street, Fifth Street, Cherry Avenue, and Elliott Avenue.

Final Process

Following the public hearing, the commission is required to report its findings and recommendations concerning the repair or other disposition of the blighted property to the City Council. Upon receipt of findings and recommendations from the Planning Commission, the City Council may affirm, modify or reject the Planning Commission's findings and recommendations. If the repair or other disposition of the property is approved, the City may carry out the approved plan in accordance with the approved plan and applicable law.

CITY OF CHARLOTTESVILLE



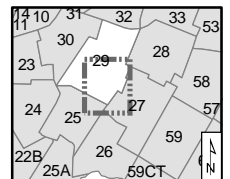
This map is for display only.
Distances shown are from plats
and may not measure accurately.
These maps have been updated
as of December 2014.



1 inch = 200 feet

TAX MAP

**610 Ridge Street
TMP 290263000**



CITY OF CHARLOTTESVILLE
"A World Class City"



Department of Neighborhood Development Services

City Hall • P.O. Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
Fax 434-970-3359
www.charlottesville.org

**NOTICE: DETERMINATION OF BLIGHTED
PROPERTY PER CITY CODE § 5-193**

CERTIFIED MAIL

Jones, L Juanita & Ruth L
10902 Oakwood Street
Silver Springs, MD 20901

October 27, 2014

Re: 610 Ridge Street, Charlottesville, VA (Tax Map Parcel No. 290263000)

Dear Owner(s):

Our records show that you are the owner of the above-referenced property. Pursuant to the authority granted to me within the Charlottesville City Code, Chapter 5, Article 5, Division 5, the purpose of this letter is to notify you of the determination that this property constitutes a **blighted property**, as defined within § 5-192(a) of the City Code.

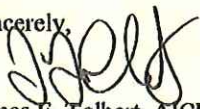
This determination is based on the following factors and circumstances: Window trim and other areas of untreated wood need to be painted (VMC Section 304.2 Protective treatment). The stucco is cracked, loose, and falling away from the structure in several places, as well as holes that need to be filled (VMC Section 304.6 Exterior walls). Downspouts need to be secured to the gutter (VMC Section 304.7 Roofs and drainage). : The soffit and fascia are rotten and/or missing in several places (VMC Section 304.8 Decorative features). A letter stating the above mentioned was sent to you on September 9, 2014. On October 13, 2014, a reminder letter was sent to you requesting your reply to this matter. As of October 27, 2014, there has been no contact between you (the property owner) and the City of Charlottesville, and no repairs have been made to the structure which is causing blight on the neighborhood.

PLEASE TAKE NOTICE that you have until **November 27, 2014** to contact me and to respond with a plan of action that will cure the blight. At a minimum, the plan must address the following: compliance with the property maintenance codes and applicable provisions of the statewide building codes; include a detailed time frame in which this work will be completed.

If you fail to respond to me by **November 27, 2014** with an acceptable plan to cure the blight, then this matter will be referred to the Charlottesville Planning Commission for a public hearing to discuss the condition of the property and for recommendations as to how this property might be repaired and the blight abated by the City at your expense.

Please contact Richard T. Hunt, Property Maintenance and Housing Inspector at 434-970-3728 immediately with any questions you may have.

Sincerely,


James E. Tolbert, AICP
Director

cc: Craig Brown

Attachments

October 13, 2014

Jones, L Juanita & Ruth L
10902 Oakwood Street
Silver Springs, MD 20901

Re: *September 9, 2014* Inspection Made at 610 Ridge St (TMP No. 290263000)

On September 9, 2014, you were cited for violations of the 2012 Virginia Maintenance Code (copy enclosed) with a corrective date of October 10, 2014. As of today the violation has not been corrected.

This is to advise you that a reinspection will be done on **October 27, 2014**. If the violation has not been abated and/or corrective measures have not been initiated, we will be required to take the necessary legal action for correction.

Please contact me at 434-970-3728 if you have any questions.

Sincerely,

Richard T Hunt
Property Maintenance Inspector

cc: Tony Edwards, Development Services Manager

September 10, 2014

CERTIFIED MAIL

Jones, L Juanita & Ruth L
10902 Oakwood Street
Silver Springs, MD 20901

Re: September 9, 2014 Inspection Made at 610 Ridge St (Tax Map Parcel No. 290263000)

During the above-referenced inspection, City Housing Inspectors found one or more violations of the Virginia Maintenance Code, Part III of the Uniform Statewide Building Code (USBC) referencing the 2012 International Property Maintenance Code (IPMC). The violations are outlined in the attached Notice of Violation and Order of Correction. It is our hope that you will make every effort to correct these violations by the date specified as the reinspection date. If you believe the corrective action required or the time allowed for correction to be unreasonable, you may contact our office for information.

You should also be aware of the following:

1. Any work, including construction, initiated to correct the identified violations must conform to all applicable provisions of the USBC as well as to applicable provisions of the City Code, **including approval of all exterior improvements by the Board of Architectural Review (BAR) if applicable.** City permits are required prior to commencement of any construction or demolition of property. Once you decide on a plan of corrective action, you may contact this office to confirm the need, if any, for any specific permits or approvals.
2. The USBC has been adopted and incorporated by reference into the Code of the City of Charlottesville. You should note that a violation of the USBC is therefore a violation of the City Code, and may result in criminal penalties. If you are unwilling or unable to work with the City to correct the identified violations, the City may take initiate legal proceedings for the purpose of enjoining, correcting or abating the violations and/or imposing the criminal sanctions allowed by law. Your prompt attention to this notice is necessary.
3. The attached Notice of Violation and Order of Correction constitutes the decision of the City's Property Maintenance Code Official that one or more violations exist at your property. You may appeal this decision by applying to the City's Board of Building Code Appeals. If you choose to appeal, you must submit an application for appeal within fourteen (14) days from the receipt of the attached Notice of Violation. Failure to timely submit an application for appeal constitutes acceptance of the code official's determination. Information regarding the appeals process may be obtained from the City's Department of Neighborhood Development Services.

I have scheduled **October 10, 2014** as the re-inspection date for correction of the listed violations.

On behalf of the Building Code Official,

Richard Hunt
Property Maintenance Code Official
Attachment

NOTICE OF VIOLATION

ORDER OF CORRECTION

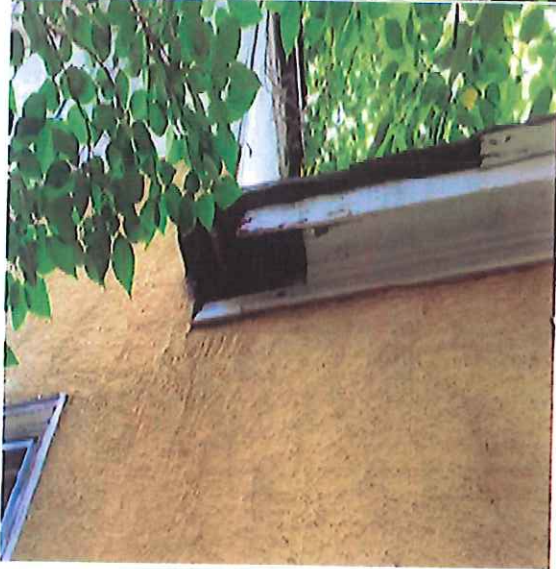
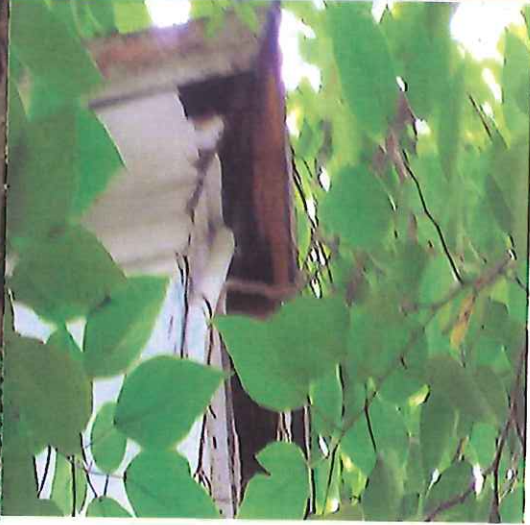
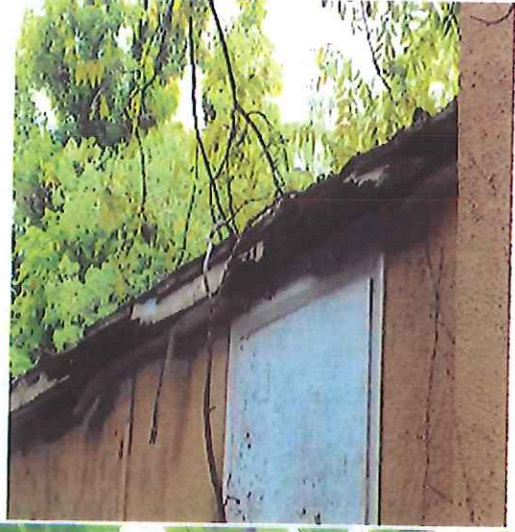
TO: Jones, L Juanita & Ruth L
DATE: September 9, 2014
INSPECTOR: Richard Hunt
ADDRESS OF VIOLATION: 610 Ridge Street

1. **VIOLATION: Virginia Maintenance Code Section 304.2 Protective treatment.** All exterior surfaces shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. **Please paint window trim and any other exposed wood surfaces.**

2. **VIOLATION: VMC Section 304.8 Decorative Features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition. **Replace all rotting and deteriorated soffit and fascia trim on all roof overhangs.**

3. **VIOLATION: VMC Section 304.6 Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. **Repair stucco that is cracked, loose, and falling away from the structure and fill any holes.**

4. **VIOLATION: VMC Section 304.7 Roofs and drainage.** Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall be discharged in a manner to protect the foundation or slab of buildings and structures from the accumulation of roof drainage. **Please secure all downspouts to the gutters.**





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

Agenda Date:	February 2, 2015
Action Required:	Direction from Council
Presenter:	Mike Murphy, Director, Human Services
Staff Contacts:	Mike Murphy, Director, Human Services Gretchen Ellis, Human Services Planner Rory Carpenter, Juvenile Justice Coordinator
Title:	Report on Disproportionate Minority Contact(DMC) and Racial Disparities in the Juvenile Justice System

Background:

In June 2014 Council received a report from the DMC Task Force and subsequently held a work session. The report was the culmination of nearly two years of work engaging a variety of stakeholders. There was unanimous approval by the DMC Task Force of the recommendations in the report shown in the table below:

Summary of Recommendations	
Recommendation 1:	<i>Training</i> for police, youth, and juvenile justice professionals on disproportionate minority contact, and ways to reduce it.
Recommendation 2:	Provide greater <i>delinquency prevention and system support</i> to families and youth in the community
Recommendation 3:	<i>Continue the DMC Task Force</i> with the charge to monitor, report and make recommendations to continue reducing DMC in the juvenile justice system in Charlottesville on an ongoing basis.
Recommendation 4:	<i>Evaluate</i> formal and informal <i>policies</i> that contribute to DMC
Recommendation 5:	<i>Support the School Board</i> in continuing to implement policies and programs to reduce the occurrence of disproportionately in suspensions, school-based arrests, and referrals

Council endorsed all of the recommendations in the report. The work of the group continues with a charge to implement the recommendations contained in the report and to provide updates to Council. The DMC Task force as a whole is currently meeting quarterly. There are five sub-committees organized around the work outlined in the report recommendations. Human Services staff serve as the conveners of the larger group and sub-committee meetings. Since the group reconvened in September

2014 the following steps toward the recommendations have been made:

Training Subcommittee:

The City has finalized the training contract with Strategies for Youth (SFY) that will include a review of City Police Department policy regarding interactions with youth. The dates of the training have not been set but will be added to the contract.

Strategies for Youth will conduct a review of the police department's policy regarding interactions with youth and they will recommend policy changes if necessary. This review should lead to a formal policy in instances where there is none.

The training uses a "train the trainer" strategy so police officers and attendees from other systems can provide the training to their peers in the future.

The subcommittee is researching training options for youth. Just Children provides a community education program for youth aimed at understanding and improving police/youth interactions and giving youth information and skills to avoid involvement with the juvenile justice system. The subcommittee is investigating additional options. This training could be provided at various community sites and perhaps in the schools.

Community Education and Support Subcommittee:

Parental education -A document has been created detailing available resources. Work group members have made some additional recommendations.

Parental support – Efforts to amend the letter parents receive when an intake hearing is scheduled to determine if a youth should be charged have been successful. The group agreed on suggested language to be inserted and has offered to reformat and rewrite the current letter to make it more user-friendly.

Peers -The Partnership of Peer Networks steering committee has approved a request from the work group to train peers on juvenile court processes and supporting parents. The Partnership is recruiting peers. There is some disagreement in the Community Education and Support subcommittee and more work to be done to determine whether peers are meant to support parents or act as advocates. People who attend the upcoming community meetings may be asked to become peer supporters.

Juvenile Court Guide - The draft has been received and is under review. Funds and a resource are required for translation at this time.

Ongoing community dialogue – Four Community meetings are planned in January and February at Friendship Court, Greenstone on Fifth, South First Street and Westhaven. These meetings are intended to update the public on the work of the task force, solicit further information, and invite residents to participate in the initiative. The first community meeting held at Friendship Court had more than fifty participants. There is public sentiment that there is a community issue with negative street level police interaction with youth and adults that does not rise to the level of arrest, and therefore not captured in our data, but is nonetheless problematic.

Policy Subcommittee:

Policy on interaction: A protocol for police interaction with youth has been recommended and is under review by the Charlottesville Police Department (CPD). This will be discussed at the next meeting of the subcommittee.

The group is working with Office of Human Rights staff to create a “Rights and Responsibilities” card to distribute to the public.

The Strategies for Youth consultants will review and evaluate the Police Department’s policy as it relates to police contact with youth.

Department of Criminal Justice Services consultants (Hornby Zeller Associate) will conduct a review of current Court Service Unit (CSU) Intake policies regarding probation violations, diversion decisions, the “co-defendant rule” and other areas.

Data Subcommittee:

Preparations have begun to conduct retrospective case file research to gain additional information about probation and parole violations and detention decisions.

The Department of Juvenile Justice will review a request for a Memorandum of Understanding for ongoing access to data.

Asset mapping and needs assessment have begun.

School Subcommittee:

Schools have supplied some data on suspensions that is currently being refined based on questions.

The subcommittee is researching training options that will apply to a broad range of school personnel and will offer slots in the upcoming Strategies for Youth Training to select staff.

The existing unsigned MOU between Schools and Police is currently under review.

The subcommittee has reviewed Positive Behavioral Intervention Strategies utilized in all local schools and is looking at how to support continued implementation.

The Subcommittee is looking at ways to continue and expand Check and Connect as a truancy prevention and intervention strategy.

Discussion:

Recent events in our City of Charlottesville and around the Country have drawn great attention to our justice system, particularly related to race. There are members within the DMC Task Force that would like to see the task force’s charge broadened to address several additional issues. The items of interest lie outside the purview of the current charge of implementation of recommendations from the 2014 DMC report. Changing the charge of the Task Force would require Council to determine first if these issues require follow up and, if so, in what form. Council would then have to determine if that work should be conducted by the DMC Task Force, as currently convened. Department of Human Services staff, as the conveners and facilitators of this Task Force, is bringing forward these items for the consideration of Council:

1. Should the narratives of police reports, particularly Stop and Frisk documentation, be subject to independent review, and if so, by the DMC Task Force or another entity such as the Citizens Advisory Panel as suggested by Chief Longo?
2. Should the adult criminal justice system be examined in similar fashion to the juvenile

justice system, and if so, by the DMC Task Force or another entity?

3. Should other systems that were mentioned in the 2011 report issued by the Commission on Children and Families, particularly child welfare, mental health and physical health, be examined in similar fashion to juvenile justice, and if so, by the DMC Task Force or another entity?
4. Should the DMC Task Force be convened by City of Charlottesville staff as it is now, by a citizen representative chosen by Council, or co-convened by City staff with a citizen representative?

Community Engagement:

The DMC task force demonstrates community engagement regularly in its membership, open meeting structure and planned community forums in City neighborhoods.

Alignment with City Council's Vision and Strategic Plan:

This item aligns closely with Council's vision of a Community of Mutual Respect. The importance of an effective and fair public safety and justice system and citizen involvement are also reflected in Council's vision of Smart, Citizen-Focused Government and America's Healthiest City.

Strategic plan goals addressed include Goal 1: Enhance the self-sufficiency of our residents, Goal 2: Be a safe, equitable, thriving and beautiful community, and Goal 5: Foster Strong Connections.

Budgetary Impact:

Continuing the current charge has a limited impact on the General Fund. Grant resources and existing Department funds in Human Services and Police are currently being considered for the implementation of the DMC recommendations. The only anticipated additional cost related to the current recommendations would be approximately \$1,000 to translate the Juvenile Court Guide to Spanish.

Two of the four possible additional charges to the Task Force or to others, as described in the Discussion Session, would all have budgetary impact. Without a comprehensive work plan for each charge, it is impossible to specify the cost. The amounts discussed below are rough estimates:

- a. Charge 2- Examination of the Adult Criminal Justice System. Quantitative and qualitative data collection and analysis for the juvenile justice report cost approximately \$45,000. The juvenile justice population is much smaller than the adult criminal justice population. In 2013, 2,425 adults were arrested in the City for criminal offenses, compared to 58 juveniles. Based on these numbers, the cost of similar adult data collection and analysis could range from \$100,000 to \$250,000 or more.
- b. Charge 3- Further study of child welfare, mental health and physical health disparities would require quantitative and qualitative data collection and analysis. Costs could range from \$25,000-\$100,000 for each area.

Recommendation:

Staff seeks direction from Council on amendment to the charge for the group. Staff does not support the current Task Force being charged with the study of adult criminal justice, child welfare, or other systems as the partners to that work will vary widely from the group assembled for juvenile justice and the cost is beyond the Task Force's current budget. If Council wants to pursue additional studies, staff recommends that Council allocate additional funds and charge additional group(s) so that the appropriate partners can participate. Based on the importance of gathering police officer field contacts

appropriately in our data system, Council should be updated by the Charlottesville Police Department about the capacity to capture such data in the Request for Proposals for a new data system.

Alternatives:

Council may elect to make no amendments at this time or select areas that the DMC Task Force should make changes.

Attachments:

Fogel letter to Task Force

MEMORANDUM

TO: Members of the DMC Task Force

FROM: Jeff Fogel

RE: TASK FORCE STRUCTURE AND SCOPE

DATE: DECEMBER 8, 2014

Events around the country have highlighted the need and urgency for changes in the scope, direction and leadership of the DMC Task Force. When first proposed, in 2012, it was urged to take on the issue of the disproportionate contact of minority adults with the criminal justice system as well as juveniles. The city manager indicated that it would be able to gather the statistics necessary to address adults. There is no questions that African-American adults face similar if not more serious problems in the criminal justice system. However, nothing has happened on that score.

When the task force was presented with statistics regarding juvenile stops, there was a great deal of skepticism about the accuracy of that information. A series of specific questions were developed and presented to the police department more than a year ago. To this day we have not received a response to those questions. When the department, after community pressure, agreed to track stops and frisks, and then announced that 70% of all stops and frisks were of African-Americans, and only a small fraction revealed criminal activity, no explanation was offered and none has been offered to this date. When presented to the city council, only one councilor expressed concern over those statistics; several others actually praised the police department for simply collecting the data.

This task force adopted unanimous recommendations. Among them were that police adopt a protocol for officers engaged in stop and frisk. The outline of that protocol was presented to the chief and commanding officer of patrol. The police took no action in response to that recommendation and, apparently, shelved the report and recommendations. Another recommendation was more transparency in civilian complaints. Again, the police have taken no action or even communicated with the task force about that recommendation.

We have been fortunate so far in avoiding the killing of African-Americans by police highlighted by events in New York, Ferguson, Cleveland, Phoenix and elsewhere. (Though it was not long ago that a Hispanic male was shot in the chest by an Albemarle police officer, in Charlottesville, under highly suspicious circumstances). However, we have not avoided the problem of police and prosecutors protecting their own and the “us and them” mentality of many police officers. We need to find a way to address that culture and to end it sooner rather than later in the wake of a murder.

The attorney general designate, Loretta Lynch, the federal prosecutor for the Eastern District of New York has noted that the responsibility for repairing generations of miscommunication and mistrust fell to law enforcement. We have seen little effort here in that regard. Nor has our political leadership stepped into the void. Indeed, this task force was only formed after months of pressure from members of the community concerned about these issues.

One of the problems we face is that the leadership of the task force is employed by the city and beholden to it for their very jobs. Thus, they are in a difficult position to confront, challenge or criticize either their employers or fellow employees or departments even though there is ample reason for such action.

We need to restructure the task force to broaden its scope to deal with the problem of disproportionate minority contact with the criminal justice system. We need to restructure the task force so that its leadership comes from the community, people who are not beholden to public officials for their jobs. We need to set realistic deadlines for agencies under the control of the city to produce statistics, data and answers to questions of the task force. No other agency of city government is addressing the questions we are and therefore it is appropriate for this task force to take on the issues addressed here.

This page intentionally left blank.

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



Agenda Date:	February 2, 2015
Action Required:	Approval
Presenter:	Mike Murphy, Director, Human Services
Staff Contacts:	Mike Murphy, Director, Human Services
Title:	Family Self Sufficiency Services to assist Public Housing Residents

Background:

In December of 2013 and September of 2014, the City Council discussed ways in which the City government could become more involved with the Charlottesville Redevelopment and Housing Authority (CRHA). This review was the result of a request by the Housing Authority Board seeking assistance from the City. In November 2014, Council and the CRHA Board held a joint work session to discuss the recommendations crafted by the City Manager. Among the recommendations was a consideration that the Department of Human Services develop a two year pilot program to strengthen the path to self-sufficiency for public housing residents. The goal of the position is to assist in getting residents connected to the services they need and help residents set clear objectives for self-sufficiency. The new staff person would be supervised by the Director of Human Services.

Discussion:

This specialized position will work directly with residents, CRHA staff, City employees and our non-profit partners to develop outreach programs and initiatives. The position would not focus on all residents but could help serve as a resource and link them to mainstream resources. The goal of the position is to provide intensive case management and support to shorten the length of stay for residents of public housing. Residents would set clear objectives for self-sufficiency. The position would partner with CRHA staff to dually enroll participants in the HUD approved FSS program whenever possible. This would allow participants to take advantage of the very important escrow opportunity that is available to help launch public housing residents toward self-sufficiency. If the Resident Opportunities for Self Sufficiency (ROSS) grant is renewed with the Public Housing Association of Residents (PHAR) the City position will work closely with the staff member managing those cases. If the grant is not renewed PHAR will continue to be a key partner. The CRHA Board has recently approved a preference in the admission protocol for serving families experiencing homelessness. If we increase the self sufficiency of CRHA residents we can help more low income and homeless residents become housed. Other areas that the employee would focus on include but are not limited to:

- Work closely with Bank ON to clear up credit issues, get individuals banked, develop budgeting skills, and develop savings accounts.
- Develop agreements with the housing authority to limit earned income impacts on rent or save new rent increase to launch residents into market rate housing.

- Work closely with the Downtown Job Center to focus on linking to workforce development initiatives.
- Plan and set up education and training.
- Ensure all applicable benefits are applied for.
- Recognize the need for Mental Health and Substance Abuse services and ensure access is provided.
- Ensure residents have a medical home.
- Provide access to parenting skills.
- Provide language and literacy skills for those who need it.

Community Engagement:

The City Manager has discussed this concept with Council and the CRHA Board of Commissioners. Human Services staff have discussed this initiative and received input from CRHA staff and Board, public housing residents, and members of the Public Housing Association of Residents staff.

Alignment with City Council's Vision and Strategic Plan:

This item aligns closely with Council's vision of a Community of Economic Sustainability. Work of helping families achieve self-sufficiency also embodies the principles of Quality Housing Opportunities for All, Community of Mutual Respect and America's Healthiest City.

Strategic plan goals addressed include Goal 1: Enhance the self-sufficiency of our residents, Goal 2: Be a safe, equitable, thriving and beautiful community, and Goal 5: Foster Strong Connections.

Budgetary Impact:

We project this pilot program will cost between \$75,000 and \$85,000 per year in salary and benefits and is proposed to be paid for from existing reserve funds in the Department of Human Services. The described budget would take effect in FY16, July 1, 2015. Funds budgeted in FY15 will be used should the staff person be recruited by the final quarter of this fiscal year.

Recommendation:

In order to interrupt generational poverty over time we must take steps to redefine resident's objectives and notions of independence and provide supportive services. We request Council endorse the staff plan to establish a new cost center for this initiative, and begin recruitment for the position.

Alternatives:

Council may elect to instruct the Department of Human Services not to move forward with this initiative.

Attachments:

N/A

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



Agenda Date:	February 2, 2015
Action Required:	Adoption of Resolution
Presenter:	Jim Tolbert, AICP, Director, NDS Tony Edwards, Development Services Manager
Staff Contacts:	Jim Tolbert, AICP, Director, NDS Tony Edwards, Development Services Manager Jeanette Janiczek, Urban Construction Program Manager
Title:	Update on Road Projects – Belmont Bridge, 250 Interchange, Old Lynchburg Road, Hillsdale Drive Extended, Route 29 Solutions

Background: On September 2, 2014 staff presented an update on significant road projects underway. Council asked for regular updates in the future. This is the third update.

Discussion:

Belmont Bridge – At the September 2, 2014 Council meeting, City Council appointed a Steering Committee consisting of the following representatives:

Heather Hill	North Downtown	Patrick Healy	Ridge Street
Amy Gardner	Belmont	Lena Seville	CATS
Scott Paisley	PLACE	Carrie Rainey	City
Tim Mohr	PLACE	Jeanette Janiczek	City
Mark Watson	PLACE	Tony Edwards	City
John Santoski	Planning Commission	Marty Silman	City
VACANT	Business Representative	Jim Tolbert	City
Harry Holsinger	Martha Jefferson	Allison Linney	Allison Partners

The Steering Committee has held one initial meeting where they reviewed a draft Request for Proposals, which has been submitted to VDOT for approval. As soon as the RFP is approved by VDOT, it will be advertised, and the selection process will begin.

250 Interchange – The 250 Interchange Project is well underway. The scheduled completion date is July 2, 2015. The contractor will achieve substantial completion on January 28, 2015, which was the revised completion date based on weather extensions. Only a very few items such as landscaping and

the completion of the Dogwood Vietnam Memorial will remain.

On August 20, staff met with residents of the Birdwood/Hillcrest neighborhood to discuss several issues of concern to them. These included secondary access out of the neighborhood, sidewalk access on Hillcrest, the stairs from Hillcrest to McIntire, and siren noise from the Charlottesville/Albemarle Rescue Squad. Short-term as well as long-term efforts to address these concerns were discussed, and the outcome of the meeting was positive.

Although staff has been very clear that Birdwood will be an entrance only due to Federal Highway Administration requirements, there are several in the neighborhood who want to see two-way access at Birdwood.

Council also authorized a round-a-bout study at the Harris/McIntire intersection. That report will be submitted to staff for review in March.

Old Lynchburg Road – The Old Lynchburg Road project is complete. There is some ongoing work by NDS and Dan Sweet to make adjustments to the BMP, but that is outside the contract.

A resolution is attached that will move \$850,000 from this account to the Capital Reserve account and leave \$200,000 in the account for two years in case any repairs are needed.

Hillsdale Drive Extended – The Hillsdale Drive Extended project is moving forward under City Management. After considering the inclusion of the project in the 29 Solutions design build package VDOT made the decision to allow the City to continue to manage the project.

Plans were submitted to the Federal Highway Administration to request right-of-way authorization, and that has been received. VDOT has agreed to handle the acquisition of the Post Office right-of-way, and our appraiser has begun the process for the rest of the parcels. The desire is to acquire right-of-way by the end of the year and move to construction as soon as possible.

Another issue discussed with the Secretary of Transportation was the VDOT Six Year Plan funding schedule for this project. The current version of the Six Year Plan calls for complete right-of-way funding in FY’ 2017 and construction funding in FY’2019. If we are to meet the schedule as desired by the Governor for the 29 Solutions Project, this money must be moved to earlier years. This issue has been resolved. The City Manager has been advised that all funds are available.

Best Buy Ramp – The Best Buy Ramp project is managed by VDOT. A contract has been awarded, and the contractor should begin work soon.

29 Solutions – The 29 Solutions projects were presented to the Commonwealth Transportation Board in May and approved in June. The projects included in this program include:

SYIP Programmed Projects (Cost to Complete)

- Best Buy Ramp \$ 6M
- Hillsdale Dr. Extension \$16M

- Route 29 Widening, Polo Grounds to Town Center Dr. \$18M
 - Adaptive Signal Improvements \$ 3M
- Proposed Construction Program
- Hillsdale Dr. Extension to Holiday Dr. \$10M
 - Berkmar Dr. Extension \$54M
 - Route 29/Rio Road Grade Separated Intersection \$81M
- Preliminary Engineering (PE) Only
- Route 29/Hydraulic Rd. Grade Separated Intersection \$10M

Alignment with Council Vision Areas and Strategic Plan: This agenda item reports on efforts to implement the City Council Vision to be a Connected Community. It addresses Strategic Plan Initiatives related to increasing multimodal transportation planning.

Community Engagement: This update is a form of community engagement. Additionally each of the projects has an extensive history of engagement.

Budgetary Impact: There is no impact to the budget by this report. Moving the \$850,000 to the Capital Contingency account will make these funds available for other needed projects.

Recommendation: Staff recommends approval of the resolution transferring funds to the Capital Contingency account.

Alternative: Council could choose not to follow the recommendation.

RESOLUTION

**Transfer of Funds from Old Lynchburg Road Capital Account to Capital Improvement
Program Contingency
\$850,000**

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

Transfer From – \$850,000

Fund: 427

WBS: P-00511

G/L Account: 599999

Transfer To – \$850,000

Fund: 426

WBS: CP-080

G/L Account: 498010

Fund: 426

WBS: CP-080

G/L Account: 599999

ROAD PROJECT REPORT

	Old Lynchburg	McIntire Ext./250	Belmont Bridge	Hillsdale Extended	Bicycle and Pedestrian Plan	Cherry Avenue Streetscape	City Walk Trail	Bairy Road Bridge Repair	Beta Bridge
Project Manager	T. Edwards	J. Janiczek	J. Janiczek/ C. Rainey	J. Janiczek	A. Poncy	D. Branche	M. Silman	T. Edwards	T. Edwards
Contractor	Finley	General Excavation, Inc.	TBD	McCormick & Taylor	Toole Design	Vess Excavating	Summit		
Source of Construction Funds	City CIP	Federal/ State/ Local	Federal/ State/ Local	Federal/ State/ Local	City CIP	CDBG	City CIP	Revenue Sharing/City CIP	City CIP
Total Budget	\$3,500,000	\$36,000,000	\$14,466,000	\$29,670,000	\$94,569	\$381,410.25	\$505,003	\$400,000	\$470,000
Construction Budget (CB)	\$1,750,000	\$27,800,000	\$13,213,000	\$11,198,000		\$302,700.25			
\$ Amount 5% Contingency	\$62,500	\$1,390,000	\$660,650	\$600,000			\$25,250.15		
Change Order (CO) Costs	\$191,000	\$1,290,570	N/A	N/A		\$17,935	N/A		
CO % of CB	10.9%	6.8%	N/A	N/A		6.0%	N/A		
Design Budget	\$680,649	\$6,000,000	\$1,253,000	\$3,500,000		\$60,775	N/A		
Contract Deadline Date	11/30/2013	7/2/2015	6/2016 Design	12/31/15 ROW		6/30/2015	N/A		
Escalation Clause (Y/N)	No	Yes	No	No		No	N/A	No	No
Anticipation Completion	9/2/2014	4/19/2015	6/2016 Design	12/31/15 ROW		6/30/2015	2/1/2015	2015	2015
Behind/Ahead	Complete	3 months ahead	On Schedule	On Schedule		On Time	N/A	N/A	N/A
Streering Committee	No	No	Yes	Yes	Yes	Yes	No	No	No
# Community Events		80+	13	20+		Yes	N/A		

This page intentionally left blank.

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



Agenda Date:	February 2, 2015
Action Required:	Report Only – no verbal presentation
Presenter:	Report Only– no verbal presentation
Staff Contacts:	Dan Sweet, Stormwater Utility Administrator Lauren Hildebrand, Director of Utilities
Title:	2014 Water Resources Protection Program Advisory Committee Annual Report

Background:

City Council established the Water Resources Protection Advisory Committee (WRPP-AC) by resolution in February of 2013. One of the duties of the WRPP-AC per the resolution is “to make an annual report to City Council”.

Discussion:

The WRPP-AC met throughout calendar year 2014 once the Stormwater Utility went into effect on January 1, 2014 and prepared the attached annual report with minimal support from staff.

Alignment with City Council’s Vision and Priority Areas:

The work of the WRPP-AC and therefore the annual report supports City Council’s “Green City”, “America’s Healthiest City vision. It contributes to Goal 2 of the Strategic Plan, Be a safe, equitable, thriving, and beautiful community, and objective 2.5, to provide natural and historic resources stewardship.

Community Engagement:

Not Applicable

Budgetary Impact:

This has no impact on the General Fund.

Attachments:

The 2014 WRP-AC Annual Report

**Charlottesville Water Resources Protection Program
Advisory Committee (WRPP-AC)
End-of-Year Report to City Council, CY2014**

Introduction

The Water Resources Protection Program Advisory Committee (WRPP-AC) was established to advise City Council and City staff on issues regarding continued development and implementation of the Water Resources Protection Program (WRPP) and Stormwater Utility. Among other responsibilities, the WRPP-AC is charged with making an annual report to City Council.

This FY2014 report contains the following sections:

- **Section 1** provides an overview of the WRPP-AC's duties, current membership, and first-year activities.
- **Section 2** includes a WRPP funding summary for the first stormwater utility fee billing cycle and assesses WRPP priorities and funding needs.
- **Section 3** monitors WRPP program implementation, describing and evaluating the Water Quality Incentive Program, Stormwater Utility Fee Credit Policy, infrastructure rehabilitation and project implementation, and public education and citizen engagement.
- **Section 4** concludes with suggested WRPP-AC activities for FY2015.

The City of Charlottesville's WRPP is designed to manage the City's water resources and address increasingly stringent stormwater management regulations in an economically practicable and sustainable manner.

In February 2013, City Council established the stormwater utility fee to provide an adequate and stable source of funding for the WRPP. The stormwater utility fee is a "fee for service" based on the amount of impervious surface area on individual properties (impervious area is a basic representation of the amount of stormwater that drains from properties). Revenue from fees is deposited in a dedicated Stormwater Utility Fund that can only be used for services and activities to accomplish the goals of the WRPP:

- Meeting state and federal regulatory requirements contained in the City's stormwater permit;
- Repairing and replacing deteriorating stormwater pipes and structures;
- Identifying and implementing capital projects, including:
 - Rehabilitation, replacement, and repair of City owned stormwater pipe systems;
 - Stormwater retrofits to attain mandated pollution reductions;
 - Drainage improvement projects to address local flooding and drainage issues;
 - Stewardship projects to preserve, enhance, and restore the integrity of the City's water resources; and
- Developing a City-wide Water Resources Master Plan to identify, select, and

prioritize projects to accomplish the WRPP's goals and objectives.

Section 1. WRPP-AC Overview

WRPP-AC Duties

As established by City Council resolutions dated February 19, 2013 and December 16, 2013, the WRPP-AC is tasked with the following duties:

- A. Engage in matters pertaining to the Water Resources Protection Program;
- B. Conduct periodic assessments of program priorities and funding needs, including recommendations for potential adjustments in the stormwater utility fee rate by City Council once specific program objectives or milestones have been satisfied;
- C. Monitor the formulation and implementation of the Water Resources Protection Program including, but not limited to, the following elements:
 - i. Master planning;
 - ii. Infrastructure rehabilitation, repair, and maintenance;
 - iii. Progress with respect to pollutant reduction requirements established via the municipal separate storm sewer system (MS4) general permit;
 - iv. Capital drainage program;
- D. Report to City Council from time to time on the appropriateness and effectiveness of the credits and incentives program; and
- E. Make an annual report to City Council.

WRPP-AC Membership

The WRPP-AC currently is composed of the following nine committee members: David Hirschman (Chair), Meg Byerly Williams (Secretary), Brian Becker, Morgan Butler, Leslie Middleton, Alyson Sappington (TJSWCD), Trey Steigman, Rebecca Quinn, and Chuck Ward. Members of City staff who regularly attend and contribute to WRPP-AC meetings include Dan Sweet (Stormwater Utility Administrator), Lauren Hildebrand (Utilities Director), Dan Frisbee (Stormwater Program Coordinator), and Bart Pfautz (Stormwater Technician).

Summary of Year 1 WRPP-AC Activities

At the first WRPP-AC meeting on January 16, 2014, the committee adopted bylaws and selected the chair and secretary. The bylaws restate the WRPP-AC's charge, member terms, and meeting attendance expectations. The Council resolution and WRPP-AC bylaws require the committee to meet three times a year. However, committee members decided to meet four times during 2014 to enhance understanding of the program's objectives and administration during the rollout phase. Subsequent meetings were held on March 11, July 17, and October 7.

The WRPP-AC’s focus during the first year was to become familiar with the WRPP and its staff, the goals and expectations for the stormwater utility, and the implementation of the credit and incentives programs. To do this, committee members requested an information session from City staff to better understand WRPP program details and explore topics that committee members submitted in advance. The information session was held on February 20, and committee members found the meeting very helpful.

Other meetings included specific presentations. Nicola McGoff from the Thomas Jefferson Soil and Water Conservation District gave a helpful presentation on the Charlottesville Conservation Assistance Program (CCAP) program, and David Hirschman presented an insightful explanation of a landowner’s “real-life” experience applying to CCAP and attempting to receive stormwater utility fee credits for a retrofit project on church property.

Each meeting included a detailed update from Utility Administrator Dan Sweet on activities proceeding and following the Stormwater Utility Fee rollout. During these discussions, committee members provided input and suggestions for the WRPP and utility fee. Additionally, committee members reviewed a draft stormwater utility fee insert that was mailed with City tax bills and provided feedback on stormwater utility overview documents, including the Stormwater Utility Fee Credit Manual.

Although committee members represent a wide variety of stakeholders, the WRPP-AC recommends that City Council ensure that at least one member of the committee has private business experience to offer that perspective as the WRPP-AC reviews program and funding needs in upcoming years.

Section 2. Periodic Assessment of WRPP Priorities and Funding Needs

WRPP Funding Summary

The first Stormwater Utility Fee bill was sent in May 2014. **Table 1** below summarizes revenues from this billing. See **Appendix A** for a detailed list of first billing cycle results.

Table 1. Stormwater Utility Fee Fiscal Year 2014 B: First Billing Cycle Billing & Revenue (as of 10/2/2014 for period January 1, 2014 to June 30, 2014)		
Total Billings	\$950,110	(Original Estimate = \$889,200) (Actual = +\$60,910)
Total Collections	\$939,415	(Original Estimate = \$863,734) (Actual = +\$75,681)
Collection Rate	98.9%	(Original Estimate = 97.1%) (Actual = +1.8%)

Periodic Assessment of Program Priorities and Funding Needs

The City has long been engaged in identifying, prioritizing, funding, and addressing stormwater needs. Proactive public outreach, education, and engagement contributed to the successful launch of the first billing cycle and the general perception of the program's acceptance and support by the citizenry.

Fiscal Year 2014B/Fiscal Year 2015A was a transition year for the WRPP in terms of funding. The focus has been on administration, organization, on-going activities, and implementation of the Stormwater Utility Fee. General funds previously paid for the City's stormwater activities and will continue to pay for ongoing maintenance and some stormwater activities during the transition to the dedicated Water Resources Protection Fund.

In Fiscal Year 2015, an important activity for the WRPP-AC will be to provide ongoing input regarding development of the Water Resources Master Plan. The Master Plan ultimately will provide a strategic guide for matching the WRPP's goals and objectives with prioritization of drainage and water resources infrastructure projects. Until the Water Resources Master Plan is developed and adopted to establish these priorities and project funding needs, the WRPP-AC does not recommend revising the current rates and formula associated with the Stormwater Utility Fee.

Section 3. Program Implementation

The WRPP contains various program elements, and the WRPP-AC has been learning about these from staff and providing structured feedback. The elements addressed in this subsection include:

- Water Quality Incentive Program: Program established by the City and administered through the Thomas Jefferson Soil & Water Conservation District (TJSWCD), known as the Charlottesville Conservation Assistance Program (CCAP), to provide one-time incentive grants for construction of on-lot stormwater practices.
- Stormwater Utility Fee Credit: Fee credits (waivers) required by state law for property owners that own and maintain stormwater management facilities that provide permanent reductions in pollutants and/or stormwater runoff.
- Pipe Rehabilitation & Other Project Implementation: Work to-date through capital projects to replace or line city-owned clay and metal pipes or implement new stormwater practices as part of other CIP projects.
- Public Education & Citizen Engagement: WRPP efforts to educate, inform, and engage citizens in the program.

Water Quality Incentive Program

The WRPP's Water Quality Incentive Program has attracted the attention of small property owners in Charlottesville and continues to gain attention as word spreads. CCAP is a component of the larger grant-funded Virginia Conservation Assistance Program (VCAP), administered locally by TJSWCD. CCAP funding is earmarked for Charlottesville residents only and leverages VCAP funding as available. This is a good deal for the City as the local funds are often supplemented from VCAP grant funds, although funding availability is expected to vary in the future.

Thus far, CCAP has received 17 applications from Charlottesville residents for the incentive program. Four were completed prior to CCAP funding being formalized and were therefore funded entirely through VCAP. CCAP funding paid or allocated to Charlottesville projects to date totals \$19,316. Additionally, VCAP contributed \$9,671 to Charlottesville practices. Since January, TJSWCD has allocated \$42,240 to Charlottesville for CCAP practice installation, leaving a current balance of \$22,924. CCAP practices (completed, approved, and/or applied) are summarized in **Table 2**. The Stormwater Utility has provided \$16,000 in funding for FY 2014B and \$32,000 for FY 2015 in accordance with the Utility's multi-year business plan.

Expanded outreach has the potential to greatly increase the number of citizens, businesses, and not-for-profit institutions interested in installing conservation practices under CCAP. One WRPP-AC proposal is to post signage on completed practices to attract attention in the community.

Looking forward, the trend seems to indicate that demand for CCAP funded practices will continue to expand. Several current CCAP applicants have plans for additional practices on their properties and intend to submit future CCAP applications. Initial interest from citizens tended to focus primarily on vegetative practices (converting managed turf to native plants or installing rain gardens). Recently, however, applicants are showing more interest in technical, structural practices (e.g., bioretention, rainwater harvesting).

The greatest challenge thus far has been citizens' requests for more technical assistance than limited TJSWCD staff resources allow. Also, citizens tend to call CCAP to try to get assistance with larger or more complex neighborhood drainage issues, which is beyond CCAP's scope. The potential for increasing implementation of residential and business scale stormwater practices in Charlottesville is significant if additional and adequate technical resources are made available in future years.

Table 2. Summary of CCAP & VCAP Funds Allocated to Charlottesville Property Owners					
Scheduled Installation	Practice Description	Area or Volume	VCAP Leveraged Funds	CCAP Funds	Residential (R) Commercial (C) Not-for-Profit (NFP) School (S)
Complete	Turf Conversion to Natives	900 sq. ft.	\$675	\$0	S
Complete	Rain Garden	87 sq. ft.	\$1,888	\$0	R
Complete	Turf Conversion to Natives	7500 sq. ft.	\$563	\$0	S
Complete	Rain Water Harvesting	825 gallons	\$1,650	\$0	R
Complete	Turf Conversion to Natives	267 sq. ft.	\$200	\$0	R
Complete	Turf Conversion to Natives	226 sq. ft.	\$28	\$28	R
Fall 2014	Turf Conversion to Natives	600 sq. ft.	\$450	\$0	R
Fall 2014	Impervious Surface Removal	172 sq. ft.	\$215	\$215	R
Fall 2014	Rain Water Harvesting	1500 gallons	\$1,500	\$1,500	R
Fall 2014	Turf Conversion to Natives	1900 sq. ft.	\$475	\$0	R
Spring 2015	Bioretention basin	700 sq. ft.	\$0	\$9,546	NFP
Spring 2015	Turf Conversion to Natives	340 sq. ft.	\$43	\$43	R
Spring 2015	Rain Water Harvesting	965 gallons	\$965	\$965	R
Spring 2015	Rain Garden	208 sq. ft.	\$1,000	\$1,000	R
Spring 2015	Turf Conversion to Natives	150 sq. ft.	\$19	\$19	R
Spring 2015	Dry Swale	400 sq. ft.	\$0	\$5,000	R
Spring 2015	Grass Channel	600 sq. ft.	\$0	\$1,000	R
			\$9,671	\$19,316	
TOTAL FUNDS TO CHARLOTTESVILLE PROPERTY OWNERS					\$28,986

Stormwater Utility Fee Credit Policy

As opposed to the one-time grant associated with the Incentive Program, the Utility Fee Credit is an ongoing partial reduction of the stormwater utility bill.

In 2014, the Stormwater Utility received seven credit applications, three of which were prepared by staff. Applications resulted in a total of \$2,548.80 in credits applied to the utility's second billing and a matching amount refunded against the first billing. For each credit application received and approved, **Table 3** presents whether the practice was a condition of development (e.g., included in a proffer or a condition of a special use

permit) or voluntary, the property use, a best management practice (BMP) description, and the half-year credit amount awarded.

Table 3. Summary of Stormwater Fee Credits To-Date			
Condition of Development or Voluntary	Property Use	BMP Description	Half-Year Credit Amount
Voluntary	Single residence	Permeable pavers	\$64.80
Voluntary	Non-profit	Combination of bioretention, bioswales, and infiltration trenches	\$93.60
Voluntary	City school	Bioretention area	\$1,238.40
Voluntary	City school	Bioretention area	\$14.40
Condition of Development	Commercial	Extended detention pond	\$849.60
Condition of Development	Church	Extended detention pond	\$180.00
Condition of Development	Non-profit	Combination of rainwater harvesting, infiltration trenches, and bioretention	\$108.00
		Total Half-Year Credit Amount	\$2,548.80

Applications for Stormwater Utility Fee Credits have been minimal. As noted above, only seven credit program applications have been received to-date. Additionally, the City sent a letter to 195 owners of BMPs that pre-date establishment of the stormwater utility (and thus eligible for a credit) informing them of the credit program, but received no new applications in response.

By state law, all stormwater utilities adopted in Virginia must include a credit program. However, the WRPP-AC has observed that in Charlottesville, as well as other communities with a stormwater utility in the state, the utility fee is not at a rate that is high enough to provide a strong incentive for property owners to install stormwater BMPs on their properties. After all, these practices do have up-front costs, and the savings per billing cycle from a credit may be low as a result of the fee itself being fairly modest. This can result in a long pay-back period. Also, the credit program application process is quite complex, and usually requires the assistance of a stormwater professional to navigate.

The WRPP-AC believes that, at the current stormwater utility fee rate, the credit program might be better marketed as a stewardship opportunity. With little financial incentive to

apply for the credit program, some property owners are more likely to consider implementing BMPs or improving their properties because it is the “right thing to do” for the City’s water resources and environment. To support this approach, the WRPP-AC recommends the creation of an award program that would offer recognition signs, for both the credit and incentives programs, that can be displayed by BMP implementers. An award program may require an amendment to the existing credit program.

Pipe Rehabilitation and Other Project Implementation

All thirteen miles of clay and metal stormwater pipes located in the City right of way are scheduled to be evaluated and rehabilitated over a ten-year period. Work through August of 2014 has been paid for out of the pre-utility capital budget.

In addition, several small WRPP and Stormwater Utility-related projects are complete, underway, or being evaluated:

- Restoration of a failed bioretention facility at Smith Aquatic Center;
- Revamping of a non-functioning facility at Forest Hill Park;
- Addition of a linear dry swale as part of a streetscape project on Cherry Avenue between 6th and 7 1/2th Streets, a project estimated to reduce approximately 1/3rd of a pound of phosphorous at a cost of \$40,000;
- Inclusion of approximately 1,500 square feet of permeable asphalt pavement in the site renovation for the City’s Human Services Building, a project that would remove 2/10^{ths} of a pound of phosphorous at a cost of \$20,000;
- A study of the condition of and restoration opportunities for Moores Creek; and
- Removal of a low-water crossing at Quarry Park.

Design and administrative funding for these projects comes from a blend of Environmental Division and the Stormwater Utility operations funds. Stormwater Utility funds will likely finance construction of all projects listed above except for the Quarry Park and Smith Aquatic Center projects.

Public Education & Citizen Engagement

The WRPP has engaged the citizens of Charlottesville with a number of products and public education efforts. WRPP staff created the program’s homepage (<http://www.charlottesville.org/Index.aspx?page=2308>); published several brochures and handouts to explain the Stormwater Utility, Stormwater Utility Fee Credit Policy, and Water Quality Incentive Program (CCAP); mailed educational inserts with the first stormwater utility fee bills in May 2014; and shared the impervious surface layer used to calculate the stormwater fee on the City’s WebGIS (<http://gisweb.charlottesville.org/GISViewer/>).

Additionally, the City has conducted several years of proactive public outreach, including open houses, presentations, and a mass mailing in past years. In 2014, Stormwater Utility staff gave presentations for neighborhood association leadership, the Neighborhood Development Services (NDS) developers’ breakfast, and the Chesapeake Bay

Foundation's fall VoiCeS class (also in 2013). Further, the Stormwater Utility staffed educational booths at the EcoFair and on Government Services Day and placed informative posters in City Hall for several months following the first utility fee billing cycle. To further support public engagement and education, the WRPP-AC recommends the development of a PowerPoint presentation that committee members can present to neighborhood associations, civic groups, churches, and business organizations, among others.

Section 4. Looking Forward

Potential WRPP-AC activities for 2015 will be discussed and prioritized at the first meeting in 2015. The following preliminary ideas were generated during 2014 meetings:

- Water Resources Master Plan development;
- Sponsor an open house for businesses and nonprofits;
- Develop a PowerPoint presentation for neighborhood associations, church, and civic groups so that WRPP-AC members can act more effectively as liaisons to the broader community;
- Offer a (bike and/or bus) tour of notable stormwater BMPs, as well as stormwater problem areas;
- Ask Council to designate a WRPP-AC representative to participate on other relevant City committees;
- Hold a joint meeting with Albemarle County's newly-formed Water Resources Committee; and
- Work with staff on an awards and signage program for property owners that implement BMPs.

The members of the WRPP-AC would like to express their gratitude to the City's stormwater staff for their diligent work to launch the WRPP and Stormwater Utility programs. The staff has taken pains to inform the WRPP-AC and work with us to elevate our understanding of stormwater and the programs in place to address it. We look forward to continuing our work with staff to improve the program in the coming year now that the initial rollout is complete and we can begin to shift our focus more to implementation.

APPENDIX A: Results from First Stormwater Utility Billing Cycle

- Revenue (as of bill due date)
 - Billed \$950,110 (Plan = \$889,200)
 - Collected \$939,415 (Plan = \$863,734)
 - Collection Rate 98.9% (Plan = 97.1%)

- Customer Service Calls
 - Call Volume
 - Treasurer's Office logged ~175 calls
 - Stormwater Utility Administrator took ~160 calls
 - Therefore received calls from +/- 2% of bill recipients
 - Major Customer Service Call Themes
 - Drainage Issues
 - Gravel, pavers, decks, bricks and similar surface considered impervious
 - Fee considered a financial hardship
 - Stormwater Utility Fee credit program
 - Runoff characteristics of the property and/or impervious areas on the property
 - ~1/3 requested review of impervious areas on property included in the bill
 - Customer Service Calls by neighborhood
 - Highest number of calls from Belmont followed by Barracks/Rugby and Fry Springs.
 - 10th and Page and Rose Hill had the least number of calls. Johnson Village, Locust Grove, and the Meadows had the second least number of calls.

- Petitions for Adjustment
 - 52 Total
 - 17 Denied
 - 3 Withdrawn
 - 32 Approved (most were due to parcel issues, data error, or better applicant data)

- Refunds
 - 26 refunds were issued
 - Largest refund was \$10,936.80 and was due to property owned by another entity being included in error. This was subsequently billed to the correct owner.
 - Remaining refunds ranged from \$7.20 to \$57.60 for a total of \$338.40

- Credits
 - 7 applications received and approved
 - 1 commercial property
 - 1 residential property

- 2 City Schools properties
- 1 church
- 2 non-profit organizations
- Total credits awarded for the second billing cycle = \$2,548.80
- Applicants refunded the credit amount for the first billing