



CITY COUNCIL AGENDA August 15, 2022 CERTIFICATIONS

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

4:00 PM OPENING SESSION

Register at www.charlottesville.gov/zoom. This portion of the meeting is held electronically in accordance with a local ordinance amended and re-enacted March 7, 2022, to ensure continuity of government and prevent the spread of disease during a declared State of Emergency. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48-hour notice so that proper arrangements may be made.

Call to Order/Roll Call

Agenda Approval **APPROVED 5-0 (PINKSTON/WADE)**

Reports

1. Presentation: City Manager's Proposed Collective Bargaining Ordinance

5:30 PM CLOSED SESSION as provided by Sections 2.2-3711 and 2.2-3712 of the Virginia Code (Boards and Commissions)

6:30 PM BUSINESS SESSION

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

Moment of Silence

Announcements

Recognitions/Proclamations

- Proclamation: Kiwanis Club of Charlottesville Centennial

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

2. Minutes: July 18 Council meeting
3. Ordinance: 415 10th Street NW, Rezoning from R-1S to B-2 (2nd reading)
#O-22-098
4. Ordinance: 415 and 415-B 10th Street NW - Designation of Property as an Individually
#O-22-099 Protected Property (2nd reading)
5. Resolution: Refund of Business License Tax - \$5,719.45 (1 of 2 readings)
6. Resolution: Virginia Homeless Solutions Program (V.H.S.P.) Grant Award - \$539,369 (1
of 2 readings)

City Manager Report

- Report: August Update

Community Matters

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

Action Items

7. Public Hearing/Ord.: **Preston Place Utility Easements**
 - a. Ordinance: **Vacating existing public utility easements and altering the right-of-way boundary line for Preston Place (1 reading)**
#O-22-100
APPROVED 5-0 (PINKSTON/WADE)
 - b. Resolution: **Accepting a dedication and conveyance of an additional 1,227 square feet of public street right-of-way to be added to Preston Place (1 reading)**
#R-22-101
APPROVED 5-0 (PINKSTON/WADE)
8. Public Hearing/Res.: Belmont Bridge Replacement Project – Appropriation of \$2,697,398 (1 of 2 readings)
9. Resolution: **Honorary Street Designation requests**
 - a. Resolution: **Dr. Alvin Edwards Drive (1 reading)**
#R-22-102
APPROVED 5-0 (WADE/PINKSTON)
 - b. Resolution: **Vinegar Hill Boulevard (1 reading)**
#R-22-103
APPROVED 4-1 (WADE/PINKSTON; Payne opposed)
10. Ordinance: Amend City Code Section 30-6 to increase the threshold under which the City Treasurer may issue a refund for an erroneous assessment without direction from Council (1 of 2 readings)
11. Ordinance: Request for Vacation of Unaccepted Right-of-Way for Oak Street at 321 6th Street (2nd reading deferred from 7/18/22) **DEFERRED to October 3**
12. Resolution: **1000 Monticello Road, Special Use Permit for additional residential density (1 reading deferred from 7/18/22)**
#R-22-104
APPROVED 3-2 (PINKSTON/WADE; Magill and Payne opposed)
13. Resolution: **American Rescue Plan Fund Allocations (2nd reading)**
#R-22-105
APPROVED 4-1 (PINKSTON/ WADE; Payne opposed)

General Business

Other Business

Community Matters (2)

Adjournment

**AN ORDINANCE
REZONING LAND FRONTING ON 10th STREET N.W. AND GRADY AVENUE FROM
R-1S (RESIDENTIAL, SINGLE-FAMILY) TO B-2 (COMMERCIAL) SUBJECT TO
PROFFERED DEVELOPMENT CONDITIONS**

WHEREAS in order to facilitate a specific development project, Dairy Holdings, LLC (“Landowner”), has submitted rezoning application ZM22-00001, proposing a change in the zoning classification (“Proposed Rezoning”) of approximately 0.188 acres of land fronting on 10th Street N.W., and identified within the 2022 City real estate records by Real Estate Parcel Identification Number 040046000 (the “Subject Property”), from “R-1S” to “B-2”, with said Proposed Rezoning to be subject to several development conditions proffered by Landowner; and

WHEREAS the purpose of the Proposed Rezoning application is to increase the number of permitted uses within an existing structure; and

WHEREAS a public hearing on the Proposed Rezoning was conducted jointly by City Council and Planning Commission on July 12, 2022, following notice to the general public, to the property owner, and to adjacent property owners as required by law; and

WHEREAS on July 12, 2022, the Planning Commission voted to recommend the Proposed Rezoning to City Council for adoption, finding it to be consistent with the City’s goal of encouraging the adaptive use of existing buildings; NOW, THEREFORE,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia, THAT the Zoning District Map Incorporated in Section 34-1 of the Zoning Ordinance of the Code of the City of Charlottesville, 1990, as amended, be and hereby is amended and reenacted as follows:

Section 34-1. Zoning District Map. Rezoning all of the land designated within te City’s City real estate assessment records by Parcel Identification Number 040046000 (“Subject Property”), containing, in the aggregate, approximately 0.1888 acres from R-1S (Single-family Residential) to B-1 (Commercial), subject to the following proffered development conditions (“Proffers”), which were tendered by the Landowner in accordance with law and are hereby accepted by this City Council:

Approved Proffers

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

1. The Subject Property shall be used for the following non-residential uses: Art Gallery, Auditorium, Houses of Worship, Club (private), Music Hall, Educational Facilities,

Technology Based Business, and Offices. No other non-residential uses shall be permitted on the Subject Property, even if said use is otherwise permissible under the City's B-2 zoning district classification.

2. The maximum number of residential dwelling units located on the Subject Property shall be one (1).
3. There shall be no additional vehicular ingress or egress to the Subject Property.

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

**AN ORDINANCE
AMENDING AND REENACTING CHAPTER 34 (ZONING), ARTICLE II
(OVERLAY DISTRICTS), DIVISION 2 (HISTORICAL PRESERVATION AND
ARCHITECTURAL DESIGN CONTROL OVERLAY DISTRICTS, TO
DESIGNATE TAX MAP 4 PARCEL 46 (414 AND 415-B TENTH STREET, N.W.) AS
AN INDIVIDUALLY PROTECTED PROPERTY AND MINOR DESIGN CONTROL
DISTRICT.**

WHEREAS during a joint meeting of the City Council and Planning Commission on June 14, 2022, the owner of the property at 415/415-B 10th Street NW expressed consent for the City to research and pursue individually protected property designation of the property; and

WHEREAS on July 12, 2022, the Planning Commission considered the factors set forth within Sec. 34-274 of the City Code and recommended the designation of property identified on City Tax Map 4 as Parcel 46 (415 and 415-B 10th Street N.W.) (the "Subject Property") to the City's list of individually protected properties set forth within Sec. 34-273(b) of the Charlottesville City Code (together, the "Proposed Text and Map Amendment"); and

WHEREAS a public hearing on the Proposed Text and Map Amendment was conducted jointly by City Council and Planning Commission on July 12, 2022, following notice to the public, to the property owner, and adjacent property owners, as required by law; and

WHEREAS on July 12, 2022 the Planning Commission voted to recommend the Proposed Text and Map Amendment to City Council for adoption; and

WHEREAS on July 19, 2022, at a regular meeting and following notice to the public, to the property owner, and adjacent property owners as required by law, the Board of Architectural Review voted to recommend the Proposed Text and Map Amendment; and

WHEREAS upon consideration of the goals and criteria set forth within Sections 34-273 and 34-274 of the City Code, the recommendations of the City Planning Commission and Board of Architectural Review, and the information and analysis set forth within the Staff Report submitted to City Council for this proposed designation, City Council finds and determines that the Subject Property is suitable and appropriate to be individually protected and that the Proposed Text and Map Amendment is required by the public necessity, convenience, general welfare or good zoning practice; now, therefore,

BE IT ORDAINED by the Council for the City of Charlottesville, Virginia, that the Code of the City of Charlottesville (1990), as amended, Chapter 34 (Zoning), Article II (Overlay Districts), Division 2 (Historical Preservation and Architectural Design Control Overlay Districts) is hereby amended and reordained, as follows:

Sec. 34-273. Individually protected properties.

(a) [...]

(b) Following is a list of landmarks, buildings and structures outside the city's major design control districts, which are deemed by city council to be of special historic, cultural, or architectural value (each, individually, a "Protected Property"). Each parcel containing a protected property is hereby designated a minor design control district.

[...]	[...]	[...]	[...]	[...]
69.1.	104	Stadium Road	Tax Map 16	Parcel 2
70.	214	Stribling Avenue	Tax Map 18A	Parcel 33
71.	134	Tenth Street, N.W.	Tax Map 31	Parcel 56
<u>71.1*</u>	<u>414 and 415-B</u>	<u>Tenth Street, N.W.</u>	<u>Tax Map 4</u>	<u>Parcel 46</u>
72.	309	Twelfth Street, NE	Tax Map 54	Parcel 211

[*Note: The number 71.1 is used to maintain the alphabetical order of the list.]

BE IT FURTHER ORDAINED that the Zoning Map is hereby amended to apply an overlay district designation to Tax Map Parcel 46 (414 and 415-B Tenth Street, N.S.) as a minor design control district, as specified by the provisions of City Code §34-273(b).

ORDINANCE
VACATING EXISTING PUBLIC UTILITY EASEMENTS
AND ALTERING THE RIGHT-OF-WAY BOUNDARY LINE FOR PRESTON PLACE
ALONG THE FRONTAGE OF PROPERTY IDENTIFIED ON CITY TAX MAP 5 AS
PARCEL 118.003

WHEREAS Preston Place Properties, LLC, (“Landowner”) has requested City Council to vacate existing public utility easements identified as “*Variable Width Sanitary Sewer Easement – Portion in New R.O.W. to be Vacated, Public Pedestrian Access Easement – to be Vacated, Variable Width Sanitary Sewer Easement – to be Vacated*” on a plat dated January 18, 2022, prepared by Roudabush, Gale & Associates, Inc.; and

WHEREAS the Landowner has also requested City Council to alter the right-of-way boundary line for Preston Place, adjacent to Tax Map 5 Parcels 118.001, 118.02, 118.03, as depicted on a plat dated June 1, 2021, last revised March 28, 2022, titled “Boundary Line Adjustment and Private Easement Plat” prepared by Roudabush, Gale & Associates, Inc.; and

WHEREAS City Council has reviewed the information provided by City staff, and conducted a public hearing on August 15, 2022, after publication of notice of said public hearing within a local newspaper, as required by law; now, therefore,

BE IT ORDAINED by the Council of the City of Charlottesville, Virginia THAT the City hereby vacates the above-described existing public utility easements and approves the above-described alteration of the right-of-way boundary line for Preston Place. Upon approval of this Ordinance, the City Attorney shall prepare a deed of vacation and a deed of conveyance, each for recordation in the land records of the Circuit court for the City of Charlottesville along with the above-referenced plats.

RESOLUTION

Accepting a dedication and conveyance of an additional 1,227 square feet of public street right-of-way to be added to Preston Place

BE IT RESOLVED by the Council of the City of Charlottesville THAT the following area, identified within a plat dated June 1, 2021, last revised March 28, 2022, titled “Boundary Line Adjustment and Private Easement Plat” prepared by Roudabush, Gale & Associates, Inc. (“Plat”) is hereby accepted into the City’s public street system for maintenance, to be added to the right-of-way for Preston Place:

Approximately 1277 square feet, more or less, adjoining City Tax Map 5, Parcels 118.001, 118.002, 118.03, and labeled on the aforesaid Plat as “Parcel X Hereby Dedicated to Public R.O.W. 0.006 AC. 231 SF, Parcel Y Hereby Dedicated to Public R.O.W. 0.007 AC. 322 SF, Parcel Z Hereby Dedicated to Public R.O.W. 0.016 AC. 724 SF.

BE IT FURTHER RESOLVED that the City Attorney is hereby authorized to prepare any legal instruments required for or in connection with the conveyance of title to this right-of-way area to the City.

**RESOLUTION
TO APPROVE HONORARY STREET NAME DESIGNATION**

WHEREAS, City Council adopted a policy to establish procedures by which requests may be submitted and considered for approval of honorary street name designations; and

WHEREAS, the Charlottesville City Code Section 28-4 reserves to City Council the authority to modify the names of City streets;

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

1. Lankford Avenue (between 1st South and Ridge Street) shall be given the honorary name “Dr. Alvin Edwards Drive”.

**RESOLUTION
TO APPROVE HONORARY STREET NAME DESIGNATION**

WHEREAS, City Council adopted a policy to establish procedures by which requests may be submitted and considered for approval of honorary street name designations; and

WHEREAS, the Charlottesville City Code Section 28-4 reserves to City Council the authority to modify the names of City streets;

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

1. Ridge-McIntire Road (between West Main Street and Preston Avenue) shall be given the honorary name "Vinegar Hill Boulevard".

RESOLUTION
Granting a Special Use Permit for Property Located at 1000
Monticello Road (City Tax Map 57, Parcel 36)

WHEREAS Piedmont Realty Holdings III, LLC (“Landowner”) is the owner of certain land identified on Tax Map 57 as Parcel 36, currently addressed as “1000 Monticello Road” (the “Property”), and the Landowner, through its authorized representative, is requesting a Special Use Permit for increased residential density (the “Project”); and

WHEREAS the Applicant seeks a Special Use Permit under City Code Sec. 34-700 to increase residential density from the current 21 DUA up to 43 DUA; and

WHEREAS the Property is located within the Neighborhood Commercial Corridor, a district in which, according to the Use Matrix set forth within City Code 34-700 increased residential density up to 43 DUA may be authorized by City Council by means of a special use permit; and

WHEREAS the Project is described in more detail within the Landowner’s application materials submitted in connection with SP22-00005, as required by City Code §34-158 (collectively, the “Application Materials”); and

WHEREAS, the Planning Commission and City Council conducted a joint public hearing, after notice and advertisement as required by law, on June 14, 2022; and

WHEREAS the Planning Commission considered and recommended approval of this application at their June 14, 2022 meeting; and

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

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

- (1) Up to 42 dwelling units per acre (DUA), or a total of 34 residential units, are permitted within the Project.
- (2) The owner of the building(s) located within the Project shall provide affordable housing within the Project, as follows:
 - a. For the purposes of this Condition, the term “For-Rent Workforce Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed 125% of the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the Federal Department of Housing and Urban Development (HUD).

- i. For-Rent Workforce Affordable Dwelling Units shall be reserved for rental to low and moderate-income households having income less than 80 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- b. For the purposes of this Condition, the term “For-Rent Affordable Dwelling Unit” means a dwelling unit where the monthly cost of rent, including any tenant paid utilities, does not exceed the Fair Market Rent by unit bedrooms for the Charlottesville MSA, the aforementioned Fair Market Rent is established annually by the federal Department of Housing and Urban Development (HUD).
 - i. For-Rent Affordable Dwelling Units shall be reserved for rental to low and moderate- income households having income less than 65 percent of the Area Median Income. Area Median income means the median income for Households within the Charlottesville, Virginia HUD Metropolitan FMR Area, as published annually by the U.S. Department of Housing and Urban Development.
- c. Two (2) of the dwelling units constructed within the Project as a result of the approval of this special use permit request within the area of the property shall be For-Rent Workforce Affordable Dwelling Units and an additional five (5) of the dwelling units constructed within the Project as a result of the approval of this special use permit request within the area of the property shall be For-Rent Affordable Dwelling Units (collectively, the “Required Affordable Dwelling Units”) for a total of seven of the dwelling units constructed within the area of the Property provided as Required Affordable Dwelling Units. The Required Affordable Dwelling Units shall be identified on a layout plan, by unit, prior to the issuance of any certificate of occupancy for a residential unit within the Property (“Initial Designation”). The owner of the building(s) reserves the right, from time to time after the Initial Designation, and subject to approval by the City, to change the unit(s) reserved as For-Rent Workforce-Affordable Dwelling Units and For-Rent Affordable Dwelling Units, and the City’s approval shall not unreasonably be withheld so long as a proposed change does not reduce the number of Required Affordable Dwelling Units and does not result in an Affordability Period shorter than required by these conditions with respect to any of the Required Affordable Dwelling Units.
 - i. The Required Affordable Dwelling Units shall be reserved as such throughout a period of at least ten (10) years from the date on which the unit receives a certificate of occupancy from the City’s building official (“Rental Affordability Period”). All Rental Affordable Dwelling Units shall be administered in accordance with one or more written declarations of covenants within the land records of the

Charlottesville Circuit Court, in a form approved by the Office of the City Attorney.

- ii. On or before January 1 of each calendar year the then current owner of each Required Affordable Dwelling Unit shall submit an Annual Report to the City, identifying each Required Affordable Dwelling Unit by address and location, and verifying the Household Income of the occupant(s) of each Required Affordable Dwelling Unit.
 - d. The land use obligations referenced in 2.c.i and 2.c.ii, above, shall be set forth within one or more written declarations of covenants recorded within the land records of the Charlottesville Circuit Court, in a form approved by the Office of the City Attorney, so that the Owner's successors in right, title and interest to the Property shall have notice of and be bound by the obligations. The Required Affordable Dwelling Units shall be provided as for-rent units throughout the Rental Affordability Period.
 - e. Following issuance of a certificate of occupancy authorizing the building to be occupied, the owner of the building(s) shall thereafter provide an annual report on affordability compliance for the affordable unit(s) on a template provided by the City.
- (3) An acceptable marketing plan on how to market the designated affordable units should be provided to the City (to its Office of Community Solutions or other department which may hereafter be responsible for monitoring affordable housing requirements, in conjunction with the zoning administrator) prior to the issuance of any building permit for the Project. The marketing plan should provide detailed information on how the owner of the building(s) will market the units within the building(s), including non-discrimination of prospective tenants on the basis of race, creed, religion, color, sex, age, national origin, or source of income.
- (4) The main building constructed within this Project shall be substantially similar to the building depicted within the exhibit(s) submitted with the Application Materials referenced above within this Resolution.

**RESOLUTION APPROPRIATING FUNDING FOR
American Rescue Plan for Eligible Local Activities
\$14,799,565**

BE IT RESOLVED by the Council of the City of Charlottesville, Virginia that the sum of 14,799,565 from American Rescue Plan funding is hereby designated to be available for expenditure for costs associated with following eligible purposes and amounts:

Replace Lost Public Sector Revenue.	\$10,000,000.
Funding for CACVB.	\$750,000.
Pathways Fund Assistance.	\$700,000.
Community Health Initiative.	\$500,000.
Meadowcreek Trail.	\$500,000.
Unallocated Balance.	\$2,349,565.
TOTAL.	\$14,799,565.

Note: account codes will be established following the first reading and public hearing on this appropriation for inclusion in the second reading and adoption.