



CITY COUNCIL AGENDA
November 3, 2014

6:00 p.m. – 7:00 p.m. **Closed session as provided by Section 2.2-3712 of the Virginia Code**
(Boards and Commissions)

CALL TO ORDER *Council Chambers*
PLEDGE OF ALLEGIANCE
ROLL CALL

AWARDS/RECOGNITIONS VSA Poetry Book
ANNOUNCEMENTS

MATTERS BY THE PUBLIC Public comment will be permitted for the first 12 speakers who sign up in advance of the meeting (limit of 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 October 20
- b. APPROPRIATION: FAMIS Case Transfer from State to City of Charlottesville – \$29,051.94 (2nd of 2 readings)
- c. APPROPRIATION: Additional State Funds to Provide Respite Care to Families Receiving Foster Care Prevention Services – \$7,104 (2nd of 2 readings)
- d. APPROPRIATION: Charlottesville Area Transit Fund Supplemental Appropriation for F.Y.2015 of Operations & Capital Funding – \$719,604 (2nd of 2 readings)
- e. APPROPRIATION: Fiscal Year 2015 Fire Programs Aid to Locality Funding (Firefund) Appropriation - \$130,568 (1st of 2 readings)
- f. APPROPRIATION: Runaway Emergency Shelter Program Grant - \$222,222 (1st of 2 readings)
- g. RESOLUTION: Special Use Permit (SUP) – 708 Page St. (1st of 1 reading)
- h. RESOLUTION: Sidewalk Waiver Request for 784 & 786 Prospect Ave. (1st of 1 reading)
- i. RESOLUTION: City – CEDA Agreement for Downtown Business Association Funding (1st of 1 reading)
- j. ORDINANCE: Franklin Street – No Through Truck Designation, Market Street to Nassau Street (1st of 2 readings)

2. PUBLIC HEARING / ORDINANCE* Abandonment of Sanitary Sewer Easement near Valley Road (1st of 2 readings)

3. RESOLUTION* Off Budget Request for Funds – Charlottesville Redevelopment and Housing Authority (CRHA) and Adult Learning Center Workplace Skills Training Program – \$10,000 (1st of 1 reading)

4. RESOLUTION* Board Attendance Requirements (1st of 1 reading)

5. RESOLUTION* Code Audit: Streets That Work Process

OTHER BUSINESS
MATTERS BY THE PUBLIC

*ACTION NEEDED

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



Agenda Date:	October 20, 2014
Action Required:	Approve Appropriation Request
Presenter:	Diane Kuknyo, Director, Department of Social Services
Staff Contacts:	Diane Kuknyo, Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	F.A.M.I.S. Case Transfer from State to City of Charlottesville Appropriation - \$29,051.94

Background:

The department of social services has received \$29,051.94 for F.A.M.I.S. (Family Access to Medical Insurance Security) case transfer. Previously, F.A.M.I.S. cases were administered by the Virginia Department of Social Services; but were transitioned back to the local departments of social services in the last quarter of fiscal year 2014. The department's benefit programs staff added 323 F.A.M.I.S. cases to their ongoing workload.

Discussion:

The Department of Social Services plans to use the additional funding to increase a 25-hour per week part-time benefit programs employee to 30-hours per week and pay for overtime needs in the Benefits Division.

Alignment with Council Vision Areas and Strategic Plan:

Approval of this agenda item aligns with Council's vision for the City of Charlottesville to **be a smart, citizen-focused government that works to employ the optimal means of delivering quality services.**

Community Engagement:

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self sufficiency.

Budgetary Impact:

This request has no impact on the General Fund. Funds will be appropriated into the Social Services Fund.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

If the funds are not appropriated, the department will be unable to increase staffing hours or provide additional overtime options to staff who are handling the F.A.M.I.S. cases. Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments:

N/A

APPROPRIATION.
FAMIS Case Transfer from State to City of Charlottesville Appropriation.
\$29,051.94.

WHEREAS, The Charlottesville Department of Social Services has received additional funding in the amount of \$29,051.94 due to F.A.M.I.S. (Family Access to Medical Insurance Security) cases being returned to the locality.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$29,051.94 is hereby appropriated in the following manner:

Revenue – \$29,051.94

Fund: 212 Cost Center: 9900000000 G/L Account: 430080

Expenditures - \$29,051.94

Fund: 212	Cost Center: 3301005000	G/L Account: 510060	Amount: \$23,255.94
Fund: 212	Cost Center: 3301009000	G/L Account: 510010	Amount: \$ 5,796.00

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Total: \$29,051.94

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



Agenda Date:	October 20, 2014
Action Required:	Approve Appropriation Request
Presenter:	Diane Kuknyo, Director, Department of Social Services
Staff Contacts:	Diane Kuknyo, Director, Department of Social Services Laura Morris, Chief of Administration, Department of Social Services
Title:	Appropriation of Additional State Funds to Provide Respite Care to Families Receiving Foster Care Prevention Services - \$7,104

Background:

The Virginia Department of Social Services designated \$100,000 to be used by local departments of social services to provide respite care for families receiving foster care prevention services. Local departments were required to submit an application to receive funding. After reviewing all applications received, the Charlottesville Department of Social Services was awarded \$7,104 of the available funding.

Discussion:

The Department of Social Services plans to use the funding to provide respite care for 8 children currently receiving prevention services who have been identified as high risk for coming into foster care. Respite care provides parents with short-term child care services that offer temporary relief, improve family stability, and reduce the risk of abuse or neglect. Respite can be planned or offered during emergencies or times of crisis.

Alignment with Council Vision Areas and Strategic Plan:

Community Engagement:

Department staff work directly with citizens to provide social services, protect vulnerable children and adults, and promote self sufficiency.

Budgetary Impact:

This funding request requires a 15.5% local match which works out to \$1,101.12. The

department feels confident that this amount can be covered within its current budget using salary savings from recent vacancies and does not require additional local funding.

Recommendation:

Staff recommends approval and appropriation of these funds.

Alternatives:

If the funds are not appropriated, the department will be unable to provide respite care to reduce foster care placements and support families that are in crisis. Funds that are not appropriated will need to be returned to the Virginia Department of Social Services.

Attachments:

N/A

APPROPRIATION.
**Additional State Funds to Provide Respite Care to Families Receiving Foster Care
Prevention Services.**
\$7,104.

WHEREAS, The Charlottesville Department of Social Services has received funding in the amount of \$7,104 to provide respite care to families receiving foster care prevention services.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that the sum of \$7,104 is hereby appropriated in the following manner:

Revenue – \$7,104

Fund: 212 Cost Center: 9900000000 G/L Account: 430080

Expenditures - \$7,104

Fund: 212 Cost Center: 3343004000 G/L Account: 540060

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



Agenda Date:	October 20, 2014
Action Required:	Appropriation
Presenter:	John Jones, Transit Manager
Staff Contacts:	John Jones, Transit Manager Leslie Beauregard, Director of Budget & Performance Judy Mueller, Public Works Director
Title:	Charlottesville Area Transit Fund Supplemental Appropriation for F.Y.2015 of Operations & Capital Funding - \$719,604

Background:

With its April 7, 2014 Resolution Authorizing the Application for State Aid to Public Transportation, City Council authorized the Transit Division (C.A.T.) to provide the local match necessary to apply for Federal and State grants to fund Transit Division expenses, including both Capital and non-Capital projects. At that time, the final federal and state award amounts were not finalized. Now that the final awards have been released, a supplemental appropriation is requested as indicated below:

Transit (C.A.T.) Grants by Type	F.Y.2015 Budgeted	Grants Awarded	Appropriation Request
State Operating Assistance	\$1,353,836	\$1,528,039	\$174,203
Federal Operating Assistance	\$1,881,095	\$1,653,010	(\$228,085)
Federal Job Access – Night Routes	\$0	\$498,795	\$498,795
TOTAL C.A.T. OPERATING ASSISTANCE	\$3,234,931	\$3,679,844	\$444,913
State capital award	\$42,178	\$129,250	\$87,072
Federal capital award	\$952,180	\$646,251	(\$305,929)
Local C.I.P. match P-00334	\$168,710	\$168,710	\$0
TOTAL C.A.T. CAPITAL AWARD	\$1,163,068	\$944,211	(\$218,857)
Para-Transit – passed through to JAUNT	\$0	\$493,548	\$493,548
TOTAL PASS-THROUGH ASSISTANCE	\$0	\$493,548	\$493,548

Discussion:

When budgeting for a new fiscal year, estimates are used for the Federal and State Operating and Capital Assistance awards. When final award amounts are released, C.A.T.'s federal and state budget lines must be adjusted to reflect the actual FY2015 Federal and State Operating and Capital awards to C.A.T. F.Y.15 Federal and State Operating Funds will be put towards day to day operations of providing service to C.A.T. Riders. F.Y.15 Federal and State Capital Funds are being used to purchase Portable Lifts for Maintenance Shop needed for bus repairs, Replacement of Mobile

Farebox Equipment and Purchase of Passenger Bus Stop Shelters for C.A.T. passengers. The F.Y.2015 Job Access Reverse Commute Funding reimburses 50% of the cost of night service provided by Charlottesville Area Transit. This request will cover F.Y.2014 and F.Y.2015 Para-Transit Operations Assistance which is passed-through to JAUNT from the F.T.A. These budget adjustments result in a net increase of \$719,604 in the budget for the Transit Fund (C.A.T.).

Alignment with Council Vision Areas and Strategic Plan:

This appropriations request supports City Council's "Green City" vision, "A Connected Community" vision and "Smart, Citizen-Focused Government" vision. It contributes to Goals 1, 2, 4 and 5 of the Strategic Plan. As part of the City's Vision and Goals, Charlottesville Area Transit strives to enhance the self-sufficiency of our residents; be a safe equitable, thriving community; and to carry out the plan of being a well-managed successful organization.

Community Engagement:

None

Budgetary Impact:

This supplemental appropriation approval will have no impact on the City of Charlottesville Funding Programs as the revenue/expenditures indicated in this request are covered by Federal and State funds.

Recommendation:

Approve appropriations.

Alternatives:

City Council may choose not to appropriate funds for these Transit Division projects. Without an appropriation these projects will not be implemented and staff will work with the Federal Transit Administration and the Virginia Department of Rail and Public Transportation to de-obligate the grants.

Attachments:

None

APPROPRIATION.
FY 2014 Transit Grants.
\$719,604.

WHEREAS, Federal Operating funds of \$1,653,010 for C.A.T. Operations, \$498,795 for Job Access Reverse Commute and, and State Operating funds of \$1,528,039 have been awarded, yielding a net budget increase of \$445,093 in C.A.T. Operating budget; and

WHEREAS, Federal Capital Funds of \$646,251 is less than budgeted and State Capital Funds of \$129,250 is greater than budgeted, resulting in a net C.A.T. Capital budget decrease of \$218,857;

WHEREAS, Federal Assistance of \$493,548 for JAUNT Para-transit programs have been awarded to be passed-through to JAUNT; and

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

Revenue (Operating)

\$174,203	Fund: 245	Cost Center: 2801003000	G/L: 430080 State Assistance
(\$228,085)	Fund: 245	Cost Center: 2801003000	G/L: 431110 Federal Grant
\$498,795	Fund: 245	Cost Center: 2801003000	G/L: 431505 JARC Grant

Expenditures (Operating)

\$444,913	Fund: 245	Cost Center: 2801003000	G/L: 519999 Lump Sum
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Revenue (Capital)

\$87,072	Fund: 245	Cost Center: 2804001000	G/L: 430110 State Grants
(\$305,929)	Fund: 245	Cost Center: 2804001000	G/L: 431110 Fed Grants

Expenditures (Capital)

(\$218,857)	Fund: 245	Cost Center: 2804001000	G/L: 541040 Cap. Direct
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Revenue

\$493,548	Fund: 245	Cost Center: 2821002000	G/L: 431010 Fed. Assist.
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Expenditures

\$493,548	Fund: 245	Cost Center: 2821002000	G/L: 540365 Pymt to JAUNT
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$1,657,289 from the Virginia Department of Rail and Public Transportation and \$3,291,604 from the Federal Transportation Authority.

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



Agenda Date:	November 3, 2014
Action Required:	Appropriation
Presenter:	Mike Rogers, Battalion Chief – Training/Special Operations, Charlottesville Fire Department
Staff Contacts:	Mike Rogers, Battalion Chief – Training/Special Operations, Charlottesville Fire Department
Title:	Fiscal Year 2015 Fire Programs Aid to Locality Funding (Firefund) Appropriation - \$130,568

Background: The Code of Virginia provides for the collection of an annual levy each fiscal period from the insurance industry. Such levy is collected by the State Corporation Commission, and the amounts collected are then transferred into the Fire Program Fund (Firefund). These aid to locality monies are then distributed to the jurisdictions to supplement the localities funding for fire service based training, training supplies, training equipment, prevention activities, and some response equipment. This is an annual allotment of funding. All usage and any carryovers are reported out to the Department of Fire Programs at the end of the fiscal period before the next fiscal period monies are granted. The City of Charlottesville has been awarded \$130,568 in these funds for F.Y. 2015.

Discussion: The Aid to Locality monies are distributed annually to aid departments in their training, prevention, and equipment efforts. While the monies cannot be used to directly/indirectly supplant or replace other locality funds, they help us to provide for additional firefighting training resources, logistics, courses, and equipment as outlined in the Aid to Locality allowable uses chart.

Alignment with Council Vision Areas and Strategic Plan: The Aid to Locality/Firefund allocation supports the City’s mission “To provide services and facilities that promote an excellent quality of life for everyone in the community” by providing supplemental funding for firefighting, hazardous materials, and technical rescue training and equipment. With the additional funding being put towards these purposes we are better able to prepare our responders to deliver these various emergency services to the citizens, students, business community members, and guests of the City.

The annual funding allotment also aligns with Goal 1 of the Strategic Goals and Objectives – 1.1 Promote Education and Training, as well as 2.1 Provide an effective and equitable public safety system.

Community Engagement: N/A

Budgetary Impact: The Aid to Locality/Firefund money is provided to supplement the budgeted fire service based training, prevention, and equipment allowances for the locality. The funds are electronically transferred at given intervals based upon annual report submission deadlines. The initial F.Y. 2015 disbursement at 90% was slated to transfer no later than 9/26/14, with the remaining 10% transferred later in the given fiscal year. This should have no impact on the General Fund.

Recommendation: Staff recommends approval and appropriation of grant funds.

Alternatives: If Aid to Locality funding is not appropriated, the Fire Department will not be able to utilize this supplemental funding to help support its training, prevention, and equipment efforts.

Attachments: N/A

APPROPRIATION.

Fiscal Year 2015 Fire Programs Aid to Locality Funding (Firefund) Appropriation - \$130,568.

WHEREAS, the Virginia Department of Fire Programs has awarded a grant to the Fire Department, through the City of Charlottesville, specifically for fire service applications.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Charlottesville, Virginia, that a total of \$130,568 be appropriated in the following manner:

Revenues - \$116,218

\$130,568 Fund: 209 I/O: 1900010 G/L Account: 430110

Expenditures - \$116,218

\$110,568 Fund: 209 I/O: 1900010 G/L Account: 599999
\$ 20,000 Fund: 209 I/O: 1900010 G/L Account: 561302

BE IT FURTHER RESOLVED that \$20,000 will be transferred to the Debt Service Fund as an effort by the Fire Department to repay debt service on the volunteer company's fire brush truck:

Revenues - \$20,000

\$20,000 Fund: 302 I/O: 2000059 G/L Account: 498010

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CITY OF CHARLOTTESVILLE, VIRGINIA.
CITY COUNCIL AGENDA.



Agenda Date:	November 3, 2014
Action Required:	Appropriation
Presenter:	Rory Carpenter, Community Attention
Staff Contacts:	Mike Murphy, Rory Carpenter, Community Attention Leslie Beauregard, Director, Budget and Performance Management
Title:	Runaway Emergency Shelter Program Grant - \$222,222

Background: Community Attention, in partnership with Children, Youth and Family Services (C.Y.F.S./Ready Kids), applied for and received a continuation grant from the Department of Health and Human Services Administration for Children and Families in the amount of \$200,000 in federal funds and \$22,222 in local matching funds. The local match will be met with a transfer of \$12,000 from Community Attention, and a cash match of \$10,222 from C.Y.F.S./Ready Kids, for a total award of \$222,222 to provide Runaway Emergency Shelter Program (R.E.S.P.) services. This is the fourth grant year of the partnership.

Discussion: The funds support services that provide emergency shelter, counseling and after care services for youth in crisis for the purpose of keeping them safe and off the streets, with a goal of reunification with family. Funded services will include: emergency shelter available 24 hours per day, 7 days a week; individual and family counseling to help resolve conflict and develop new communication skills to facilitate reunification with the family; and additional support services that help youth build meaningful connections with their community and encourage positive youth development.

Alignment with City Council's Vision Areas and Strategic Plan: Approval of this agenda item aligns directly with Council's vision for Charlottesville to be **America's Healthiest City** and contributes to their 2012-2014 priority to *Provide a comprehensive support system for children* and it aligns with the goals and objectives of the City's Strategic Plan:

Goal 2: Be a safe, equitable, thriving and beautiful community

- 2.4. Ensure families and individuals are safe and stable

Community Attention's programs, including the Runaway Emergency Shelter Program, provide residential and community based services that prevent delinquency and promote the healthy development of youth.

Community Engagement: In order to increase prevention services, R.E.S.P. staff dramatically increased outreach efforts, particularly in area schools. Since September 30, 2011, R.E.S.P. reached 773 youth through a variety of outreach activities including presentations to health classes and tabling's during lunch.

Budgetary Impact: There is a local match that Community Attention and C.Y.F.S./Ready Kids will provide (\$12,000 – C.A. and \$10,222 – C.Y.F.S./Ready Kids). This grant will be appropriated into a grants fund.

Recommendation: Staff recommends approval and appropriation of funds.

Alternatives: If the funds are not appropriated, the grant would not be received and the Runaway Emergency Shelter Program services would not be provided.

Attachments: N/A

APPROPRIATION.
Runaway Emergency Shelter Program Grant.
\$222,222.

WHEREAS, the City of Charlottesville has been awarded \$200,000 from the Department of Health and Human Services Administration for Children and Families with matching funds of \$22,222 provided by Community Attention (\$12,000) and Children, Youth and Family Services/Ready Kids (\$10,222); and

WHEREAS, the funds will be used to operate the Runaway Emergency Shelter Program through a partnership between Community Attention and Children, Youth and Family Services/Ready Kids. The grant award covers the period from September 30, 2014 through September 29, 2015.

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

Revenue – \$222,222

\$200,000	Fund: 211	Internal Order: 1900234	G/L Account: 431110
\$ 10,222	Fund: 211	Internal Order: 1900234	G/L Account: 432080
\$ 12,000	Fund: 211	Internal Order: 1900234	G/L Account: 498010

Expenditures - \$222,222

\$ 99,026	Fund: 211	Internal Order: 1900234	G/L Account: 519999
\$102,222	Fund: 211	Internal Order: 1900234	G/L Account: 530010
\$ 20,974	Fund: 211	Internal Order: 1900234	G/L Account: 599999

Transfer - \$12,000

\$ 12,000	Fund: 213	Cost Center: 3413001000	G/L Account: 561211
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BE IT FURTHER RESOLVED, that this appropriation is conditioned upon the receipt of \$200,000 from the Department of Health and Human Services Administration for Children and Families.

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

Agenda Date: November 3, 2014

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-14-08-07: 708 Page Street

Background:

Kathy McHugh, Housing Coordinator for the City of Charlottesville has submitted a special use permit application for an existing residential structure located at 708 Page Street. The property has additional street frontage on Hardy Drive. The R-3 Zoning district permits municipal/governmental office by special use permit. The City is in need of space for the office of the City of Promise program within this neighborhood.

Discussion:

The Planning Commission considered this application at their regular meeting on October 14, 2014. The Commission generally supported the property as a location for the City of Promise office, but had concerns regarding future municipal/government offices at the location after City of Promise moved out. Commissioners also expressed concern about handicapped accessibility to the property, and pedestrian connections to nearby streets. The applicant intends to use an adjacent property to accomplish the pedestrian connection requested by the Commission.

The Commission also mentioned concern about prior flooding issues on the property, and the potential for future mold growth in the property. The applicant has spoken with the architect for the project, and has been advised that the current air circulation system under the house is sufficient to prevent mold growth in the future.

Citizen Engagement:

No citizens engagement efforts have been undertaken.

Alignment with City Council's Vision and Priority Areas:

The City Council Vision of Economic Sustainability states that "Our community has an effective workforce development system that leverages the resources of the University of Virginia, Piedmont Virginia Community College, and our excellent schools to provide ongoing training and educational opportunities to our residents."

The City Council Vision of A Center for Lifelong Learning states "In Charlottesville, the strength of our education is measured not by the achievements of our best students, but by the successes of all our students. Here, an affordable, quality education is cherished as a fundamental right, and the

community, City schools, Piedmont Virginia Community College and the University of Virginia work together to create an environment in which all students and indeed all citizens have the opportunity to reach their full potential.”

The City Council Vision of Smart, Citizen-Focused Government states that “We continually work to employ the optimal means of delivering services, and our decisions are informed at every stage by effective communication and active citizen involvement.”

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 this application for this application for a special use permit for a municipal/government office use in the R-3 zone for 708 Page Street, with the following conditions:

1. There will be no more than 4 parking spaces on site.
2. Any municipal/government office use will be limited to the existing structure.
3. A pedestrian connection to 8th Street to be constructed as soon as practicable.

Ms. Dowell seconded the motion. The Commission voted 6-0 to recommend approval of the special use permit. Ms. Green was absent.

Alternatives:

None.

Attachment:

Staff Report
Resolution to Approve Special Use Permit
Supplemental Memo and Resolution

**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 HEARING: October 14, 2014

APPLICATION NUMBER: SP-14-08-07

Project Planner: Brian Haluska, AICP

Date of Staff Report: September 17, 2014

Applicant: City of Charlottesville

Applicant's Representative: Kathy McHugh, Housing Coordinator

Current Property Owner: City of Charlottesville

Application Information

Property Street Addresses: 708 Page Street

Tax Map/Parcel #: Tax Map 31, Parcel 293

Total Square Footage/Acreage Site: 0.17 acres

Comprehensive Plan (Land Use Plan) Designation: High Density Residential

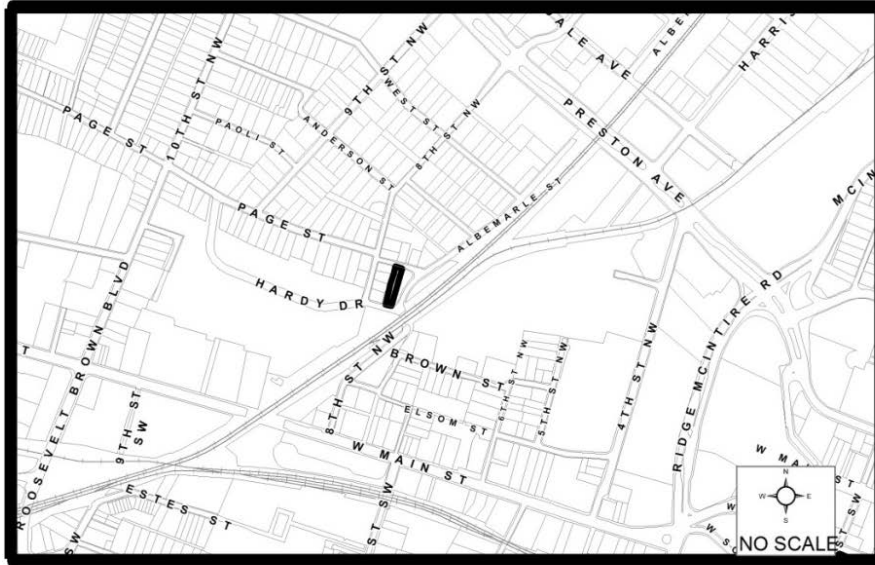
Current Zoning Classification: R-3 Residential

Tax Status: The property is tax exempt.

Applicant's Request

Special Use Permit (City Code Sec. 34-420) for location of a municipal/government office at the R-3 Residential property located at 708 Page Street.

Vicinity Map



Background/ Details of Proposal

Kathy McHugh, Housing Coordinator for the City of Charlottesville has submitted a special use permit application for an existing residential structure located at 708 Page Street. The property has additional street frontage on Hardy Drive.

The R-3 Zoning district permits municipal/governmental office by special use permit. The City is in need of space for the office of the City of Promise program within this neighborhood.

About City of Promise: City of Promise is a program funded, in substantial part, by a federal planning grant awarded by the U.S. Department of Education, a multi-year grant from the Va. Dept. of Criminal Justice Services, and additional funding and services from the City of Charlottesville and related entities. Children Youth and Family Services, Inc. (a local nonprofit organization) applied for the grant, in partnership with numerous community stakeholders, including the City of Charlottesville, who have joined in a Memorandum of Understanding (MOU) setting forth their roles and responsibilities. The City government, City Schools, Housing Authority, Commission for Children and Families, local health department, MACAA and UVA are each participants are among the membership of the governing board/ steering committee of the City of Promise.

Land Use and Comprehensive Plan

EXISTING LAND USE; ZONING AND LAND USE HISTORY:

The property is currently a vacant residential structure that was acquired by the City of Charlottesville in July 2014.

Section 34-350(c) of the City Code describes the purpose and intent of the multi-family residential zoning districts:

Multifamily. The purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The basic permitted use is medium-density residential development; however, higher density residential development may be permitted where harmonious with surrounding areas. Certain additional uses may be permitted, in cases where the character of the district will not be altered by levels of traffic, parking, lighting, noise, or other impacts associated with such uses. There are three (3) categories of multifamily residential zoning districts:

(1) R-3, consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged;

(2) R-UMD ("university medium density"), consisting of areas in the vicinity of the University of Virginia campus, in which medium-density residential developments, including multifamily uses, are encouraged; and

(3) R-UHD ("university high density"), consisting of areas in the vicinity of the University of Virginia campus, in which high-density residential developments, including multifamily uses, are encouraged.

Zoning History: In 1949, the property was zoned B-2 Business. In 1958, the property was rezoned to its current R-3 Residential designation.

SURROUNDING LAND USES AND ZONING DISTRICTS

North: Immediately north of the property are several low-density residential structures. These properties are zoned R-3.

South: Immediately south of the property is Hardy Drive and railroad right-of-way. The property is not zoned.

East: Immediately adjacent to the east is a vacant parcel of land owned by the Southern Railway Company, and 7th Street NW. The property is zoned R-3. Further east is the Southern Railroad right-of-way.

West: Immediately adjacent to the west are five residential lots zoned R-3. Only one of these lots has a structure located on it, a residential structure located at 208 8th Street NW. Further to the west are two occupied lots on 8th Street NW that are zoned R-1S.

NATURAL RESOURCE AND CULTURAL FEATURES OF SITE:

The site does not have any notable natural resources. The existing structure on the lot is close to the road, and the rear yard is grass. The nearby trees are on the adjacent property owned by the Southern Railway Company.

COMPREHENSIVE PLAN ANALYSIS:

The Comprehensive Plan is generally supportive of higher density residential uses in this area, in keeping with the zoning decisions made in the past, and acknowledging the adjacent Westhaven development. The Comprehensive Plan also 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)

Economic Sustainability

- Explore programs for City of Charlottesville youth that will expose them to the principles of financial literacy, economics and entrepreneurship. (Economic Sustainability, 6.1)

Public and Other Comments Received

PUBLIC COMMENTS

Staff has received no comments from the public as of the drafting of this report.

IMPACT ON CITY SERVICES:

Public Works (Water and Sewer):

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

Public Works (Storm Drainage/Sewer):

Staff does not anticipate any changes to the storm drainage on the site.

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 this block as R-3 to provide the opportunity for medium residential density development. The zoning ordinance provides for the possibility of locating a government office in an R-3 zone. While locating a large government complex like City Hall in this location would certainly present a dramatic impact on the neighborhood, the scale of the proposed use in this case is one that is in keeping with the surrounding neighborhood. Additionally, the use will provide convenient access to some clients of this office, by locating it in a residential neighborhood rather than in a commercial area.

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

The existing building is similar in massing and scale to the surrounding structures.

2. Traffic or parking congestion on Page Street

The proposed project will impact parking on the streets adjacent to the building. The current structure has what appears to be a driveway entrance to the east of the property. This parking area, however, is on an adjacent property that is not owned by the City. All other parking demand generated by the use would be accommodated via on-street parking in the neighborhood. There is available on-street parking along several surrounding streets, and the demand for these spaces is currently low due to the number of vacant lots on the block with the house at 208 Page Street. The City's parking ordinance would require a new office structure of this size to provide four on-site spaces.

One concern that the application raises is the potential for a governmental agency to locate on the site in a new building that would require a larger amount of parking and present a larger impact to the surrounding neighborhood. Staff has addressed this by proposing a condition that would limit the number of on-site spaces on the property.

3. Noise, lights, dust, odor, vibration

Staff does not anticipate that the noise, lights, dust, odor or vibration generated by the proposed use will be greater than what can be anticipated in a low-density residential district.

4. Displacement of existing residents or businesses

The proposal would not displace any existing residents or businesses, as the property is currently vacant. The proposed use would change the use of the property from a residential use to an office use.

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

The building will create additional commercial traffic through switching the use of the structure to office space. Staff anticipates that the impact to community facilities will be negligible.

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

The proposed permit would remove a single unit of housing from the market and convert it to an office use.

RECOMMENDATION

Staff finds that the proposal is supported by the City's Comprehensive Plan, that the proposed use is reasonable at this location, and that the impacts of the development will not create an undue burden on the surrounding neighborhood.

Staff recommends approval with the following condition:

1. There will be no more than 4 parking spaces on site.
2. Any municipal/government office use will be limited to 2,000 gross square feet of internal space.

Attachments

1. Photographs of the subject property.
2. Copy of City Code Sections **34-157** (General Standards for Issuance) and **34-162** (Exceptions and modifications as conditions of permit)
3. Copy of City Code Section **34-350** (Residential Districts – Purpose)
4. Suggested Motions and Resolution
5. Application and Supporting Materials

Attachment 1



The structure located on the property.



The 700 block of Page Street. On-street parking is permitted on a portion of the left side of the street.



8th Street NW. Parking is permitted on the right side of the street.



The subject property viewed from Hardy Drive. The yellow structure is the only other structure on the block.



The corner of Page Street and 7th Street NW. 7th Street proceeds up an incline to an underpass, and eventually to an intersection with West Main Street. The trees in the picture are on property owned by the Southern Railway Company.

Attachment 2

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 3

Sec. 34-350. Purpose.

- (a) *Single-family (R-1)*. The single-family residential zoning districts are established to provide and protect quiet, low-density residential areas wherein the predominant pattern of residential development is the single-family dwelling. There are four (4) categories of single-family zoning districts:
- (1) R-1, consisting of low-density residential areas;
 - (2) R-1(S) ("small lot"), consisting of low-density residential areas characterized by small-lot development;
 - (3) R-1U ("university"), consisting of low-density residential areas in the vicinity of the University of Virginia campus; and
 - (4) R-1U(S) ("university, small lot"), consisting of low-density residential areas in the vicinity of the University of Virginia campus, characterized by small-lot development.
- (b) *Two-family (R-2)*. The two-family residential zoning districts are established to enhance the variety of housing opportunities available within certain low-density residential areas of the city, and to provide and protect those areas. There are two (2) categories of R-2 zoning districts:
- (1) R-2, consisting of quiet, low-density residential areas in which single-family attached and two-family dwellings are encouraged. Included within this district are certain areas located along the Ridge Street corridor, areas of significant historical importance;
 - (2) R-2U ("university"), consisting of quiet, low-density residential areas in the vicinity of the University of Virginia campus, in which single-family attached and two-family dwellings are encouraged;
- (c) *Multifamily*. The purpose of the multifamily residential zoning district is to provide areas for medium- to high-density residential development. The basic permitted use is medium-density residential development; however, higher density residential development may be permitted where harmonious with surrounding areas. Certain additional uses may be permitted, in cases where the character of the district will not be altered by levels of traffic, parking, lighting, noise, or other impacts associated with such uses. There are three (3) categories of multifamily residential zoning districts:
- (1) R-3, consisting of medium-density residential areas in which medium-density residential developments, including multifamily uses, are encouraged;**
 - (2) R-UMD ("university medium density"), consisting of areas in the vicinity of the University of Virginia campus, in which medium-density residential developments, including multifamily uses, are encouraged; and
 - (3) R-UHD ("university high density"), consisting of areas in the vicinity of the University of Virginia campus, in which high-density residential developments, including multifamily uses, are encouraged.
- (d) *McIntire/Fifth Street Residential Corridor*. The purpose of this district is to encourage redevelopment in the form of medium-density multifamily residential uses, in a manner that will complement nearby commercial uses and be consistent with the function of McIntire Road/Fifth Street Extended as a gateway to the city's downtown area.

Attachment 4

1. I move to recommend approval of this application for a special use permit for a municipal/government office use in the R-3 zone for 708 Page Street with the conditions listed in the staff report.

OR

2. I move to recommend approval of this application for a special use permit for a municipal/government office use in the R-3 zone for 708 Page Street, with the following conditions:
 - a. ...
 - b. ...

OR,

3. I move to recommend denial of this application for a special use permit for a municipal/government office use in the R-3 zone for 708 Page Street

RESOLUTION
RECOMMENDING APPROVAL OF A SPECIAL USE PERMIT
TO ALLOW A PROPOSED MUNICIPAL/ GOVERNMENT OFFICE USE
AT 708 PAGE STREET

WHEREAS, the City of Charlottesville, through its Housing Coordinator (“Applicant”) has submitted application No. SP-14-08-07 (“Application”) seeking approval of a special use permit for property owned by the City and located at 708 Page Street, identified on City Tax Map 31 as Parcel 293 (“Subject Property”). The Subject Property consists of approximately 0.17 acre. The special use permit seeks authorization to use the Subject Property for a municipal/ government office; and

WHEREAS, the Subject Property is zoned “R-3” (R-3 medium-density multifamily residential), and pursuant to §34-420, City Council may authorize the use of the Subject Property for municipal/ government offices by approval of a special use permit; and

WHEREAS, following a joint public hearing before the Planning Commission and City Council, duly advertised and held on October 14, 2014, the Planning Commission reviewed this application and recommended its approval by City Council, subject to certain conditions; and

WHEREAS, this City Council finds that 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, Virginia that a special use permit is hereby approved, to authorize the use of the Subject Property for municipal/ government offices; provided, however, that this special use permit shall be subject to the following conditions:

- (1) **Use limited to existing building**: the municipal/ government offices shall be located within the existing building that is located on the Subject Property as of the date of special use permit approval.
- (2) **On-site parking limitation**: No alteration or expansion of the existing building located on the Subject Property, no new construction, and no use of any existing building on the Subject Property, shall be permitted if any such alteration, expansion, construction or use would require more than four (4) parking spaces to be located on the Subject Property.



MEMORANDUM Office of the City Attorney

TO: City Council

FROM: Lisa A. Robertson, Chief Deputy City Attorney

DATE: October 28, 2014

RE: Special Use Permit – 708 Page Street

At the October 14th joint public hearing for the proposed Special Use Permit for 708 Page Street, a nearby property owner expressed concern that granting the special use permit may allow the property to be used in the future for other governmental purposes without any public input. While City Council cannot limit the special use permit to a particular applicant or particular time period, the attached Resolution would ensure that public notice would be given if the property is used for any governmental purpose other than the City of Promise office space.

If Council wants to approve this Resolution, it should be approved after the Special Use Permit Resolution is approved.

**RESOLUTION
LIMITING USE OF CITY-OWNED PROPERTY
AT 708 PAGE STREET**

WHEREAS, this City Council has approved a special use permit authorizing the use of property owned by the City, located at 708 Page Street, identified on City Tax Map 31 as Parcel 293 (“Subject Property”), for municipal/ government offices; and

WHEREAS, during the public hearing of the special use permit, members of the public expressed concern that the Subject Property should be monitored to ensure that any occupant of the Subject Property under the special use permit approval does not adversely impact the neighborhood; now, therefore,

BE IT RESOLVED by the City Council for the City of Charlottesville, THAT:

In the event that the Subject Property will be used as municipal/ government office space for a program or office other than the City of Promise, this City Council will review such proposed use at a public meeting, in advance of such change.

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

Agenda Date: November 3, 2014

Action Required: Vote on a request for a sidewalk waiver

Presenter: Matt Alfele, Neighborhood Development Services

Staff Contact: Matt Alfele, City Planner, Neighborhood Development Services

Title: Sidewalk Waiver Request for 784 & 786 Prospect Avenue

Background

Don Franco has applied for a sidewalk waiver for a property located at 784 and 786 Prospect Avenue. The property is a newly constructed Habitat for Humanity Duplex. The applicant is requesting a waiver of the City’s requirement for the construction of sidewalk on lots that are previously undeveloped. In lieu of providing sidewalks, the applicant is offering to reserve additional rights-of-way for future street widening.

Discussion

Section 34-1124(b) requires that sidewalk be constructed on “a previously unimproved lot or parcel...unless this requirement is waived by Council.” The code section does not elaborate on the factors Council may consider in deciding to grant waiver, giving the Council broad discretion to make the decision.

City staff met on August 12, 2014, to discuss future sidewalk construction. Specifically, staff expressed concerns about the loss of trees and how the sidewalk connection on 784 and 786 Prospect would connect to the neighboring property given the location of the existing driveway entrance. To effectively transition the existing sidewalk to the proposed, there would be impacts to the existing driveway on the neighboring property (788 Prospect Ave). In addition, there were concerns about the nature of the street character generally as the roadway width and character changes abruptly at the applicant’s property line. Should the sidewalk continue with a tree buffer or transition to the edge of pavement? Given the lack of connections on the other side of the parcels and the upcoming “Streets that Work” planning initiative, staff agreed that having flexibility to determine placement based on the result of the “Streets that Work” initiative would be more appropriate at this time.

City staff evaluate sidewalk waiver requests based on whether any engineering challenges exist that would require an undue financial burden on the applicant, if the sidewalk would cause a disproportionate increase in the cost of the City to maintain the sidewalk in the future (i.e. the need for retaining walls), the sidewalk’s potential impact to nearby trees and utilities, and if there is sufficient right-of-way to construct the sidewalk without requiring additional right-of-way acquisition. City engineering staff examined the subject lots and found no topographic challenges that would lead to any undue cost to the applicant. Additionally, the City’s Bicycle and Pedestrian Coordinator comments on all requests for sidewalk waivers. The Bicycle and Pedestrian Coordinator was present at the staff meeting and agrees with the recommendations.

The justification from the applicant cites that this section of Prospect Avenue is considerably narrow in comparison to the rest of the street. If a sidewalk is added to lots 784 and 786 without more right-of-way, it will not connect with the existing sidewalk to the south of the properties. The applicant also cites that two (2) large trees would have to be removed to install a sidewalk. It is also noted that a sidewalk currently runs the length of Prospect Ave on the northwest side.

Citizen Engagement

No citizen engagement efforts have been undertaken.

Alignment with City Council's Vision and Priority Areas

The City Council Vision of a Connected Community states that “bike and pedestrian trail systems, sidewalks, and crosswalks enhance our residential neighborhoods.” Requiring that the sidewalk be constructed would be in keeping with the City Council’s vision, but would not create a connected network.

Alignment with City Council's Comprehensive Plan

The first goal in the Transportation Chapter of the Comprehensive Plan states “Increase safe, convenient and pleasant accommodations for pedestrians, bicyclists and people with disabilities that improve quality of life within the community and within individual neighborhoods.”

The Fifeville Neighborhood Plan from 2006 contains the following statements pertaining to pedestrian connections in the neighborhood:

- Pedestrian connectivity is important throughout the neighborhood (the neighborhood needs a fully connected sidewalk network).
- Create a pedestrian plan for the city as a whole to include a systematic analysis of interconnected sidewalks. New Development should be made to deal with pedestrian and vehicular concerns. (i.e. address issues concerning sidewalks, parking, street trees, though-traffic, etc.).
- Encourage use of alternative modes of transportation by expanding access to the bus system, and creating facilities and lanes for bicyclists.
- Sidewalks and trails are crucial to a systemic connection. Pedestrian connection to surrounding centers is very important.

Budgetary Impact

This item has a small impact on the budget as a new sidewalk will require City maintenance once completed.

Recommendation

Following a review of the request, staff has made the following findings:

- Engineering staff agrees with the applicant that a sidewalk in the current location would not connect to the existing sidewalk and more right-of-way is needed.
- The applicant’s concern about removing two (2) trees from the site is not applicable as one (1) of the trees will be removed for the driveway as noted on the site plan, and the other tree will most likely be severely damaged regardless of future sidewalk placement.

- Staff acknowledges that pedestrian connectivity is achieved on Prospect Avenue by the sidewalk located along the northwest side. Staff also acknowledges the goal of the city is to have sidewalks on each side of the street and that Prospect Avenue would benefit from a complete pedestrian route running on both sides of the road.

Staff recommends the waiver request be approved with the following conditions.

1. Applicant dedicates additional right-of-way along Prospect Avenue. New right-of-way shall be of a depth to match existing sidewalk to the south and run parallel to Prospect Avenue. The intent is to allow for a future sidewalk that is consistent with existing conditions.
2. Plant two (2) trees of equal or higher quality on the site. One (1) tree to replace the cedar that will be removed for the driveway and one (1) tree to replace the oak that could be damaged by driveway construction and any future sidewalk construction.

Alternatives

The alternative would be to deny the waiver request and require the applicant to install a sidewalk at 784 & 786 Prospect Avenue per section 34-1124(b). The resulting sidewalk would not connect to the existing sidewalk and would drastically change the character of the street and the pedestrian experience. The installation of a sidewalk per section 34-112(b) at this time would also require the removal of a large oak without any precondition for replacement.

Suggested Motions

- I move to approve this request for a waiver of sidewalk requirements at 784 & 786 Prospect Avenue with the condition stated in the staff report.
- I move to deny this request for a waiver of sidewalk requirements at 784 & 786 Prospect Avenue

Attachments

Aerial and Site Photos
Application
Applicant's Narrative
Site Plan

Aerial Photo



Site Photos



Looking North on Prospect



Looking South on Prospect



Looking East at front of property



WAIVER REQUEST FORM

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

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SEP 11 2014
NEIGHBORHOOD DEVELOPMENT SERVICES

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

Project Name/Description Habitat for Humanity of Greater Charlottesville Parcel Number 250005C00 & 250005B00
Address/Location 784 & 786 Prospect Avenue
Owner Name Habitat for Humanity of Greater Charlottesville Applicant Name Community Results attn: Don Franco

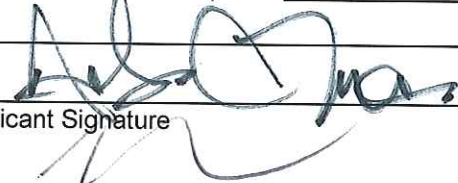
Applicant Address: 625 Panorama Road, Earlysville, VA 22936
Phone (H) 434.249.9641 (c) (W) 434.974.9285 (w) (F) _____
Email: don@community-results.com

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

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

Description of Waiver Requested: Waiver of Sec. 34-1124(b) of the City Code requiring construction of sidewalks, curbs and gutters along all public rights-of-way when any building is constructed upon a previously unimproved lot.

Reason for Waiver Request: See attached letter


Applicant Signature

9-10-14
Date
9/11/14
Date

Property Owner Signature (if not applicant)

For Office Use Only:

Date Received: _____

Review Required: Administrative _____ Planning Commission _____ City Council _____

Approved: _____ Denied: _____

Director of NDS

Comments: _____

OT14-00483



Don Franco P.E.

August 20, 2014

Ms. Missy Creasy
Planning Manager, Neighborhood Development Services
610 East Market Street
Charlottesville, VA 22902

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NEIGHBORHOOD DEVELOPMENT SERVICES

RE: 784 & 786 Prospect Avenue Frontage Improvements Waiver Request

Dear Ms Creasy:

I am writing to you on behalf of Habitat for Humanity of Greater Charlottesville to request waiver of the required public improvements along the frontage of 784 & 786 Prospect Avenue. Section 34-1124(b) of the City Code requires construction of sidewalks, curbs and gutters shall be required along all public rights-of-way when any building or structure is constructed upon a previously unimproved lot or parcel, or when any single-family dwelling is converted to a two-family dwelling unless this requirement is waived by city council. The Code states that these public improvements are for the protection of pedestrians and to control drainage problems. Given the existing site conditions, I believe these standard improvements would not serve the overall public good, they would create a health and safety concern, and the public necessity does not outweigh the cost to the property owner.

Existing Site Conditions (Exhibit 1)

Physically, Prospect Avenue is not a typical city street. Between Bailey Road and the main entrance to Blue Ridge Commons, the street section starts out with two travel lanes with parking, curb, gutter, a grassy strip and sidewalk on both sides, narrows to a rural edge (i.e., no parking lane, curb, gutter or sidewalk) on the eastern side of the street from the two Habitat lots to the entrance into Blue Ridge Commons, then widens back out. In front of 743 Prospect Avenue, the western edge of the street also changes. The grassy strip disappears and the curb changes from a mountable curb to a standard 6" curb. The ROW width also narrows by about 13' along the rural edge. House construction is nearly finished.

Environmentally, there are two trees within the right-of-way in front of the two Habitat lots, a 18" oak and 18" cedar.

Standard Improvements (Exhibit 2)

Construction of curb, gutter and sidewalk along the frontage of the Habitat lots would help to reduce the 650 foot gap in the pedestrian network. Construction of these improvements within the existing right-of-way will require the removal of the two 18" trees in front of the lots and a further narrowing of the existing travel lanes.

Given the current gap, the unlikely redevelopment at Blue Ridge Commons, the loss of two 18" trees, and the existing sidewalk on the other side of the road, I believe the public interest is better served by delaying or waiving the frontage improvements.

Health and Safety (Exhibit 3 & 4)

Construction of the standard frontage improvements and removal of the trees will create a sudden jog in the pavement. The total shift in the edge of pavement is about 14 feet. After accounting for the parking lane, it is a 6.5 foot shift. There would be no transition. With the sidewalk immediately adjacent to the curb, there is not a planting opportunity to provide design features to visually warn drivers of the sudden shift. Similar to Park Street, I would expect a number of vehicles will strike the 6" curb.

Public Necessity versus Cost to Property Owner

As mentioned above, the standard improvements are not essential in so much as they do not complete the pedestrian network. The two family attached units are being built by Habitat for Humanity of Greater Charlottesville and will be sold to partner families earning 25 - 60% AMI. The estimated cost for the public improvements is \$7,500 and will likely need to be absorbed by Habitat.

Proposal (Exhibit 1)

In lieu of the standard frontage improvements, Habitat proposes to reserve additional right-of-way (in the striped box on Exhibit 1), allowing for the extension of the wider street section northward, to be dedicated upon demand to the City. The value of the reserved land, based on assessments, is approximately \$6,000. I estimate the cost of platting the easement to be about \$2,500.

Construction of the required on street parking space will require removal of the cedar. In order to minimize impacts to the larger oak, the owner will push the driveways as far to the outer property line as possible and will minimize additional imperious area by using concrete strips. The driveways shall extend to a minimum of 18' past the reserved area.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Don'.

Don Franco

NTS

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SEP 11 2014

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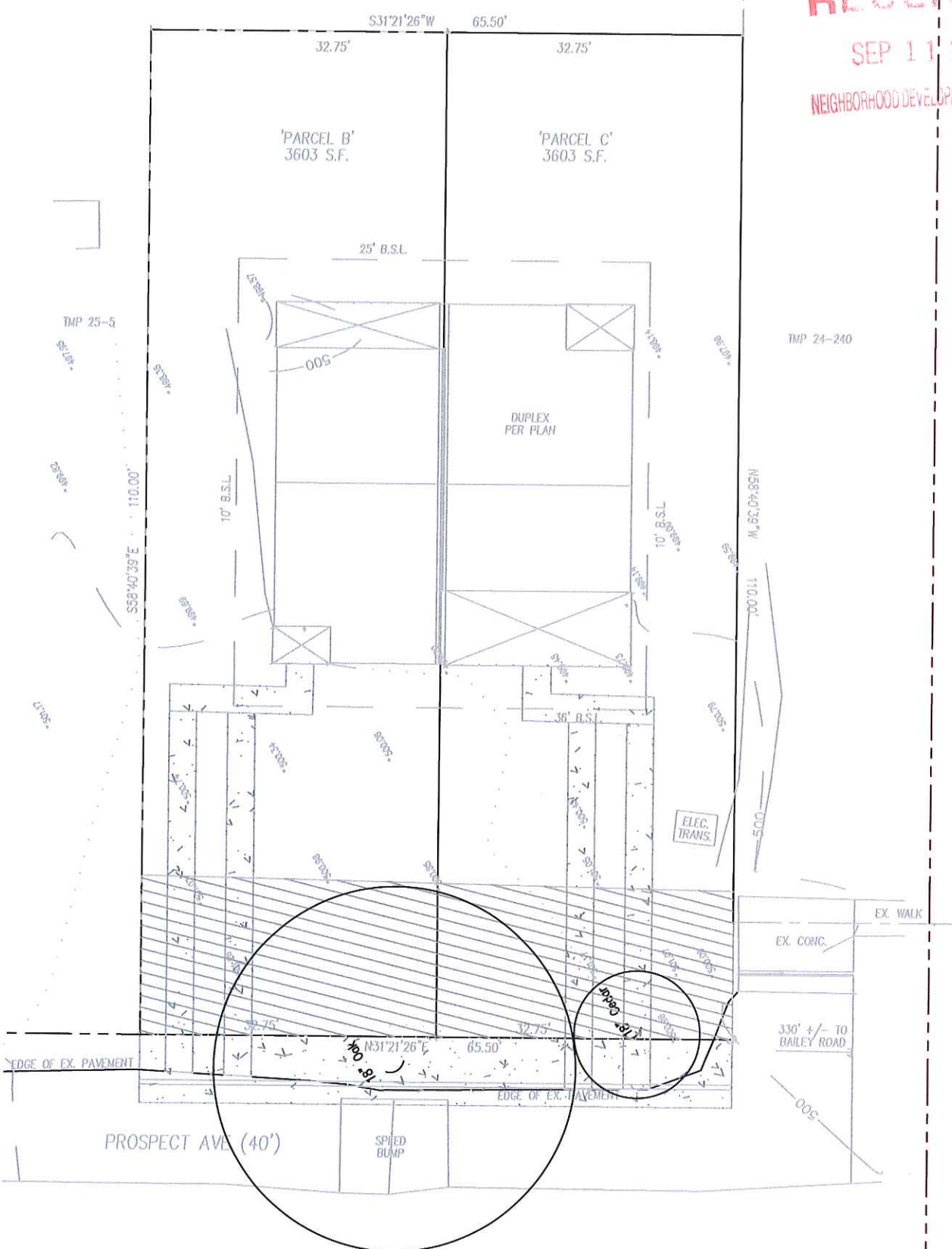
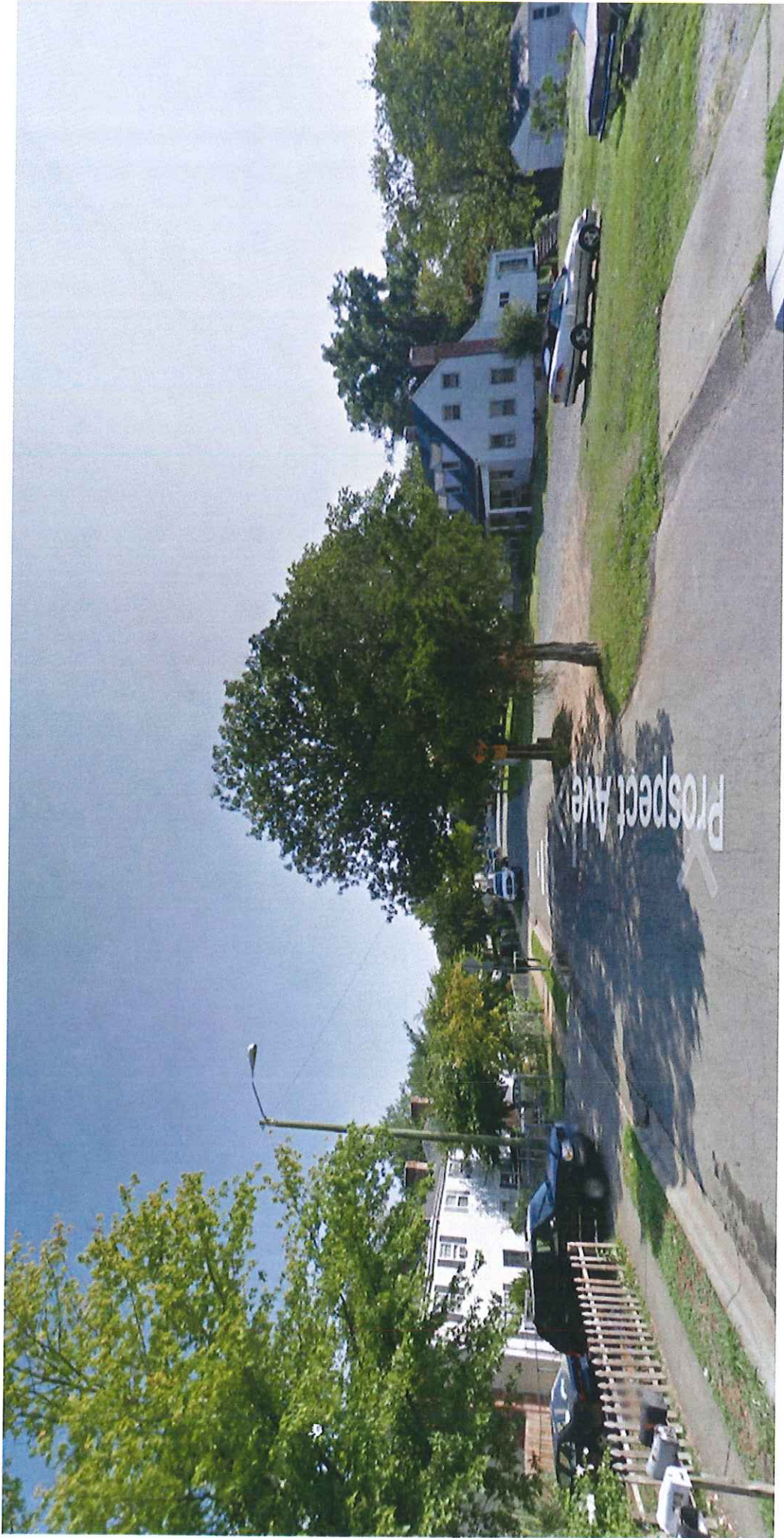


EXHIBIT 1



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EXHIBIT 3

834 Prospect Ave
Charlottesville, VA 22903 - approximate address
Prospect Ave
Street View - Aug 2012



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Google



Back to Map

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NEIGHBORHOOD DEVELOPMENT SERVICES

EXHIBIT 4

RESOLUTION
Approving a Sidewalk Waiver Request
784 and 786 Prospect Avenue

WHEREAS, application has been made for a waiver of the requirement under City Code Section 34-1124(b) for the construction of a sidewalk at 784 and 786 Prospect Avenue, where a duplex dwelling is planned for construction on an unimproved lot; and

WHEREAS, City staff has submitted to Council comments and recommendations regarding the sidewalk waiver request, and Council has reviewed the staff recommendations and the information and materials submitted with the application; now, therefore,

BE IT RESOLVED by the Council for the city of Charlottesville, Virginia that the sidewalk waiver request for 784 and 786 Prospect Avenue is hereby approved, based upon the following findings:

1. There is currently an existing sidewalk on the other side of Prospect Avenue, and construction of a sidewalk in front of 784 and 786 Prospect Avenue may impact the driveway on the adjacent lot; and
2. There are no sidewalk connections on either side of the subject lot, and the Streets that Work initiative may indicate a more efficient sidewalk placement other than directly in front of the subject lot.

BE IT FURTHER RESOLVED that approval of this sidewalk waiver is conditioned upon the following:

1. Applicant shall dedicate additional right of way along Prospect Avenue of a depth to match the existing sidewalk to the south and run parallel to Prospect Avenue to allow for future sidewalk construction in that location.
2. Applicant shall plant two (2) trees of equal or higher quality than the existing cedar tree (to be removed during driveway construction), and the existing oak tree (which is likely to be damaged by driveway construction).

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

Agenda Date: November 3, 2014

Action Required: Approve Resolution and Agreement

Presenter: Chris Engel, Director of Economic Development

Staff Contacts: Maurice Jones, City Manager
Chris Engel, Director of Economic Development

Title: City – CEDA Agreement for Downtown Business Association funding

Background/Discussion: In September 2014 City Council appropriated \$55,000 to the Charlottesville Economic Development Authority (CEDA) in order that it may provide a loan to the Downtown Business Association of Charlottesville. The loan will support the work of a consultant who will be charged with developing a program of work, budget and property owner support for a special service district or business improvement district in the downtown area.

The following agreement seeks to clarify the Council’s intention that the loan repayment only be required should an ordinance establishing such a district be passed and subsequently that funding be provided to the organization charged with operating the district.

Community Engagement: This effort is being led by members of the Downtown Business Association of Charlottesville and several major property owners. The next phase will involve a significant amount of additional engagement with businesses, property owners and city staff.

Alignment with City Council’s Vision and Strategic Plan: Approval of this agenda item aligns directly with Council’s vision for Economic Sustainability for the City of Charlottesville.

Budgetary Impact: None. The funds for this loan have previously been appropriated.

Recommendation: Staff recommends that Council approve the agreement confirming the terms of the loan and the repayment obligations. The resolution authorizes the City Manager or his designee to sign the agreement.

Alternatives: N/A

Attachments: Resolution and City-CEDA Agreement
Note to CEDA

RESOLUTION

BE IT RESOLVED by the Council for the City of Charlottesville, Virginia, that the City Manager, or his designee, is hereby authorized to sign the following document, in form approved by the City Attorney.

Agreement between the City of Charlottesville and the Economic Development Authority of the City of Charlottesville, Virginia (CEDA) authorizing funding for a CEDA loan to the Downtown Business Association of Charlottesville (DBAC) for employment of a consultant to assist in the development of a business district service plan for the Downtown area.

AGREEMENT

This **AGREEMENT** is made and entered this ____ day of November, 2014, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA** (the “City”), a political subdivision of the Commonwealth of Virginia, and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF CHARLOTTESVILLE, VIRGINIA** (the “Authority”), a political subdivision of the Commonwealth.

WITNESSETH:

WHEREAS, the Authority is authorized to make loans from the revenues of the Authority to entities for the purposes of promoting economic development; and,

WHEREAS, the Authority is authorized to accept contributions, grants and other financial assistance from the City in order to, among other purposes, promote economic development and, when received, these contributions, grants and other financial assistance constitute revenues of the Authority; and,

WHEREAS, the City is willing to contribute Fifty-Five Thousand and 00/100 dollars (\$55,000.00) to the Authority with the expectation that the Authority will loan the moneys to The Downtown Business Association of Charlottesville (“DBAC”) for the purpose of employing a consultant to assist in the development of a business district service plan for the Downtown area, and to generate support for such a plan from stakeholders within the proposed district (the “Loan”); and,

WHEREAS, the City’s contribution of the funds to the Authority is conditioned upon DBAC’s execution of a letter agreement and note to repay the Loan to the Authority (the “Note”), in substantially the form and substance of the letter agreement and note attached hereto as Attachment A; and,

WHEREAS, DBAC has indicated its consent to the terms of the letter agreement and its willingness to accept the Loan and to execute the Note; and,

WHEREAS, the City and the Authority desire to set forth their understanding and agreement as to the Funds and their repayment to the City after DBAC repays the Loan to the Authority.

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

1. The Loan. The Loan provided by the Authority to DBAC shall not exceed Fifty-Five Thousand and 00/100 dollars (\$55,000.00). Interest will not be charged on the unpaid principal during the term of the Loan.

2. Requirement for Note. The Authority shall not Loan the funds to DBAC unless and until DBAC executes the Note.

3. Repayment of the Loan. The Note shall provide that the Loan will be due and payable to the Authority in six (6) equal semi-annual payments, commencing six months after the date that funds generated by a tax imposed in a Downtown Mall service district under the authority of Virginia Code sec. 15.2-2403 (6) are appropriated by the Charlottesville City Council to the DBAC, or to a development board or other body established under Virginia Code sec. 15.2-2403. Repayment of the loan will be waived if (i) the City Council does not adopt an ordinance establishing a service district in the Downtown Mall area before January 1, 2016, or (ii) an ordinance establishing a Downtown Mall service district is adopted but City Council does not appropriate funds received from taxes imposed in the service district to DBAC or another development board. The Authority may also either waive repayment of the loan in whole or in part or extend the date on which the Loan is due and payable, but only if such waiver or extension is first approved by the City Council of the City of Charlottesville.

Payments received by the Authority from DBAC shall be repaid by the Authority to the City within thirty (30) days of receipt thereof. The Authority shall have no responsibility to repay the funds or any portion thereof that has not been repaid by DBAC to the Authority and, in particular, neither the Authority nor its board of directors shall be liable for any unpaid portion of the Loan and the Authority shall not be required to repay any unpaid portion of the Loan using Authority revenue.

4. Best efforts to recover the Loan funds. The Authority shall use its best efforts to recover any unpaid portion of the Loan from DBAC if DBAC fails to fully repay the Loan as required by the Note. The Authority shall not be responsible for any legal costs incurred to recover any unpaid portion of the Loan.

5. Notices. The Authority shall provide written notice to the City if DBAC fails to fully repay the Loan as required by the Note or is in default on any requirement, term, condition or covenant of the Note. The notice shall be provided within thirty (30) days after DBAC defaults. The notice shall be provided to:

City Manager
City of Charlottesville
605 East Main Street
Charlottesville, VA 22902
Attention: Maurice Jones

6. Miscellaneous.

a. Entire agreement; amendments. This Agreement constitutes the entire agreement between the City and the Authority regarding the Funds and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

b. Governing law; venue. This Agreement is made, and is intended to be performed, in the Commonwealth of Virginia and shall be construed and enforced by the laws of the Commonwealth of Virginia. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Charlottesville, and such litigation shall be brought only in such court.

**NOTE TO THE ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF CHARLOTTESVILLE, VIRGINIA**

City of Charlottesville, Virginia

\$55,000.00

November __, 2014

FOR VALUE RECEIVED, THE DOWNTOWN BUSINESS ASSOCIATION OF CHARLOTTESVILLE (“DBAC”), a Virginia nonprofit association (hereinafter, the “Borrower”), unconditionally promises to pay to the order of the **ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF CHARLOTTESVILLE, VIRGINIA** (hereinafter, the “Noteholder”), without offset, at 610 East Market Street, P.O. Box 911, Charlottesville, Virginia, 22902, or at such other place as the Noteholder may designate, the amount loaned to Borrower by Noteholder pursuant to the terms of a Letter Agreement attached hereto, up to a maximum amount of **FIFTY-FIVE THOUSAND AND 00/100 DOLLARS (US \$55,000.00)** (hereinafter, the “Loan Amount”), and payable on the basis set forth below.

1. Term; extension; right to prepay.

Borrower hereby promises to pay Noteholder the Loan Amount in six (6) equal semi-annual payments, commencing six months after the date that funds generated by a tax imposed in a Downtown Mall service district under the authority of Virginia Code sec. 15.2-2403 (6) are appropriated by the Charlottesville City Council to the Borrower, or to a development board or other body established under Virginia Code sec. 15.2-2403 (the “Commencement Date”), and continuing thereafter until the entire indebtedness secured hereby is paid in full. If the maximum Loan Amount of \$55,000.00 is borrowed, each semi-annual payment by Borrower shall be \$9,166.67. Repayment of the loan will be waived, and this Note considered void, if (i) the City Council does not adopt an ordinance establishing a service district in the Downtown Mall area before January 1, 2016, or (ii) an ordinance establishing a Downtown Mall service district is adopted but City Council does not appropriate funds received from taxes imposed in the service district to DBAC or to another development board.

If not sooner paid, the entire Loan Amount shall be due and payable two years and six months after the Commencement Date; provided, however, that Noteholder agrees that repayment will be waived, in whole or in part, or the term for repayment extended, if such waiver or extension is first approved by action of the City Council of the City of Charlottesville.

The Borrower may pay some or all of the Loan Amount at any time before the due date.

2. Interest.

Interest will not be charged on the Loan Amount if paid according to the terms of this Note.

3. Late charges.

The Borrower shall pay to the Noteholder a late charge of five percent (5%) of the unpaid portion of the Loan Amount which is thirty (30) days or more past due.

4. Covenants and Conditions.

The Borrower hereby: waives presentment, demand, protest and notice of dishonor; waives the benefit of all homestead and similar exemptions as to this Note; subordinates any and all rights against the Borrower, whether by subrogation, agreement or otherwise until this Note is paid in full; agrees to pay all costs and expenses incurred by the Noteholder in connection with the enforcement of this Note, and or other sums required to be paid herein, and the collection of any judgment rendered hereon, and the defense of any claim arising out of, or in any way related to, this Note, or related to the making of the loan evidenced hereby, including without limitation, the reasonable actual attorney's fees incurred by the Noteholder if this Note is placed in the hands of an attorney with regard to collection hereof. The attorney's fees provided for herein are intended by the Borrower to take into account post-judgment collection efforts on the part of the Noteholder's attorneys.

Any failure by the Noteholder to exercise any right hereunder shall not be construed as a waiver of the right to exercise the same or any other rights at any time.

The term "Noteholder" used herein shall include any future holder of this Note.

5. Laws and Venue.

This Note shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. The proper jurisdiction and venue for any action brought pursuant to this Note shall be in the Circuit Court of the City of Charlottesville.

6. Severability.

Whenever possible, each provision of this Note shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Note shall be prohibited by or invalid under such law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Note. This Note shall apply to and bind the Borrower's heirs, personal representatives, successors and assigns and shall inure to the benefit of the Noteholder, its successors and assigns.

7. Default and Acceleration.

The happening of any of the following events shall constitute an Event of Default: (a) the failure to make when due any payment demanded or otherwise due herein, whether of principal, late charges or otherwise; (b) the failure to perform, observe or comply with any of the terms, warranties, covenants, obligations or conditions contained in this Note or in the Letter Agreement of even date herewith, between the Noteholder and the Borrower; (c) the termination of or occurrence of any other event affecting the validity of this Note; (d) the dissolution, merger, consolidation, or termination of existence of the Borrower; (e) the insolvency of the Borrower, or the application for the insolvency of the Borrower, or the application for the appointment of a receiver or custodian for the Borrower or the property of the Borrower, or the entry of an order for relief or the filing of a petition by or against the Borrower under the provisions of any bankruptcy or insolvency law, or any assignment for the benefit of creditors by or against the Borrower; (f) a determination by the Noteholder that a material adverse change in the financial condition of the Borrower has occurred since the date hereof, or the Noteholder otherwise in good faith believes the prospect of payment or performance hereof is impaired; or (g) the failure of the Borrower to perform any obligation to the the Noteholder hereunder or under the terms of any other obligation of the Borrower to the Noteholder.

Upon the Noteholder's knowledge of any Event of Default, the Noteholder shall send written notice of default to the Borrower. In the event that the Borrower has not cured the default within thirty (30) days after receipt of the notice, this Note shall, at the sole option of the Noteholder, become immediately due and payable in full without further notice or demand on the Borrower. Thereupon, the Noteholder shall have the right, immediately and without notice to the Borrower or further action by it, to set-off against this Note any other liabilities of the Borrower owed to the Noteholder, whether or not due, and further to take any and all actions necessary to collect any outstanding balance due hereunder.

8. Notices.

Any and all notices, elections or demands permitted or required to be made under this Note shall be in writing, signed by the party giving such notice, election or demand and shall be delivered personally, or sent by registered or certified mail, to the other party at the address set forth below, or at such other address as may be supplied in writing. The date of personal delivery or the date of mailing, as the case may be, shall be the date of giving of such notice, election or demand. For the purposes of this Note, the addresses of the Borrower and the Noteholder are:

Borrower: The Downtown Business Association of Charlottesville
Attn: Bob Stroh
108 5th Street, N.E.
Charlottesville Virginia 22902

Noteholder: Economic Development Authority of the City of Charlottesville, Virginia
610 East Market Street
PO Box 911
Charlottesville, Virginia 22902

or such other address as any party hereto may give the other pursuant to the provisions hereof.

BORROWER

**The Downtown Business Association of
Charlottesville**

By: _____
Bob Stroh, Co-Chair

By: _____
Joan Fenton, Co-Chair

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____:

The foregoing instrument was acknowledged before me this ____ day of _____,
2013 by _____, Co-Chair, on behalf of The Downtown Business Association of
Charlottesville.

Notary Public

My Commission Expires: _____

Registration number: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____:

The foregoing instrument was acknowledged before me this ____ day of _____,
2013 by _____, Co-Chair, on behalf of The Downtown Business Association of
Charlottesville.

Notary Public

My Commission Expires: _____

Registration number: _____

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



Agenda Date: November 3, 2014

Action Required: Adoption of Ordinance

Staff Contacts: Jim Tolbert, AICP, Director of NDS

Presenter: Jim Tolbert, AICP, Director of NDS
Craig Brown, City Attorney

Title: **Franklin Street – No Through Truck Designation, Market Street to Nassau Street**

Background: Several residents have requested that through trucks not be allowed on Franklin Street between Market Street and Nassau Street. City Council may, by ordinance, elect to prohibit through trucks on certain City streets.

Discussion: Section 15-73 of the Charlottesville Code of Ordinances restricts “Tractor Trucks” on certain streets in the City. This code section reads as follows:

Sec. 15-73. Streets closed to certain trucks.

(a) Tractor trucks (defined as any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto) and any other trucks of more than two (2) axles, with the exceptions described in subsection (b) of this section, are prohibited from using the following city streets:

- (1) Jefferson Park Avenue from its intersection with Fontaine Avenue and Maury Avenue to its intersection with Harris Road.
- (2) Harris Road from its intersection with Fifth Street, S.E. to its intersection with Jefferson Park Avenue and Camellia Drive.

- (3) Park Street from the 250 Bypass to the northern city limits.
- (4) North Avenue from Park Street to Sheridan Avenue.
- (5) Calhoun Street from Sheridan Avenue to St. Clair Avenue.
- (6) Locust Avenue.
- (7) St. Clair Avenue from the 250 Bypass to Peartree Lane.
- (8) Belleview Avenue from River Road to St. Clair Avenue.
- (9) Watson Avenue from the westbound Locus Avenue ramp to Park Street.
- (10) Brandywine Avenue from the 250 Bypass to its intersection with Greenbrier Drive.
- (11) Greenbrier Drive from Brandywine Drive to its intersection with Rio Road.
- (12) Old Lynchburg Road from its intersection with Jefferson Park Avenue to the southern City limits.
- (13) Altavista Avenue from its intersection with Monticello Avenue to Sixth Street.
- (14) Shamrock Road from Cherry Avenue to Jefferson Park Avenue.

(b) The streets listed in subsection (a) of this section may be used by tractor trucks and other trucks with more than two (2) axles only for the purpose of making deliveries or pick-ups of goods or passengers on that street, or when use of such street is the only safe means of access to another nearby street. The above-described portion of Park Street may also be used by trucks otherwise prohibited when those trucks are making deliveries or pick-ups on Rio Road between its intersection with the city limits and its intersection with Greenbrier Drive.

(c) This section shall have no application to pickup trucks, which are defined as "any motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less.

The attached ordinance will restrict through "Tractor Trucks" from Franklin Street between Market Street and Nassau Street. Those trucks with business on the street will not be impacted.

Citizen Engagement: There has been no direct engagement on this issue although it has been requested by the neighborhood association and certain citizens.

Alignment with City Council Vision and Strategic Plan: This item aligns with the Council Vision to be a Smart Citizen Focused Government by being responsive to neighborhood requests. It does not relate to any strategic plan initiative.

Budgetary Impact: The only budget impact will be the cost to erect regulatory signage, less than \$200.00

Recommendation Staff recommends passage of the ordinance.

Alternatives: Not to pass the ordinance.

Attachments: Map
Ordinance

**AN ORDINANCE
AMENDING AND REORDAINING SECTION 15-73 OF ARTICLE III
OF CHAPTER 15 (MOTOR VEHICLES) OF THE CODE OF THE
CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, PROHIBITING
TRUCK TRAFFIC ON FRANKLIN STREET.**

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that Section 15-73 of Article III of Chapter 15 of the Charlottesville City Code is hereby amended and reordained, as follows:

**CHAPTER 15. MOTOR VEHICLES
ARTICLE III. OPERATION OF VEHICLES GENERALLY**

Sec. 15-73. Streets closed to certain trucks.

(a) Tractor trucks (defined as any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto) and any other trucks of more than two (2) axles, with the exceptions described in subsection (b) of this section, are prohibited from using the following city streets:

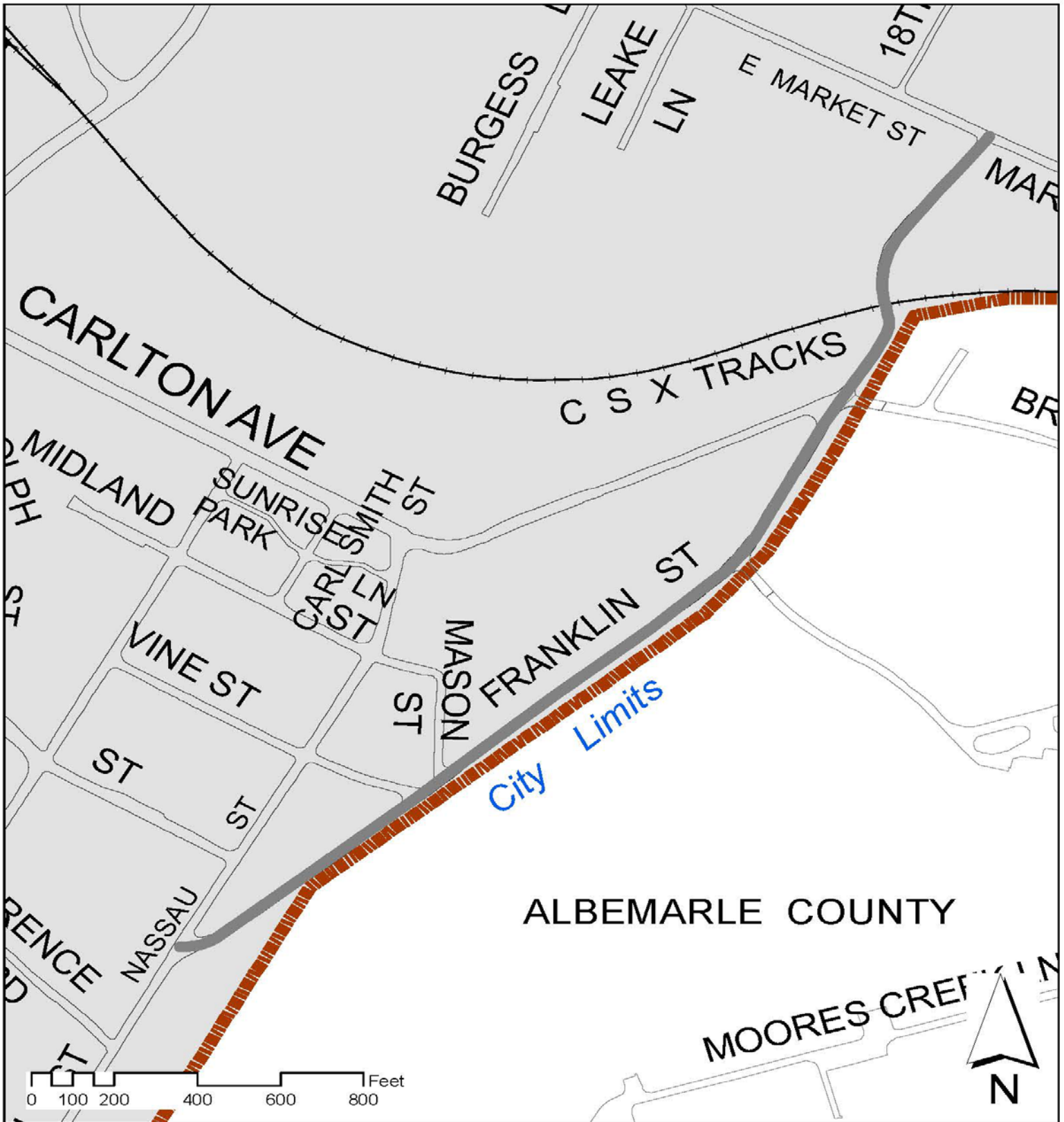
- (1) Jefferson Park Avenue from its intersection with Fontaine Avenue and Maury Avenue to its intersection with Harris Road.
- (2) Harris Road from its intersection with Fifth Street, S.E. to its intersection with Jefferson Park Avenue and Camellia Drive.
- (3) Park Street from the 250 Bypass to the northern city limits.
- (4) North Avenue from Park Street to Sheridan Avenue.
- (5) Calhoun Street from Sheridan Avenue to St. Clair Avenue.
- (6) Locust Avenue.
- (7) St. Clair Avenue from the 250 Bypass to Peartree Lane.
- (8) Belleview Avenue from River Road to St. Clair Avenue.
- (9) Watson Avenue from the westbound Locus Avenue ramp to Park Street.
- (10) Brandywine ~~Avenue Drive~~ from the ~~250 Bypass~~ Hydraulic Road to its intersection with Greenbrier Drive.
- (11) Greenbrier Drive from Brandywine Drive to its intersection with Rio Road.
- (12) Old Lynchburg Road from its intersection with Jefferson Park Avenue to the southern City limits.
- (13) Altavista Avenue from its intersection with Monticello Avenue to Sixth Street.

- (14) Shamrock Road from Cherry Avenue to Jefferson Park Avenue.
- (15) Franklin Street.

(b) The streets listed in subsection (a) of this section may be used by tractor trucks and other trucks with more than two (2) axles only for the purpose of making deliveries or pick-ups of goods or passengers on that street, or when use of such street is the only safe means of access to another nearby street. The above-described portion of Park Street may also be used by trucks otherwise prohibited when those trucks are making deliveries or pick-ups on Rio Road between its intersection with the city limits and its intersection with Greenbrier Drive.

(c) This section shall have no application to pickup trucks, which are defined as "any motor vehicle designed for the transportation of property with a registered gross weight of seven thousand five hundred (7,500) pounds or less".

FRANKLIN STREET



NEIGHBORHOOD DEVELOPMENT SERVICES
OCTOBER 2014

CITY OF CHARLOTTESVILLE, VIRGINIA
CITY COUNCIL AGENDA



Agenda Date: November 3, 2014

Action Required: Public Hearing and 1st Reading on Ordinance

Presenter: S. Craig Brown, City Attorney

Staff Contacts: S. Craig Brown, City Attorney

Title: Abandonment of Sanitary Sewer Easement near Valley Road

Background: In 2007 the University of Virginia petitioned City Council to close a portion of Valley Road so it could be combined with adjacent properties and, with additional properties owned by the University of Virginia Foundation (UVAF), developed as part of the South Lawn project. The ordinance vacating that portion of Valley Road was approved by Council on August 7, 2007, and in 2010 UVA/UVAF submitted a proposed Subdivision Plat that consolidated and redivided parcels, granted new utility easements to the City, and created and dedicated as public right of way a new cul-de-sac at the end of Valley Road.

Discussion: The proposed Subdivision Plat has been reviewed and revised numerous times in the last 4 years, primarily because it is a single deed and plat attempting to accomplish several tasks with respect to the substantial redivision of the parcels and dedication of easements. The deed and plat are now in final form, meeting the approval of all three parties – the City, UVA and UVAF. The Subdivision Plat cannot be recorded until the 1935 sewer easement is vacated. A replacement easement is dedicated to the City under the deed and plat.

Alignment with Council Vision Areas and Strategic Plan: Not applicable.

Community Engagement: A public hearing is required by law to give the public an opportunity to comment on the proposed conveyance of a property interest. Notice of such public hearing was advertised in the local newspaper at least 7 days in advance of the public hearing.

Budgetary Impact: None.

Recommendation: Approve the ordinance vacating the existing sanitary sewer easement near Valley Road.

Attachments: Request Letter from UVA; Ordinance; Deed and Plat.

**AN ORDINANCE
AUTHORIZING THE ABANDONMENT OF
A SANITARY SEWER EASEMENT
GRANTED TO THE CITY NEAR VALLEY ROAD.**

WHEREAS, in 1935 the City acquired a permanent sanitary sewer easement, of record in the Charlottesville Circuit Court Clerk's Office in Deed Book 85, page 491, across property currently designated on City Real Estate Tax Map 11 as Parcel 28 and owned by the University of Virginia (UVA); and

WHEREAS, as part of the South Lawn project under construction by UVA, the sanitary sewer facilities in the Valley Road area were re-routed to a different location, and a new sewer easement will be granted to the City with the recordation of the deed and subdivision plat for this project; and

WHEREAS, UVA has requested abandonment of the 1935 sewer easement, which now serves no useful purpose to the City; and

WHEREAS, the Director of Public Utilities has reviewed the request and determined that the City no longer has a need for the 1935 sanitary sewer easement; and

WHEREAS, in accordance with Virginia Code Sec. 15.2-1800(B), a public hearing was held to give the public an opportunity to comment on the abandonment of the sewer easement; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed vacating and abandoning the 1935 sanitary sewer easement, in form approved by the City Attorney.

Prepared by S. Craig Brown, VSB #19286 - Charlottesville City Attorney's Office
Tax Map Parcels: 11-28, 11-31, 11-32, 11-34, 11-35, 11-80, 11-82, 11-83,
11-83.1, 11-91, 11-92.1 and 11-92.2

*This Deed is exempt from recordation taxes pursuant to
Va. Code Secs. 58.1-811(A)(1), 58.1-811(A)(3), 58.1-811(C)(3) and 58.1-811(C)(4)*

THIS DEED OF DEDICATION, CONSOLIDATION, RESUBDIVISION, EASEMENT AND VACATION is made this _____ day of _____, 2014, by and among THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA, an educational institution of the Commonwealth of Virginia ("University") (Grantor and Grantee); UNIVERSITY OF VIRGINIA FOUNDATION, a Virginia nonstock corporation ("Foundation") (Grantor and Grantee); and CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia ("City") (Grantor and Grantee).

WITNESSETH:

WHEREAS, University is the owner of certain real property situate in the City of Charlottesville, Virginia, with Tax Map Parcel Nos. 11-28, 11-31, 11-32, 11-34, 11-35, 11-80, 11-82, 11-83, 11-83.1, 11-92.1 and 11-92.2 (the "University Property"), as shown on the plat attached hereto and incorporated herein by this reference entitled "Tracts A, B, C, D, E, F, G, H, I, J & K, Utility Easements and Pedestrian Easement," dated March 25, 2013, and prepared by Kirk Hughes & Associates of Charlottesville, Virginia (the "Plat"); and

WHEREAS, Foundation is the owner of certain real property situate in the City of Charlottesville, Virginia, with Tax Map Parcel No. 11-91 (the "Foundation Property"), as shown on the Plat; and

WHEREAS, City was the owner of certain real property situate in the City of Charlottesville, Virginia, shown on the Plat as Tract "A", Tract "B", Tract "C", Tract "D", Tract "E", Tract "F", Tract "G", Tract "H" and Tract "I", which comprised portions of the Valley Road right of way closed by the City Council of the City of Charlottesville, Virginia, pursuant to an Ordinance Closing, Vacating, and Discontinuing a Portion of Valley Road adopted on August 6,

2007, and filed in the Office of the Clerk of the Circuit Court of the City of Charlottesville, Virginia, in Street Closing Book 2, at page 62; and

WHEREAS, it is the desire and intent of City to acknowledge the conveyance by street vacation of Tract "B", Tract "C", Tract "D", Tract "E", Tract "F", Tract "G", Tract "H" and Tract "I", as shown on the Plat (the "University Tracts"), to University and Tract "A", as shown on the Plat (the "Foundation Tract"), to Foundation, pursuant to Va. Code Sec. 15.2-2274; and

WHEREAS, it is the desire and intent of University to consolidate and resubdivide the University Property and the University Tracts into lots and parcels, and to dedicate, grant, and convey a portion of the University Property for public street purposes in accordance with this Deed of Dedication, Consolidation, Resubdivision, Easement and Vacation and the Plat; and

WHEREAS, it is the desire and intent of Foundation to consolidate and resubdivide the Foundation Property and the Foundation Tract into a lot and parcel in accordance with this Deed of Dedication, Consolidation, Resubdivision, Easement and Vacation and the Plat; and

WHEREAS, it is the desire and intent of University and Foundation to grant and convey unto City the easements and rights-of-way in the locations as shown on the Plat; and

WHEREAS, it is the desire and intent of City, with the consent of University, to vacate the sanitary sewer easement shown on Sheet 3 of the Plat and labeled thereon as "Sanitary Sewer (Abandoned)" (the "Existing Sanitary Sewer Easement"), being the sanitary sewer easement acquired by City by deed dated May 18, 1935, recorded in Deed Book 85, at page 491, in the Office of the Clerk of the Circuit Court of the City of Charlottesville, Virginia.

NOW, THEREFORE, City does hereby confirm, pursuant to Va. Code Sec. 15.2-2274, that University is the record owner of the University Tracts, as shown on the Plat, and Foundation is the record owner of the Foundation Tract, as shown on the Plat.

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt and sufficiency of which are hereby acknowledged, Tax Map Parcel No. 11-91 and Tract "A", Tax Map Parcel No. 11-83.1 and Tract "B", Tax Map Parcel No. 11-83 and Tract "C", Tax Map Parcel No. 11-31 and Tract "D", Tax Map Parcel No. 11-32 and Tract "E", Tax Map Parcel No. 11-28 and Tract "F", Tax Map Parcel

No. 11-34 and Tract "G", Tax Map Parcel No. 11-35 and Tract "H", and Tax Map Parcel No. 11-82 and Tract "I", respectively, are consolidated and resubdivided, in accordance with the Plat.

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, receipt and sufficiency of which are hereby acknowledged, University does hereby dedicate to public street purposes and convey to City, in fee simple, the 5,681 square feet of the University Property labeled on the Plat as Tract "J" and Tract "K". This dedication is made in accordance with the statutes made and provided therefor.

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, University and Foundation, respectively, do hereby grant and convey unto City, its successors and assigns, a pedestrian access easement and right-of-way for the purpose of pedestrian ingress and egress by the public in the locations as being more particularly bounded and described on the Plat as "Pedestrian Access Easement Hereby Dedicated to Public Use," subject to the following terms and conditions:

1. All trails and sidewalks and all appurtenant facilities constructed or installed in the easement and right-of-way shall be and remain the property of University (with respect to such facilities constructed or installed by University on its property) and Foundation (with respect to such facilities constructed or installed by Foundation on its property).

2. University and Foundation shall maintain the facilities located in the easements and rights-of-way on their respective properties in accordance with City standards, as updated from time to time. Maintenance shall include, but not be limited to, removal of snow and ice as soon as practicable after a snowfall.

3. Nothing contained herein shall be deemed a waiver of the sovereign immunity of University or the Commonwealth of Virginia.

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, University and Foundation, respectively, do hereby grant and convey unto City, its successors and assigns, a general utility easement and right-of-way for the purposes of

constructing, operating, maintaining, adding or altering present or future (i) storm sewer lines, including necessary inlet structures, manholes and appurtenant facilities, for the collection of storm sewage and its transmission through, under, upon and across the property owned by University and the property owned by Foundation, (ii) sanitary sewer lines, including necessary inlet structures, manholes and appurtenant facilities, for the collection of sanitary sewage and its transmission through, under, upon and across the property owned by University and the property owned by Foundation, (iii) water lines, including fire hydrants, valves, meters, building service connections and appurtenant facilities, for the transmission and distribution of water through, upon, under and across the property owned by University and the property owned by Foundation, and (iv) natural gas lines, including valves, meters, building service connections and appurtenant facilities, for the transmission and distribution of natural gas through, upon, under and across the property owned by University and the property owned by Foundation, all in the locations as more particularly bounded and described on the Plat as “Utility Easements Hereby Dedicated to the City of Charlottesville,” subject to the following conditions:

1. The facilities constructed shall remain the property of City. City shall have the right to inspect, rebuild, remove, repair, improve, and make such changes, alterations, additions to or extensions of its facilities within the boundaries of said easement and right-of-way as are consistent with the purpose expressed herein. All construction, maintenance, equipment and facilities shall comply with all applicable laws, ordinances, codes and regulations.

2. Upon completion of any activity by City upon the easement and right-of-way, City shall restore the easement and right-of-way as nearly to its original condition as practicable, including backfilling of trenches, reseeding or resodding of lands, replacement of equipment and facilities of University or Foundation installed in accordance with numbered Paragraph 6 (on page 6) of this Deed, as applicable, removal of trash and debris, and removal of any of City’s equipment, accessories or appurtenances not consistent with the construction, maintenance or operation of said facilities or the exercise of any rights or privileges expressed herein. City shall maintain said easement and right-of-way and facilities in such repair as not to endanger or

otherwise limit the enjoyment or use of University's or Foundation's property and adjacent properties.

3. City shall have the right to trim, cut and remove trees, shrubbery or other natural obstructions on, under or over the easement and right-of-way which interfere with or threaten the efficient and safe operation, construction or maintenance of said facilities. All trees cut by City shall remain the property of University or Foundation, as applicable. All brush, branches, and other debris resulting from any cutting, trimming, or clearing of said easement and right-of-way shall be removed from the lands of University or Foundation, as applicable, and disposed by City.

4. City shall have the right of ingress to and egress from said easement and right-of-way over the lands of University or Foundation, as applicable, as may be necessary to exercise City's rights herein. City shall exercise such right in such manner as shall not occasion injury or inconvenience to University or Foundation, as applicable. City shall at University's or Foundation's election pay for or repair any injury to any of land, structures, roads, fences, and other improvements caused by City, its employees, agents or contractors. City shall notify University or Foundation, as applicable, immediately of any such injury and shall make said payment or repair within thirty (30) days after such election by University or Foundation; provided, however, that if such injury results in an on-going hazardous condition or a material loss of use of University's or Foundation's property (such as, by way of illustration and not by limitation, a disruption of any utilities or loss of access to University's or Foundation's property) then City shall immediately remedy the hazardous condition or material loss of use.

5. From time to time, University or Foundation, as applicable, shall grant to City such temporary licenses for the use of areas adjacent to the easement and right-of-way as are reasonably necessary to facilitate the installation, operation, maintenance, replacement, repair, removal or use of the facilities.

6. University or Foundation, as applicable, its successors and assigns, may use said easement and right-of-way for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient construction, operation or

maintenance of said facilities, and further provided that such use is not inconsistent with any laws, ordinances or codes pertaining to the construction, operation or maintenance of said facilities and to which University or Foundation is subject. University's or Foundation's use of the easement and right-of-way as a road shall not in any way be construed to constitute interference with the construction, operation or maintenance of City's facilities.

7. To the extent permitted by law, City covenants and agrees to indemnify, defend and hold the Commonwealth of Virginia, University, Foundation, their respective employees and agents, harmless from and against any claims of injury to any persons or property and from and against any other liability of any nature whatsoever to the full extent authorized by Virginia law resulting from the installation, operation, maintenance, replacement, repair, removal or use of any of City's facilities or the connection to other utility facilities on or adjacent to said easement and right-of-way, or in any way arising out of City's exercise of any rights herein granted.

8. If City at any time discontinues use of all or any portion of the easement herein conveyed for a period of one year, all of the City rights and interest in said easement and right-of-way or portion thereof shall immediately terminate and revert to University or Foundation, as applicable, its successors and assigns, and City shall at its expense remove any facilities and restore University's or Foundation's property as nearly to its original condition as practicable and, on written request by University or Foundation, City shall quitclaim and release same.

THIS DEED FURTHER WITNESSETH that in consideration of the premises and the sum of One Dollar (\$1.00), cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, City, with the consent of University, does hereby vacate, release, and extinguish all of its right, title and interest in and to that portion of the Existing Sanitary Sewer Easement as shown on the Plat as "Sanitary Sewer (Abandoned)", pursuant to ordinance adopted by the Charlottesville City Council on _____, 2014.

This Deed of Dedication, Consolidation, Resubdivision, Easement and Vacation is made in accordance with the statutes made and provided in such cases; with the approval of the proper authorities of the City of Charlottesville, Virginia, as shown by the signatures affixed to this Deed and the Plat, and is with the free consent and in accordance with the desire of University,

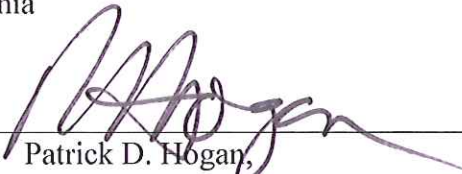
owner and proprietor of the property owned by University, and Foundation, owner and proprietor of property owned by Foundation.

The City of Charlottesville, acting by and through its Mayor, Satyendra Singh Huja, does hereby accept the conveyance of the easements herein, pursuant to Virginia Code § 15.2-1803; and the City has caused this deed to be executed by its Mayor pursuant to an ordinance adopted by the Charlottesville City Council on _____, 2014, as evidenced by the Mayor's signature hereto and the City's recordation of this deed.

WITNESS the following signatures and seals.


University:

THE RECTOR AND VISITORS OF THE UNIVERSITY OF VIRGINIA, an educational institution of the Commonwealth of Virginia

By: 
Patrick D. Hogan,
Executive Vice President and Chief Operating Officer

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Albemarle, to-wit:

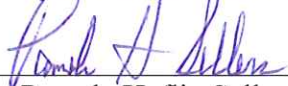
The foregoing instrument was acknowledged before me this 11 day of September, 2014, by Patrick D. Hogan, Executive Vice President and Chief Operating Officer, on behalf of The Rector and Visitors of the University of Virginia.


Notary Public
Registration No. 101375



my commission expires 6/30/18

Reviewed and Approved
As to Legal Form and Sufficiency:

By: 
Pamela Heflin Sellers
Associate General Counsel and
Special Assistant Attorney General

Foundation:

UNIVERSITY OF VIRGINIA FOUNDATION, a Virginia nonstock corporation

By: Tim R. Rose
Tim R. Rose,
Chief Executive Officer

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Albemarle, to-wit:

The foregoing instrument was acknowledged before me this 17th day of September, 2014, by Tim R. Rose, Chief Executive Officer of University of Virginia Foundation, a Virginia nonstock corporation, on behalf of the corporation.

Cindy L. Kidd
Notary Public
Registration No. 7013584

*My commission expires:
January 31, 2018*

The City of Charlottesville, acting by and through its Mayor, does hereby accept the conveyance of the easements granted herein to the City, pursuant to Virginia Code Sec. 15.2-1803, and the Mayor was authorized to execute this deed by ordinance adopted by City Council on _____, 2014.

CITY OF CHARLOTTESVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia

By: _____
Satyendra Singh Huja, Mayor

COMMONWEALTH OF VIRGINIA
CITY OF CHARLOTTESVILLE, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Satyendra Singh Huja, Mayor, on behalf of the City of Charlottesville, Virginia.

Notary Public
Registration No. _____

OWNER'S CONSENT:

The division of the land described herein is with the free consent and in accordance with the desire of the undersigned owners, proprietors and trustees

Rector & Visitors of the University of Virginia Date 9/10/14

CERTIFICATE OF ACKNOWLEDGMENT OF SIGNATURE:

Acknowledged before: Kim F. Umstadter
This 11 day of September, 2014
in the city/county of: Albemarle
Commonwealth of Virginia.

Notary Public: [Signature]

My commission expires: June 10, 2016

University of Virginia Foundation Date 9/16/14

CERTIFICATE OF ACKNOWLEDGMENT OF SIGNATURE:

Acknowledged before: Tim R. Rose
This 17th day of September, 2013
in the city/county of: Charlottesville
Commonwealth of Virginia.

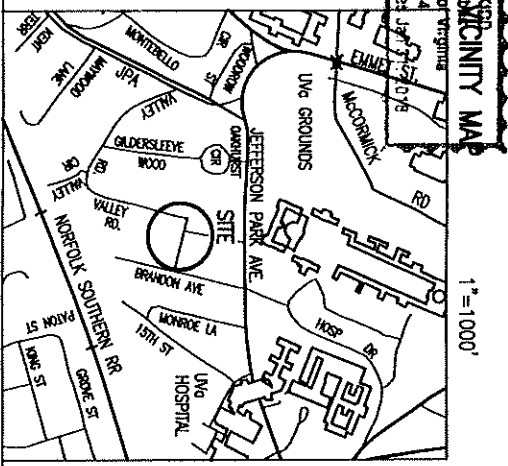
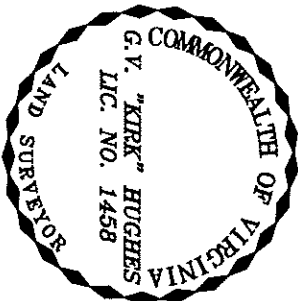
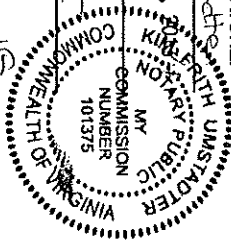
Notary Public: [Signature]

My commission expires: January 18, 2018

CITY OF CHARLOTTESVILLE APPROVAL:

Chairman of the Planning Commission Date 9/22/14

Secretary of the Planning Commission Date 9/19/14



NOTES:

- 1.) Survey Prepared for: The Rector and Visitors of the University of Virginia.
 - 2.) This plat is based on field boundary surveys performed in March 2007, December 2010, and February 2012.
 - 3.) This plat was prepared without the benefit of a current title report and may not indicate all encumbrances on the properties shown hereon.
 - 4.) Tracts A thru I shown hereon contain areas of the Valley Road public street right of way vacated and recorded in Street Closing Book 2, page 62; hereby added to and combined with their adjoining parcels or road rights-of-way:
 - Tract A added to Tax Map 11, Parcel 91
 - Tract B added to Tax Map 11, Parcel 83.1
 - Tract C added to Tax Map 11, Parcel 83
 - Tract D added to Tax Map 11, Parcel 31
 - Tract E added to Tax Map 11, Parcel 32
 - Tract F added to Tax Map 11, Parcel 28
 - Tract G added to Tax Map 11, Parcel 34
 - Tract H added to Tax Map 11, Parcel 35
 - Tract I added to Tax Map 11, Parcel 82
 - 5.) Tracts J and K added to the Valley Road right-of-way
- Total Valley Road closure: 13,033 square feet
Total Valley Road dedication: 5,681 square feet
Iron rods or Mag-Nails set at all property corners, unless otherwise specified.

TRACTS A, B, C, D, E, F, G, H, I, J & K; UTILITY EASEMENTS AND PEDESTRIAN EASEMENT

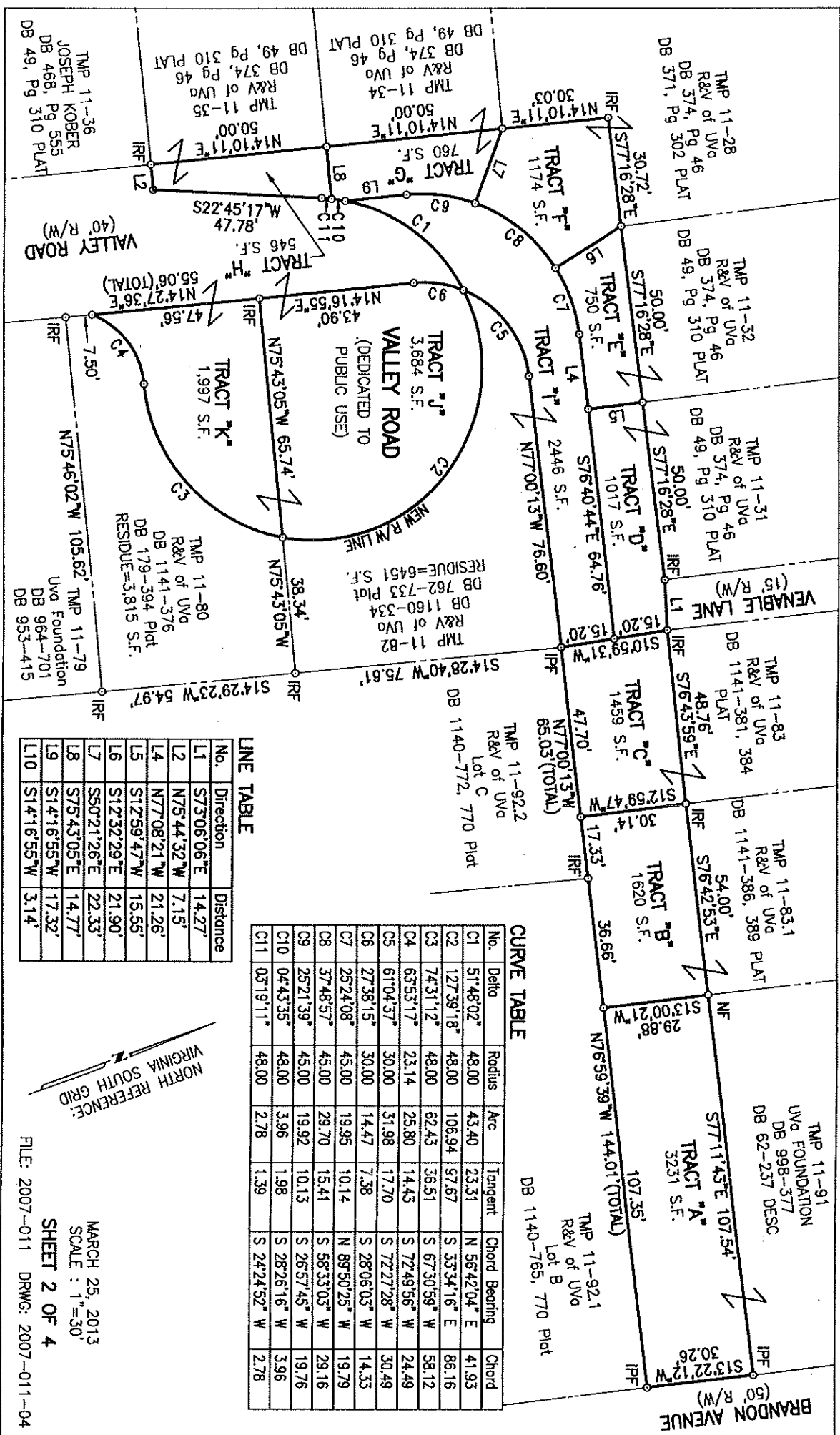
CITY OF CHARLOTTESVILLE, VIRGINIA

MARCH 25, 2013

SCALE: 1"=30'

KIRK HUGHES & ASSOCIATES
LAND SURVEYORS AND PLANNERS
220 EAST HIGH STREET
CHARLOTTESVILLE, VIRGINIA 22902
(434) 296-6942

C:\Surveys\UVA\South Lawn--Valley Rd\2007-011\ Dedication\2007-011-04.dwg



LINE TABLE

No.	Direction	Distance
L1	S73°06'06"E	14.27'
L2	N75°44'32"W	7.15'
L4	N77°08'21"W	21.26'
L5	S12°59'47"W	15.55'
L6	S12°32'29"E	21.90'
L7	S50°21'26"E	22.33'
L8	S75°43'05"E	14.77'
L9	S14°16'55"W	17.32'
L10	S14°16'55"W	3.14'

CURVE TABLE

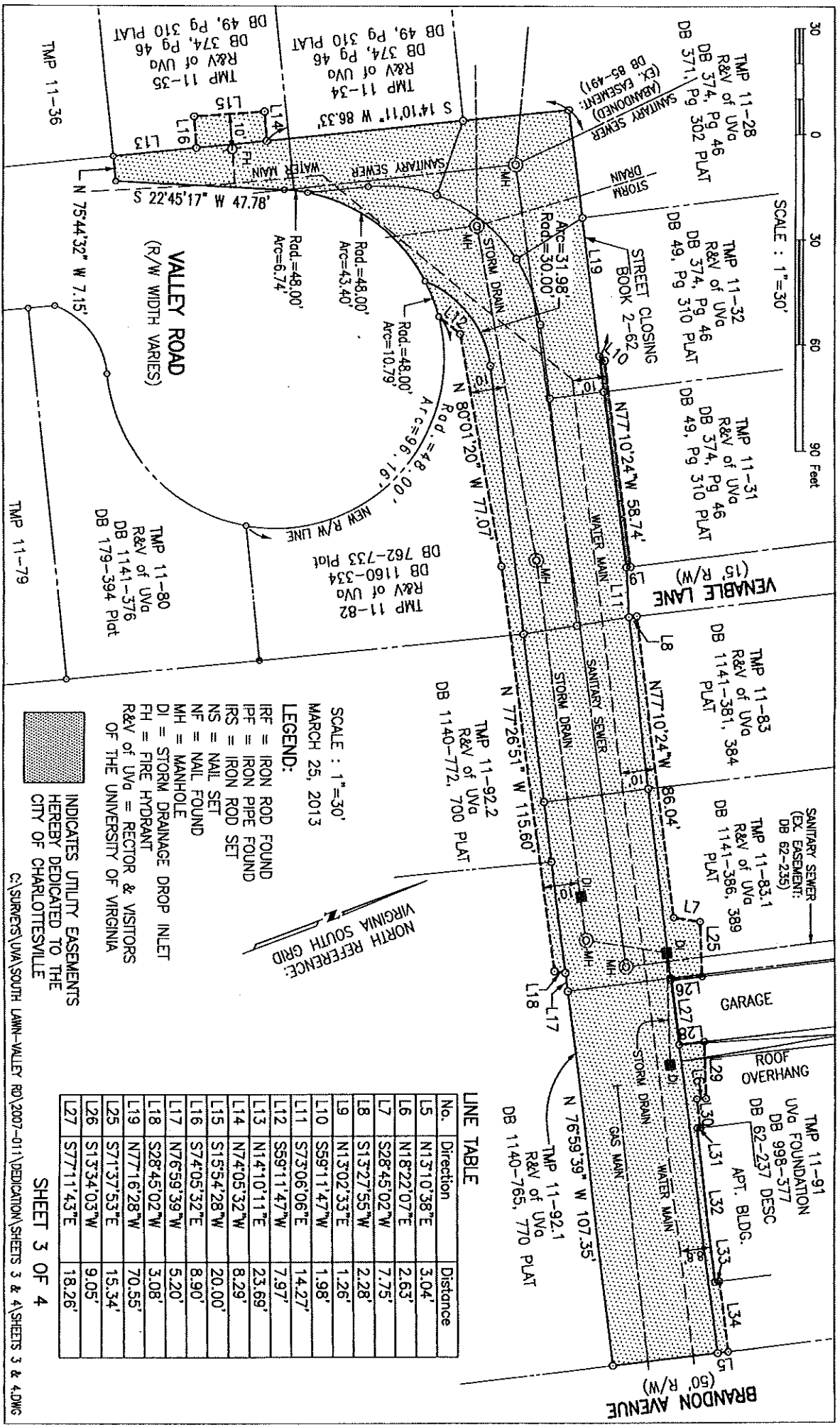
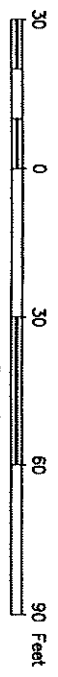
No.	Delta	Radius	Arc	Tangent	Chord Bearing	Chord
C1	51°48'02"	48.00'	43.40'	23.31'	N 56°42'04" E	41.93'
C2	127°39'18"	48.00'	106.94'	57.67'	S 33°34'16" E	86.16'
C3	74°31'12"	48.00'	62.43'	36.51'	S 67°30'59" W	58.12'
C4	63°53'17"	23.14'	25.80'	14.43'	S 72°49'56" W	24.49'
C5	61°04'37"	30.00'	31.98'	17.70'	S 72°27'28" W	30.49'
C6	27°38'15"	30.00'	14.47'	7.38'	S 28°06'03" W	14.33'
C7	25°24'08"	45.00'	19.95'	10.14'	N 89°50'25" W	19.79'
C8	37°48'57"	45.00'	29.70'	15.41'	S 58°33'03" W	29.16'
C9	25°21'39"	45.00'	19.92'	10.13'	S 26°57'45" W	19.76'
C10	04°43'35"	48.00'	3.96'	1.98'	S 28°26'16" W	3.96'
C11	03°19'11"	48.00'	2.78'	1.39'	S 24°24'52" W	2.78'

NORTH REFERENCE:
VIRGINIA SOUTH GRID

MARCH 25, 2013
SCALE : 1"=30'

FILE: 2007-011 DRWG: 2007-011-04

SHEET 2 OF 4



SCALE: 1"=30'
MARCH 25, 2013

LEGEND:

- IRF = IRON ROD FOUND
- IPF = IRON PIPE FOUND
- IRS = IRON ROD SET
- NF = NAIL FOUND
- MH = MANHOLE
- DI = STORM DRAINAGE DROP INLET
- FH = FIRE HYDRANT
- R&V of UVA = RECTOR & VISITORS OF THE UNIVERSITY OF VIRGINIA

INDICATES UTILITY EASEMENTS HEREBY DEDICATED TO THE CITY OF CHARLOTTESVILLE

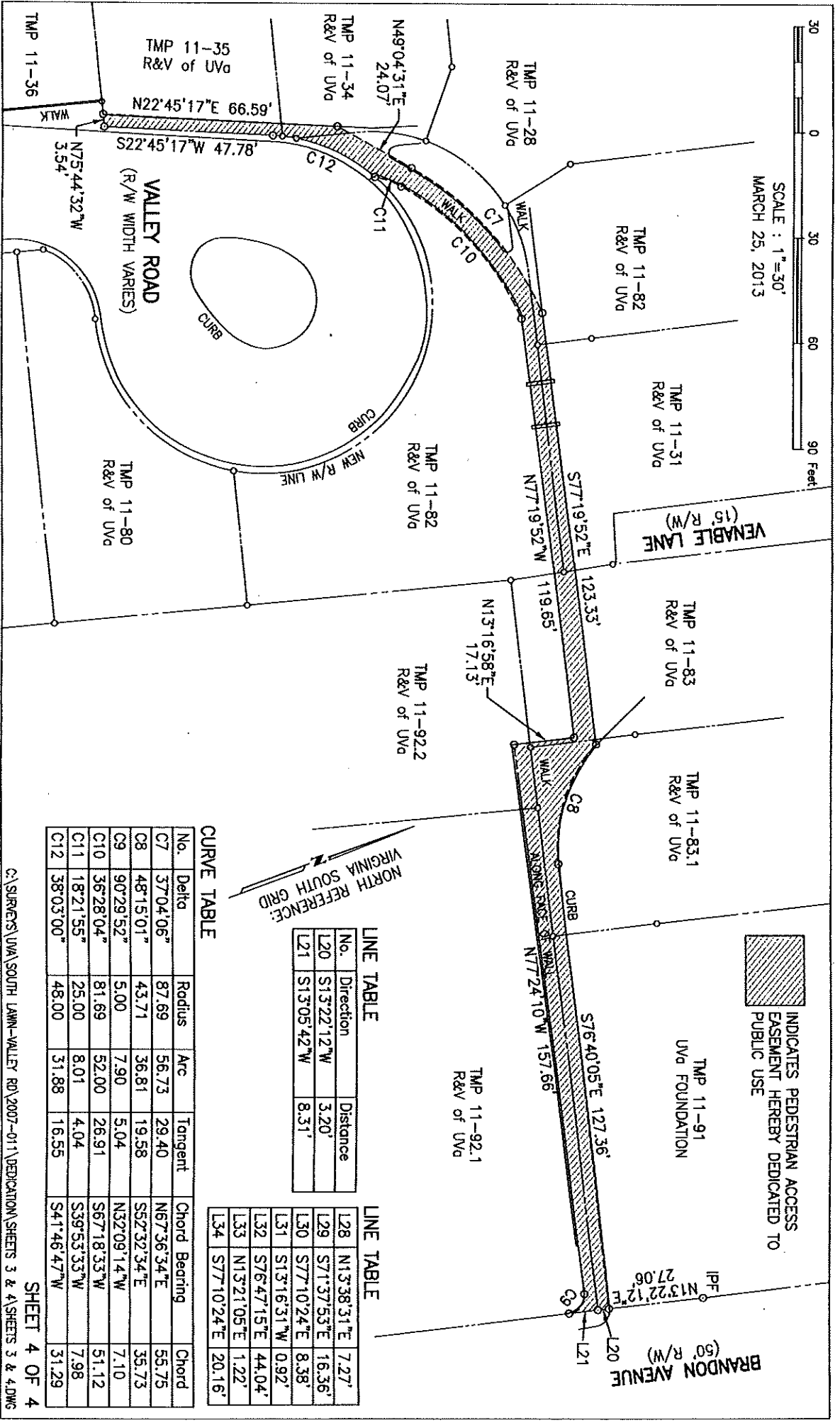
C:\SURVERS\UVA\VALLEY LANE-VALETT RD\2007-01\DEDICATION\SHEETS 3 & 4\SHEETS 3 & 4.DWG

LINE TABLE

No.	Direction	Distance
L5	N13°10'38"E	3.04'
L6	N18°22'07"E	2.63'
L7	S28°45'02"W	7.75'
L8	S13°27'55"W	2.28'
L9	N13°02'33"E	1.26'
L10	S59°11'47"W	1.98'
L11	S73°06'06"E	14.27'
L12	S59°11'47"W	7.97'
L13	N14°10'11"E	23.69'
L14	N74°05'32"W	8.29'
L15	S15°54'28"W	20.00'
L16	S74°05'32"E	8.90'
L17	N76°59'39"W	5.20'
L18	S28°45'02"W	3.08'
L19	N77°16'28"W	70.55'
L25	S71°37'53"E	15.34'
L26	S13°34'03"W	9.05'
L27	S77°11'43"E	18.26'

SHEET 3 OF 4

SCALE : 1"=30'
MARCH 25, 2013



INDICATES PEDESTRIAN ACCESS
EASEMENT HEREBY DEDICATED TO
PUBLIC USE

NORTH REFERENCE:
VIRGINIA SOUTH GRID

LINE TABLE

No.	Direction	Distance
L20	S13°22'12"W	3.20'
L21	S13°05'42"W	8.31'

LINE TABLE

L28	N13°38'31"E	7.27'
L29	S71°37'53"E	16.36'
L30	S77°10'24"E	8.38'
L31	S13°16'31"W	0.92'
L32	S76°47'15"E	44.04'
L33	N13°21'05"E	1.22'
L34	S77°10'24"E	20.16'

CURVE TABLE

No.	Delta	Radius	Arc	Tangent	Chord Bearing	Chord
C7	37°04'06"	87.69	56.73	29.40	N67°36'34"E	55.75
C8	48°15'01"	43.71	36.81	19.58	S52°32'34"E	35.73
C9	90°29'52"	5.00	7.90	5.04	N32°09'14"W	7.10
C10	36°28'04"	81.69	52.00	26.91	S67°18'33"W	51.12
C11	18°21'55"	25.00	8.01	4.04	S39°53'33"W	7.98
C12	38°03'00"	48.00	31.88	16.55	S41°46'47"W	31.29

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



Agenda Date:	November 3, 2014
Action Required:	** See Recommendation **
Staff Contact:	David Ellis, Assistant City Manager Maurice Jones, City Manager Leslie Beauregard, Director, Budget and Performance Management
Presenter:	Connie Dunn, Executive Director, C.R.H.A. Susan Erno, Charlottesville City Schools Adult Learning Center
Title:	Off Budget Request for Funds – Charlottesville Redevelopment and Housing Authority (C.R.H.A.) and Adult Learning Center Workplace Skills Training Program - \$10,000

Background:

The Charlottesville Redevelopment and Housing Authority (C.R.H.A.), in partnership with the Adult Learning Center (A.L.C.) who will run the program, has made an off budget funding request in the amount of **\$10,000** for a **new program** to provide a pathway to sustainable employment for C.R.H.A. residents through targeted academic instruction related to customer service, digital literacy skills and workplace soft skills. Participants who attain high school level assessment test scores will have an opportunity to take the G.E.D. Ready tests (G.E.D. practice exam) to prepare the participant for the G.E.D. exam.

Discussion:

This is not a G.E.D. program according to the application, but rather a pathway to career and further education. The program is only open to C.R.H.A. residents, who will complete 9 hours per week instruction for 15 weeks. It will be held on a public housing site at a time determined to be convenient to residents. It is designed as a cohort-there will be a group of residents who start and finish together.

It is the responsibility of P.H.A.R. and C.R.H.A. to recruit students. Residents will need to apply and be interviewed by A.L.C. staff in order to be accepted into class. These classes will not occur without the minimum number of 8 students. The cohort model tends to be more successful than having new students entering and exiting throughout the session.

Specific instruction and services provided will include the following:

- Goal setting and individual assistance to each student
- 21st Century Workplace Skills instruction – meeting workplace expectations, working with others and managing oneself
- Digital literacy using a computer lab (Westhaven)

- Wrap around services as needed

Possible outcomes include:

- 100% of participants will have a detailed career plan
- 100% of participants will complete the MS digital literacy
- 100% of participants will demonstrate understanding of the customer service skills through a presentation
- 100% of participants who pass the G.E.D. Ready test will pass the official G.E.D. test

The program budget is the following:

Staff	
Instructor (9 hours/week, 15 weeks)	6,750
Counselor/coach (3 hours/week, 16 weeks)	2,400
Materials	
Assessments (reading and math)	75
Tools for Workplace Success text (12 copies)	270
Thumb drives (10)	150
Misc-paper, pens, etc.	<u>100</u>
Total	\$9,745

Community Engagement:

There has been no community engagement on this specific request.

Alignment with City Council’s Vision and Strategic Plan:

From the funding application:

This program directly addresses the Council Vision Area of Economic Sustainability and the priority of reducing poverty by increasing sustainable employment among less skilled and educated residents. The program will serve 8-10 residents who reside in low income housing.

Recommendation:

City staff is requesting that the following conditions be in place if City Council choses to funds this program:

- Fund up to \$10,000 from the Council Strategic Initiatives Account, not to exceed \$1,250 per person for 8 participants.
- Funding will not be released until 8 candidates have been identified and have committed in writing to the program. The written commitments will be sent to the City’s Office of Budget and Performance Management.
- C.R.H.A./P.H.A.R. will provide documentation to the Office of Budget and Performance Management regarding whether any of the students participation can be funded with the use of Workforce Investment Act (W.I.A.) funds before the City releases the first payment.
 - Upon receipt of written documentation of students’ commitment and information about W.I.A. eligibility, up to \$2,500 will be released at that time. The amount will be prorated based on the number of students who receive W.I.A. funds.

- The Office of Budget and Performance Management will receive monthly reports on participation and progress of candidates. Once a report is received and reviewed, the next payment will be made (up to \$2,500 depending on number of students receiving W.I.A. funds).
- If the class falls below 8, disbursed funds will be pro-rated per participant at \$1,250 each for students not eligible for W.I.A. funds.

Budgetary Impact:

Staff is recommending that the funds be allocated from already appropriated funds in the City Council Strategic Initiatives Account per the formal policy.

Alternatives: ** See Recommendation **

Attachments:

1. City Council Policy - Nonprofit and Outside Agency Funding Requests that Occur Separate from the Budget Process
2. Current Activity and Balances – Council Strategic Initiatives Account

RESOLUTION.
**Charlottesville Redevelopment and Housing Authority (C.R.H.A.) and Adult Learning
Center Workplace Skills Training Program.**
\$10,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlottesville, Virginia that the sum of up to \$10,000, as outlined under **Recommendations**, is hereby paid from currently appropriated funds in the Council Priority Initiatives account in the General Fund to the Jefferson School Foundation:

\$10,000

Fund: 105

Cost Center: 10110010000

BE IT FURTHER RESOLVED, that release of any funds is contingent upon the conditions being met by the applicant as outlined in **Recommendations**.

City of Charlottesville.



City Council Policy .

Nonprofit and Outside Agency Funding Requests that Occur Separate from the Budget Process.

Purpose

The City has two processes in place for funding various nonprofit and outside agencies each fiscal year. The Agency Budget Review Team, or A.B.R.T., is a citizen and staff team that provides recommendations on human services, arts and culture, educational and housing agencies. The Office of Budget and Performance Management has a parallel process that provides recommendations each year on those agencies who have a formal agreement, memorandum of understanding or contractual arrangements to provide services in various capacities on behalf of the City. Both processes use an extensive application and review process that takes months to complete to include in the proposed budget each March.

After the annual budget has been adopted and during the fiscal year, City Council will occasionally receive requests from nonprofit and outside agencies to fund initiatives, programs and events. Having not gone through the normal budget process, these requests must have a formal review process in place to ensure that the request is valid and the funds will be used in the best interest of the citizens of Charlottesville. This policy outlines this process and will help guide Council and City staff in determining which requests should be funded outside the budget process.

There are two types of requests that usually come before Council during the year. The first is specific to special events and festivals generally. The second type of request is defined as more policy driven and reflects those requests that align directly with the priorities set by City Council.

A. Donations to Special Events, One Time Programs, Festivals *(Funding to not exceed \$2,000)*

These requests are characterized as smaller requests for special events, programs and/or festivals. The event, program or festival must occur in the City or demonstrate that City residents are attending and/or will be served. Depending on the type and nature of the request, for instance if it's a festival or event that may bring in tourists and outside visitors, the Charlottesville/Albemarle Convention and Visitor's Bureau may be asked to assist in the review of the funding request.

B. Policy Driven Issues Aligned with City Council Vision 2025 and Strategic Plan
(Funding to not exceed \$10,000)

These requests must serve City residents and be aligned directly with one or more areas of City Council's Vision 2025. **The request is expected to include outcomes and measures in the identified vision area(s).**

Charlottesville: A Great Place to Live for All of Our Citizens

- A leader in innovation, environmental sustainability, social and economic justice, and healthy race relations
- Flexible and progressive in anticipating and responding to the needs of our Citizens
- Cultural and creative capital of Central Virginia
- United community that treasures diversity

1. Economic Sustainability
2. A Center for Lifelong Learning
3. Quality Housing Opportunities for All
4. C'ville Arts and Culture
5. A Green City
6. America's Healthiest City
7. A Connected Community
8. Community of Mutual Respect
9. Smart, Citizen Focused Government

Alignment with City's Strategic Plan is given special consideration. **The request is expected to include outcomes and measures in the goal area(s).** The Strategic Plan can be found at www.charlottesville.org/strategicplan. The five strategic goals of the plan are:

1. Enhance the self-sufficiency of our residents
2. Be a safe, thriving, equitable and beautiful community
3. Have a strong diversified economy
4. Be a well-managed successful organization
5. Foster strong connections

Review Process

1. City Council receives a request for funding from an outside/nonprofit agency
2. The request is forwarded to the City Manager and Director of Budget and Performance Management to start the review process
3. Budget and Performance Management will gather information on the proposal and contact the applicant to make sure all criteria are in place and can be met. If any information is incomplete or missing, the application may be asked to send the request again and/or provide the missing information.

4. Agencies that make requests to Council outside the budget cycle **will be required to meet all the criteria for funding had the request gone through the formal agency budget review process.**
5. **City staff will recommend, as part of the review, the most appropriate source of funding.**
6. A complete proposal, once reviewed by Budget and Performance Management, will be shared with the City Manager who will then review and provide feedback on the request.
7. The City Manager will communicate the complete proposal with the Mayor and City Council to receive input on including on a future Council agenda or not.
8. **City staff should have at least four working weeks to complete the review process and schedule the item on a future Council agenda.**
9. If the request is funded, funding will only be effective for the current fiscal year that the request is being made. Future requests will be considered only through the City's formal agency budget review process.
10. Agencies will be asked to submit a report back to City staff and Council following the completion of the program, event and/or festival. The timing of this and content of the report will be part of the review agreed upon by City staff and the agency.

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Council Strategic Initiatives Account Balance Summary

F.Y. 10 Council Priority Initiatives Account	Notes
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F.Y. 09 Carryover	23,694.96	
F.Y. 10 Adopted Budget	120,344.00	
Dialogue on Race	(9,734.40)	These funds were transferred to internal order 2000079 and are now charged there.
S.P.C.A.	(39,350.00)	Approved as part of the F.Y. 10 Adopted Budget.
Teensight	(11,354.00)	Approved as part of the F.Y. 10 Adopted Budget.
Q.C.C. Farms!	(15,000.00)	Approved as part of the F.Y. 10 Adopted Budget.
Historic Downtown Booklets - Historical Society	(2,500.00)	Approved by Council on 1/4/10.
F.Y. 2009 Year End Appropriation (250th Anniversary Celebration)	50,000.00	Approved with F.Y. 09 Year End Appropriation.
Tax Refund for Pride of V.A. Lodge	(8,309.84)	Approved by Council on 4/19/10.
Reimbursement to C.C.D.C. - Printing costs associated with Charlottesville Civic Action Program.	(550.00)	Approved by Council on 6/4/10
CitySpace Reservation for PHAR graduation (5/21/10)	(125.00)	Per email from Holly Edwards, 5/10/10, with consent from David Brown and Kristin Szakos.
Burely Middle School Varsity - Purchase of two plaques.	(1,000.00)	Approved by Council on 6/21/10

F.Y.11 Council Strategic Initiatives Account	Notes
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F.Y. 10 Carryover	105,975.13	
F.Y. 11 Adopted Budget	265,000.00	
City's 250th Anniversary Celebration	(50,000.00)	Approved with F.Y. 09 Year End Appropriation; Funds moved to an Internal Order #2000093.
Westhaven Clinic Donation	(7,250.00)	Approved by Council on 11/1/10
F.Y. 2010 Year End Appropriation	35,000.00	Approved by Council on 12/20/10
The Paramount Theatre Outreach Initiatives	(32,500.00)	Approved by Council on 12/20/10
Re-Entry Summit Conference	(7,500.00)	Approved by Council on 12/20/10; moved to Internal Order #2000098.

F.Y. 12 Council Strategic Initiatives Account	Notes
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F.Y. 11 Carryover		
F.Y. 12 Adopted Budget	146,154.00	
Donation in support of Fairfax County Football Officials Association not to exceed \$2,500	(2,158.75)	Discussed by Council on 7/18/11 with formal resolution passed on 9/6/11. Funds supported officials and field rental for first two home games.
Piedmont Council for the Arts	(3,000.00)	Support for City Space exhibits that focus on children and youth; approved by Council on 9/19/11.
Downtown Business Association of Charlottesville	(2,000.00)	Support for annual Holiday Parade; Approved by Council on 10/3/11
Rivanna Solid Waste Authority	(32,557.00)	This reflects a full year's payment to the R.S.W.A. for the City's participation in the McIntire Recycling Center and is allocated from the funds set aside by Council for recycling/trash options.
Westhaven Clinic Donation	(7,000.00)	Approved by Council on 01/17/12
Belmont Bridge Design Competition	(2,000.00)	Approved by Council on 2/6/12
Promise Neighborhood Grant Match	(32,500.00)	These match funds for the current grant were transferred to the grants account on 2/22/12.
Charlottesville Honor Ride	(480.00)	Approved by Council on 3/5/12
Tom Tom Festival	(5,000.00)	A request had been made of City Council to give a contribution towards the Tom Tom Festival's May 13th Community Day. Final approval by Council on 5/7/12.
Transit Study (Timed-Pulse & Alternative Strategies Study)	(390.00)	\$110,000 of this funding was approved as part of the F.Y. 11 Adopted Budget. Council discussed and approved the additional \$6,850 at a Budget Worksession on April 3, 2012. The total purchase order is \$116,850 and of this, \$390 was paid in F.Y. 12, while the remaining \$116,460 will be paid in F.Y. 13.

F.Y. 13 Council Strategic Initiatives Account	Notes
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F.Y. 12 Carryover **367,793.38**

F.Y. 13 Adopted Budget **65,000.00**

Transit Study (Timed-Pulse & Alternative Strategies Study)	(116,460.00)	\$110,000 of this funding was approved as part of the F.Y. 11 Adopted Budget. Council discussed and approved the additional \$6,850 at a Budget Worksession on April 3, 2012. The total purchase order is \$116,850 and of this, \$390 was paid in F.Y. 12, while the remaining \$116,460 will be paid in F.Y. 13.
Support for Various Nonprofit and Outside Agencies	(120,464.00)	Dedicated towards outside and nonprofit agency funding decisions made during Council's F.Y. 13 Budget Worksessions. These funds were used to help balance the final budget during budget discussions.
Boys and Girls Club Summer Youth Program	(44,000.00)	Awarded funds based on R.F.P. for summer youth program. \$50,000 was approved as part of the F.Y. 13 Budget but the final cost was \$44,000.
Silverbacks Football Team	(2,000.00)	Approved funding support on August 20, 2012. \$2,000 of this contribution was paid to the schools, waiving the cost to the Silverbacks of renting school fields; Council also set aside \$100 allocated towards the Silverback's membership to the Center for Nonprofit Excellence. However there is no indication that Silverbacks will become a nonprofit anytime soon.
Jefferson School Foundation	(10,000.00)	Approved by City Council at March 4, 2013 Council Meeting.
D.O.J. City of Promise Grant Local Match	(31,341.85)	City Council approved to reserve \$50,000 on June 5, 2011. An appropriation of a portion (\$32,500) of the original \$50,000 was approved on 9/6/11. Council approved as part of the F.Y. 13 Adopted Budget on April 10, 2012 an additional \$15,000 to cover the full grant match for the extension that the City has been awarded. At F.Y. 13 year end, \$1,158.15 of an unused portion of the local match was returned to this account.

FY14 Council Strategic Initiatives Account	Notes
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FY 13 Carryover **108,527.53**

FY14 Adopted Budget **205,000.00**

Jefferson School Foundation	(40,000.00)	The original request made during FY 13 was \$50,000 but at the time, Council only approved \$10,000. Council appropriated the remaining amount as part of the FY 14 Adopted Budget.
Homelessness Collaborative RFP	(25,000.00)	Funds set aside as part of the FY 14 Adopted Budget to address homelessness in the area in a collaborative manner by asking agencies and nonprofits to partner together to develop and implement solutions. Funds were awarded to TJACH in January 2014 and transferred to Community Attention for distribution to the agency.
Needs Assessment Implementation	(15,000.00)	Funds set aside as part of the FY 14 Adopted Budget to address issues related to the implementing of the Human Services Needs Assessment completed during the summer of 2013. To date, \$15,000 has been allocated to the Center for Nonprofit Excellence. The remaining use of the funds has yet to be approved by Council.
Recycling/Trash Options - McIntire Recycling Center	(34,203.68)	\$14,894 (FY13 True-up) and \$19,309.68 for Qtrs 1-3 for City costs related to McIntire Recycling Center

F.Y. 15 Council Strategic Initiatives Account	Notes
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F.Y. 14 Carryover (Unaudited)	199,323.85
F.Y. 15 Adopted Budget	70,486.00

Funds Previously Dedicated by Council	
Recycling/Trash Options - McIntire Recycling Center	(33,240.32) Approved as part of the F.Y. 11 Adopted Budget. This is the amount remaining as reserved after the F.Y. 12 payments were made to R.S.W.A. for the City's continued participation with the McIntire Recycling Center, per approval of City Council.
Needs Assessment Implementation	(35,000.00) Funds set aside as part of the F.Y. 14 Adopted Budget to address issues related to the implementing of the Human Services Needs Assessment completed during the summer of 2013.

Total "Non-Dedicated" Funds	201,569.53	This reflects what has not yet been allocated by Council and is free to be allocated out as Council determines. Whatever balances not utilized are automatically carried over into the next fiscal year.
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Green City Initiatives Balance Summary

<u>F.Y. 13 Green Cities Initiatives Account</u>		<u>Notes</u>
F.Y. 13 Ending Balance	134,699.00	
<u>F.Y. 14 Green Cities Initiatives Account</u>		<u>Notes</u>
F.Y. 14 Beginning Balance	134,699.00	
F.Y. 2014 Budget	(25,000.00)	Part of the F.Y. 2014 Proposed Budget includes transferring \$25,000 of this balance into the Council Priority Initiatives/Discretionary Account.
Electric Vehicle Charger Minigrant	(50,000.00)	Approved by Council on 11/2/13
F.Y. 14 Unallocated Balance	59,699.00	
<u>F.Y. 15 Green Cities Initiatives Account</u>		<u>Notes</u>
F.Y. 15 Beginning Balance	59,699.00	This is the amount available to Council. What balances not utilized, will carry over into the next fiscal year.

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



Agenda Date: November 3, 2014

Action Required: Yes (One reading Resolution)

Presenter: Craig Brown, City Attorney

Staff Contacts: Craig Brown, City Attorney

Title: City Board Attendance Requirements

Background:

Earlier this year City Council amended the City Code to provide a process for the removal of a Charlottesville Redevelopment and Housing Authority (“CRHA”) Commissioner for failure to meet reasonable attendance requirements of the CRHA. Some Councilors have expressed an interest in an attendance policy for all City Council appointees to City boards and commissions.

Discussion:

Virginia law states that a member of a local Planning Commission or Economic Development Authority can be removed from office if he or she is absent for three consecutive meetings, or any four meetings within any twelve month period. The attached Resolution contains the same attendance requirement for all City Council-appointed members of City boards, committees and commissions. The proposed policy requires the chair or presiding officer of a board to notify the Mayor whenever a member exceeds the allowable threshold for absences from meetings. The member is then afforded an opportunity to respond to the concerns about attendance, but is still subject to removal from office in the discretion of City Council.

An alternative approach would be to direct each City board or commission to develop their own meeting attendance policy, in lieu of having one standard rule for all boards. The above-referenced ordinance regarding CRHA is an example of that approach, since it contemplates that CRHA will establish attendance guidelines. The City Code also provides that the “continued absence” of any member of the Regional Jail Board from regular meetings of the Board shall, at the discretion of the City Council and Board of Supervisors, render such member liable to immediate removal from office.

Budgetary Impact:

None

Recommendation:

Adoption of the attached Resolution, or additional guidance to staff if Council wishes to adopt a different policy.

Attachments:

Proposed Resolution

**A RESOLUTION
REGARDING MEETING ATTENDANCE BY
CITY COUNCIL APPOINTEES TO CITY BOARDS AND COMMISSIONS**

WHEREAS, the City Council makes a number of appointments to boards and commissions required by law, and to other boards, committees and commissions established by the Council for the purpose of performing certain delegated functions or advising the City Council on matters of concern to the City; and,

WHEREAS, when City Council makes appointments it is with the expectation that the appointee is willing and able to attend meetings and to devote the necessary time to be a full and meaningful participant on the board or commission; and,

WHEREAS, Virginia law provides that members of a Planning Commission or Economic Development Authority may be removed from office by the local governing body if the commissioner or board member is absent from any three consecutive meetings, or any four meetings within any twelve month period; and,

WHEREAS, the members of City advisory boards, committees and commissions are appointed to serve at the pleasure of the City Council, yet there is no established City policy requiring regular attendance at meetings of the respective boards; and,

WHEREAS, it will be in the best interests of the respective boards and commissions and their members, as well as the public, to have established rules regarding attendance at meetings of the board or commission.

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

- (1) Effective upon the passage of this Resolution, it shall be the policy of the City Council that a City Council-appointed member of any City board, committee or commission shall be subject to removal from office if he or she is absent from any three consecutive meetings, or any four meetings within any twelve month period.
- (2) In the event that any board, committee or commission member fails to meet the meeting attendance requirements as stated in this policy, the chair or presiding officer of the board, committee or commission in question shall notify the Mayor of the absences.
- (3) Upon the receipt of information indicating a failure to meet the meeting attendance expectations set forth in this policy, City Council will provide notice to the board member in question and provide an opportunity to respond to the concerns regarding meeting attendance. The City Council may thereafter, in its discretion, remove the member from office. Any City Council consideration or discussion regarding the removal of a City Council appointee from office may take place during a duly convened closed session of City Council.

(4) This Resolution shall only apply to City Council appointees to boards, committees and commissions. It shall not apply to the removal of any person from office when removal is provided for and governed by state law.

(5) The Clerk of City Council is directed to provide a copy of this Resolution to all affected City boards, committees and commissions.

CITY OF CHARLOTTESVILLE, VIRGINIA CITY COUNCIL AGENDA



Agenda Date:	November 3, 2014
Action Required:	Approval of Resolution
Presenter:	Jim Tolbert, AICP, Director of NDS Missy Creasy, AICP, Assistant Director of NDS
Staff Contacts:	Jim Tolbert, AICP, Director, NDS Missy Creasy, AICP, Assistant Director of NDS
Title:	Code Audit/Streets That Work Process

Background: This summer staff began working on a Code Audit and the Streets that Work project. On September 23rd a meeting was held with the Council, Planning Commission, PLACE and BAR. Work done by many City staff was presented at that meeting and a great deal of discussion was held.

The key issues raised at the work session were:

- We need to decide on our vision and what we like before we get in the weeds.
- We need to clearly define the community engagement process before we get any further along.

Discussion: In order to get clear direction on moving forward, staff has proposed an outline for a process. Included is a resolution for Council to authorize this process. The process moving forward is proposed as follows:

- We will have a meeting with the Chairs of various Boards and possibly the Mayor and a Council Member to finalize the process. It would include:
 - Dan Rosensweig, Planning Commission
 - Melanie Miller, Board of Architectural Review
 - Rachel Lloyd, PLACE

- Bitsy Waters, Tree Commission
- We will ask Council to appoint an Advisory Committee to include the following:
 - Council Member
 - PLACE Member
 - Planning Commission Member
 - Board of Architectural Review Member
 - Tree Commission Member
 - Bike/Ped Member
 - CATS Member
 - 3 At Large Citizens

If Council agrees with this committee structure, we will ask each board for an appointment and advertise the three citizen member slots. All will be brought to Council for approval.

- Building on the community process started this summer, we will take a two level approach to the engagement process. Several neighborhoods have requested an opportunity to meet and discuss street and traffic issues in their neighborhoods. We will offer each neighborhood the opportunity for a meeting to engage in a discussion of neighborhood specific issues. These will be less formal meetings where we will do a very brief process overview and then listen to their concerns and desires. That work will take place in November and early December.
- For large community discussions our plan is to have three meetings on one Saturday morning. These would happen at three locations across the City and involve groupings of neighborhoods. This is very similar to the approach used in 2005 during the Neighborhood Design Day. Our purpose would be to gain consensus around the vision and guiding principles for this planning effort. We plan to use a facilitated process at each location with volunteers from various boards to help guide the discussions. Each meeting will be kicked off with a video presentation by Ian Lockwood that is targeted to Charlottesville with him presenting his “lessons learned” and opportunities for us. While we want to work with a facilitator to refine the schedule, it will generally be organized as follows:

8:00	Gathering and snacks (drawings on wall to view)
8:20	Introductions
8:30	Lockwood Video
9:00	Overview of current plans and work to date (Toole process)
9:30	Breakouts
11:00	Report Out
12:00	Finish

To prepare for this day, we intend to do the following:

- Conduct the planning meeting outlined in the first bullet
- Complete a staff developed collage of what we believe are the streets we desire to see in Charlottesville
- Share that information with the Council, Planning Commission, PLACE, BAR, Tree Commission and Bike/Ped Committee and CATS Advisory Committee (the Boards) to ask them to comment and add their own streets to our collection. These will then be used in the presentations outlined in the schedule above.
- Prepare draft maps to use in the presentation to include the following:
 - Transect Map
 - Heat Map
 - Density/Height Maps
 - Current Land Use Plan
 - Framework Streets
- Condense the principles developed during the community meetings conducted by Toole Design Group earlier this year. The data from those meetings is attached.
- We hope we can get all logistics completed in time to have the Saturday sessions by the second Saturday in December. If not, we will have to push them to January.
- After the community meetings we will bring all the information received to the Advisory Committee to determine a recommended set of guiding principles.
- All information generated and received will be shared with all participants and placed on the website.
- The Advisory Committee will develop a plan for community engagement as both the Code Audit and Streets That Work projects move forward.
- All of this will be presented to a joint meeting of the Boards.

Staff also believes that technical assistance is needed to move us forward with the Streets

That Work project and to inform the Code Audit.

Our Urban Design Professional and Bike/Ped Planner have developed a draft scope of services to supplement the work of staff. We believe the previous allocation for the code audit was well spent and believe that assistance with some of the more technical aspects of the project is important. Staff believes this cost will be less than \$100,000. Funds are available in the Small Area Plan account and because this work will be a key component of those plans, staff believes this is an appropriate use of those funds. The draft scope is attached.

Community Engagement: There has been extensive community engagement on these efforts and there will be much more.

Alignment with Strategic Plan and Council Vision: This item aligns with the Council Vision to be a Smart Citizen Focused Government and directly with Strategic Plan initiatives to complete the Code Audit and Streets That Work Projects.

Budgetary Impact: This proposal is to complete some of the work with in-house staff and contract a portion. The contract portion is estimated at approximately \$100,000 and funds are available in the Small Area Plan CIP account.

Recommendation: Staff recommends moving forward as outlined in the memo and attached resolution.

Alternatives: Council could choose to use a consultant to do all the work or do it all with in-house staff.

Attachments: Resolution
Draft Scope of Work
Guiding Principles/Notes from May Street Design Charette

City of Charlottesville
Streets that Work
Scope of Work
September 19, 2014

Task 1 – Develop Context Sensitive Street Sections

Based on the feedback received from earlier tasks and feedback from Community Workshop #1, streetscape alternatives for selected framework and non-framework streets will be developed. Alternatives will incorporate complete streets concepts and will include cross-section sketches and photos. Selection of streets will be informed by character areas, modal emphasis, street classification and current conditions to provide a variety of examples for guidance in other corridors in the City.

Alternatives will be reviewed in Community Workshop #2 and refined to a preferred typical cross-section based on community feedback.

The following typical sections may be developed:

- Downtown Streets
- Mixed Use Corridors
- Neighborhood Streets
- Industrial Streets
- Alleys

Deliverables:

- Draft typical sections for context-sensitive streets
- Public meeting materials as needed

Task 2 – Develop and Implement Public and Stakeholder Involvement Strategy

The Team will facilitate opportunities for public education and input for the Streets that Work Plan throughout the life of the project. To conserve project resources, this effort will be a collaboration between the Team, the City, and the Steering Committee. It is anticipated that the Team will take a lead on the public meeting strategy and material production, while staff will take a lead role in facilitating public and Steering Committee meeting. The project will have its own website page that will be updated by the Team.

2.1. Advisory Committee meetings

The planning process will be guided by a City-appointed Advisory Committee. The group will provide valuable feedback and ideas for planning documents, analyses, and outreach activities. They will also serve as citizen “ambassadors” for the process by actively sharing information with their constituents and providing relevant insights to staff and the Team. The Team will assist with and potentially participate in three Committee meetings at the following milestones of the process: 1) advising on project scope, public engagement, issues identification; visioning and goal-setting; 2) considering key findings from technical analyses and stakeholder input; and 3) developing proposed recommendations.

2.2. Stakeholder outreach

The engagement of partner agencies and departments within the City and externally is critical to the success of the Plan. Examples of key stakeholder groups include: local businesses; economic development and tourism organizations; neighborhood associations; low-income residents; people with disabilities; entities outside of the City including the MPO, Albemarle County and VDOT to identify issues beyond the City's control that may impact the region.

2.3. Public events

Community Workshop #1 An interactive workshop to present the findings of the analyses and the streetscape design concept alternatives. Community will decide on preferred streetscape alternatives. Continue to solicit feedback from the community to shape Streets that Work Plan.

Community Workshop #2 Present Draft Recommendations and continue to solicit feedback regarding prioritization/implementation to shape Final Streets that Work Plan.

2.4 Optional attendance at meetings:

It is anticipated that staff will take a lead role in facilitating and managing public and steering committee meetings. However, there may be a need to have the Team or members of the team attend one or more meetings throughout the process. Staff would like the option to include the Team on an as needed basis. The team will provide a cost for each meeting type within the scope of work: public meeting, advisory committing, stakeholder meeting.

Deliverables:

- Presentation materials as requested
- Meeting summaries as applicable

2.5. Online outreach

The team will maintain a webpage will enable interested parties to submit questions and comments throughout the planning process to the City's project manager (who is this?), who will communicate directly with the public and who will compile and forward comments to responsibilities. It will also be updated regularly to include information at stages of the process.

Task 3 – Implementation Strategies, Cost Estimates and Next Steps

Strategies for implementing long and short term goals will be developed by the Team and presented to staff. Critical action that should be taken in the immediate term will be included as a part of this task, as well as immediate actions prioritized due to minimal resources and efforts required to complete.

3.1 Cost Estimates

The project team will prepare planning level cost estimates for the recommendations developed in earlier tasks. Cost estimates will be based on unit costs for the Charlottesville area (provided by VDOT and the City), and provide the City with an easy to use tool that can be used to evaluate project costs in

the future. The city may request cost estimates for high priority recommendations to facilitate immediate implementation.

Task 4 – Draft Streets that Work Master Plan Report

The Streets that Work Plan will clearly state the project goals and methodology, will provide summaries of stakeholder input and will set forward the recommendations and/or preferred alternatives in the Plan. This report will include immediate, short, mid- and long-term strategies, and will contain a detailed Implementation Strategy that identifies next steps.

4.1. Street Design Guidelines

The Team will create guidelines for improving the City’s corridors based on factors such as existing character, available space, modal emphasis, desired amenities and potential future growth. The guidelines will include the Context Sensitive Street Sections developed and refined in Task 4, as well as guidance to applying the principles of sections to other corridors. In addition, the guidelines will provide direction on assuring ADA access, appropriate intersection treatments, trees and landscaping, street furniture and wayfinding tools.

4.2 Network Recommendations

The Team will create a series of Network Maps that are formatted to be read at the Plan document scale, or a fold-in size, drawing on work completed in Task 2 and 3. This may include documenting the Multimodal Corridors by Modal Emphasis, Framework and Non-framework Streets, Character Areas, Future Growth Areas, and composite maps.

4.3. Draft Plan preparation

The Team will prepare a draft version of the Plan for review by the City staff, departments, boards, commissions and council per the agreed upon review process. The draft Plan will be posted on the project website for public access at least 10 days prior to Community Workshop #3. The Team will present and solicit input on the draft Plan at the Workshop #3 as well as at meetings with the Steering Committee and other key stakeholders. The Plan Document and Maps will be revised based on all feedback and per the direction of City staff.

The draft Plan will describe the planning process and provide an analysis of existing conditions throughout the City. Plan maps will be provided in the report to illustrate these findings and will be designed to be easily understandable to the general public.

Deliverables:

- Draft plan with supporting maps/graphics as requested
- Final typical sections and relevant base files

Task 5. Final Plan/City of Charlottesville Review

Staff will deliver the Plan to Planning Commission and City council by July 2015.

5.1. Incorporate Revisions to Draft Plan and Develop Final Plan

After a Draft Plan is released for comment by the public and Advisory Committee (Task 5), the Team will present the Plan to the appropriate Advisory Body or other identified decision makers and respond to their comments. The comments from the Advisory Board and City Staff on the Draft Plan will be incorporated into a Second Draft which will present at a City Council Public Hearing, if requested. Comments from the Public and the City Council and Public Hearing will be incorporated in the Final Plan and submitted to the City Council for adoption.

City of Charlottesville

MEMO



“A World Class City”

www.charlottesville.org

TO: City Council Board of Architectural Review
Planning Commission Bike/Ped Advisory Committee
PLACE Design Task Force CATS Advisory Committee
Tree Commission

FROM: James E. Tolbert, AICP, Director
Missy Creasy, Assistant Director of NDS

DATE: October 24, 2014

SUBJECT: **Code Audit/Streets That Work Project**

As part of its commitment to creating high quality public spaces and furthering the process outlined in the Complete Streets Resolution adopted in February 2014, the City hosted a 4-day design workshop to establish a vision for city-wide street design guidelines that balance the needs of all street users, with a particular focus on the pedestrian environment and how streets can be used as public space.

On the first day of the charrette, workshop participants clarified their values for street design. These ideas were further vetted by various focus groups, city staff, and the general public during the week. The charrette concluded with a final presentation highlighting policy changes needed to achieve the shared vision and provided some specific ways that the City could increase network connectivity to improve transportation conditions for all street users.

Day 1: Public Workshop and Visioning Exercise

Day 2: Focus Group Meetings

Day 3: Public Drop-in Session

Day 4: Final Presentation and Public Meeting

This report is a synthesis of comments made during the focus groups and public meetings conducted May 27-30, 2014 for the Charlottesville Street Design Guidelines Study.

This is preliminary work that we really appreciate your help with putting this together. If you have any questions, please contact Missy by email (creasym@charlottesville.org) or at 970-3182.

JET:sdp

Charlottesville Street Design Charrette, May 27-30, 2014 – Public Comments

This report is a synthesis of comments made during the following focus groups and public meetings conducted May 27-30, 2014 for the Charlottesville Street Design Guidelines Study:

- ADA focus group
- Business leaders focus group
- County-UVA-MPO focus group
- Fire safety focus group
- Neighborhood focus group
- Transit focus group
- Tree focus group
- May 27 evening public workshop
- May 29 evening drop-in session

What we value and want to encourage:

- Walkable/ bikeable city
- Attractive
- Trees
- Sense of community
- Affordable & diverse
- Safe
- Historical fabric
- Vital, full of life
- Natural context
- Engaged
- Inclusive
- Creative
- Unique, niche neighborhoods

What we are concerned about and want to change:

- Broken street systems
 - Failing, aging infrastructure
 - Unnecessarily disrupted street grid network (i.e. one way in Fifeville, cut-off streets in neighborhoods around West Main)

- Confusing to navigate – streets change names & direction randomly
 - Streets made large to accommodate emergency vehicles encourage speeding by all drivers
 - Utilities in street right-of-way conflict w/ planting trees & expanding sidewalks
 - Degrading signal pre-emption systems for emergency vehicles
 - Free, on-street parking – asset or problem? Employees use space that is meant for customers; drivers congest the streets looking for free parking while garages have empty spaces
- Broken pedestrian & bicycle systems
 - Broken connections – sidewalks & bike lanes that seem to go nowhere or end abruptly, leaving people stranded at intersections or mid block
 - Hills - can't change, but can create routes that help avoid the steepest ones
 - Humidity - can't change, but can create more shade
 - Narrow streets without room for sidewalks or bike lanes
 - RR crossings & trestles for two major, active freight & passenger rail lines
 - Telephone poles, mailboxes, overgrown shrubs, trash containers, and other sidewalk obstructions that are especially bad for people with disabilities
 - Litter, glass, and washed-out mud & gravel in bike lanes
- Safety concerns, real & perceived
 - Few children walk or bike to school (even when they physically could, their parents often choose to drive them)
 - Shopping center parking lots – low-speed free-for-alls
- Disparate political leadership
 - No cohesive political will to really push bike/ped access
 - Differences between city & county – ideologies, policies, land use controls, public works operations, governmental structures
 - Coordination with UVA – policies discourage riding through Central Grounds

- Inequity
 - Fear of projects that break up, isolate, or degrade the quality of historically African-American neighborhoods
 - Lack of affordable city housing
 - Poor neighborhoods that are isolated from ped/ bike/ transit options
 - Connecting streets without careful planning can just push vehicle traffic from one neighborhood to another

- “Angry” streets
 - Drivers/ cyclists/ pedestrians don’t respect each other
 - People don’t understand and/or follow traffic rules; confusion about sharrows, which are not on the driver exam & not ubiquitous
 - Drivers are distracted
 - Lack of visual cues to make drivers slow down and watch for pedestrians & cyclists
 -

Ideas for making positive changes:

- Take a holistic approach to design – combine plans & design for elements such as:
 - Shade
 - Trees
 - Seating
 - Protected bike lanes
 - Stormwater management
 - Attractive, comfortable transit stops
 - Access for emergency vehicles that does not encourage driver speeding

- Strive for big-picture outcomes
 - Don’t compromise or try to achieve “balance” – advance priorities
 - Adopt an integrated approach to planning & decision-making, led by the City Manager and department heads, in which every department is rewarded for contributing to a larger vision rather than operating in “silos of excellence.”
 - Create one square mile where an urban, car free life style is possible
 - Make arterials a place for human exchange, not vehicle throughput

- Stop allowing the city to “sprawl” with piecemeal development that generates automobile traffic instead of creating bike/ped/ transit options
- Reduce transit travel time compared to automobile travel time (E-W across city: walk 90 min bus 40 min, drive 10 min) through a combination of improving transit flow and reducing automobile speeds
- Conduct complementary initiatives
 - Update zoning, codes, and development approval practices to encourage land uses that generate multimodal transportation options
 - Create affordable (workforce) housing downtown
 - Identify truck routes
 - Update urban forest management plan with more specific goals
 - Create more neighborhood greenways
 - Assess and fix ADA accessibility barriers – curb ramps, sidewalk smoothness & obstructions, driveway entrances, walk distance to transit
- Manage parking
 - Use meters on street – can create pay-on-foot stations to avoid sidewalk clutter; Richmond has block-by-block parking fees that you can pay on your smartphone.
 - Parking structures that are more convenient and affordable than on-street parking
 - Establish a Parking Authority, or do an independent business structure.
 - Build smaller parking spaces
- Educate people
 - Free, on-street parking as a problem instead of an asset in cities – induces demand, creates congestion
 - Roadway safety rules and practices for drivers, pedestrians and cyclists
 - Understand that transportation planning = placemaking
 - Change expectations that one can drive fast in the city
 - Accept/ embrace that city & suburban commercial areas are for different economic markets – don’t try to make them compete
 - Know that walkability, access to transit & greenways, and presence of mature shade trees can all increase property values
 - Encourage culture of shared ownership of streets – safe operations for all users and responsibility for maintenance (snow removal, trash, etc)

- Look at other communities for ideas
 - Vancouver - downtown schools, parks on roofs
 - Ottawa - transitways & waterways
 - Charlotte, NC – wedges & corridors design
 - Paris – a five-story city
 - Manassas? Other cities that attract surrounding county traffic?
 - Alexandria King St
 - Arlington – political will to limit car traffic
 - Portland, OR
 - Cities with “Garden Right-of-Way:” Greenbelt, SC (Reedy River); Erie, PA; South Arlington, OH
 - Denver pedestrian mall
 - Winchester VA pedestrian mall

Key streets/ locations to consider:

- Emmet St / Route 29
 - Existing crosswalks don’t work
 - Opportunity for ped/bike access with anticipated interchanges
 - Stonefield – not great in terms of access to it, but better than the other shopping centers on 29
 - Narrow the lanes & create space for private development to increase its value/ yield

- Meadowcreek Parkway
 - access to downtown hotels
 - ped access to park amenities
 - bicycle path is full of gravel & washout
 - 250 interchange – concern about ped/bike safety & access
 - Harris Street intersection – candidate for a roundabout
 - New connection from Harris to Fourth would create parallel route to McIntire that could be much better for pedestrians & cyclists
 - Access to city from County neighborhoods (Dunlora)

- Preston Ave
 - Good candidate for higher density commercial development
 - Narrow the lanes & create space for private development to increase its value/ yield

- Ridge/McIntire & Vinegar Hill area
 - 5-way Ridge/Water/Main St intersection and McIntire intersection – roundabouts for one or both locations?
 - Redevelopment opportunity in Staples parking lot (conference facility?); opportunity for better pedestrian connection from Jefferson School to downtown mall
 - Omni hotel is a barrier; increase pedestrian connections
 - Blinking ped crosswalk at mid-block on McIntire is scary for drivers & pedestrians
 - People use the Staples parking lot to access the downtown mall, which means more people crossing McIntire mid-block

- City/county borders
 - Stonefield on 29 north
 - Free Bridge east to Pantops & Fontana
 - Ivy Road to west

- Belmont
 - RR Bridge/ need access to Downtown Transit Center - underpass? At-grade crossing around Lexus/Nexus bldg.? ;
 - Missing links in neighborhood network
 - Rialto Rd – opp for green infrastructure + bike/ped route
 - Monticello Ave – high speeds coming off of I-64
 - Avon St – hellish rush hour traffic
 - Meade Avenue – recent improvements made it a big street with eight-foot sidewalks – would have been helpful to have some street trees, because it’s now a big concrete expanse that encourages people to drive faster.
 - Monticello – speeding from drivers coming off of I-64
 - Avon – rush hour traffic congestion

- Fifeville
 - One-way streets to reduce cut-through traffic
 - Major entrance
 - Can take 35 minutes to get downtown through UVA

- Rivanna River Corridor
 - County trail system on other side of the river

- Riverview Trail 9 out of 10 votes for favorite City trail
- Woolen Mills
 - National historic district, 101 contributing structures; Connects world heritage sites (Monticello and Rotunda); historic Riverview Ceneterary
 - City's "junk drawer" - Regional water and sewer authority location; Zoned up to Market St as manufacturing/industry; then residential
 - Free Bridge connection to Chesapeake St generates 23,000 AADT
 - Franklin St
- Fry's Spring
 - JPA, esp intersection @ Cleveland & connection to Old Lynchburg
 - Jackson –Via Elementary access
 - Azalea park access
 - New trail parallels JPA from Sunset to Monte Vista
 - Good tree canopy
- Johnson Village
 - Access to Johnson Elementary, Beach Club, UVa
 - Great walking neighborhood except for Shamrock Rd from Cherry to JPA
 - Village Place - Phase III apartments & townhomes = 2,000 trips?
 - Want to maintain single entrance into neighborhood
- Martha Jefferson—High Street, Lexington, north to 250, Kelly St
 - Biggest concerns are safety, excessive congestion
 - Access from High St or Locust Ave – speeding problems
 - Cut- through traffic on side streets (Poplar, Sycamore) to reach Park St
 - National Historic Conservation district
- Downtown mall – West Main
 - Pedestrian access from Vinegar Hill
 - Loading/ meeting areas for people with disabilities on 2nd & 4th
 - Extend Downtown Mall pedestrian experience past Lewis & Clark statue onto West Main
 - West Main St – parallel bike route?
 - Advance street car initiative from Downtown Transit Ctr to Barracks Rd

- Transit nodes
 - Willioughby
 - Barracks Road
 - UVA Hospital

- Other areas
 - Park St – traffic speed feels better, but volumes are still high
 - Melbourne – ped/bike access to high school
 - Rose Hill – lane width, speed, access to school
 - 5th St Extended - bike lanes drop off in northbound lanes
 - Jefferson Park Ave – bike lanes drop
 - Gordon Ave library – access
 - Arlington Blvd good example of planting strip, sidewalks & trees
 - UVA hospital is planting lots of trees

Resolution

Be It Resolved By the City Council of the City of Charlottesville that the Code Audit and Streets That Work projects move forward by:

1. Using the process outlined in the attached 11/3/2014 Staff Council Agenda Memo.
2. Using the draft Scope of Services (attached) to procure consulting services to assist these projects with funds to come from the Small Area Plan CIP account.

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