



## CITY COUNCIL AGENDA August 7, 2023

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

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

### 4:00 PM OPENING SESSION

This is an in-person meeting with an option for the public to participate electronically by registering in advance for the Zoom webinar at [www.charlottesville.gov/zoom](http://www.charlottesville.gov/zoom). The meeting may also be viewed on the City's streaming platforms and local government Channel 10. Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call (434) 970-3182 or submit a request via email to [ada@charlottesville.gov](mailto: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

### Reports

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

### 5:30 PM NO CLOSED MEETING

### 6:30 PM BUSINESS SESSION

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting. Comments on Public Hearing items are heard during the public hearing only.

### Moment of Silence

### Announcements

### Recognitions/Proclamations

- Proclamation: Soul of Cville

### Consent Agenda\*

The consent agenda consists of routine, non-controversial items whereby all items are passed with a single motion and vote. After the reading of the consent agenda, the mayor will open the floor for comments from the public on the items that were read. Speakers will have up to three minutes each to make comments before City Council votes on the consent agenda. Speakers must state their name and locality for the record.

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

### City Manager Report

## **Community Matters**

Public comment for up to 16 speakers (limit 3 minutes per speaker). Preregistration available for first 8 spaces at <https://www.charlottesville.gov/692/Request-to-Speak>; speakers announced by Noon on meeting day (9:00 a.m. sign-up deadline). Additional public comment at end of meeting.

## **Action Items**

8. Resolution: Referring the Zoning Ordinance rewrite to the Planning Commission (1 reading)
9. Resolution: Special Use Permit request at 207 and 211 Ridge Street (1 reading)
10. Resolution: Approving a Special Use Permit at 218 West Market Street (2nd reading)

## **General Business**

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

## **Other Business**

## **Community Matters (2)**

## **Adjournment**

## Regional Transit Governance Study Summary

### Introduction

Over the past several years, the Thomas Jefferson Planning District Commission (TJPDC) has worked collaboratively with its member jurisdictions to improve transit service in the region. In the past year, the region undertook a collaborative effort to develop a [Transit Vision Plan](#) to establish a clear, long-term vision for efficient, equitable and effective transit service for the region. Led by the TJPDC and supported by the City of Charlottesville, Albemarle County, and DRPT, the Transit Vision Plan established a unified vision for transit service in Region 10, which is made up of the counties of Albemarle, Fluvanna, Greene, Louisa, Nelson, and the City of Charlottesville. Table 1 provides some brief highlights of the transit vision networks.

*Table 1 Summary of Transit Vision Network Improvements*

Unconstrained Network	Constrained Network
<ul style="list-style-type: none"> <li>• Improved frequency for fixed routes in urban areas including BRT from US 29 through UVA, downtown, to Pantops</li> <li>• Expanded fixed routes serving every jurisdiction in region               <ul style="list-style-type: none"> <li>– Eight new fixed route bus services (hourly service including weekends)</li> </ul> </li> <li>• Supplementary on-demand zones in lower-density areas to connect to regional network</li> <li>• Expanded hours and days of service (seven days a week)               <ul style="list-style-type: none"> <li>– 7am to 8pm on most urban and regional networks (some running to midnight)</li> <li>– More all-day service during morning and evening peak periods and during the middle of the day</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• All fixed routes operate seven days a week               <ul style="list-style-type: none"> <li>– Increased frequency (15, 20, and 30 min) on weekdays and more 20- and 30-min routes on Saturdays.</li> <li>– All fixed routes run on Sundays</li> </ul> </li> <li>• All CONNECT routes to run seven days a week with two additional daily trips               <ul style="list-style-type: none"> <li>– Two new CONNECT routes</li> <li>– Additional weekend service</li> </ul> </li> <li>• Expanded Circulator services in Nelson, Greene, Louisa, and Fluvanna counties to run all day, seven days a week (intra-county)               <ul style="list-style-type: none"> <li>– Expanded Albemarle County rural demand response service</li> </ul> </li> </ul>

Subsequently, this follow-up study on regional transit governance will identify governance options for regional transit and increase transportation investments to achieve regional transit priorities. The study focus is on identifying options for a governance body that can steward any additional transit revenues generated; the scope does not include strategies or approaches for consolidating current transit operations.

This study has two main goals:

1. Identify strategies for dedicated transit funding to augment current jurisdictional costs for transit.
2. Identify a governing structure that can manage and account for the use of the additional transit funds, better capture and allocate the full costs of service, and ensure transparency.

The additional funds will support the implementation of the services in the transit vision plan, increasing transportation services across the region.

## Process Overview

To achieve these goals, the study team adopted a five-phase approach shown in Figure 1. The study is currently finalizing Phase III, Potential Revenue Generation. The final study recommendations are expected in December 2023.

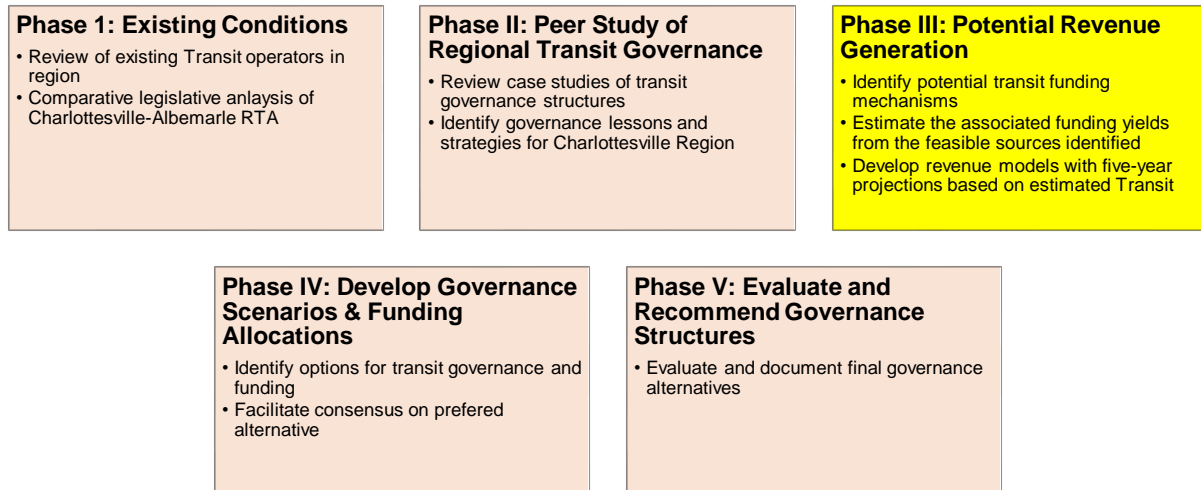


Figure 1 Study Approach

The core study team is made up of representatives from the TJPDC, City of Charlottesville, Virginia Department of Rail and Public Transportation (VDRPT), and AECOM (consultants). The study team coordinates with a steering committee comprising representatives from Albemarle, Fluvanna, Louisa, Nelson, and Greene counties, as well as, from University of Virginia (UVA) and the City of Charlottesville.

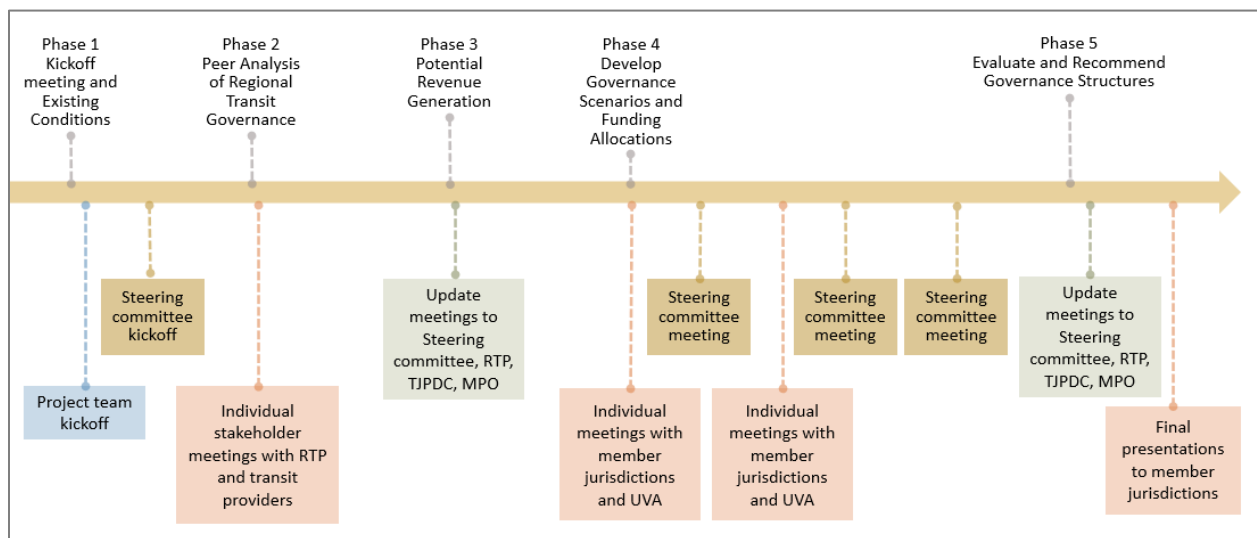


Figure 2 Stakeholder Engagement Map

## Key Findings to Date

### Existing Legislation for a Regional Transit Authority

The legislature provided for the Charlottesville-Albemarle Regional Transit Authority (CARTA) as early as 2009 with subsequent amendments. The authority was established as a service delivery organization, with the contracting, financial (including bonding), and acquisition and operating powers necessary. Its authority is for transit. Charlottesville and “all or portions of Albemarle County” are the essential boundaries, but additional portions of Albemarle, Fluvanna, Greene, Louisa, and Nelson counties as well as cities, towns, tourist-driven and public transit agencies, and higher education agencies may join as members.

There is no provision in the current CARTA legislation for funding, which would need to come from federal, commonwealth, and local sources.

Other frameworks exist for regional transit governance. A peer review of six agencies with similar demographic, geographic, and operating characteristics to the Charlottesville Region showed various governance structures including transit service provided by a **town department** with funding from a university (Blacksburg Transit); **public transportation corporation** funded through local property and income taxes (Bloomington Transit); a **joint municipal authority** funded by member municipalities (CATA); **501 (c)(3) nonprofit** funded through general fund contributions from a city, county, and university (TCAT, Ithaca); and a **transportation authority** (TheRide, Ann Arbor) and city department (ICT, Iowa City) both funded through local property taxes.

After reviewing the current RTA legislation in comparison with other Virginia RTAs<sup>1</sup>, reviewing regional peers, and holding discussions with regional stakeholders, recommendations for the transit governance structure will likely fall under one of three options below:

1. Establish a new authority with funding provisions at the state legislature (comparable to CVTA or HRTAC)
2. Modify existing CARTA legislation to provide additional funding authority
3. Modify another framework to provide additional authority

Phase IV of the study will explore potential structures for governing transit by outlining alternatives that show various memberships/participation from regional partners.

### Potential Transit Funding Options

Two transit network alternatives were developed as part of the Transit Vision Study. Operating costs for the two alternatives were estimated at roughly \$35.5 million and \$85 million per year for the constrained network and unconstrained network respectively. Both options provide a drastic improvement to current transit service across the region including increased routes, frequencies, and days of service for the urban areas; and micro transit options and all-day service, seven days a week into the city from the lower density areas. Detailed descriptions of the transit service improvements can be found in the study [report](#).

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<sup>1</sup> Hampton Roads Transportation Accountability Commission (HRATC), Central Virginia Transportation Authority (CVTA), and Northern Virginia Transportation Authority (NVTA).

Public transportation is funded through a combination of federal, state, local, and internally generated sources (e.g., fares, advertising, etc.). Average operating costs per year for current transit service in the region (not including UTS) is approximately \$18 million per year with the local component making up about a third (~\$5 million<sup>2</sup> in 2021) of the total amount. A substantial increase in local funding is required to meet the funding gap between current transit funding and the future funding needed for increased transit service across the region.

In Phase III of this study, the universe of potential revenue sources was explored and distilled to a list of potentially feasible options with a past record in the Commonwealth (e.g., funding sources for CVTA, HRTAC, NVTA). The main sources include the following:

- Sales tax
- Grantors tax
- Fuel tax
- Transient occupancy tax/lodging tax
- Recordation tax
- Toll revenues
- Interstate Operations Enhancement Program
- Truck registration fees

Subsequently, the study team is engaging stakeholders on the potential feasibility of these options at the state level (General Assembly) and at the jurisdiction level.

### Next Steps

The next steps will cover additional stakeholder engagement to discuss example governance scenarios and the resulting funding allocations. By the end of this study, we hope to accomplish the following:

1. Reach consensus with regional stakeholders on feasible options for a transit governance structure in the region (e.g., membership, board representation, authorities, and powers).
2. Identify potential funding mechanisms and associated estimated projections for improving transit within the region.
3. Identify immediate next steps for preliminary planning towards implementation.

The scope of this study does not cover identification of transit service improvements, consolidation of existing transit operations, and administration/governance of school bus operations.

Recommendations presented at the conclusion of this study do not require any immediate council action beyond consensus and good faith efforts to participate and support the groundwork needed for implementation.

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<sup>2</sup> National Transit Database (2021).

## Appendix

Table 1: Summary Table Showing Stakeholder Engagement to Date

Study Phase	Coordination
Phase I	Garland Williams, CAT Ted Rieck, Jaunt Diantha McKeel, Reginal Transit Partnership Rebecca White, UVA Matt Lawless, Scottsville Ray Amoruso, Hampton Roads Transit Brian Smith, Deputy CEO Hampton Roads Transit
Phase II	Brian Booth, Director, Blacksburg Transit John Connell, General Manager, Bloomington Transit Louwana Oliva, Executive Director, Centre Area Transportation Authority (CATA) Scot Vanderpool, General Manager, Tompkins Consolidated Area Transit (TCAT) Matt Carpenter, CEO, TheRide Darian Nagle-Gamm, Transportation Director, Iowa City Transit Danny Plougher, Virginia Transit Authority Lisa Guthrie, Virginia Transit Authority
Phase III	Albemarle County Diantha McKeel, Board member Jacob Sumner, Interim CFO Trevor Henry, Assistant County Executive  Greene County Catherine Schafrik, County Administrator Dale Herring, Board Chair Jim Frydl, Planning Director  Nelson County Ernie Reed, Central District Supervisor Dillan Bishop, Planning and Zoning Director  Fluvanna County Patricia Eager, Board Vice Chair Kelly Belanger Harris, Assistant County Administrator  Louisa County Christopher Coon, Deputy County Administrator  Kevin Page, Executive Director HRTAC Laura Farmer, CFO VDOT Ted Rieck, CEO, Jaunt Garland Williams, Director, CAT Sean Nelson, District Engineer, VDOT Stacy Londrey, Assistant District Administrator, VDOT  The project team is scheduled to meet with the City of Charlottesville on August 30 <sup>th</sup> .

Table 2: Summary of Main Funding Sources for Three Regional Transportation Authorities in Virginia

Funding Source	Entity	Description
Sales Tax	CVTA	0.7% regional sales tax.
	HRTAC	0.7% sales tax, funding the HRTF. Can only fund road projects. \$146.2 million (2020)
	NVTA	0.7% special district sales tax. \$197.04 million (FY2022). Can fund transit.
Grantor's Tax	HRTAC	Additional 6 cents per \$100. Can be used for transit projects.
	NVTA	Part of the "Regional Congestion Mitigation Tax", which raised ~\$17.85 M in FY2022.

Funding Source	Entity	Description
		\$0.10 (formerly \$0.15) congestion relief fee (renamed the regional transportation improvement fee) within the 9 jurisdictions. Can be spent only on road construction, capital improvements that reduce congestions, other projects approved in the regional transport plan or for transit.
Fuel Tax	CVTA	7.6 cents/gallon on gasoline/gasohol
		7.7 cents/gallon on diesel
		Indexed to inflation.
		35% - CVTA use on transportation-related purposes for Planning District 15
		15% to GRTC or successor for transit and mobility services within Planning District 15
		50% returned, proportionally to each locality to improve local mobility through construction, maintenance, or expansion of roads, sidewalks, trails, mobility services, or transit located in the locality.
	HRTAC	7.6 cents/gallon on gasoline/gasohol
		7.7 cents/gallon on diesel, subject to annual adjustment.
Can only fund road projects.		
		\$55 million (2020)
Transient Occupancy Tax	HRTAC	1% local hotel tax. Can be used for transit projects.
		Only collected in six localities with HRT service
	NVTA	Part of the "Regional Congestion Mitigation Tax", which raised ~\$17.85M in FY2022.
		3% tax on transient occupancy (hotels). Can be spent only on road construction, capital improvements that reduce congestions, other projects approved in the regional transport plan or for transit.
Truck Registration Fees	NVTA	Portion of increased truck registration fee as part of I-81 Corridor Improvement Fund distributed to NVTA
Interstate Operations Enhancement Program	NVTA	To improve the safety, reliability, and travel flow along interstate highway corridors in the commonwealth through the development and funding of operational and capital improvements.
		Preceded by I81 Corridor Improvement Plan (completed)
		43.7% - I81 corridor Improvement
		8.4% to NVTA
		Remaining allocated by CTB
Toll Revenues	HRTAC	Authorized to use tolls for new construction or existing highways, bridges, tunnels.
		Has state guidance on tolling (\$345M anticipated toll revenue for HRBT financing (FY20-FY26)
Recordation Tax	HRTAC	Taxes paid during the sale of property which can be used for transit projects. Estimated at \$20 million for 2020.
Northern Virginia Transportation District Fund Transfer	NVTA	The district is a subset of NVTA members, which raises transit funds through taxes.
		70% regional needs and 30% local disbursement for transportation needs.
		Can be used for transit
		FY22 proposed budget had \$20M. ~\$6M (30%) for local jurisdictions and \$14M (70%) for regional transit



# CITY OF CHARLOTTESVILLE



## PROCLAMATION

### SOUL OF CVILLE FESTIVAL AUGUST 11-13, 2023

**WHEREAS** Soul of Cville is a celebration of Black excellence and culture in Charlottesville and Albemarle County; and

**WHEREAS** Soul of Cville seeks to reclaim the narrative surrounding some of Charlottesville's darkest days by showcasing and elevating Black voices, art, entrepreneurship, music, food and more; and

**WHEREAS** the Soul of Cville festival returns to Ix Art Park on August 11-13, 2023, with the mission of uniting people from all backgrounds and walks of life; and

**WHEREAS** the free family-friendly festival celebrates Black Culture with activities such as performances, a community mural, a community movie in the park, fashion shows, glow-in-the-dark painting, a youth art exhibit, scholarship giveaway, pop-up roller-skating rink, vendors, and a Black media panel discussion; and

**WHEREAS** the Soul of Cville is a collaborative effort with the Ix Art Park and various Black-owned businesses that seeks to amplify the voices of local artists, performers, and community members;

**NOW, THEREFORE,** the Charlottesville City Council commemorates the Soul of Cville festival and encourages community members to participate in the wide range of festival activities beginning the evening of August 11 and ending the afternoon of August 13.

Signed and sealed this 7th day of August 2023.

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**J. Lloyd Snook, III, Mayor**

**Attest:**

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**Kyna Thomas, Clerk of Council**

## CHARLOTTESVILLE CITY COUNCIL MEETING MINUTES

June 20, 2023 at 4:00 p.m.

Council Chamber, City Hall, 605 E. Main Street

The Charlottesville City Council held a regular meeting on Tuesday, June 20, 2023. Mayor Lloyd Snook called the meeting to order and Clerk of Council Kyna Thomas called the roll, noting all councilors present: Mayor Lloyd Snook, Vice Mayor Juandiego Wade and Councilors Brian Pinkston and Leah Puryear.

On motion by Pinkston, seconded by Puryear, Council unanimously approved the meeting agenda 4-0. Councilor Michael Payne arrived after roll call.

### CLOSED SESSION

On motion by Pinkston, seconded by Puryear, Council voted 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) to close the open meeting and convene in a closed session, as authorized by Virginia Code Section 2.2-3711(A)(1), for the following:

- 1) Discussion, consideration and interviews of prospective candidates for appointment to the Planning Commission; and
- 2) Discussion, consideration and interviews of prospective candidates for appointment to the Charlottesville Redevelopment and Housing Authority; and
- 3) Discussion and consideration of applications and appointments to the following boards and commissions:
  - a. Charlottesville Affordable Housing Fund Committee
  - b. Charlottesville Redevelopment and Housing Authority Board
  - c. Community Development Block Grant Task Force
  - d. Community Policy and Management Team
  - e. Historic Resources Committee
  - f. Housing Advisory Committee
  - g. Jefferson Area Community Criminal Justice Board
  - h. Local Board of Building Code Appeals
  - i. Minority Business Commission
  - j. Monticello Area Community Action Agency Board
  - k. Piedmont Family YMCA Board of Directors
  - l. Planning Commission
  - m. Region Ten Community Services Board
  - n. Retirement Commission
  - o. Sister Cities Commission
  - p. Social Services Advisory Board
  - q. Towing Advisory Board
  - r. Vendor Appeals Board
  - s. Youth Council

On motion by Pinkston, seconded by Puryear, Council certified by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none), that to the best of each Council member's knowledge only public business matters lawfully exempted from the open meeting requirements

of the Virginia Freedom of Information Act and identified in the Motion convening the closed session were heard, discussed or considered in the closed session.

## **BUSINESS SESSION**

City Council began the Business Session by observing a moment of silence.

## **ANNOUNCEMENTS**

Mayor Snook announced that he was asked by the Albemarle-Charlottesville Historical society to make a cameo appearance in the play "Can't Feel at Home" being produced at PVCC, playing the part of the Governor of Virginia in the 1930s.

## **BOARD/COMMISSION APPOINTMENTS**

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none), appointed or reappointed the following individuals to seats on the city's boards and commissions:

- Community Development Block Grant Task Force: Mary Alex
- Historic Resources Committee: Genevieve Keller, Jalane Schmidt, and Richard Wilson
- Monticello Area Community Action Agency Board: Sarah Shalf
- Planning Commission: Hosea Mitchell and Rory Stolzenberg
- Region Ten Community Services Board: David Opper
- Retirement Commission: David Hughes and William Newberry
- Sister Cities Commission: Stella Mattioli and Elizabeth Smiley
- Social Services Advisory Board: Ashley Zhang
- Towing Advisory Board: Dan Miller

## **CONSENT AGENDA**

Clerk of Council Kyna Thomas read the following Consent Agenda items into the record: Mayor Snook opened the floor for comments on the Consent Agenda.

Mayor Snook opened the floor for public comment on the consent agenda and Chris Meyer, city resident, spoke about Item number 10 as related to climate change. He asked about changes from last year's report and he suggested changes to Cville Gas management.

On motion by Pinkston, seconded by Wade, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) ADOPTED the consent agenda. Mayor Snook reiterated a desire to know whether staff can provide an update by the July meeting on items related to Mr. Meyer's comments.

1. MINUTES: May 23 joint Council-Planning Commission work session; Special meetings - June 1, June 5, June 7 and June 8
2. RESOLUTION: Appropriating Insurance Claim Reimbursement for The Avon Fuel Station Replacement Project - \$40,000 (2nd reading)

**RESOLUTION**

**Insurance Claim Reimbursement for the Avon Fuel Station Replacement Project**

**WHEREAS**, the City of Charlottesville (the “City”) designed and bid a project called the Avon Fuel Station Replacement Project (the “Project”) to improve the Avon Fuel Station, and;

**WHEREAS**, the Project required specific annual insurance coverage, pursuant to the Petroleum Underground Storage Tank Financial Responsibility Requirements Regulation, and;

**WHEREAS**, funds have been expended from the Facilities Capital Projects Lump Sum Account (P-00980) to support this Project, and;

**WHEREAS**, the City will receive insurance claim reimbursements in the amount of \$40,000 for a portion of expenses related to the Project, to replenish the Project budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that upon receipt of the aforesaid insurance claim reimbursements, they shall hereby be appropriated and transferred in the following manner:

**Transfer From**

\$40,000 Fund: 426 WBS: P-00980 G/L Account: 451110

**Transfer To**

\$40,000 Fund: 426 WBS: P-00980 G/L Account: 599999

- 3. RESOLUTION: Appropriating Virginia Department of Criminal Justice Services (DCJS) American Rescue Plan Act (ARPA) for Law Enforcement Equipment Grant 2023 - \$447,000 (2nd reading)

**RESOLUTION Appropriating  
Virginia Department of Criminal Justice Services (DCJS) American Rescue Plan  
Act (ARPA) for Law Enforcement Equipment Grant-2023  
In the Amount of \$447,000**

**WHEREAS**, the City of Charlottesville Police Department (the “Department”), has been awarded from the Virginia Department of Criminal Justice Services (“DCJS”), American Rescue Plan Act (“ARPA”), Law Enforcement Equipment Grant-2023 (the “Grant”) in the amount of \$447,000; and

**WHEREAS**, the purpose of the Grant is for the purchase of law enforcement equipment; and

**WHEREAS**, the Grant award covers the period from July 1, 2022, through June 30, 2024.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that the sum of \$447,000, received from the Virginia Department of Criminal Justice

Services, American Rescue Plan Act Law Enforcement Equipment Grant, is hereby appropriated in the following manner:

**Revenues – \$447,000**

\$447,000	Fund: 209	Internal Order: 1900525	G/L Account: 430127
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**Expenditures – \$447,000**

\$35,353	Fund: 209	Internal Order: 1900525	G/L Account: 520900
\$132,740	Fund: 209	Internal Order: 1900525	G/L Account: 542040
\$248,907	Fund: 209	Internal Order: 1900525	G/L Account: 542090
\$30,000	Fund: 209	Internal Order: 1900525	G/L Account: 542140

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$447,000 from the Virginia Department of Criminal Justice Services, American Rescue Plan Act Law Enforcement Equipment.

4. RESOLUTION: Appropriating grant funding from the Virginia Department of Emergency Management (VDEM) Emergency Shelter Upgrade Assistance Fund - \$645,450 (2nd reading)

**RESOLUTION**

**Appropriating funds from the Virginia Department of Emergency Management (VDEM) Emergency Shelter Upgrade Assistance Fund - \$645,450**

**WHEREAS**, the City of Charlottesville through the Department of Emergency Management, has received from the Virginia Department of Emergency Management (VDEM) Fiscal Year 2022 Emergency Shelter Upgrade Assistance Fund an award of up to \$445,307 to be utilized to upgrade the existing two generators at Charlottesville High School to support the City’s emergency shelter.

**WHEREAS**, the period of performance is April 15, 2023, through June 30, 2024.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia that the sum of \$445,307 received from the Virginia Department of Emergency Management and the local share requirement of \$200,143, is hereby appropriated in the following manner:

**Revenues - \$645,450**

\$445,307	Fund: 209	Internal Order: 1900526	G/L Code: 430110
\$200,143	Fund: 209	Internal Order: 1900526	G/L Code: 498010

**Expenditures - \$645,450**

\$645,307	Fund: 209	Internal Order: 1900526	G/L Code: 599999
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**Transfers - \$200,143**

\$200,143      Fund: 426                      Funded Program: SH-023      G/L Code: 561209

**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$445,307 from the Virginia Department of Emergency Management FY 2022 Emergency Shelter Upgrade Assistance Fund.

- 5. RESOLUTION: Appropriating Charlottesville Supplemental Rental Assistance program (CSRAP) funding (FY23) for use in acquisition of property - \$137,500 (2nd reading)

**RESOLUTION**

**Appropriating \$137,500 OF THE FY23 CSRAP budget allocation to be used by CRHA for acquisition of 100 Harris Road as permanent units of affordable housing**

**WHEREAS** pursuant to Virginia Code §36-19 (2) and (4) the Charlottesville Redevelopment and Housing Authority has the power and authority to acquire real estate for residential use, and to operate buildings for residential occupancy; and

**WHEREAS** pursuant to Virginia Code §36-6 and §36-7 the City of Charlottesville is authorized to lend or donate money to CRHA to enable CRHA to carry out its purposes; and

**WHEREAS** CRHA is requesting the City Council to provide the amount of \$137,500 to fund the acquisition of residential buildings located at 100 Harris Road, and the requested amount of funding is available within the City’s FY23 budget for the CSRAP Program; and

**WHEREAS** City Council desires that its donation of funding be used to acquire dwelling units that will be permanently reserved for use as affordable dwelling units; now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE THAT** the amount of \$137,500 is hereby appropriated from the FY23 Budget for the CSRAP Program, to be donated to the Charlottesville Redevelopment and Housing Authority (“CRHA”) for use in acquiring land and buildings (together, “Real Estate”) located at 100 Harris Road. It shall be a condition of this donation that, immediately following the recordation of an instrument conveying title to the Real Estate to CRHA, CRHA shall record a covenant restricting the use of the Real Estate to residential uses and requiring that all dwelling units located on the Real Estate will be affordable dwelling units. The City Manager will provide CRHA with a declaration of covenants to accomplish the land use restriction, which shall be executed by CRHA and recorded on the same date as the instrument by which CRHA obtains title to the Real Estate.

6. RESOLUTION: Appropriating supplemental Federal Transit Administration and State Capital Funding - \$7,323,087 (2nd reading)

**RESOLUTION APPROPRIATING FUNDS FOR  
Federal Transit Operating Grants  
\$7,323,087**

**WHEREAS**, The FY22 Federal Capital Grant in the amount of **\$1,433,959** and the State Capital Grant in the amount of **\$5,212,499** have been awarded to the City of Charlottesville with a local match of **\$676,629 (including the local match requirement from Albemarle County of \$388,000)**; the amount of capital grant funds is **\$7,323,087**; 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 (Capital)**

\$1,433,959	Fund: 245	Cost Center: 2804001000	G/L: 431010 Federal Grants
\$5,212,499	Fund: 245	Cost Center: 2804001000	G/L: 430110 State Grants
\$ 288,629	Fund: 245	Cost Center: 2804001000	G/L: 498010 Local Match
\$ 388,000	Fund: 245	Cost Center: 2804001000	G/L: 430230 Albemarle Revenue

**Expenditures (Operating)**

\$2,369,034	Fund: 245	Cost Center: 2804001000	G/L: 541040 Vehicles
\$4,755,500	Fund: 245	Cost Center: 2804001000	G/L: 541090 Other Contracted Svcs
\$ 198,553	Fund: 245	Cost Center: 2804001000	G/L: 541090 Equipment
\$ 185,222	Fund: 245	Order: 1000014	G/L: 561245 CAT Capital Match

**BE IT FURTHER RESOLVED**, that this appropriation is conditional upon the receipt of \$1,433,959 from the Federal Transit Administration, \$5,212,499 from the Virginia Department of Transportation, and \$676,629 from local sources.

7. RESOLUTION: Appropriating funding received from UVA donation to Emmet Street and Fontaine Avenue Streetscape Projects - \$5,000,000 (2nd reading)

**RESOLUTION  
Appropriating UVA Donation of \$5,000,000 for the Emmet Street and the  
Fontaine Avenue Streetscape Projects**

**WHEREAS** in March 2018, the University of Virginia confirmed by letter, a commitment to provide \$5,000,000 (Five Million Dollars) in support toward a safer and more bike and pedestrian friendly community; and

**WHEREAS** the University of Virginia previously committed \$5,000,000 (Five Million Dollars) to support the West Main Streetscape Project which has now been cancelled; and

**WHEREAS** the University of Virginia has agreed to reallocate these funds from the West Main Street Project to the Emmet Street and the Fontaine Avenue Streetscape Projects;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that upon receipt of the sum of \$5,000,000 (Five Million Dollars) from the University of Virginia for the Emmett Street and Fontaine Avenue Streetscape Projects, the \$5,000,000 (Five Million Dollars) is hereby appropriated as follows:

**Revenues:**

\$5,000,000      Fund: 426      WBS: P-00932      G/L Account: 432155

**Expenditures:**

\$4,183,586      Fund: 426      WBS: P-00932      G/L Account: 599999

\$ 816,414      Fund: 426      WBS: P-00933      G/L Account: 599999

8. RESOLUTION: Appropriating \$5,300,000 to the Charlottesville City School Board for the Acquisition of CATEC (2nd reading)

**RESOLUTION**

**Resolution to appropriate \$5,300,000 to the Charlottesville City School Board for the Acquisition of CATEC**

**WHEREAS** the Charlottesville City School Board is requesting that the Charlottesville City Council affirm the School Board's election to purchase CATEC; and

**WHEREAS** the School Board is requesting the City Council to provide the amount of \$5,300,000 to fund the acquisition of CATEC; and

**THEREFORE BE IT RESOLVED** that the amount of \$5,300,000 is hereby appropriated to the Charlottesville School Board for use in acquiring the CATEC property in the following manner:

**Revenue – \$5,300,000**

Fund: 426      Cost Center: 9900000000      G/L Account: 499010

**Expenditures - \$5,300,000**

Fund: 426      Project: XXXXXX      G/L Account: 599999

9. ORDINANCE: Authorizing the conveyance of city-owned sanitary sewerline easement on West Main Street and Water Street for CODE Building project (2nd reading)

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CITY-OWNED EASEMENT ON WEST MAIN STREET AND WATER STREET FOR CODE BUILDING PROJECT**



10. **ORDINANCE:** Amending and reordaining Chapter 31 (Utilities) of the Code of the City of Charlottesville, 1990, as amended, to establish new utility rates and service fees for City gas, water and sanitary sewer (2nd reading)

**AN ORDINANCE AMENDING AND REORDAINING CHAPTER 31 (UTILITIES) OF THE CODE OF THE CITY OF CHARLOTTESVILLE, 1990, AS AMENDED, TO ESTABLISH NEW UTILITY RATES AND SERVICE FEES FOR CITY GAS, WATER AND SANITARY SEWER.**

11. **RESOLUTION:** Fontaine Avenue Fire Station Alerting System update (Carried)

**COMMUNITY MATTERS**

Mayor Snook opened the floor for comments from the public.

1. John Hossack, city resident, spoke about the Zoning Ordinance and Future Land Use Map (FLUM), expressing concern about high intensity development moving into neighborhoods away from downtown.
2. Sam Gulliland, city resident, spoke about the 0 East High Street project on the Rivanna floodplain. He expressed concern about increased flooding risk for the neighboring properties. He listed some rights and responsibilities of City Council and the Planning Commission and requested that City Council require the Planning Commission to review the public facilities proposed by the developer prior to approval of any site plan.
3. Rebecca Riley, city resident, spoke about the 0 East High project. She read the Vision Statement published in the Urban Rivanna River Corridor Plan, which expressed primary goals of environmental protection and stewardship. She requested that Council require a Comprehensive Plan review.

**ACTION ITEMS**

12. **ORDINANCE: Charlottesville Police Department Firearms Buyback Program and Destruction of Surrendered Firearms Ordinance (Carried)**

Chief of Police Michael Kochis presented the request to establish enabling legislation allowing a firearms buyback program in the city of Charlottesville. and he answered questions for Council, acknowledging that the program is one tool to combat gun violence and reduce violent crime. Council unanimously agreed to move the item to the July 17 Consent Agenda for second reading and vote.

13. **RESOLUTION: Minor Budget Amendment to Reprogram FY 2017-2019 Community Development Block Grant Funds - \$30,000)**

Anthony Warn, Grants Analyst, presented the request which will help to fund accessibility enhancements in Booker T. Washington Park. Mr. Warn confirmed contractor availability in order to complete sidewalk accessibility work prior to a July 7 event.

Council confirmed with the City Attorney that they could dispense with the second reading and approve the resolution with a four-fifths vote.

On motion by Payne, seconded by Puryear, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the following resolution.

**RESOLUTION**

**Reprogramming Community Development Block Grant Funds from Fiscal Years 2017-2019 to Enact Accessibility Enhancements in One or More City Parks - \$30,000**

**WHEREAS** the City of Charlottesville is and has been an Entitlement Community, as designated by the U.S. Department of Housing and Urban Development (HUD), and as such Council has previously approved the appropriation of certain sums of federal grant receipts to specific accounts in the Community Development Block Grant (CDBG) Fund; and

**WHEREAS** HUD has established expectations and guidance for the timely use of allocated funds to address important community needs; and

**WHEREAS** a balance of unspent CDBG funds exists that can be reprogrammed to meet current community needs; now, therefore,

**BE IT RESOLVED** by the Council of the City of Charlottesville, Virginia, that appropriations made to the following PY 2017-2019 expenditure accounts in the CDBG Fund be amended by the respective amounts shown, and the balance accumulated in the Fund as a result of these adjustments is hereby re-appropriated to the respective PY22-23 account shown as follows:

Program Year	Account Code	Purpose	Proposed Reduction(s)	Proposed Revised Appropriation
FY17-18	P-00001-05-19	Reprogramming of unused CDBG from 10th & Page program	\$24,222.29	\$35,347.61
PY18-19	1900306	Closeout of unused CDBG funds from Belmont PN program	\$948.27	
PY18-19	G1900308	Closeout of unused CDBG funds from AHIP Rehab program	\$4,829.44	\$0

Subtotal of Proposed Reductions                      \$30,000

Program Year	Account Code	Purpose	Proposed Addition	Proposed Revised Appropriation
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PY22-23	1900527	Funding of a new CDBG program for Parks & Rec ADA Accessibility program	\$30,000	\$30,000
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Subtotal of Proposed Additions                      \$30,000

Approval by at least four-fifths vote waived the second reading.

**14. RESOLUTION: Approving an agreement with the Charlottesville Redevelopment and Housing Authority (CRHA) for the Dogwood Properties Portfolio and reassigning an \$850,000 Promissory Note**

Deputy City Manager Samuel Sanders, Jr., presented the request, reminding Council of the approval in April of the acquisition of Dogwood Properties. He stated that the action tonight serves two purposes - approving the Operating Agreement and reassigning the \$850,000 note to CRHA from Woodard Properties for a future decision by a future City Council on how the \$850,000 will be handled. He answered questions for Council and advised that the Agreement authorizes the City Manager to make adjustments to language.

On motion by Wade, seconded by Pinkston, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the following resolution.

**RESOLUTION**

**Approval of Joint Ownership and Loan Agreement with CRHA to support the acquisition of the Dogwood Properties Portfolio as permanent units of affordable housing**

WHEREAS, pursuant to Virginia Code §36-19 (2) and (4) the Charlottesville Redevelopment and Housing Authority (“CRHA”) has the power and authority to acquire real estate for residential use, and to operate buildings for residential occupancy; and

WHEREAS, pursuant to Virginia Code §36-6 and §36-7 the City of Charlottesville is authorized to acquire property in partnership with CRHA that enables CRHA to carry out its purposes; and

WHEREAS, the City Council on April 17, 2023 previously approved the appropriation of the amount of \$5,000,000 to CRHA for the acquisition of residential properties within a scattered site portfolio referred to as Dogwood Properties upon certain conditions as set forth in such resolution; and

WHEREAS, the City Attorney has prepared a Joint Ownership and Loan Agreement (the “Agreement”) between the City and CRHA to set forth in detail in writing the terms and conditions of such appropriation, a copy of which Agreement has been provided to City Council for review; and

WHEREAS, City Council desires to approve such Agreement and authorize the City Manager and other city officials to execute and carry out the same; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHARLOTTESVILLE that the Council finds it to be in the best interests of the City and the citizens thereof to approve the Agreement and hereby does approve the Agreement with such changes as may deemed necessary or advisable by the City Manager, such changes and the approval thereof to be conclusively evidenced by his execution of the Agreement; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to release Piedmont Housing Alliance as borrower on that certain promissory note dated February 1, 2013 (the "Original Note"), which note will be cancelled on the condition that such debt thereunder is assumed by CRHA by (i) Assignment and Assumption Agreement or (ii) its execution of a new promissory note in the amount of \$850,000 (the "Substitute Note") on similar terms to the original note, all as is provided for in the Agreement; and

BE IT FURTHER RESOLVED, that the City Manager, Deputy City Manager, and City Attorney are hereby authorized and directed to take such action as is necessary in their sole discretion to carry out the purposes and intents of this resolution, including without limitation, the execution and delivery of Agreement, the cancellation or assignment and assumption of the Original Note, the acceptance of the Substitute Note, the acceptance of a security agreement for the collateral described in the Original Note, and all documents related thereto; and

BE IT FURTHER RESOLVED, that all actions taken in furtherance of this matter prior to the date of adoption of this Resolution are hereby ratified and confirmed.

**15. RESOLUTION: Approving the Employment Contract with Jacob Stroman as City Attorney**

Michael C. Rogers, Interim City Manager, presented the recommendation.

On motion by Pnkston, seconded by Puryear, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the following resolution.

**RESOLUTION**

**Approving Employment Contract with Jacob Stroman as Charlottesville City Attorney**

**WHEREAS** on June 5, 2023, the Council of the City of Charlottesville approved the recommendation of the Interim City Manager to appoint Jacob Stroman to the position of City Attorney; and

**WHEREAS** the Interim City Manager has negotiated a contract with Mr. Stroman;

**NOW, THEREFORE BE IT RESOLVED** that the Council of the City of Charlottesville approves the employment contract with Jacob Stroman as presented by the Interim City Manager.

**16. RESOLUTION: Adoption of the City of Charlottesville Emergency Operations Plan 2023**

Jeremy Evans, Emergency Manager, presented the 2023 Emergency Operations Plan (a multi-disciplinary and all-hazards plan) and resolution for approval. He mentioned plans for future simplification of the Plan for the jurisdiction and stated that there is a requirement to update the Plan every four years; however, updates can be made as-needed since it is a living document. The local plan designates the City Manager as the Emergency Manager and Mr. Evans as Emergency Operations Coordinator. Mr. Evans stated that the previous document is outdated and was never adopted.

On motion by Payne, seconded by Puryear, Council by a vote of 5-0 (Ayes: Payne, Pinkston, Puryear, Snook, Wade; Noes: none) APPROVED the following resolution.

**RESOLUTION OF THE CITY CHARLOTTESVILLE, VIRGINIA,  
ADOPTING THE EMERGENCY OPERATIONS PLAN**

**WHEREAS**, the City Council of the City of Charlottesville, Virginia, recognizes the need to prepare for, respond to, and recover from natural and man-made disasters; and

**WHEREAS**, the City of Charlottesville has a responsibility to provide for the safety and well- being of its citizens and visitors; and

**WHEREAS**, the City of Charlottesville has established an Office of Emergency Management and appointed a Director and Coordinator of Emergency Management:

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTESVILLE, VIRGINIA:** That the Emergency Operations Plan, as revised April 2023, is officially adopted; and it is further proclaimed and ordered that the Director of Emergency Management, or their designees, are tasked and authorized to maintain and revise as necessary this document over the next four-year period or until such time it is ordered to come before this Council.

**OTHER BUSINESS**

Councilor Payne, following up on public comment, requested Comprehensive Plan review by the Planning Commission for the 0 East High Street project. Mayor Snook agreed but stated that Council has not given proper notice for taking action at tonight's meeting, and the Planning Commission is scheduled for a July 11 meeting. Mr. Snook asked for guidance from the Acting City Attorney. Mr. Andrew McRoberts stated that a Virginia Code 15.2- 2232 review is usually conducted by the Planning Commission at the request of staff, and that there is nothing for City Council to do.

Deputy City Manager Sanders stated that Planning staff has worked with the Planning Commission to ensure that a review occurs. The Planning Commission has authority to call up an item for review and they have elected to do so after the initial review.

## **COMMUNITY MATTERS (2)**

Mayor Snook opened the floor for comments from the public.

- Rebecca Riley asked for clarification on comments made by Mr. Sanders regarding the review called up by the Planning Commission. Mr. Sanders confirmed that the review will include the Comprehensive Plan review. Mayor Snook asked to place on the July 17 agenda an update on what the review looks like.

The meeting adjourned at 7:51 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT

**Charlottesville City Council and Planning Commission**  
**Joint Work Session – City Council Minutes**  
**Wednesday, July 5, 2023, at 12:00 p.m.**  
**CitySpace Main Conference Room (100 5<sup>th</sup> Street NE)**

The Charlottesville Planning Commission held a joint work session with the Charlottesville City Council to discuss the Zoning Ordinance Update. Chair Lyle Solla-Yates called the work session to order at 12:04 p.m. with a quorum of Planning Commissioners. The following City Council members were present: Mayor Lloyd Snook and Councilors Brian Pinkston and Leah Puryear. Vice Mayor Juandiego Wade gave prior notice of his absence because of travel.

As with previous joint meetings for the Zoning Ordinance Update, the meeting notice stated that public comment would be accepted in writing at the meeting or by emailing comments to Deputy Director Missy Creasy during the meeting. Ms. Creasy reiterated these logistics and handed out pens and index cards to meeting attendees.

The meeting agenda followed the outline below:

1. Topics of Review in Association with Zoning Ordinance Update
  - a. Zoning Map Review (continued from May work session – Materials: <https://charlottesvilleva.portal.civicclerk.com/event/1760/files>)

An Interactive Map Viewer was made available at <https://cvilleplanstogether.com/draft-zoning/>.

Module 1 of the draft Zoning Ordinance covers the proposed zoning district rules, the use table, and the zoning map.

Module 2 of the draft Zoning Ordinance covers Development Standards, including landscaping, parking, signs, lighting, etc.

Module 3 of the draft Zoning Ordinance covers Zoning Administration (review processes).

James Freas, Director of Neighborhood Development Services, began the discussion by describing changes that would trigger amendments to the Comprehensive Plan.

Mr. Solla-Yates gained agreement to have participants each propose one item for discussion from the list of 32 items posted in the agenda materials regarding Future Land Use Map change proposals.

Commissioners and councilors discussed the need to preserve organically occurring affordable housing in the Cedar Hills and Hydraulic area, reminded by Mr. Pinkston of a future traffic roundabout. Mr. Snook expressed a concern with eliminating existing commercial use areas for the sake of increasing housing, when it could leave fewer options for commercial use.

Potential rezoning of specific streets and neighborhoods was discussed as well as projecting student housing needs that may not be accommodated by the University of Virginia.

Public comments were received in writing during the meeting from the following individuals:

- Genevieve Keller
- Benjamin Heller
- Livable Cville
- Bill Emory
- Marlene Jones
- And anonymous handwritten notes.

Mr. Snook asked about intentions regarding entrance corridors to the city. Discussion referenced entrance towers to clearly delineate the city from the county, as well as the desire to make entrance into the city welcoming.

The meeting adjourned at 2:07 p.m., with the next joint work session scheduled for July 13 to discuss rules in the R-A, R-B & R-C zones.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

DRAFT



**CHARLOTTESVILLE CITY COUNCIL MINUTES**  
**Joint Public Hearing with Planning Commission**  
**July 11, 2023 at 6:00 p.m.**  
**CitySpace Main Conference Room (100 5<sup>th</sup> Street NE)**

The Charlottesville City Council met quorum at a joint public hearing with the Planning Commission. Mayor Lloyd Snook called City Council to order with the following members present: Michael Payne, Brian Pinkston, Leah Puryear and Lloyd Snook.

Matt Alfele, City Planner, introduced the item for public hearing. Erin Hannegan with Mitchell Matthews and Associates, LTD, made the presentation. The shelter plans to operate during construction and with consultation from a tree expert, the project expects to preserve the large oak tree at Ridge Street.

Planning Commission materials included the following information about the applicant request for a Special Use Permit:

“SP23-00004 – 207 & 211 Ridge Street (The Salvation Army) – Mitchell Matthews and Associates, LTD (“Applicant”), on behalf of The Salvation Army, is requesting a SUP pursuant to Section 34-796 and Section 34-162 of the Code of the City of Charlottesville (“Code”) for the following property (“Property”): Parcel Number: 290029000  
207 & 211 Ridge Street, Charlottesville, VA, 22902

The purpose of this SUP is for expanding its Shelter Care Facility (“Shelter”), modifying its yard requirements, and modifying its onsite parking requirements. The Salvation Army is proposing to redevelop the Property and expand their existing services. To date, the existing use of the Shelter is legally nonconforming, and any expansion of the use will require a SUP. The Applicant is proposing to expand from 58 emergency shelter beds to 114 emergency shelter beds; expand meal capacity from 80 seats to 120 seats; increase the size of the multi-purpose room from 1,928 square feet to 2,415 square feet; and expand the meeting rooms capacity from 40 seats to 84 seats. To facilitate the proposed expansions, the Applicant, in addition to requesting a SUP for the Shelter, is also requesting alterations to Section 34-638(a)(1)-(2) of the Code, whereby the yard setback requirements are altered from 5 feet minimum and 12 feet maximum on 4<sup>th</sup> St. SW to 10 minimum and no maximum; “build-to” percentages are altered from 80% minimum along the primary streets and 40% minimum along linking streets to 32% along primary streets and no minimum along linking streets; the required onsite parking is reduced, pursuant to Section 34-984 of the Code, from 52 spaces to 32 spaces; and Section 34-642(c) of the Code is modified to remove the requirement that for more than 20 off-street parking spaces, no more than 50% of such spaces shall consist of open-air surface parking. The Property is approximately 1.27 acres with road frontage on Ridge Street and 4<sup>th</sup> St. SW. The Comprehensive Land Use Map designates this area in the Urban Mixed Use Node. The Property is zoned West Main East Corridor (“WME”) with an Architectural Design Control District overlay. This application may be viewed online at <http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services> or a copy is on file in the Department of Neighborhood Development

Services, 2nd Floor of City Hall, 610 East Main Street. Persons interested in this SUP request may contact NDS Planner Matt Alfele by e-mail (alfelem@charlottesville.gov) or by telephone (434-970-3636).”

John Matthews, Principal in charge of the project and Captain Mark Van Meter, new Salvation Army Commanding Officer answered questions related to parking, access, tree preservation, shelter capacity, buffering, playground equipment, and protection for current residents during construction. Once fundraising reaches 50% of the cost, the national Salvation Army will provide the additional portion of funding to begin the project as fundraising continues. Project completion is projected for Summer or Fall of 2026.

Members of the public were invited to speak.

- Frank Flashreem, city resident, spoke about limited street parking, and when resident cars are parked it creates a one lane street. He spoke in support of the project, and asked that the city remedy the access issues since construction vehicles will use the street and the increase in beds could bring additional vehicles.
- Bryan Crenshaw, city resident, spoke in support of the project, but not with parking reductions or the removal of the structured parking requirement.
- Chris Dunmar, city resident, spoke in favor of the project, but expressed concern about access issues.
- Brenda Smith, Salvation Army Resident Program Manager with the Salvation Army, shared stories about Salvation Army guests and their positive experiences with using the Salvation Army shelter.
- Captain Matt Van Meter, Salvation Army, provided information about Salvation Army services.

Parking, construction access and tree canopy arose as areas for attention.

City Attorney Jacob Stroman advised City Council that they would be in order to consider, pursuant to the 2023 amendments to the Code of Virginia Section 15.2-2204, a motion to defer further consideration of the special use permit to Council’s August 7 regular meeting or to another date certain.

On motion by Payne, seconded by Pinkston, City Council by unanimous vote 4-0 (Ayes: Payne, Pinkston, Puryear, Snook; Noes: none; Absent: Wade) to consider the special use permit request at the regular meeting of City Council on August 7, 2023.

The public hearing closed and the meeting adjourned at 7:41 p.m.

BY Order of City Council

BY Kyna Thomas, Clerk of Council

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



<b>Agenda Date:</b>	August 7, 2023
<b>Action Required:</b>	Appropriation
<b>Presenter:</b>	Jonathan Dean, Public Service Manager
<b>Staff Contacts:</b>	Krisy Hammill, Director of Budget
<b>Title:</b>	<b>Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53 (2nd reading)</b>

**Background**

City Traffic assets sustained damage from external accidents, which impacted their proper functions. The following poles require repair/replacement after evaluation by the Public Works Traffic Section:

- Signal Pole – Located at the intersection of Emmet & Arlington, the incident occurred on November 5th, 2021
- Streetlight Pole – Located at the 153 Seminole Ct., the incident occurred on September 28th, 2022
- Streetlight Pole – Located on 1601 University Ave., incident occurred on May 20th, 2022
- Streetlight Pole – Located on 140 Garret St., the incident occurred on August 4th, 2021

**Discussion**

Risk Management has secured payment in the total amount of \$56,316.53, itemized amounts below:

<b>Asset</b>	<b>Claim Number</b>	<b>Amount</b>	<b>Date Received</b>	<b>Insurance Company</b>
Signal Pole	22100-2	\$49,426.38		VRSA
Streetlight Pole	23062-1	\$2,457.15	2/14/2023	Liberty Mutual
Streetlight Pole	23066-1	\$2,856.00	3/08/2023	Helmsman Management Services
Streetlight Pole	22024-1	\$1,577.00	3/08/2023	VRSA

The insurance monies will be utilized to recover repair/replacement costs for these assets.

**Alignment with City Council's Vision and Strategic Plan**

The reimbursement of the insurance monies for the asset loss associated with the aforementioned City Traffic assets supports the City's mission - "We provide services that promote equity and an excellent quality of life in our community"

The anticipated use of the reimbursed monies also aligns with Goal 3.2 – Provide reliable and high quality infrastructure.

**Community Engagement**

N/A

**Budgetary Impact**

No additional funds are being requested as the funds being requested for appropriation have been received from an insurance carrier as reimbursement for damage.

**Recommendation**

Staff recommends approval and appropriation of insurance monies.

**Alternatives**

If the insurance reimbursement is not appropriated, the Public Works Department will not be able to recover this funding to repair/replace the cited Traffic assets.

**Attachments**

1. RESOLUTION - Appropriating City Traffic Assets Insurance Reimbursement – \$56,316.53

**RESOLUTION**  
**City Traffic Assets Insurance Reimbursement**  
**\$56,316.53**

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

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

**Revenues - \$**

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

**Expenditures - \$**

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

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

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 7, 2023
Action Required:	This is the action request for this item
Presenter:	Riaan Anthony, Deputy Director - Parks Division
Staff Contacts:	Riaan Anthony, Deputy Director - Parks Division
Title:	<b>Appropriating Funds for the Virginia Department of Education Special Nutrition Program Summer Food Service Program - \$100,000 (2nd reading)</b>

**Background**

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

**Discussion**

Charlottesville Parks and Recreation will operate five Summer Camp programs and four community housing centers (Westhaven, Friendship Court, South First, and Greenstone) throughout the City of Charlottesville. These sites serve children in Pre-K-9th grades, for eight weeks during the summer, June 20- August 4. Various activities are planned from 9:00am-4:00pm, Monday through Friday. The reimbursement will cover the costs of nutritious meals at these locations, which also have an educational/enrichment component. The Virginia Department of Education Special Nutrition Program provides a free, nutritious breakfast and lunch for these children, and the community housing centers will provide a free, nutritious dinner. Most of the children served receive free or reduced meals during the school year. The Parks & Recreation Camp has almost 2,000 enrollees this summer.

The \$100,000 appropriation covers the cost of the food and administration of the summer food service program. The breakfast, lunches, and dinners are purchased through the City of Charlottesville School Food Service. The Parks and Recreation Department pays the bills to the City of Charlottesville Food Service, and is then reimbursed by the Virginia Department of Education Special Nutrition Programs.

**Alignment with City Council's Vision and Strategic Plan**

Approval of this agenda item aligns directly with the Council's vision for Charlottesville to be America's Healthiest City and it contributes to Goal 2 of the Strategic Plan to be a safe, equitable, thriving, and beautiful community. Children will receive a nutritious breakfast, lunch and/or dinner, hopefully replacing a meal that did not exist or providing a healthier, balanced option for them.

## **Community Engagement**

N/A

## **Budgetary Impact**

This has no impact on the General Fund as there is no local match required. The funds will be expensed and reimbursed to a Grants Fund.

## **Recommendation**

Staff recommends approval and appropriation of funds.

## **Alternatives**

If money is not appropriated, the free breakfast and lunch program will not be offered to youth, most of whom receive free or reduced meals during the summer.

## **Attachments**

1. RESOLUTION\_SummerFoodServiceProgram \$100,000

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

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

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

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

**Revenue – \$100,000**

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

**Expenditures - \$100,000**

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

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



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 7, 2023
Action Required:	Approval
Presenter:	Chris Cullinan, Director of Finance
Staff Contacts:	Misty Graves, Director of Human Services
Title:	<b>Reallocating \$33,827.85 of American Rescue Plan (ARP) funds to the Department of Human Services from funds previously appropriated to City of Promise (2nd reading)</b>

**Background**

Appropriation to reallocate \$33,827.85 of ARP funds from City of Promise to the Department of Human Services to continue community resiliency activities.

**Discussion**

City Council originally appropriated \$60,000 of ARP funds in July 2021 to City of Promise for community resiliency activities in support of the West Haven Clinic. These activities took the form of contracted peer support services and community mental health/wellness events. Over time, the peer support activities were discontinued, and funds were used for training (CPR, CNA licensing) and food insecurity due to reduced SNAP funds, including an on-site food pantry.

Recently, the City of Promise's Executive Director retired, and the organization and the City's Department of Human Services agreed that it was a good time to transition the remaining funds back to the City as this would be a more efficient process for continuing to provide these activities. The amount of ARP funds to be returned to the City totals approximately \$33,800.

The Department of Human Services plans to continue using these funds for community resiliency activities in support of the West Haven Clinic. These funds will be used to support several categories of activities:

1. Continued focus on food insecurity including the on-site food pantry and food vouchers.
2. Provide air conditioning for those who do not qualify/need assistance from other providers.
3. Awareness building such as a Women's Group, Diabetes Awareness group.
4. As needed emergency financial assistance.
5. Supports/supplies for community events.

This agenda item ensures the correct accounting, tracking and reporting of these ARP funds while continuing the City's support for these activities in the West Haven community.

**Alignment with City Council's Vision and Strategic Plan**

This agenda item supports Goal #2 of the Strategic Plan to be "A Healthy and Safe City".

**Community Engagement**

N/A

**Budgetary Impact**

There is \$0 impact on the City's budget or ARP funds as these have been previously appropriated.

**Recommendation**

Approval.

**Alternatives**

The funds could be returned to the unallocated portion of ARP funds for future use.

**Attachments**

1. 7.17.23 Appropriation Reallocating ARP Funds for Community Resiliency Activities

**RESOLUTION REALLOCATING AND  
APPROPRIATING FUNDS FOR  
American Rescue Plan for Eligible Local Activities**

**\$33,827.85**

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

**Revenue:**

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

Fund: 207	I/O 1900529	GL 599999	\$33,827.55
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CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 7, 2023
Action Required:	Consideration of an Ordinance Authorizing Encroachment into the City Right-of-Way
Presenter:	Dannan OConnell, Planner
Staff Contacts:	Dannan OConnell, Planner Jacob Stroman, City Attorney
Title:	<b>Approving a Right-of-Way Encroachment Agreement for 1117 Preston Avenue (2nd reading)</b>

**Background**

Trey Steigman of 1117 Preston Avenue LLC (Applicant) has requested an agreement to encroach into the City right-of-way adjacent to 1117 Preston Avenue. The applicant has submitted a Final Site Plan to the City for construction of a sixteen-unit multi-family residential development at this address. This site plan proposes several improvements, including sidewalk, handrails, and landscaping, within the right-of-way of Preston Avenue immediately adjacent to 1117 Preston Avenue. An agreement between the applicant and the City, authorizing encroachment into the City right-of-way, must be approved and recorded prior to the approval of this Final Site Plan.

**Discussion**

A Final Site Plan for 1117 Preston Avenue was first submitted to Neighborhood Development Services on March 5, 2022, and is currently under review by City staff.

**Alignment with City Council's Vision and Strategic Plan**

If City Council approves this Encroachment Agreement, the project could contribute to GOAL 3: A Beautiful and Sustainable Natural and Built Environment, 3.1 Engage in robust and context sensitive urban planning and implementation.

**Community Engagement**

The applicant held a community meeting for their Final Site Plan on February 16, 2022.

Staff has received no emails or phone calls expressing concerns with the development.

**Budgetary Impact**

This has no impact on the General Fund.

**Recommendation**

Suggested motion: "I move the ORDINANCE authorizing an Encroachment Agreement into the City right-of-way adjacent to Property located at 1117 Preston Avenue."

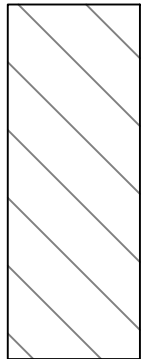
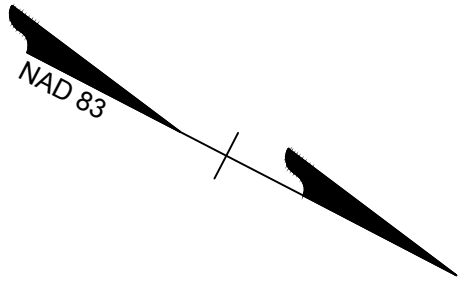
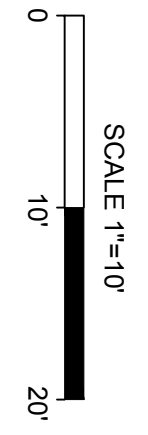
### **Alternatives**

City Council may deny or indefinitely defer the requested Encroachment Agreement:

- (1) Denial: "I move to deny the Ordinance authorizing an Encroachment Agreement into the City right-of-way adjacent to 1117 Preston Avenue"
- (2) Deferral: "I move to defer Council action on the Ordinance authorizing an Encroachment Agreement for 1117 Preston Avenue"

### **Attachments**

1. Encroachment Exhibit-1117 Preston Avenue
2. ORDINANCE\_Preston House Encroachment Agreement 7.17.2023
3. Encroachment Agreement - 1117 Preston Ave LLC (2)



ENCROACHMENTS  
IN PRESTON AVE  
RIGHT-OF-WAY  
(3,360 SF)

ENCROACHMENT EXHIBIT FOR  
**PRESTON HOUSE**  
(1117 PRESTON AVE)  
CITY OF CHARLOTTEVILLE, VIRGINIA  
DATE: JUNE 07, 2023



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

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

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

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

*Prepared by:  
Benjamin W. Emerson, VSB # 23578  
Sands Anderson PC, Interim City Attorney  
Charlottesville City Attorney's Office  
P.O. Box 911, Charlottesville, VA 22902*

*Tax Map Reference No. 030130000  
Prepared without benefit of title examination*

## **ENCROACHMENT AGREEMENT**

THIS ENCROACHMENT AGREEMENT (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by 1117 PRESTON AVENUE, LLC, a Virginia limited liability company, "Grantor", and the CITY OF CHARLOTTESVILLE, VIRGINIA, P.O. Box 911, Charlottesville, Virginia, 22902, Grantee ("City");

### **WITNESSETH**

WHEREAS, the Grantor is the owner of that certain described tract or parcel of land lying and being situate in the City of Charlottesville, located at 1117 Preston Avenue ("the Property), a portion of which is shown on the attached Exhibit A entitled "Encroachment Exhibit for Preston House (1117 Preston Avenue)" prepared by Timmons Group dated June 7, 2023, which is by this reference incorporated herein, Grantor having acquired such property by deed dated January 31, 2023, recorded in the Clerk's Office of the Circuit Court of the City of Charlottesville, Virginia as Instrument No. 2023-00000264.

WHEREAS, the City is the owner of certain public right-of-way adjacent to the Property, identified as Preston Avenue; and

WHEREAS, the Grantor is in the process of finalizing a site plan authorizing development of the Property (the "Site Plan") and the construction of a multifamily residential building immediately adjacent to the right-of-way along Preston Avenue, and the Grantor desires to be able to construct the building and related improvements in accordance with the approved final Site Plan; and



WHEREAS, the Site Plan for the Property contemplates certain improvements to be located in a portion of land within the Preston Avenue right-of-way along its western boundary with the Property and shown as the area designated as “Encroachments in Preston Avenue Right-of-Way” on Exhibit A, such items to consist of driveway, frontage sidewalk, stairs and handrails, and related items as reflected on the Site Plan as finally approved by the City (collectively, the “Encroachments”);

WHEREAS, following completion of construction pursuant to the Site Plan, the Grantor desires to allow the Encroachments to remain within and permanently occupy the applicable portion of the City’s right-of-way, and Grantor understands that such items constitute encroachments in the public right-of-way;

WHEREAS, the City consents to the location of the Encroachments within the designated portion of the City’s right-of-way on the terms and conditions set forth herein; and

WHEREAS, in consideration of its use and occupancy of the City’s right-of-way in the manner and to the extent described above, the Grantor desires to bind itself, its successors and assigns, for all liabilities for and relating to the Encroachments and other construction activities to be conducted by Grantor within the City right-of-way during construction, and the subsequent continued occupation of the City right-of-way by the Encroachments following construction;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the Grantor, on behalf of itself, its successors and assigns, does hereby covenant and agree as follows, for the benefit of the City:

1. The Grantor shall be liable for negligence on account of the Encroachments within the City’s right-of-way;
2. The Grantor shall indemnify and hold the City harmless from and against any and all liability, losses, suits, actions, judgments, claims, demands, damages, penalties, fines, expenses and costs, of every kind and nature, incurred by or asserted or imposed against the City by reason of any accident, injury

(including death) or damage to any person, property, equipment or utility facilities (including, without limitation any property, equipment, or utility facilities owned by the City), however caused, resulting from or arising out of the Grantor's use and occupancy of the public right-of-way adjacent to the Property during **(a)** Grantor's construction activities, by Grantor, its construction contractors and subcontractors, and **(b)** thereafter, during such period of time as the Encroachments continue to occupy the public right-of-way, except to the extent that such loss or damage is the result of the gross negligence, willful, or wanton conduct of the City; and Grantor shall maintain liability insurance in amounts reasonably acceptable to the City, with the City named as an additional insured thereunder.

3. Upon completion of construction, Grantor at its own cost and expense shall have the obligation to perform ordinary, routine upkeep, maintenance and repair activities on the Encroachments. Grantor acknowledges and agrees that the City shall have no obligation for any maintenance, repairs, alterations, modifications or improvements to the Encroachments. Upon completion of construction, Grantor may maintain the Encroachments as then existing until such structures are destroyed or removed, subject to the other provisions of this Agreement.

4. Upon completion of construction, Grantor shall provide the City with as-built plans showing existing conditions, in an electronic format acceptable to the City Engineer, such as-built plans to provide geographic information system (GIS) coordinates or a physical survey of the location and dimension(s) of each of the Encroachments that will remain within the public right-of-way of Preston Avenue adjacent to the Property;

5. The Grantor agrees that the City shall have and retain any and all legal rights it may have pursuant to Virginia Code Sec. 15.2-2009 and Sec. 15.2-2011, as such statutes exist as of the date of this Agreement and as they may subsequently be amended, in addition to any other legal rights or remedies the City may have. In the event that the City determines that removal of the Encroachments in the right-of-way is necessary or desirable, the City shall so notify Grantor in writing at the mailing address of the

Property on file with the City Tax Assessor. Grantor shall have thirty (30) days from the date of City's notice to commence removal of the Encroachments, and Grantor shall use commercially reasonable efforts to diligently pursue until completion such removal at Grantor's sole cost and expense. If Grantor fails to remove the Encroachments pursuant to the foregoing, the City may remove the Encroachments, charge the cost of removal to the Grantor, and collect the cost of removal in any manner provided by law for the collection of state or local taxes; and

6. The Grantor's covenants and agreements set forth within this Agreement shall run with the land described herein as the Property, and shall be binding on Grantor, its successors and assigns.

[SIGNATURE PAGES FOLLOW]

WITNESS the following signatures.

GRANTOR:

1117 PRESTON AVENUE, LLC

BY: \_\_\_\_\_

TITLE: Manager

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me, a Notary Public in and for the aforesaid City/County and State, by \_\_\_\_\_, Manager, on behalf of 1117 Preston Avenue, LLC, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Notary Public

Registration #: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**IN WITNESS WHEREOF**, the City of Charlottesville has caused this Encroachment Agreement to be executed by its Mayor, pursuant to the Resolution approved by City Council on \_\_\_\_\_, 2023.

GRANTEE: **CITY OF CHARLOTTESVILLE, VIRGINIA**

By: \_\_\_\_\_  
\_\_\_\_\_, Mayor

COMMONWEALTH OF VIRGINIA  
CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me by \_\_\_\_\_,  
Mayor of the City of Charlottesville, Virginia, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
Registration #: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

*Approved as to Form:*

\_\_\_\_\_  
*Jacob P. Stroman (VSB #31506)*  
*City Attorney*

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 7, 2023
Action Required:	Move to second reading in August
Presenter:	Chris Gensic, Park and Trail Planner
Staff Contacts:	Chris Gensic, Park and Trail Planner Krisy Hammill, Director of Budget
Title:	<b>Appropriating VDOT grant funds for Washington Park to Madison Avenue Trail - \$285,665 (2nd reading)</b>

**Background**

The City of Charlottesville, through Parks and Recreation, received an award from the Virginia Department of Transportation (VDOT) in the amount of \$88,350 to assist with efforts to construct a bicycle and pedestrian trail connector from Madison Avenue to Preston Avenue adjacent to Washington Park. In 2021, \$100,000 in surplus funding from another Highway Safety Improvement Program (HSIP) project was moved over to this project. The project was put to bid in 2023 and the bids came at double the amount of funding available. The City recently cancelled another HSIP project and VDOT has agreed to move that funding over to the Washington project to enable it to be re-bid and proceed to construction.

**Discussion**

There is currently a staircase at the end of Madison Avenue that provides pedestrian access into lower Washington Park. The City will use these funds to improve access to the park by also providing access improvements for ADA accessibility, bicycles, and strollers as well as pedestrians.

**Alignment with City Council's Vision and Strategic Plan**

Construction of this trail will further council goals of being a Connected City by establishing a portion of the bicycle and pedestrian trail system that enhances our residential neighborhoods.

**Community Engagement**

The bicycle, pedestrian and trail master plan was developed with multiple public meetings and was approved by council to be an addendum to the City Comprehensive Plan.

**Budgetary Impact**

No additional local funding is required for this project. Federal and state funding from VDOT will be transferred to fund the additional costs of the project.

**Recommendation**

Staff recommends appropriation of grant funds.

**Alternatives**

If grants funds are not appropriated, the project will either have to be supplemented with local dollars or may not be constructed.

**Attachments**

1. Resolution\_VDOT Grant Appropriation Washington Madison Bike Ramp \$285,665

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

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

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

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

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

**Revenues**

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

\$285,665	Fund 426	WBS: P-01052	G/L Account: 599999
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**BE IT FURTHER RESOLVED**, that this appropriation is conditioned upon the receipt of \$285,665 from the Virginia Department of Transportation.



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



Agenda Date:	August 7, 2023
Action Required:	Approve
Presenter:	James Freas, Director of NDS
Staff Contacts:	James Freas, Director of NDS
Title:	<b>Referring the Zoning Ordinance rewrite to the Planning Commission (1 reading)</b>

**Background**

Cville Plans Together has been a multi-year effort to plan for the future of the City, with a focus on equity. This three-part project included an Affordable Housing Plan (Mar, 2021) and a new Comprehensive Plan (Nov, 2021). The final part of this project is a new Development Code, incorporating a new zoning ordinance and subdivision regulations. This Development Code implements the recommendations of both the Affordable Housing Plan and the Comprehensive Plan.

**Discussion**

Section 15.2-2285 A and B of the Virginia Code and section 34-41 of the Charlottesville City Code require that the City Council refer an amendment or reenactment of a zoning ordinance to the planning commission for their recommendation. The Planning Commission will have 100 days from this referral to provide their recommendation back to the City Council. The Planning Commission is required to conduct a public hearing on the proposed ordinance before providing their recommendations.

**Alignment with City Council's Vision and Strategic Plan**

The proposed zoning ordinance touches on all aspects of City Council's current vision and strategic plan.

**Community Engagement**

There has been extensive community engagement over the entire time period of the Cville Plans Together process as well as specifically in relation to the Zoning Ordinance. Engagement has taken the form of public meetings, online comments, and focus groups among other methods. A complete accounting of comments received will be published with the release of the draft Development Code document (zoning and subdivision).

**Budgetary Impact**

**Recommendation**

Adopt resolution referring the Charlottesville Development Code (Zoning and Subdivision Ordinances) to the Planning Commission for review and recommendation.

**Alternatives**

**Attachments**

1. RESOLUTION\_ReferaltoPC (4)

## **RESOLUTION**

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

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

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

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

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

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

CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date: August 7, 2023  
Action Required: Consideration of an application for a Special Use Permit  
Presenter: Matthew Alfele, City Planner  
Staff Contacts: Matthew Alfele, City Planner  
**Title: Special Use Permit request at 207 and 211 Ridge Street (1 reading)**

**Background**

The Salvation Army of Charlottesville (owner) represented by Mitchell Matthews and Associates has submitted an application requesting a Special Use Permit (SUP) pursuant to Sections 34-796 and 34-162 at 207 and 209 Ridge Street or the Subject Property. The Subject Property is identified as Tax Map and Parcel 290029000. The Subject Property has street frontage on Ridge Street and 4th ST SW and is zoned West Main East Corridor (WME) with an Architectural Design Control District overlay. The applicant is pursuing a SUP to expand the existing Shelter Care Facility, modify yard setback requirements, and reduce onsite parking. The Salvation Army is proposing to redevelop the property and expand their existing services. To date, the use of the Shelter is legally nonconforming, and any expansion of that use beyond what is permitted in Section 34-1147(b) will require approval of a SUP. The Applicant is proposing to expand from 58 emergency shelter beds to 114 emergency shelter beds; expand meal capacity from 80 seats to 120 seats; increase the size of the multi-purpose room from 1,928 square feet to 2,415 square feet; and expand the meeting rooms capacity from 40 seats to 84 seats. To facilitate these expansions, the applicant, in addition to requesting a SUP for the Shelter use, is also requesting alterations to Section 34-638(a)(1) & (2) of the Code, whereby the yard setback/Streetwall requirements shall be altered from 5 feet minimum and 12 feet maximum on 4th St. SW to 10 feet minimum and no maximum; "build-to" percentages are altered from 80% minimum along the primary streets (Ridge Street) and 40% minimum along linking streets (4th ST SW) to 32% along primary streets and no minimum along linking streets; reduce the required onsite parking pursuant to Section 34-984 of the Code, from 52 spaces to no minimum (with an intent of providing 32 spaces); and modify Section 34-642(c) of the Code to remove the requirement that, for facilities providing more than 20 off-street parking spaces in this zoning district, no more than 50% of such spaces consist of open-air surface parking.

**Discussion**

The Planning Commission held a hybrid virtual and in-person joint Public Hearing with City Council on July 11, 2023, on this matter. The Planning Commission and City Council had the following comments or concerns:

- The Planning Commission and City Council value the services provided by the applicant and understand the need for expansion.
- Clarification on how the large oak tree will be preserved and what will happen if it is

damaged/removed.

- Parking needs and how it will impact adjacent neighbors was a big concern.
- How parking and services will be addressed during construction.
- How construction access will be handled and mitigation of impacts on neighbors on 4th ST SW.
- Screening on the western edge of the property is needed.

The Planning Commission and City Council had a long conversation related to this project and the public good it provides. Parking was the main topic as it relates to ensuring adequate parking is provided both during construction (as the applicant will continue to operate on site during the redevelopment) and after construction. Planning Commission updated the condition of parking to address this issue. Making sure the development is properly screened from the neighbors on 4th ST SW was also a point of discussion. City Council also stated the importance of the playground on site and the need to ensure it remains and has up-to-date equipment.

Staff recommends consideration of the following additional condition to address some of the concerns expressed at the public hearing:

Per Section 34-157(b): The applicant will provide a construction access management plan. At minimum the plan will include measures to insure safe vehicular and pedestrian access along 4<sup>TH</sup> ST SW and Dice ST during construction. The plan will be subject to approval by the Director of NDS and must be detailed within the Final Site Plan.

Staff note: A recording of the meeting can be found at the following link. Discussion starts at the 01:04 mark.

[Link to recording of July 11, 2023 Planning Commission Meeting](#)

Staff note: The full application for this project can be found at the following link. Materials start on page 120.

[Link to Staff Report and application](#)

### **Alignment with City Council's Vision and Strategic Plan**

If City Council approves the Special Use Permit request, the project could contribute to Quality Housing Opportunities for All and a Community of Mutual Respect aspects of the City Vision Statement.

### **Community Engagement**

The applicant held a community meeting on June 22, 2023. The meeting was onsite and attended by one member of the public. At the meeting the following concerns were communicated to the applicant:

- Redevelopment and expansion will create parking issues for people living on 4th ST SW.
- Trash has and will continue to be an issue.
- The location of the proposed driveway to the Subject Property will create issues with residents who live directly across from the new access point.

Staff has received a few emails (Attachment F) related to this project. Concerns include:

- Increased traffic.
- Parking will be an issue.
- The City should not concentrate a large amount of the unhoused population at the tourist entry point to the downtown.

Staff has received emails and phone calls expressing concerns with the development. These

concerns include:

- Traffic and parking impacts to 4th ST SW.
- Trash.

Any emails received by staff regarding this project have been forwarded to Planning Commission and City Council.

On July 11, 2023 the Planning Commission and City Council held a joint Public Hearing. The Public Hearing was a hybrid meeting with the public able to join online and in person. During the Public Hearing five (5) members of the public participated. Below is an outline of their comments:

- Support for the project by neighbors, but concern with parking and traffic on 4th ST SW.
- More parking, with the covered parking, should be required.

### **Budgetary Impact**

This has no impact on the General Fund.

### **Recommendation**

The Planning Commission voted 6-0 to recommend the application be approved.

Suggested motion: "I move the RESOLUTION granting a Special Use Permit for Property located at 207 and 211 Ridge Street, City Tax Map Parcel 290029000" with conditions.

If Council wishes to include the additional recommended condition, the motion should include it as condition 10 and read Per Section 34-157(b): The applicant will provide a construction access management plan. At minimum the plan will include measures to insure safe vehicular and pedestrian access along 4<sup>TH</sup> ST SW and Dice ST during construction. The plan will be subject to approval by the Director of NDS and must be detailed within the Final Site Plan.

### **Alternatives**

City Council may deny or indefinitely defer the requested Special Use Permit:

- (1) Denial: "I move to deny the Special Use Permit requested within zoning application no. SP23-00004"
- (2) Deferral: "I move to defer Council action on zoning application no. SP23-00004"

### **Attachments**

1. 207\_211\_Ridge\_Street\_Salvation\_Army\_SUP\_Res\_8\_8\_23

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

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

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

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

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

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

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

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

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

5. Per Section 34-162: Onsite parking shall not be required to have fifty (50) percent covered.
6. Per Section 34-162: An extension of the SUP may be granted for up to two (2) years if requested by the applicant or landowner pursuant to Section 34-164(d).
7. Per Section 34-157(b): Trash receptacle (dumpsters) must be provided and secured in a facility that is adequate and cannot be accessed by the public.
8. Per Section 34-157(b): If the large oak tree [at Ridge Street] dies, then another large canopy tree will be planted [in its place].
9. Per Section 34-157(b): S-3 Screening shall be provided along the 4th ST SW boundary of the property.



CITY OF CHARLOTTESVILLE, VIRGINIA  
CITY COUNCIL AGENDA



Agenda Date:	August 7, 2023
Action Required:	Resolution Approval
Presenter:	James Freas, Director of NDS
Staff Contacts:	Carrie Rainey, Urban Designer/City Planner
Title:	<b>Approving a Special Use Permit at 218 West Market Street (2nd reading)</b>

### **Background**

Valerie Long, Williams Mullen, acting as agent for Heirloom Downtown Mall Development, LLC, requests a modification to an existing Special Use Permit (SUP), SP19-00006, pursuant to City Code Section 34-162(a) which permits modification to yard regulations including required setbacks. The existing SUP permits a mixed use building with up to 240 dwelling units per acre (DUA) and up to 101-feet in building height with conditions. The current application requests modification of the required 25-foot minimum setback at 45-feet in height per Section 34-558(a) to a 10-foot minimum setback for the West Market Street streetwall and a 5-foot minimum setback for the Old Preston Avenue streetwall. The Subject Property is currently zoned D Downtown Mixed Use Corridor with Downtown Architectural Design Control District (District A) and Urban Core Parking Zone overlays. The conditions included in the attached resolution primarily reflect those agreed to during the original special use permit process. Notably, the affordable dwelling unit condition exceeds the City's current requirement, providing some units at a deeper level of affordability and requiring affordability for a longer period of time. Also notable in these conditions is a requirement to provide commercial space at a discounted rate (50%) to a community organization supporting the citizens of the historic Vinegar Hill community.

### **Discussion**

The Planning Commission considered this application at their meeting on July 13, 2023. The Commission discussed the proposed building form, including the reduced setbacks and additional building modulation providing additional light and air, potential public pedestrian access through the site between West Market Street and Old Preston Avenue, and the potential to work with the applicant to extend the Downtown Mall brick paving down Old Preston Avenue.

The staff report and supporting documentation presented to the Planning Commission can be found starting at page 24 at the following link: <https://charlottesvilleva.portal.civicclerk.com/event/1696/files>

The City Council considered this application at their meeting on July 17, 2023. The Council discussed whether the granting of the requested amendment to reduce the upper floor setback requirement warranted an additional contribution towards affordable housing beyond that already being provided based on the additional square footage.

The applicant has suggested an additional condition for this project that would be added as condition 1.e and read as follows:

e. The building shall contain no more than 188,903 gross buildable square feet above grade."

Should Council wish to include this additional condition, it should be noted as part of the motion.

### **Alignment with City Council's Vision and Strategic Plan**

The proposal aligns with City Council Vision Statements of Economic Sustainability and Quality Housing for All.

The proposal aligns with City Council Strategic Plan Goal 1: An Inclusive Community of Self-sufficient Residents through Strategy 1.3 Increase affordable housing options, Strategic Plan Goal 3: A Beautiful and Sustainable Natural and Built Environment through Strategy 3.1 Engage in robust and context sensitive urban planning and implementation.

### **Community Engagement**

The previous City Planner processing this application waived the community meeting requirement per City Code Sections 34-158(a) and 34-41(c)(2).

The Planning Commission held a joint public hearing with City Council on this matter on June 13, 2023. Public comments focused on pedestrian access through the site, construction impacts to adjacent properties, and the importance of maintaining the proposed building form which provides additional light and air through the site.

### **Budgetary Impact**

No direct budgetary impact is anticipated as a direct result of this Special Use Permit.

### **Recommendation**

The Planning Commission voted 7-0 to recommend the application be approved with the staff provided conditions with one additional condition included within the attached resolution.

### **Alternatives**

City Council has several alternatives:

(1) by motion, approve the requested Special Use Permit as recommended by the Planning Commission with the following suggested motion;

"I move the adoption of the Resolution included in our agenda materials, granting this Special Use Permit within SP23-00002, based on a finding that the proposed permit is required by public necessity, convenience, general welfare, and good zoning practice"

(2) by motion, request changes to the attached resolution, and then approve the Special Use Permit;

(3) by motion, take action to deny the Special Use Permit;

Or

(4) by motion, defer action on the Special Use Permit.

### **Attachments**

1. 218 W Market Resolution (3)
2. 218 W Market\_SUP\_Council Presentation for 8-7-23 v3



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



# 218 West Market Street

## Special Use Permit: Modification of Stepback

City of Charlottesville Public Hearing: City Council

August 7, 2023



# 218 West Market Street

## CONTEXT & PREVIOUS MEETINGS:

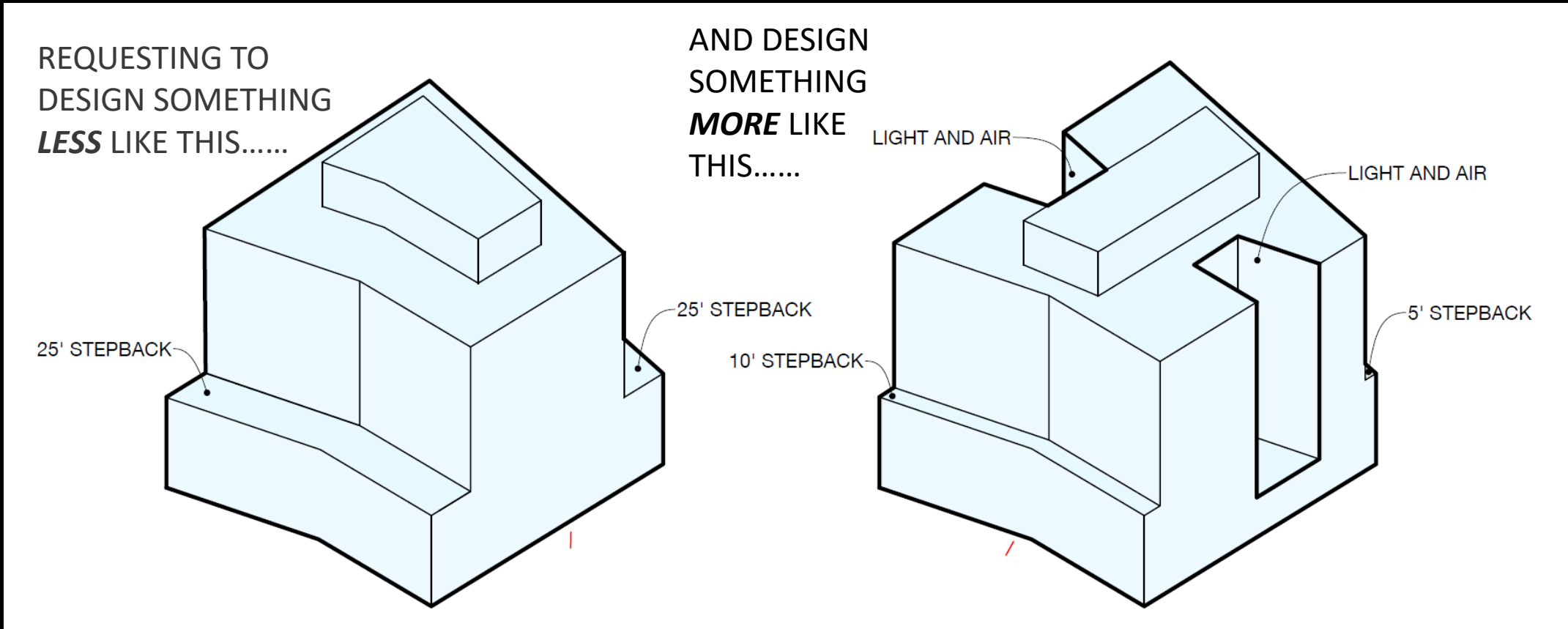
- This property has an APPROVED SUP with a heavily deliberated set of conditions. City Council, at the time of approval, acknowledged (paraphrasing) that I was:
  - adding more affordability than required
  - doing better than other developers offer
  - doing triple the cost of what the developer could otherwise do
  - Showing that economics do not make it capable to build more ADU

DEEPER AFFORDABILITY AND LONGER AFFORDABLE TERM (portions at 60% AND 50% AMI, 16 YEARS)  
DISCOUNTED COMMERCIAL SPACE FOR NON-PROFIT (700sf @ 50% Rent)

# 218 West Market Street

What this application is about:

REDISTRIBUTION OF SQUARE FOOTAGE



Better Unit layout, good design, flexibility with the architecture advancement and the BAR process.

# 218 West Market Street

## **CITY OFFICIALS AGREE:**

“focus on appropriate building setback requirements.....aligns with City Council Vision Statements” – NDS STAFF

## **NDS RECOMMENDS APPROVAL**

“Not only does it NOT have an adverse impact, I think it actually improves the potential volume and massing of the building by giving the architect a little more flexibility with the floor plate” – BAR MEMBER

## **BAR UNANIMOUS SUPPORTING VOTE**

“I trust you guys know how to build it” – PLANNING COMMISSIONER MEMBER

## **PC UNANIMOUS SUPPORTING VOTE**

**No comments relative to setbacks by 4 City Councilors present at the July joint hearing; other than:**

**“Seems like a good project” – City Councilor**

# 218 West Market Street

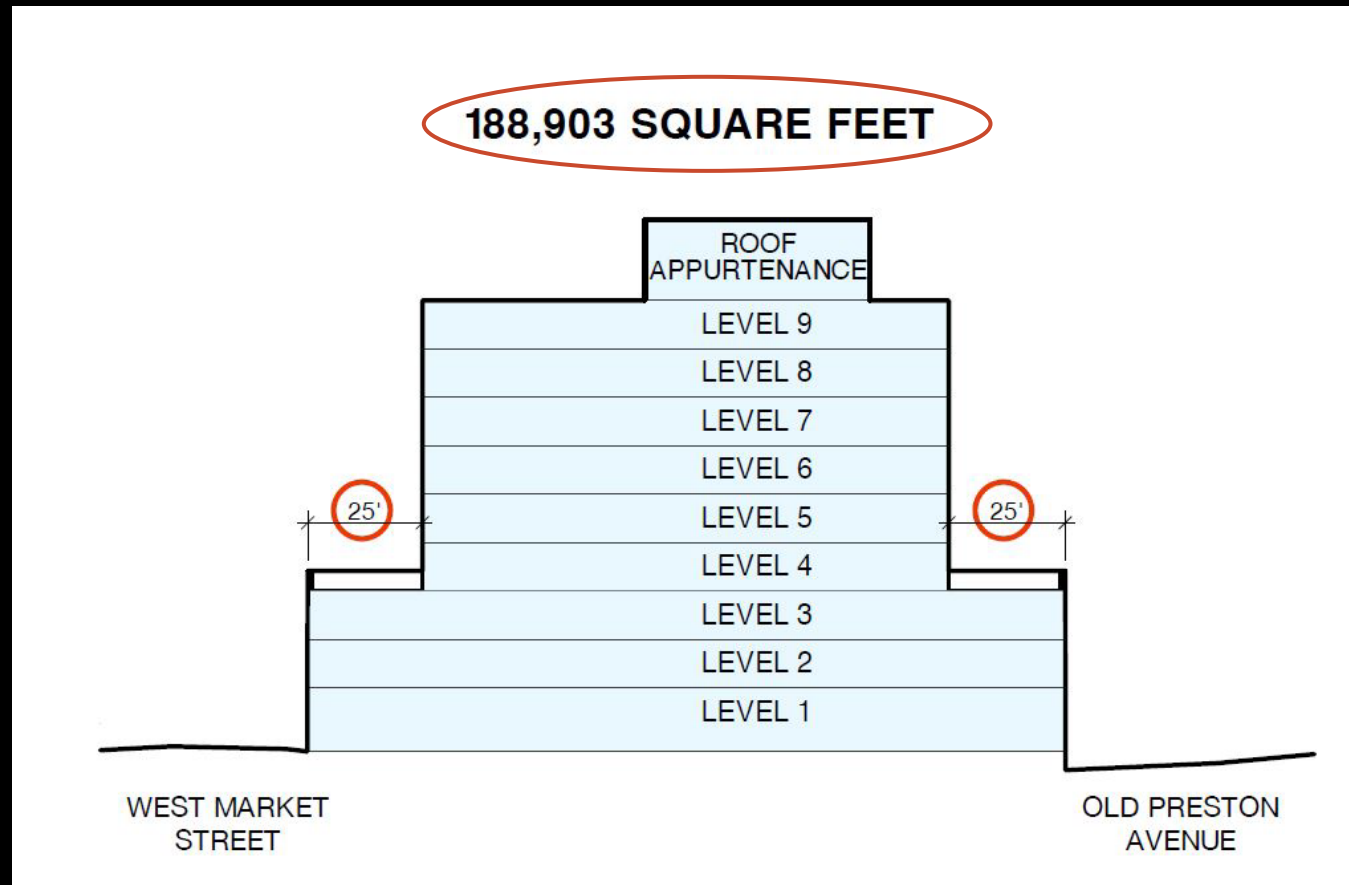
CITY COUNCIL CONCERN:

Developer “getting more”; City “giving more” if Stepback reduction approved

THUS, WE ADDRESSED THAT CONCERN

# 218 West Market Street

What can be built **AS OF RIGHT** per existing SUP and an APPROVED Preliminary Site Plan Approval



# 218 West Market Street

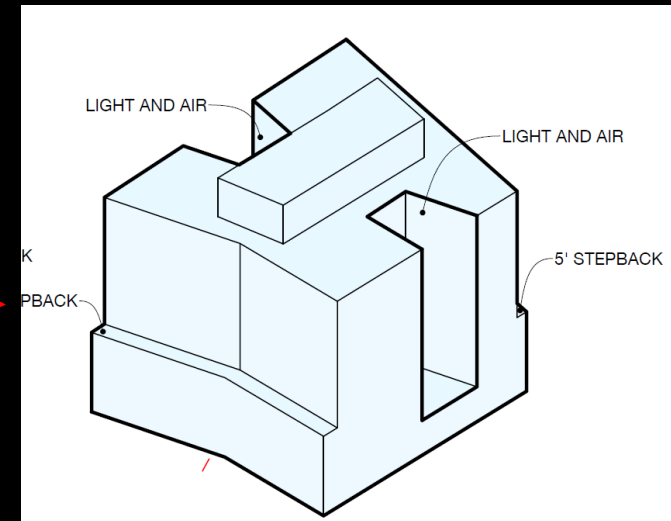
Response to concern:

An additional condition to the SUP stating:

“The building shall contain no more than 188,903 gross buildable square feet above grade.”

***I.E. SAME SQUARE FOOTAGE AS PERMITTED NOW***

***NOTE: The preliminary SF of preferred design has 194,718 SF; 5,815 SF more than voluntarily conditioned***



# 218 West Market Street

NO ADDITIONAL MARKET RATE UNITS

NO REDUCTION OF ADU/COMMUNITY BENEFITS (actually IMPROVED – pedestrian access)

NO ADDITIONAL HEIGHT (STORIES)

NO ADDITIONAL SQUARE FOOTAGE

NO DEPARTURE FROM PRECEDENT ZONING



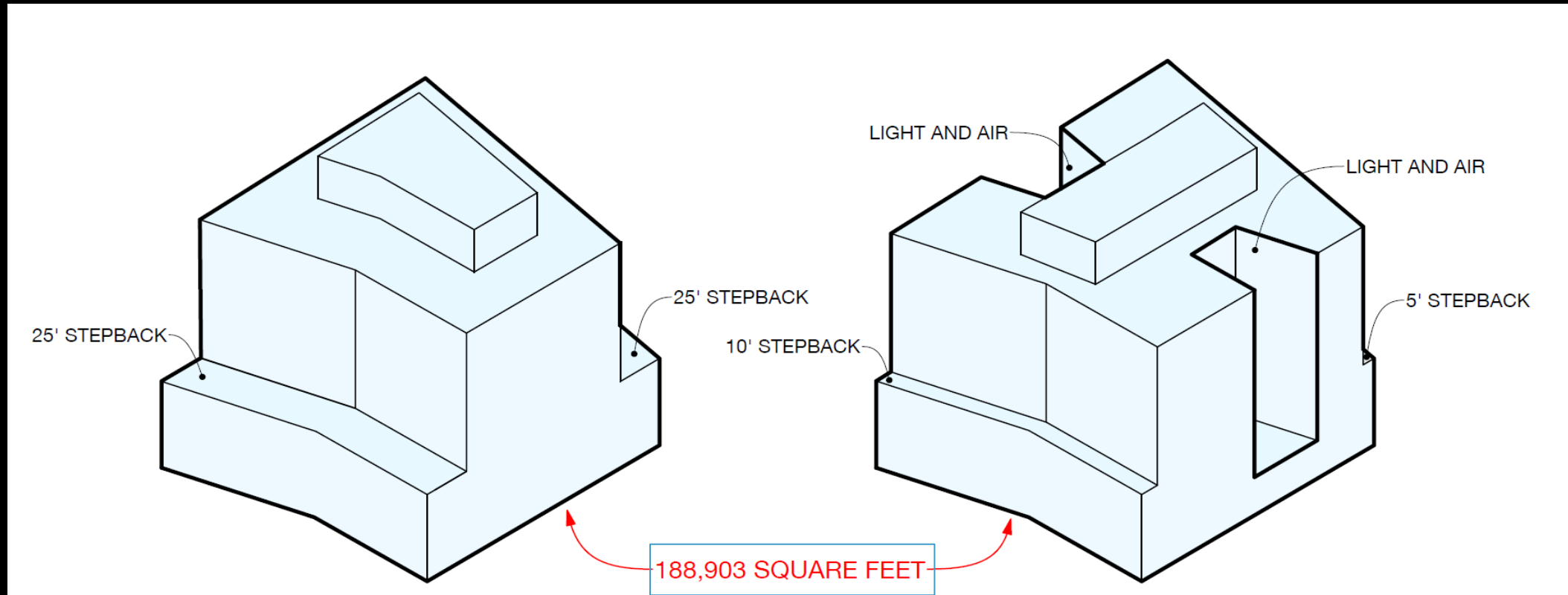


# 218 West Market Street

## CONCLUSION:

No terms of the original APPROVED SUP are requesting to be changed  
(actually, stricter on developer)

This is about smart design and quality housing product (nothing more)



# Questions and Comments



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



Agenda Date: August 7, 2023  
Action Required: **No Council Action Required**  
Presenter: Lauren Hildebrand, Director of Utilities  
Staff Contacts: Lauren Hildebrand, Director of Utilities  
Title: **Land Use and Environmental Planning Committee Semi-Annual Report**

**Background**

In 1986, the Planning and Coordination Council (PACC) was established with the purpose of promoting cooperation in planning and community development among the City of Charlottesville, Albemarle County and the University of Virginia (UVA). As an advisory body, PACC fostered cooperative planning and provided guidance and recommendations for decisions made by the City, the County and UVA.

In November 2019, City Council, Albemarle County Board of Supervisors and UVA approved dissolution of the PACC and established the Land Use and Environmental Planning Committee (LUEPC) in order to broaden PACC's collaboration beyond land use and to include environmental topics and sustainability. Also, LUEPC would allow professional staff to develop solutions on a continuous basis with regularly scheduled reports to leadership of all three entities. LUEPC is intended to be a vehicle to collaborate and coordinate land use and development plans and projects and to consider environmental and infrastructure issues facing the community.

**Discussion**

LUEPC met both virtually and in-person for the first half of 2023. The committee has continued concentrating on project discussion and coordination. The agendas for the monthly meeting are developed around themes – either geographical areas or specific topics. LUEPC's Semi-Annual Report for the first half of 2023 (attached) has been compiled and includes the highlights of the meetings.

**Alignment with City Council's Vision and Strategic Plan**

This contributes to Goal 3 of the Strategic Plan: A Beautiful and Sustainable Natural and Built Environment.

**Community Engagement**

The agenda and meeting minutes for the LUEPC's meetings are published on the Thomas Jefferson Planning District Commission's website for the community to review.

**Budgetary Impact**

There are no budget impacts.

**Recommendation**

There are no staff recommendations and the report is intended to inform City Council of the LUEPC's meetings.

**Alternatives**

**Attachments**

1. LUEPC Semi-Annual Report



Land Use and Environmental Planning Committee  
Semi-Annual Report  
January through June 2023 Update

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The Land Use and Environmental Planning Committee (LUEPC) was established to replace the Planning and Coordination Council (PACC) by the County of Albemarle, the City of Charlottesville, and the University of Virginia in 2019. The Committee is intended as a vehicle to share and coordinate land use and development plans and projects; consider environmental and infrastructure issues facing the community; and, from time to time, advance ideas and solutions that support the mutual advantage of these entities. As part of its charge, the Committee shall, not less than twice each year, submit a report summarizing the group's work.

The County, City and the University face similar environmental planning and project challenges. The committee, by its nature, creates opportunities to address these shared challenges by coordinating community messaging and institutional practices. The first half of 2023 continued the focus on project discussions and coordination. The agendas for the monthly meeting are formed around themes - either geographical areas or specific topics. This report will focus on some of the key themes under discussion. The Committee's meeting agendas, minutes and presentations are posted on the LUEPC website which is hosted by the Thomas Jefferson Planning District Commission (TJPDC): <https://tjpd.org>.

Charge Statement

The Land Use and Environmental Planning Committee is established as a vehicle to share and coordinate land use and development plans and projects; consider environmental and infrastructure issues facing the community; and, from time to time, advance ideas and solutions that support our mutual advantage. The LUEPC may also serve as an advisory committee to the City, County, and UVA. The Committee will meet regularly to discuss timely issues from each entity and share that information with the public and each entity's senior leadership at biannual updates of all three entities. Through its work, the Committee further seeks to ensure that the actions, policies, and processes of the Committee are reflective of an ongoing commitment by the entities to support an equitable and inclusive community. The Committee defines equity as all community members having access to community benefits and opportunities needed to reach their full potential and to experience optimal well-being and quality of life; inclusion means that all peoples shall be respected and valued as members of this community. The Three-Party Agreement dated May 5, 1986, remains in effect as to land use planning between the City, County and UVA.



Land Use and Environmental Planning Committee  
First Half Yearly Report – January through June 2023

Meetings are routinely held using a virtual meeting format using the Microsoft Teams platform. Quarterly meetings are held in person at the site hosted by the chairing organization.

**January 20, 2023: Meeting was canceled.**

**February 17, 2023:**

VIRGINIA DEPARTMENT OF TRANSPORTATION

Presenters: Sean Nelson, P.E., Culpeper District Engineer  
Gregory Cooley, P.E., District Project Development/Construction Engineer  
Harold Jones, Jr., P.E., District Project Management Engineer/Construction

- Project Updates: Fontaine Avenue/29 & Hydraulic/29

Link: [VDOT – 17FEB presentation to LUEPC](#)

Link: [UVA – Fontaine Projects Timeline](#)

**March 17, 2023:**

UNIVERSITY OF VIRGINIA

Presenters: Diane Linderman and Chuck Conran, VHB

- Fontaine Transportation Planning

Link: [Fontaine Transportation Planning](#)

ALBEMARLE COUNTY

Presenter: Tori Kanellopoulos, Principal Planner

- AC44 Comprehensive Plan Update

Link: [AC44 Comprehensive Plan Update](#)

ALBEMARLE COUNTY

Presenter: Lea Brumfield, Senior Planner II

- Albemarle County Zoning Modernization

Link: [Albemarle County Zoning Modernization](#)

CITY OF CHARLOTTESVILLE

Presenter: James Freas, Director of Neighborhood Development Services

- CVILLE Plans Together, Zoning Rewrite Module 1

Link: [CVILLE Plans Together, Zoning Rewrite Module 1](#)



**April 21, 2023:**

UNIVERSITY OF VIRGINIA

Presenter: Paul Zmick, Director, Energy & Utilities

- Thermal Energy Study

Link: [Thermal Energy Study](#)

**May 19, 2023:**

RIVANNA WATER & SEWER AUTHORITY

Presenter: Bill Mawyer, Executive Director

- Review of the Community's Water Supply Plan

Link: [Review of the Community's Water Supply Plan](#)

UNIVERSITY OF VIRGINIA

Presenter: Julia Monteith, Associate University Planner

- Grounds Framework Plan Progress

Link: [Grounds Framework Plan Progress](#)

CITY OF CHARLOTTESVILLE

Presenter: Tim Motsch

- High Street Streetscape

Link: [High Street Streetscape](#)

**June 16, 2023:**

RIVANNA WATER & SEWER AUTHORITY

Presenter: Bill Mawyer, Executive Director

- South Rivanna River Pipe Install Briefing

Link: [South Rivanna River Pipe Install Briefing](#)

UNIVERSITY OF VIRGINIA FOUNDATION

Presenter: Frank Hancock, Real Estate Project Manager

- Birdwood Mansion Renovation & Community Outreach

Link: [Birdwood Mansion Renovation & Community Outreach](#)



## **LUEPC Membership**

### City of Charlottesville

Neighborhood Development Services Director  
Director of Public Works  
Director of Utilities  
Representative from the City Planning Commission

### Albemarle County

Community Development Director  
Facilities and Environmental Services Director  
Representative from the County Planning Commission

### University of Virginia

Architect for the University  
Director of Facilities Management  
Operations Director of Real Estate and Leasing Services

### University of Virginia Foundation

Director of Design and Development  
Director of Real Estate Asset Management

### Rivanna Water and Sewer Authority

Executive Director





July 7, 2023

The Honorable Charlottesville City Council  
P.O. Box 911  
Charlottesville, VA 22902

Re: Quarterly Update – July 2023

Councilors:

This quarterly update is to provide general information on the drinking water supply and treatment, wastewater collection and treatment, and refuse disposal and recycling programs managed by the Rivanna Authorities for the benefit of the Charlottesville/Albemarle community, as follows:

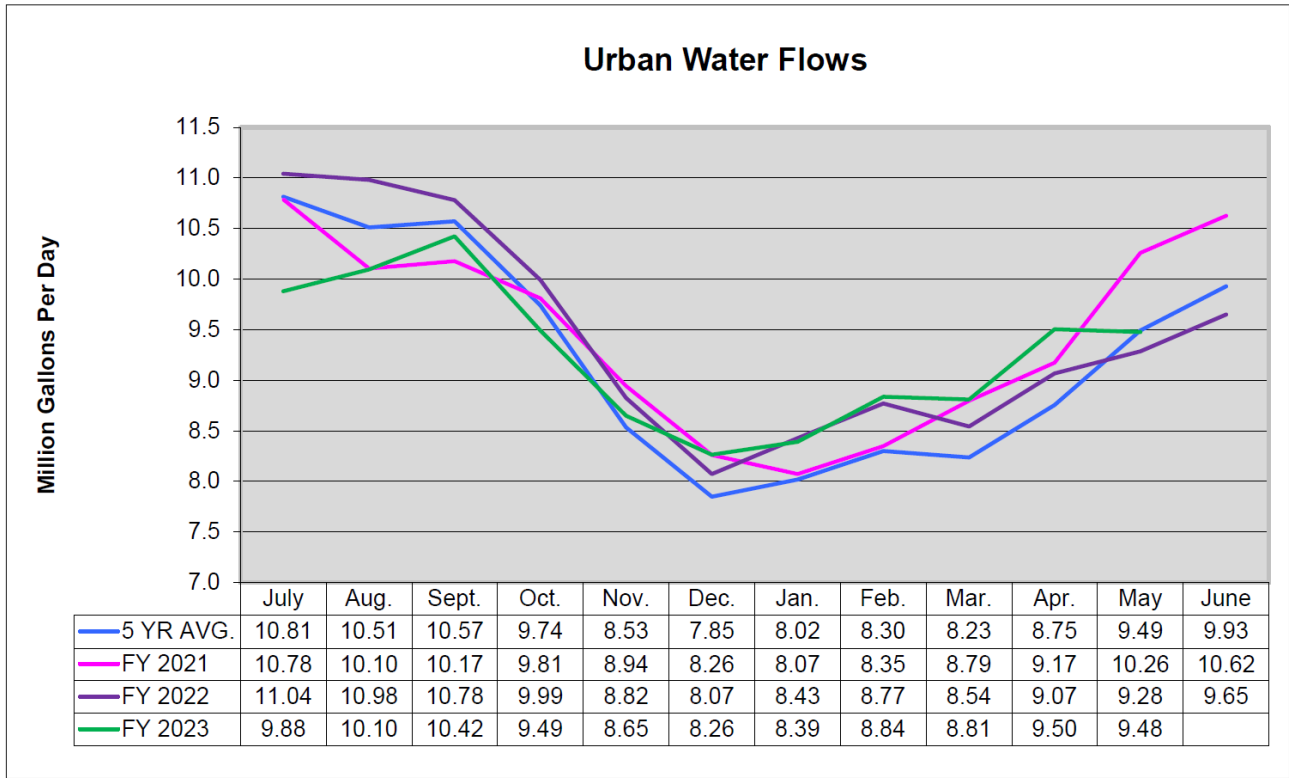
1. Drinking Water Supply as of July 7, 2023:
  - A. We are at optimum storage levels going into the hot summer months as the Urban reservoirs (Sugar Hollow, South Rivanna, Ragged Mountain) are 99% full.
  
2. Drought Monitoring as of July 7, 2023:
  - A. U.S. Drought Monitoring Report:
    - Indicates Charlottesville and most of Albemarle County have no drought conditions. The area along the western portion of Albemarle County is identified as being in an “Abnormally Dry” status.
  
  - B. VDEQ Drought Status Report:
    - Our region is in a “Watch” status for groundwater levels. Levels of severity increase from “Watch” to “Warning” to “Emergency”. All other drought indicators are normal.

**Precipitation:** about 14.5 inches low (14%) over the last 30 months

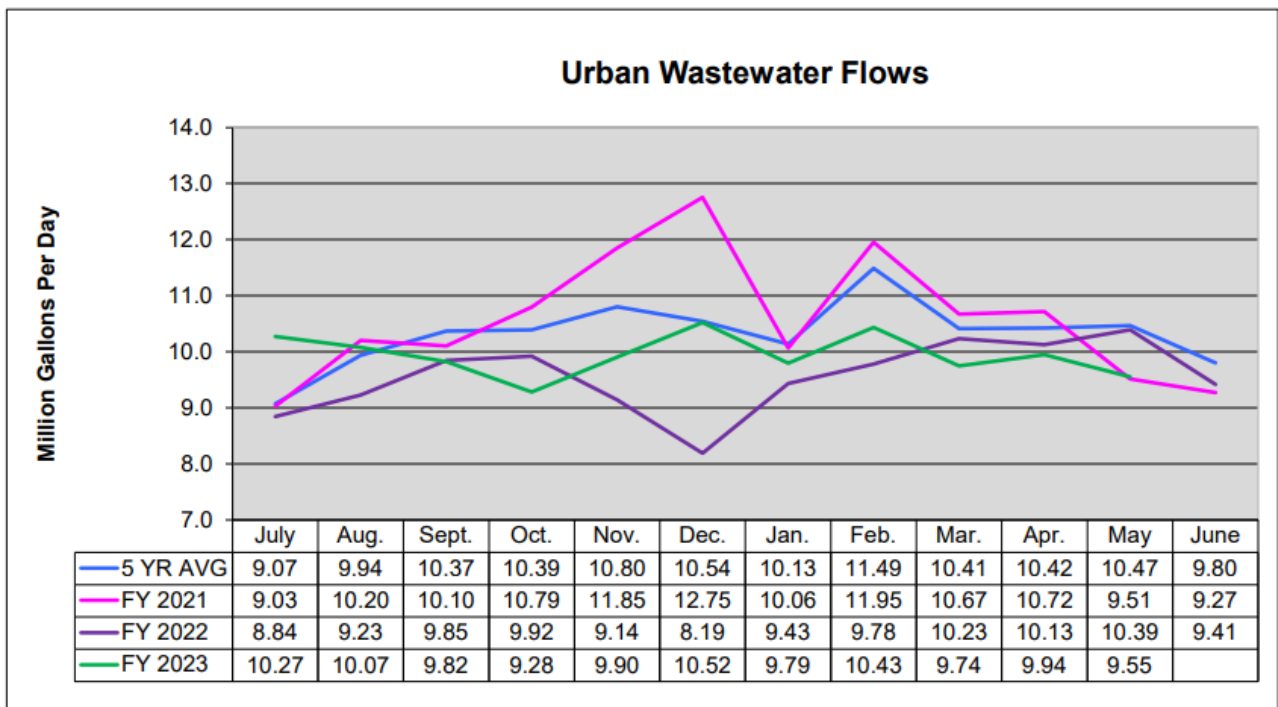
Charlottesville Precipitation				
Year	Month	Observed (in.)	Normal (in.)	Departure (in.)
2021	Total: Jan - Dec	33.82	41.61	-7.79
2022	Total: Jan - Dec	43.53	41.61	+1.92
2023	Total: Jan - Jun	11.92	20.57	-8.65

Source: National Weather Service, National Climatic Data Center.

3. The production of drinking water for the Urban area (Charlottesville and adjacent developed areas of Albemarle, not including Crozet) averaged 9.48 million gallons per day (MGD) in May 2023 (FY 2023), which was similar to the five-year average for May (9.49 MGD), as shown by the following graph:



4. Urban wastewater flow for May 2023 (9.55 MGD), including flows from Crozet, was below the five-year average for May (10.47 MGD), as shown by the following graph:



5. A general overview of significant current and future drinking water, wastewater and solid waste Capital Improvement Projects is provided below. Cost allocations, typically between the Charlottesville Department of Utilities and the Albemarle County Service Authority (ACSA), are identified for each project.

A. Water Treatment Plant Renovations

Scope: Replace equipment which has reached end-of-service life at the South Rivanna and Observatory Water Treatment Plants. Increase water treatment capacity from 7.7 to 10 million gallons per day at the Observatory Water Treatment Plant.

Completion: May 2020 – October 2023

Cost: \$43 million; 52% ACSA / 48% City

B. Airport Road Water Pumping Station and Piping

Scope: Provide a drinking water pumping station and piping to improve reliability in the northern area of the Urban Water System.

Completion: December 2021 – September 2024

Cost: \$10 million: 100% ACSA

C. Electrical System Replacement, Moores Creek Wastewater Treatment Facility

Scope: Replace major electrical cabling and equipment installed around 1980 which have reached the end of their service lives.

Completion: May 2022 – December 2024

Cost: \$5 million; 52% ACSA / 48% City

D. South Rivanna River Crossing

Scope: Install a second pipe (24”) to convey treated drinking water under the river using trenchless technology to provide a redundant water supply to serve the northern area of the Urban Water System.

Completion: May 2024 – December 2025

Cost: \$7 million: 100% ACSA

E. Urban Area “Central Water Line”

Scope: Piping improvements to more efficiently convey drinking water and strengthen the Urban Area Drinking Water System for the benefit of the City and the County. This five-mile-long piping project will extend from the Stadium Road area to the Long Street / E. High Street bridge and follow a route which includes: Stadium Road, Piedmont Avenue, Price Avenue, Lewis Street, Jefferson Park Avenue, Cleveland Avenue, Cherry Avenue, Elliott Avenue, 6<sup>th</sup> Street SE, Avon Street, 10<sup>th</sup> Street NE, Little High Street, 11<sup>th</sup> Street NE, E. High Street, and a connection near Roosevelt Brown Boulevard. Detailed engineering surveys and design are underway.

Completion: June 2024 – December 2028

Cost: \$41 M: 52% ACSA / 48% City

F. Water Pipe and Pump Stations Replacement, Ragged Mountain Reservoir to Observatory Water Treatment Plant

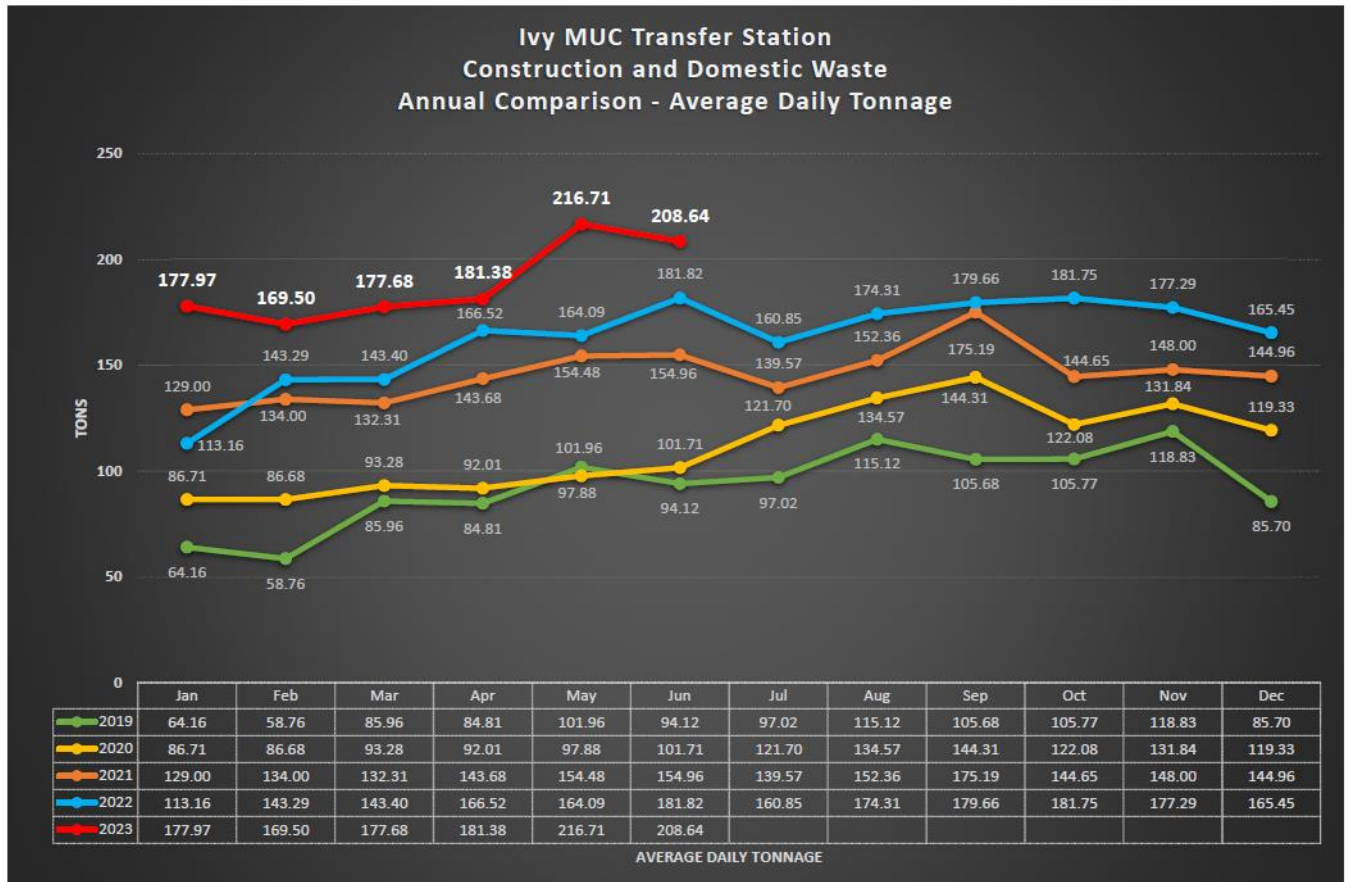
Scope: Replace water pipes and pump stations which convey untreated water from the Ragged Mtn Reservoir to the Observatory WTP. These facilities have reached the end of their service lives or will require significant upgrades to adequately support the increased treatment capacity (from 7.7 to 10 mgd) of the upgraded Observatory WTP.

Completion: August 2024 – December 2028

Cost: \$44 million; 52% ACSA / 48% City

- G. Moore's Creek Administration Building Renovation and Addition  
 Scope: Renovate the existing administration building built in the 1980's, including improvements to the Laboratory and Information Technology spaces. The project will also include an addition to provide space for staff currently in temporary trailers, as well as for future staffing.  
 Completion: June 2024 - 2026  
 Cost: \$17 million; 52% ACSA / 48% City
- H. Emmet Street Water Line Betterment  
 Scope: RWSA is coordinating with the City for construction of a 24-30" water main in Emmet Street from Ivy Road to Arlington Boulevard as part of the City's Emmet Streetscape Phase I project.  
 Completion: May 2024 - July 2026  
 Cost: \$3 million; 52% ACSA / 48% City
- I. Moore's Creek Structural and Concrete Rehabilitation  
 Scope: Complete repairs to concrete basins and wastewater treatment facilities constructed in the late 1970's.  
 Completion: June 2024 - June 2026  
 Cost: \$13.5 million; 52% ACSA / 48% City
- J. Crozet Wastewater Pump Stations Rehabilitation  
 Scope: Replacement of pumps, valves and electrical gear in four pump stations constructed in the 1980's which convey wastewater from Crozet to the Moore's Creek Treatment Plant.  
 Completion: January 2025 - December 2026  
 Cost: \$10.3 million; 52% ACSA / 48% City
- K. Beaver Creek Dam, Pump Station and Piping Improvements  
 Scope: Replace the spillway which protects the reservoir dam along with the water pump station and piping which convey water to the Crozet Water Treatment Plant.  
 Completion: April 2025 - June 2028  
 Cost: \$43 million; 100% ACSA
- L. Upper Schenks Branch Wastewater Piping Replacement, Phase II  
 Scope: Replace sewer piping installed in the mid 1950's in conjunction with the City's sewer upgrade program to increase system capacity. The new piping will be located along McIntire Road between the McIntire Recycling Center and Preston Avenue.  
 Completion: TBD  
 Cost: \$5 million; 100% City
- M. South Rivanna Reservoir to Ragged Mountain Reservoir Pipe  
 Scope: Construct a pipe to transfer untreated water between the South Rivanna and Ragged Mountain Reservoirs to increase water storage capacity, as required by the community's drinking water supply plan completed in 2012.  
 Completion: 2026 - 2030  
 Cost: \$80 million; 80% ACSA / 20% City
- N. Recycling Baling Facility, Ivy Material Utilization Center  
 Scope: Replace the existing recycling materials baling facility which is located on leased property and has exceeded its service life. A new facility is essential to have an effective recycling program. The new facility will include equipment to compress cardboard, mixed paper, and plastic products into separate bales before shipment to a receiving vendor.  
 Completion: June 2024 - December 2025  
 Cost: \$6.4 million; 70% Albemarle County / 30% City

6. Average daily refuse volume at the Ivy Transfer Station has increased from 94 tons per day in June 2019 to 209 tons per day in June 2023, as shown below:



7. Spring Refuse Special Collection Days

Spring 2023 Special Collection Days at Ivy MUC were successful with the following customers participating in the events.

		Albemarle	Charlottesville	
<b>eWaste</b>	Saturday	4/15/2023		
	Customers	253	84	
<b>HHW</b>	Friday	4/21/2023		
	Customers	305	70	
	Saturday	4/22/2023		
Customers	347	90		
<b>Bulky Waste:</b>	Furniture/Mattresses	- Pounds Collected	23,340	5,820
	Saturday	4/29/2023		
	Appliances	- Pounds Collected	17,980	3,420
		- Freon units Collected	121	13
	Saturday	5/6/2023		
Tires	Participating Vehicles	154	22	
Saturday	5/13/2023			

Fall Refuse Special Collection Days

The Ivy MUC will be the site for Fall 2023 eWaste, Household Hazardous Waste, and Special Collection free disposal days on the following dates:

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**eWaste Collection – free disposal of electronic waste**

- Saturday, September 16
- Reservations Required. Please visit: <https://www.rivanna.org/ewaste/> to register after 10AM on August 16

*Registrations fill up so we encourage you to register early.*



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**Residential Household Hazardous Waste Collection**

- Friday and Saturday, September 22 and September 23

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**Special Collection Days**

- Furniture/Mattresses: September 30
- Appliances: October 7
- Tires: October 14



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Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "W. I. Mawyer, Jr.".

William I. Mawyer, Jr., P.E.  
Executive Director

cc: RSWA Board of Directors  
RWSA Board of Directors