



**CITY COUNCIL AGENDA**  
**December 1, 2014**

5:30 p.m. – 7:00 p.m.

**Closed session as provided by Section 2.2-3712 of the Virginia Code**  
*Second Floor Conference Room*

(Interviews and consideration of candidates for appointment to City boards and commissions, and acquisition of property for a sanitary sewer easement)

**CALL TO ORDER**  
**PLEDGE OF ALLEGIANCE**  
**ROLL CALL**  
**AWARDS/RECOGNITIONS**  
**ANNOUNCEMENTS**

*Council Chambers*

SIA Award

**MATTERS BY THE PUBLIC**

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

**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

**1. CONSENT AGENDA\***

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

a. Minutes for November 17

b. **APPROPRIATION:** Support for Two Additional Firefighter Medic Positions - \$130,000 (2<sup>nd</sup> of 2 readings)

c. **APPROPRIATION:** Local Emergency Management Performance Grant – \$7,500 (2<sup>nd</sup> of 2 readings)

d. **APPROPRIATION:** Reimbursement from the Thomas Jefferson Planning District Commission for Transportation Enhancement Grant Loan - \$300,000 (1<sup>st</sup> of 2 readings)

e. **APPROPRIATION:** Community Development Block Grant Funds for VIEW (Virginia Initiative for Employment not Welfare) Career Training - \$16,500 (1<sup>st</sup> of 2 readings)

f. **APPROPRIATION:** BAMA Works Foundation and LeRoi H. Moore Fund Sponsorship for Parks and Recreation Special Events- \$12,659.04 (1<sup>st</sup> of 2 readings)

g. **APPROPRIATION:** Medicaid/FAMIS Renewal Application Processing Appropriation - \$12,690 (1<sup>st</sup> of 2 readings)

h. **RESOLUTION:** Resolution of Support - Virginia Department of Conservation and Recreation Grant for Parkland Property Acquisition (1<sup>st</sup> of 1 reading)

i. **RESOLUTION:** CATEC-Major Facility Improvements and CATEC-VDOT Land Take Funds Transfer – \$186,697.39 (1<sup>st</sup> of 1 reading)

j. **ORDINANCE:** Quitclaim Gas Easement in Dunlora Forest to VDOT (2<sup>nd</sup> of 2 readings)

k. **ORDINANCE:** Procurement Code Amendments – Chapt. 22 (1<sup>st</sup> of 2 readings)

**2. APPROPRIATION\***

Year End Adjustments – FY2014 and General Fund Balance Transfer (1<sup>st</sup> of 2 readings)

**3. RESOLUTION\***

Market Plaza SUP at the 100 Block W. Water St. (1<sup>st</sup> of 1 reading)

**4. RESOLUTION\***

Finance Director Appointment (1<sup>st</sup> of 1 reading)

**5. REPORT**

McIntire Park East Design Update

**6. REPORT**

Skate Park Design Update

**OTHER BUSINESS**

**MATTERS BY THE PUBLIC**

**COUNCIL RESPONSE TO MATTERS BY THE PUBLIC**

\*ACTION NEEDED

**APPROPRIATION**  
**Charlottesville-Albemarle Rescue Squad (C-A.R.S.) to Support**  
**Two Firefighter Medic Positions**  
**\$130,000**

**WHEREAS**, per the existing Memorandum of Understanding (M.O.U.) between the City and the Charlottesville-Albemarle Rescue Squad, C-A.R.S. has agreed to fund the staffing of two F.T.E. Firefighter Medic positions in the amount of \$130,000.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Charlottesville, Virginia, that the sum of \$130,000 to be received by C-A.R.S. to support two new Firefighter Medic positions.

**Revenue - \$130,000**

Fund: 105

Cost Center: 3211001000

G/L Code: 451999

**Expenditures: \$130,000**

Fund: 105

Cost Center: 3211001000

G/L Code: 519999

**APPROPRIATION**  
**2014 Local Emergency Management Performance Grant (L.E.M.P.G.)**  
**\$7,500**

**WHEREAS**, the City of Charlottesville has received funds from the Virginia Department of Emergency Management in the amount of \$7,500 in federal pass through funds and \$7,500 in local in-kind match, provided by the Charlottesville-U.V.A.-Albemarle Emergency Communications Center Office of Emergency Management, for a total award of \$15,000; and

**WHEREAS**, the funds will be used to support programs provided by the Office of Emergency Management; and

**WHEREAS**, the grant award covers the period from July 1, 2014 through June 30, 2015;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$7,500 is hereby appropriated in the following manner:

**Revenue – \$7,500**

\$7,500	Fund: 209	I/O: 1900235	G/L: 430120 State/Fed pass thru
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**Expenditures - \$7,500**

\$2,500	Fund: 209	I/O: 1900235	G/L: 510010 Salaries
\$5,000	Fund: 209	I/O: 1900235	G/L: 511010 Overtime Wages

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$7,500 from the Virginia Department of Emergency Management, and the matching in-kind funds from the Charlottesville-U.V.A.-Albemarle Emergency Communications Center Office of Emergency Management.

**RESOLUTION.**  
**Virginia Land Conservation Foundation Project Endorsement.**

**Whereas**, the Virginia Land Conservation Foundation offers matching funds for the purchase of parkland properties; and

**Whereas**, the City of Charlottesville is seeking to acquire property for parkland, trail, and stormwater mitigation purposes,

**Now, Therefore, Be It Resolved**, that the City of Charlottesville hereby agrees to provide a minimum 50 percent matching contribution for this project.

**Be It Further Resolved**, that the City of Charlottesville hereby agrees to enter into a project administration agreement with the Virginia Department of Conservation and Recreation to ensure the property acquired is to be available for public recreational and open space use in perpetuity.

**Be It Further Resolved**, that the City of Charlottesville will be responsible for maintenance and operating costs of any property purchased using Virginia Land Conservation Foundation funding.

**Be It Further Resolved**, that if the City of Charlottesville subsequently elects to sell the property, the City of Charlottesville hereby agrees to reimburse the Virginia Land Conservation Foundation for the total amount of costs expended by the Foundation.

Adopted this 1<sup>st</sup> day of December, 2014.

**RESOLUTION.**

**Transfer of funds from the CATEC Major Facilities Improvements and VDOT Land Take  
Funds project accounts for the CATEC – DOE Interior Renovation project.  
\$186,697.39.**

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

**Transfer From**

\$97,607.13	Fund: 426	WBS: P-00426	G/L Account: 599999
\$89,090.26	Fund: 426	WBS: P-00631	G/L Account: 599999

**Transfer To**

\$186,697.39	Fund: 426	WBS: CP-014/P-785-06	G/L Account: 599999
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**AN ORDINANCE  
TO QUITCLAIM A NATURAL GAS LINE EASEMENT  
WITHIN SAWGRASS COURT AND BAREFOOT COURT  
LOCATED IN THE DUNLORA FOREST SUBDIVISION IN ALBEMARLE COUNTY  
TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION**

**WHEREAS**, the Virginia Department of Transportation (VDOT) is prepared to take over maintenance of the roadways known as Sawgrass Court and Barefoot Court in the Dunlora Forest Subdivision in Albemarle County; and

**WHEREAS**, the City owns natural gas lines located within these roadways, and also owns an easement for such lines, and VDOT has asked that the foregoing easement crossing Sawgrass Court and Barefoot Court be released upon VDOT's acceptance of the roadways; now, therefore,

**BE IT ORDAINED** by the Council of the City of Charlottesville, Virginia that the Mayor is hereby authorized to execute a deed of quitclaim, substantially the same in form as the deed attached hereto, approved by the City Attorney, for release of the above-described gas line easement to the Virginia Department of Transportation conditioned upon receipt by the City of a VDOT permit allowing said lines to continue to be located in said rights-of-way.

*Prepared by Charlottesville City Attorney's Office  
S. Craig Brown, City Attorney (VSB #19286)  
Albemarle County Tax Map 62F (Sawgrass Court; Barefoot Court)*

**This deed is exempt from recordation taxes pursuant to  
Virginia Code Secs. 58.1-811(A)(3) and 58.1-811(C)(4).**

**DEED OF QUITCLAIM**

**THIS DEED OF QUITCLAIM**, made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **CITY OF CHARLOTTESVILLE, VIRGINIA**, a municipal corporation, **GRANTOR**, and the **COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION, GRANTEE**, whose address is P. O. Box 671, Culpeper, Virginia 22701.

**WITNESSETH:**

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, receipt of which is hereby acknowledged, the GRANTOR does hereby QUITCLAIM and RELEASE to the GRANTEE, subject to the reservations hereinafter set forth, the easements and rights of way, as shown on the attached plat made by the City of Charlottesville Gas Division dated October 23, 2014, to construct, maintain, operate, alter, repair, inspect, protect, remove, and replace certain improvements in Sawgrass Court and Barefoot Court in the Dunlora Forest Subdivision in the County of Albemarle, namely: Two Inch (2") natural gas lines and related gas facilities upon and across Sawgrass Court and Barefoot Court, insofar as the land embraced within said easement falls within the boundaries of a public street or highway to be maintained by the Virginia Department of Transportation. Said gas line easement in Sawgrass Court and Barefoot Court was conveyed to the City by deed from Rock Creek Properties, LLC, dated February 1,

2013, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, in Deed Book 4329 at page 736.

The Grantor reserves unto itself, its successors and assigns, all of the rights and privileges under the aforesaid Deed of Easement until such time as the Virginia Department of Transportation has issued a permit to the GRANTOR subject to the following two conditions which shall also be covenants running with the land:

1. That the above described improvements of the GRANTOR may continue to occupy such streets or highways in the existing condition and location.

2. The GRANTOR shall at all times indemnify and save harmless the Commonwealth of Virginia, Department of Transportation, its employees, agents, and officers from any claim whatsoever arising from GRANTOR'S exercise of rights or privileges stated herein.

The GRANTEE is to have and hold the above-described property for so long as said property is used as part of its public street or highway maintained by the GRANTEE or its successors or assigns charged with the responsibility and obligation to maintain public streets and highways, but upon abandonment of said property's use for such purposes, all rights, privileges, interests and easements in the property herein described under aforesaid Right of Way Easement shall revert to the GRANTOR, its successors and assigns.

Notwithstanding other language contained herein which might appear to the contrary, the parties agree that GRANTOR shall continue to own in fee simple the gas line improvements located within the above described public roadways.

**IN WITNESS WHEREOF**, the **GRANTOR** has caused its name to be assigned hereto and its seal to be affixed and attested by its appropriate officers, all after due authorization, on the day and year first above written.



**CITY OF CHARLOTTESVILLE, VIRGINIA**

BY: \_\_\_\_\_  
Satyendra Singh Huja, Mayor

ATTEST:

\_\_\_\_\_  
Clerk of Council

STATE OF VIRGINIA  
CITY OF CHARLOTTESVILLE

I, \_\_\_\_\_, a Notary Public in and for the City of Charlottesville within the State aforesaid, do hereby certify that Satyendra Singh Huja, Mayor of the City of Charlottesville, Virginia, and Paige Rice, its Clerk of Council, whose names are signed to the foregoing writing, bearing date of November \_\_\_\_\_, 2014, have each duly acknowledged the same before me within my City and State aforesaid.

My Commission Expires \_\_\_\_\_.

Given under my hand this \_\_\_\_\_ day of November, 2014.

\_\_\_\_\_  
Notary Public  
Registration # \_\_\_\_\_

**RESOLUTION**  
**APPROVING A SPECIAL USE PERMIT**  
**AS REQUESTED BY APPLICATION NO. SP-14-08-08**  
**FOR A PROPOSED MIXED USE DEVELOPMENT ON WATER STREET**  
**PROPOSED BY MARKET PLAZA, LLC**

**WHEREAS**, Market Plaza, LLC (“Applicant”) has submitted application SP-14-08-08 (“Application”) seeking approval of a special use permit for property located between Water Street and W. South Street, bounded by the existing 2<sup>nd</sup> Street, S.W. and 1<sup>st</sup> Street South, identified on City Tax Map 28 as Parcels 69, 71, 72, 73, 74 and 75, and the undeveloped portion of the undeveloped right-of-way of 1<sup>st</sup> Street, S. (“Subject Property”), consisting of approximately 1.18 acres; and,

**WHEREAS**, the special use permit seeks the following: **(i)** additional height, up to 101 feet, per City Code §34-742(3); **(ii)** density of up to 60 dwelling units per acre, per §34-744; **(iii)** modification of the setback and streetwall regulations of §34-743(b), per §34-162(a); and **(iv)** authorization of the following special uses of the Subject Property, pursuant to §34-796: an auditorium/ theater with capacity for 300 or more persons, and a farmer’s market (retail) use; and

**WHEREAS**, the Subject Property is zoned “WSD” (Water Street Corridor District), subject to the requirements of the City’s Parking Modified Zone, per § 34-971(e)(3), and of the Downtown architectural design control (ADC) overlay district; and the City’s Board of Architectural Review has previously been given an opportunity to make findings and recommendations on whether the proposed development would have an adverse impact on the ADC district, as required by City Code §34-157(a)(7); and

**WHEREAS**, following a joint public hearing before this Planning Commission and City Council, duly advertised and held on October 14, 2014, the Planning Commission reviewed this application and determined that the proposed special use permit, under suitable regulations and safeguards set forth within a list of recommended conditions, will serve the interests of the public necessity, convenience, general welfare or good zoning practice, and will conform to the criteria generally applicable to special permits as set forth within §§ 34-156 et seq. of the City Code, and the Planning Commission has transmitted its recommendation to City Council; and

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

**BE IT RESOLVED** by the City Council of the City of Charlottesville, that a special use permit is hereby approved, to permit the proposed mixed use development described within the Application, as follows: **(i)** height of up to 101 feet; **(ii)** density up to 60 dwelling units per acre; **(iii)** modification of setback and streetwall regulations, as more specifically set forth within the conditions referenced below; and **(iv)** authorization of the following special uses an auditorium/ theater with capacity for 300 or more persons, and a farmer’s market (retail) use;

**AND BE IT FURTHER RESOLVED** that this special use permit is granted subject to suitable regulations and safeguards set forth within the list of conditions recommended by the City’s Planning Commission, and modified by the City Council, which conditions are dated December 1, 2014 and attached hereto and incorporated by reference;

**AND FINALLY, BE IT RESOLVED** that this special use permit is expressly conditioned upon City Council’s separate consideration and approval of a sale of the Subject Property to the Applicant, and upon final closing and settlement of any such sale as evidenced by recordation within the land records of the Circuit Court of the City of Charlottesville of a deed transferring title to the Subject Property to the Applicant.

## **General**

1. The design, height, density, and other characteristics of the Development shall remain essentially the same, in all material aspects, as described within the application materials dated October 14, 2014 and November 11, 2014, submitted to the City for and in connection with SP-13-10-19 ("Application"). Except as the design details of the Development may subsequently be modified to comply with requirements of a certificate of appropriateness issued by the City's BAR, or by any other provision(s) of these SUP Conditions, any substantial change of the Development that is inconsistent with the Application shall require a modification of this SUP.

## **Massing and Scale**

2. The developer shall work with staff and the Board of Architectural Review in the process of obtaining a certificate of appropriateness for the Development, to achieve a final design that will minimize the visual impacts of the building on the South Street, Second St., S.W. and First Street elevations to the satisfaction of the BAR.
  - a. In the design and layout of the Development, the City's historic street grid pattern shall be respected. Although First Street may not ultimately be used or maintained by the City for vehicular traffic, site design shall nevertheless reinforce, visually or otherwise, the historic layout which connected Lee Park and the Downtown Mall, on the north, to Garret Street, on the south. Visual and Pedestrian access shall be maintained as part of the development, by leaving the area of First Street unoccupied by buildings or structures above the Plaza level, with the exception of an elevator on Water Street.
  - b. All outdoor lighting and light fixtures shall be full cut-off luminaires.
  - c. To encourage active uses and building access, a minimum of 3-5 entrances/openings shall be established on Water Street, 2<sup>nd</sup> Street SW, and South Street as determined by the Board of Architectural Review. On South Street, these will lead to the Plaza.
  - d. Balconies: Throughout the life of the Development, the owner of the Subject Property shall establish enforceable rules to regulate the use and appearance of balconies. Such rules shall be set forth within written instruments that will be binding upon the occupants of the building (for example: recorded covenants or restrictions for condominium or homeowners' associations; written leases; etc.).

## **Uses**

3. The Plaza shall be and remain an open-air plaza throughout the life of the Development and shall include pedestrian links.
  - a. The Plaza may not be designed, constructed or used as surface parking for motor vehicles. The Plaza should be perceived as a plaza/public space, not as a private parking lot, when not in use.
  - b. The general public shall have a right of access to and use of the Plaza, and this right of public access shall be recognized within a written instrument recorded within the City's

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land records prior to the issuance of any building permit for the project. A copy of the recorded instrument, with deed book and page references, shall be submitted to the City along with the first request for a building permit for the Development. The public's right of access shall be subject to a right of the property owner, or its tenants, to reserve the Plaza, during discreet time periods, for events which may not be open to the general public. Following any such event, the Plaza shall promptly be returned to a clean condition, suitable and attractive for use as a public gathering space. First Street pedestrian access will remain open at all times (even during private events).

- c. In order for the design and construction of the plaza and market to be such that it invites and facilitates its use as a public gathering space, the Plaza shall incorporate public amenities such as, but not limited to, a water feature, art, trees, benches or other seating areas, and/or other amenities that invite individuals to utilize and enjoy the Plaza in a manner similar to an urban, public park.
  - d. A plan prepared to a scale of 1 inch = 10 feet shall be provided as part of the proposed final site plan for the Development, depicting the Plaza and all amenities to be included in the Plaza ("Plaza Layout"), such as: water features, paving surfaces and materials, benches, trash receptacles, trees and landscaping, etc. Included in this plan shall be a schedule of site furnishings to be provided on the Plaza, including any shelter areas or shading devices, benches, bicycle racks, trash and recycling receptacles, and other associated furnishings. All amenities and furnishings shall be of a scale and nature that encourages public use of the Plaza and that is compatible with the character of the Development and the City's Historic District guidelines. The Plaza Layout shall include the layout for vendor stands to be located within the Plaza on City Market days ("Market Plan"). The Market Plan may be changed, from time to time, and any such change in the Market Plan can be approved by the Director of NDS as a minor modification not requiring approval of a site plan amendment.
4. On and within the open air Plaza, and other exterior areas of the Subject Property, no human voice, and no instrument, machine or device, including any device that amplifies sound, shall be used or operated in a manner that causes a sound generation of seventy-five (75) db (A) or more, at a distance of ten (10) feet or more from the source of the sound generation. The prohibition of this condition shall not apply to any sound generation which occurs as part of the Farmer's Market authorized by this permit. This condition regulating sound generation shall remain in effect until such time that the City's noise ordinance is amended to apply to the exterior areas of the Subject Property.
  5. The on-site parking garage shall meet the following requirements:
    - a. To facilitate and encourage the provision of a future access easement, the garage shall be designed to accommodate potential future access to/from the Property located to the east of the Development site ("Adjacent Property") through provision of alternate

access design, such as knock out panels. The accommodation for the potential future access shall be depicted and labeled on any proposed final site plan and building construction plans submitted to obtain any building permits. The owner of the Property shall negotiate an agreement regarding operating and construction costs, maintenance, liability, hours of operation, design and traffic flow, etc. for such access, with the owner of the adjacent property, at such time as the Adjacent Property is developed or redeveloped.

- b. Water Street serves as part of the City's east-to-west bike corridor. To maintain ease of pedestrian and bicycle movement on Water Street, there shall be no more than one (1) vehicular entrance or exit for the Development on Water Street. This single entrance/exit shall have no more than 2 lanes of traffic, unless a traffic impact analysis denotes that more lanes are necessary. The parking garage will provide a separate entrance/exit for pedestrians.

### **Massing and Scale**

6. The required building setback along the property line adjacent to Water Street shall be a minimum 7 feet and a maximum of 12 feet.
7. Along Water Street there shall be provided a stepback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on Water Street shall be 25 feet, and the maximum height shall be 45 feet.
8. Along 2<sup>nd</sup> Street SW there shall be provided a stepback of a minimum of 5 feet and a maximum of 10 feet, at the height of the streetwall. The minimum height of the streetwall on 2<sup>nd</sup> Street SW shall be 25 feet, and the maximum height of the streetwall shall be 45 feet.

### **Use**

9. **Farmer's Market:** The Plaza shall be designed and constructed with materials and amenities that make it desirable and convenient for use as a Farmer's Market open to the public.
  - a. The Farmer's Market shall be visible from adjacent vehicular rights-of-way, accessible from adjacent sidewalks, and shall be arranged in a manner that facilitates a flow of pedestrians among the various vendor stands within the Market and provides area(s) in which pedestrians may stand or sit out of the "flow" of circulation.
  - b. The Farmer's Market shall accommodate no fewer than 102 vendors and the entire area of the Plaza area shall be available to the market on market days, including the convertible indoor space. Unless otherwise acceptable to the Farmer's Market operator, all such spaces shall be located adjacent or contiguous to each other, all on the same level/ grade, in order that all vendors participating in the Farmer's Market clearly appear to be part of one coordinated "event."
  - c. The Plaza shall be designed and constructed of materials from which wear and tear reasonably to be anticipated from the Farmer's Market use can easily be removed or repaired. Outdoor hose connections shall be provided, in a number and location that is

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easily accessed by Farmer's Market users for the purposes of cleaning the Plaza area after each Farmer's Market day. The Property owner shall ensure, either itself, or through agreements with the Farmer's Market or third parties, that upon conclusion of the Farmer's Market, the Plaza will be restored to a clean condition, attractive and suitable for use as a public gathering space.

**10. Construction**

- a. Prior to commencement of any land disturbing activity on the Property, the developer shall hold a meeting with notice to all adjoining property owners and the City's Downtown Business Association, to review the proposed location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction activities. The city's director of neighborhood development services shall be provided with evidence that such meeting was held, and of the required notices, prior to the issuance of any building permit for the Development.
- b. The developer shall submit a Traffic Control Plan as part of the proposed final site plan, detailing measures proposed to control traffic movement, lane closures, construction entrances, haul routes, idling of construction vehicles and equipment, and the moving and staging of materials to and from, and (if planned, in public rights-of-way adjacent to the site, during the construction process. This Traffic Control Plan shall be amended, as necessary, and submitted along with any application or a building permit or other development permit applications.
- c. The developer shall provide the city's director of neighborhood development services, adjoining property owners and the Downtown Business Association with written notice of a person who will serve as a liaison to the community throughout the duration of construction of the Development. The name and telephone number, including an emergency contact number, of this individual shall be provided.
- d. If the City's existing public infrastructure (public streets, sidewalks, curb, gutters, utilities, etc.) is damaged during construction of the Development, then the Property owner shall be responsible for repair and/or reconstruction of the same in accordance with applicable City standards.
- e. The developer shall submit a foundation inspection, prior to commencement of construction of the first floor above-grade framing for the Building(s). The foundation inspection shall include (i) the building footprint, as depicted within the approved final site plan, (ii) the top-of-slab elevation, and (iii) the first floor elevation. The foundation inspection shall be prepared and sealed by a registered engineer or surveyor, and shall be approved by the zoning administrator prior to the commencement of construction of the first-floor above-grade framing.
- f. Any structural elements that are proposed to extend into the public right-of-way, including, but not necessarily limited to, footings, foundations, tie-backs, etc., must be

shown on the proposed final site plan and the property owner shall be required to enter into a written encroachment easement, in a form approved by the City Attorney, suitable for recording in the City's land records. A copy of the recorded instrument shall be submitted to the City along with the first request for a building permit for the development.

**11. Traffic**

- a. A Traffic Plan, showing the layout of signs, details, signals, turning lanes, entrances and exits, and pavement markings, shall be submitted to the City as part of the proposed final site plan for the development.
- b. The Developer shall be responsible for the cost of constructing, in areas adjacent to the Property, any turning lane(s), traffic signals, or other public street improvements or traffic regulation devices, the need for which is substantially generated by the proposed Development.
- c. The Development shall include one or more off-street loading docks/ areas. To the maximum extent feasible, all loading shall occur off-street, within such docks/ areas. Loading schedules shall be coordinated to facilitate off-street loading and to minimize idling by waiting vehicles.
- d. The developer shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.
- e. The developer shall provide the City with a Traffic Impact Analysis (TIA), as part of its proposed final site plan for the Development, if the trip generation data for the subject Property is over 100 vehicles in any peak hour for any adjacent street.
- f. Trip generation data shall be separately provided for each and every category of use anticipated within the proposed development. Consistent with requirements of Chapter 5 of the City's Standards and Design Manual, "projected traffic" figures and data shall include trip generation data for traffic projected to result from the complete build-out of all land to be served by adjacent public streets, including traffic which may be forecasted to be generated by development, both internal and external to the Development Site.
- g. Except as otherwise required by these conditions, the TIA shall conform to the requirements of Chapter 5 of the City's Standards and Design Manual. The developer

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shall meet with the City's Traffic Engineer and Director of Neighborhood Development Services, or designee, to determine the scope of the TIA, prior to submission.

**Affordable Housing**

12. The developer must declare how it intends to comply with City Code 34-12, prior to the issuance of a building permit for the Development.
13. In the event that the developer chooses to make a contribution to the City's Affordable Housing Fund to comply with City Code 34-12, no building permit shall be issued for the development until the amount of the contribution has been calculated by the developer and confirmed by the City's Director of Neighborhood Development Services, or designee, and until such contribution has been paid in full to the City.

**Landscaping**

14. The landscaping plan required as a component of final site plan approval for this Development shall include native or appropriate tree plantings along all street frontages, as well as trees on the Public Plaza subject to BAR approval. Trees on the Public Plaza shall be planted using roof planting methods and not hinder the operations of the Farmers' Market.

**Conditions that the Commission will forward as recommendations to the Board of Architectural Review.**

**Massing and Scale**

1. Building massing and scale should respond to the very different building scales along Water Street, South Street, Second Street SW and First Street without losing the integrity and simplicity of its own massing.
2. First Street should be maintained as a separate urban component. Soften the impact of the retaining wall on First Street and create interest with opening or putting something in front of it. (ex: Trees, Public art, murals that are incorporated in the design of the building).
3. The Planning Commission is in favor of having a sufficient number of openings along street frontages to encourage the activation of street and pedestrian experience. The opening allow for flexibility and variability for changes of use over time.
4. Request that the BAR discuss the vertical piers on South Street.
5. Brick detailing will be evaluated across all four (4) facades of the proposed development.

**Uses**

6. **Public Use of Open-Air Plaza:** Market space/Plaza should contribute positively to the city's public space network. Market plaza and/or street should be a memorable public space worthy of Lee Park and the Downtown Mall



**RESOLUTION**  
**Appointment of the Director of Finance**

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Charlottesville that Christopher Cullinan is appointed Director of Finance effective January 5, 2015.